CHAPTER ix.

An Act to authorise the construction of a Bridge over the River Avon from Bristol to Totterdown and for other purposes. A.D. 1886.

[16th April 1886.]

WHEREAS the construction of a bridge over the River Avon from St. Philip's Marsh in the city of Bristol to Totterdown in the county of Somerset with road and approaches thereto would be of local and public advantage and it is expedient that the mayor aldermen and burgesses of the city of Bristol acting as the urban sanitary authority for the city and county of Bristol (herein-after called the Corporation) be empowered to make and maintain such bridge road approaches and other works as by this Act authorised:

And whereas estimates have been prepared by the Corporation for the purchase of land for and the execution of the works by this Act authorised and such estimates amount to the sum of twenty thousand five hundred pounds:

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

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 at a meeting held on the twenty-eighth day of July one thousand eight hundred and eighty-five after ten clear days' notice by public advertisement of the meeting and of the purpose thereof in the "Bristol Times and Mirror" a local newspaper published and circulating in the city such notice being in addition to the ordinary notices required for summoning such meeting resolved that the expense in relation to promoting the Bill for this Act should be charged on the general district rate:

And whereas that resolution was published twice in the said "Bristol Times and Mirror" and has received the approval of the Local Government Board:

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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 twentieth day of January one thousand eight hundred and eighty-six being not less than fourteen days after the deposit of the Bill for this Act in the offices of the Houses of 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 have consented to the promotion of the Bill for this Act:

And whereas plans and sections describing the lines situations and levels of the works authorised by this Act and a book of reference to those plans 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 city and county of Bristol and the county of Somerset and are in this Act respectively referred to as the deposited plans sections and book 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 (Totterdown Bridge) Act 1886.

Incorporation of Acts.

2. The Lands Clauses Consolidation Acts 1845 1860 and 1869 the Lands Clauses (Umpire) Act 1883 and the provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof are except where varied by this Act incorporated with and form part of this Act.

Interpretation of terms.

3. The several words and expressions to which by the Acts wholly or partially incorporated with this Act meanings are assigned shall in this Act have the same respective meanings unless there is something in the subject or context repugnant to such construction: Provided that in the Acts wholly or partially incorporated with this Act for the purposes of this Act—

"The undertakers" or "the company" means the Corporation;

"The railway" means the bridge and road by this Act authorised to be made;

"Centre of the railway" means the centre line of the bridge and road by this Act authorised to be made:

And in this Act unless the context otherwise requires—

"The Corporation" means the mayor aldermen and burgesses of the city of Bristol acting as the urban sanitary authority for the city and county of Bristol;

"The city" means the city and county of Bristol;

"The council" means the council of the city;

"The district fund" and "the general district rate" mean the district fund and general district rate of the city;

"The Public Health Act" means the Public Health Act 1875 and any Act amending the same;

"Person" includes a corporation:

And the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or the Acts incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

Execution of Act.

4. This Act shall be carried into execution by the Corporation acting by the Council with all the rights powers privileges duties and obligations of the Corporation as an urban sanitary authority.

Construction of works.

5. Subject to the provisions of this Act the Corporation may make and maintain in the lines and according to the levels shown on the deposited plans and sections the bridge and road following with all necessary or convenient approaches embankments abutments arches viaducts piers wharves walls fences drains stairs buildings works and conveniences connected therewith. The bridge and road by this Act authorised to be made are as follows:

(1.) A bridge over the River Avon commencing in the parish of Bedminster in the county of Somerset on the northern side of Bath Road and terminating in Saint Philip's Marsh in the city.

(2.) A road to the said bridge commencing at the eastern end of Albert Road Saint Philip's Marsh and terminating at the fence bounding a brickyard belonging to the Corporation.

Nothing in this Act shall prejudice the existing rights (if any) of the owner or owners for the time being of the tramway crossing the proposed new road to the timber yard in or near Albert Road.

Power to excavate &c. in river.

6. The Corporation may for the purposes and subject to the provisions of this Act and within the limits of deviation shown on the deposited plans from time to time dig pile and make proper foundations in the River Avon and on the lands on each side thereof and make dams in the river during the making and repairing of the bridge authorised by this Act and cut level embank and secure the banks of the river and cut remove scour take and carry away all trees roots of trees beds of gravel and sand and other impediments and

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execute all other works necessary or convenient for building or maintaining and repairing the bridge and the approaches thereto doing as little damage as may be and making compensation to all persons interested:

Provided that in the making and repairing of the bridge authorised by this Act the Corporation shall take all precautions and provide all works and conveniences proper and sufficient for keeping the flow of water in the River Avon free from all avoidable obstructions.

Limits of lateral and vertical deviation.

7. Subject to the provisions of this Act the Corporation in the construction of the works by this Act authorised may 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 four feet: Provided that no deviation from the lines and levels shown on the deposited plans shall be made below high-water mark without the consent in writing of the Board of Trade.

Works on tidal lands not to be constructed without consent of Board of Trade.

8. The Corporation shall not under the powers of this Act construct on the shore of the River Avon where and so far up the same as the tide flows and re-flows any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of such approval being signified as last aforesaid and where any such work may have been constructed the Corporation shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consents or approvals. If any such work be commenced or completed contrary to the provisions of this Act the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the cost and charge 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 accordingly with costs.

Lights on works.

9. The Corporation shall on or near the works below high-water mark hereby authorised during the whole time of the constructing altering or extending exhibit and keep burning at their own expense every night from sunset to sunrise such lights (if any) as the Board of Trade from time to time require or approve. If the Corporation fail to comply in any respect with the provisions of the present section they shall for each night in which they so fail be liable to a penalty not exceeding twenty pounds.

Survey of works by Board of Trade.

10. If at any time the Board of Trade deems 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 water 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 accordingly with costs or the same may be recovered with costs as a penalty is recoverable from the Corporation.

Abatement of work abandoned or decayed.

11. If a work constructed by the Corporation under the provisions of this Act on in over through or across tidal lands or tidal water 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 accordingly with costs or the same may be recovered with costs as a penalty is recoverable from the Corporation.

Saving rights of the Crown in the foreshore.

12. Nothing contained in this Act shall authorise the Corporation to take use or in any manner interfere with any portion of the shore or bed of the River Avon or any right in respect thereof belonging to the Queen's most Excellent Majesty in right of Her Crown and under the management of the Board of Trade without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give) neither shall anything in this Act 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 Queen's Majesty Her heirs or successors.

Power to make subsidiary works.

13. Subject to the provisions of this Act and within the limits of deviation shown on the deposited plans the Corporation in connexion with the works by this Act authorised or any of them and for the purposes thereof may make junctions and communications with any existing roads streets or highways which may be intersected or interfered with by or be contiguous to the said works or any of them and may raise lower or alter any vault arch cellar or area under or adjoining any roadway or footway and may make diversions widenings or alterations of lines or levels of any existing roads streets or highways for the purpose of connecting the same with the said works or any of them or of crossing over the same or any of them or otherwise: Provided always that the Corporation shall make to the owners and occupiers of and all other persons interested in any lands or houses injuriously affected by the exercise of the powers of this

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section compensation for all damage so sustained by them or any of them.

Power to alter sewer pipes &c.

14. 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 belonging to or connected with any building adjoining or near to the site of any such work and (subject to the provisions of the Telegraph Act 1878) 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 compensation for damage caused by the execution of the powers of this enactment:

Provided 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 Act 1882 to which the provisions of section 15 of the said Act apply.

Temporary stoppage of streets.

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

Period for completion of works.

16. If the works by this Act authorised are not completed within seven years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Corporation for making the said works shall cease to be exercised except as to so much thereof as is then completed.

Power to take lands and to divert and appropriate roads.

17. Subject to the provisions of this Act the Corporation may enter upon take and use all or any of the lands shown on the deposited plans and described in the deposited book of reference which they may require for the purposes of or in connexion with the bridge road approaches and other works by this Act authorised or for providing space for the erection of houses and buildings adjoining or near to the said road and approaches and the Corporation may divert all roads towing paths and ways within the limits of deviation and in the manner shown on the deposited plans and all rights of way over or along so much of any road towing path or way as shall be rendered unnecessary by such diversion shall as from the completion of the respective diversion be extinguished and in all cases where the Corporation acquire the land on both sides of the portion of any road towing path or way in respect of which the right of way has been extinguished they may appropriate the site and soil thereof.

Correction of errors omissions &c.

18. If any omission or misstatement 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 the justices that the omission misstatement or erroneous description arose from mistake they shall certify the same accordingly stating the particulars of the omission misstatement or erroneous description and such certificate shall be deposited with the clerk of the peace for the city and county of Bristol or with the clerk of the peace for the county of Somerset (as the case may be) 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.

Limitation of time for compulsory purchase of lands.

19. The powers of the Corporation for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of one year from the passing of this Act.

Power to take easements &c. by agreement.

20. Persons empowered by the Lands Clauses Consolidation Act 1845 to sell and convey or release lands may if they think fit subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act grant to the Corporation any easement right or privilege (not being an easement of water) 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 to Corporation parts only of certain buildings.

21. And whereas in the construction of the works 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 lands and buildings 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

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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 or other parties interested therein by severance or otherwise.

For the protection of the Bristol Waterworks Company.

22. The provisions of section 105 of the Bristol Waterworks Act 1862 (pipes of the company not to be moved or injured) shall extend and apply to the removal or the alteration of the position or level under the powers of this Act of any main or service water pipe of the Bristol Waterworks Company and to the Corporation and the Bristol Waterworks Company in relation to any such removal or alteration.

Not to take houses of labouring class without consent of Local Government Board.

23. The Corporation shall not under the powers of this Act without the consent of the Local Government Board purchase or acquire in any city borough or other urban sanitary district or in any parish or part of a parish not being within an urban sanitary district ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

For the purposes of this section the expression "labouring class" includes mechanics artizans 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 such persons who may be residing with them.

Power to retain sell &c. lands.

24. Notwithstanding anything in the Lands Clauses Consolidation Act 1845 to the contrary 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 fee farm or other 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.

Application of purchase money of land.

25. Any purchase money received on any sale of land or rents and any money received as a fine on the granting of any lease by the Corporation under this Act shall be distinguished as capital in the

accounts of the Corporation and may be applied for any purpose for which money borrowed under this Act is applicable or in discharge of any moneys borrowed under this Act and any moneys so discharged shall not be re-borrowed.

Bridge and approaches to be deemed part of the streets of the city.

26. The bridge road approaches and other works by this Act authorised shall be vested in the Corporation and the roadway and footpaths on the bridge and approaches shall be and be deemed to be highways within the city and the provisions of any Act for the prevention or removal of nuisances and annoyances in streets and highways shall be applicable to the roadway and footpaths on the bridge and approaches and penalties for offences may be enforced and recovered in the same manner as penalties for offences in any public street in the city could be enforced and recovered and the justices of the peace and police constables of the city shall have jurisdiction in relation to the matters aforesaid.

Power to borrow for purposes of Act.

27. (1.) The Corporation may from time to time borrow for the purposes of and in manner provided by this Act any sum or sums not exceeding in the whole the sum of twenty-one thousand pounds and with the approval of the Local Government Board such further moneys as may be necessary for carrying into effect the purposes of this Act and the Corporation may mortgage the district fund and general district rate to secure the repayment of the moneys borrowed with interest:

(2.) Provided that in regard to money borrowed under this section with the approval of the Local Government Board that Board may prescribe the terms as to repayment and otherwise of such loan:

(3.) Any costs incurred under this section by the Local Government Board including a reasonable sum not exceeding three guineas a day for the services of their inspectors shall be paid by the Corporation.

Certain regulations of Public Health Act as to borrowing not to apply.

28. The powers of borrowing money by this Act given shall not be restricted by any of the regulations contained in section 234 of the Public Health Act and in calculating the amount which the Corporation may borrow under that Act any sums which they may borrow under this Act shall not be reckoned.

Protection of lenders from inquiry.

29. 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 any part thereof.

Regulations as to mortgages.

30. Subject to the provisions of this Act section 236 (form of mortgage) section 237 (register of mortgages) section 238 (transfer

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of mortgages) and section 239 (receiver may be appointed in certain cases) of the Public Health Act 1875 shall be applicable to mortgages made under the provisions of this Act and to the appointment of a receiver by the mortgagees.

Payment off of money borrowed.

31. Subject to the provisions of this Act the Corporation shall pay off all money borrowed by them under the powers of this Act within sixty years from the time or respective times of borrowing the same by any one or more of the methods following (that is to say) :—

(1.) By equal yearly or half-yearly instalments of principal and interest combined :

(2.) By equal yearly or half-yearly instalments of principal with interest on the amount of principal from time to time remaining unpaid :

(3.) By any one or more of the methods including a sinking fund mentioned in the Local Loans Act 1875 :

And sections 13 14 and 15 of the Local Loans Act 1875 shall so far as may be apply to the payment off of money borrowed under this Act.

Power to re-borrow.

32. If the Corporation pay off any moneys borrowed by them under this Act otherwise than by instalments appropriations or annual repayments or by means of a sinking fund or out of the proceeds of the sale of land they may from time to time re-borrow the same but all moneys so re-borrowed shall be repaid within the prescribed period and shall be deemed to form the same loan as the moneys originally borrowed and the obligations of the Corporation with respect to the repayment of the loan and to the provision to be made for such repayment shall not be diminished by reason of such re-borrowing.

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

33. The clerk of the Corporation acting as the urban sanitary authority of the city shall within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund or any instalment is required to be paid under this Act transmit to the Local Government Board a return in such form as may be prescribed by that Board and verified by statutory declaration if so required by them showing the amount which has been paid as an instalment or invested for the purpose of such sinking fund during the year preceding the making of such return and the description of the securities upon which the same has been invested and also showing the purposes to which any portion of the moneys invested for the sinking fund and the interest thereof have been applied during the same period and the total amount remaining invested at the end of the year and in the event of any wilful default

in making such return such clerk shall be liable to a penalty of not exceeding twenty pounds which shall be paid to the Local Government Board and shall be recoverable by that Board in the same manner as penalties recoverable under the Public Health Act in a summary manner may be recovered by parties aggrieved within the meaning of that Act. If it appear to the Local Government Board by such return or otherwise that the Corporation have failed to pay any instalment or to set apart the sum required by this Act for the sinking fund or have applied any portion of the moneys set apart for that fund or any interest thereof to any purposes other than those authorised by this Act the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund and such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the Queen's Bench Division of the High Court of Justice and the provisions of this section shall apply mutatis mutandis to appropriations and annual repayments.

Application of money borrowed.

34. Money borrowed by the Corporation under this Act shall be applied only for purposes of this Act to which capital is properly applicable.

Saving priority of existing charges.

35. All charges on the property revenues and rates of the Corporation existing immediately before the passing of this Act shall during their continuance have priority over any mortgages granted by the Corporation under the powers of this Act.

Powers of Act cumulative.

36. All powers rights and remedies given to the Corporation by this Act shall (except where otherwise expressly provided) be deemed to be in addition to and not in derogation of any other powers conferred on them by Act of Parliament law or custom and the Corporation may exercise such other powers as if this Act had not passed.

Saving rights of Crown under Crown Lands Act.

37. Nothing contained in this Act or to be done under the authority thereof shall in any manner affect the title to any of the subjects or any rights powers or authorities mentioned in or reserved by sections 21 and 22 of the Crown Lands Act 1866 and belonging to or exerciseable on behalf of Her Majesty Her heirs or successors.

Expenses of Act.

38. The costs charges and expenses preliminary to and of and incidental to the preparing of and applying for and the obtaining and passing of this Act shall be paid by the Corporation out of the district fund and general district rate or out of moneys borrowed on the security thereof under the powers of this Act.

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Schedule.

SCHEDULE referred to in the foregoing Act.

DESCRIBING LANDS AND BUILDINGS OF WHICH PORTIONS ONLY MAY BE REQUIRED.

PARISH.	No. on deposited Plan.
Saint Philip and Jacob (out) - - - - -	21 22 23

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