



CHAPTER xcii.

An Act to empower the Corporation of Gloucester to A.D. 1911.
construct additional waterworks and street improvements
to confer further powers with respect to markets and
the supply of electricity and to make better provision
for the health local government and improvement of
the city and for other purposes. [18th August 1911.]

WHEREAS the city of Gloucester in the county of the city
of Gloucester (hereinafter called "the city") is under the
government of the mayor aldermen and citizens of the city (in
this Act called "the Corporation"):

And whereas the Corporation are under and subject to the
provisions of the Gloucester Waterworks Act 1855 and the
Gloucester Corporation Act 1894 the owners of waterworks and
supply water within the city and neighbourhood:

And whereas the supply of water from the present water-
works of the Corporation is inadequate to meet the present and
growing demands of the inhabitants within the water limits of
the Corporation and it is expedient that the Corporation should
be empowered to make and maintain the additional works by
this Act authorised:

And whereas it is expedient to empower the Corporation to
construct the street improvements referred to in this Act:

And whereas it is expedient that better provision should be
made with reference to streets buildings sewers and drains within
the city and that the powers of the Corporation in relation to the
health local government and improvement of the city should be
enlarged as by this Act provided:

And whereas in pursuance of the Electric Lighting Act 1882
and the Gloucester Corporation Electric Supply Order 1896 (which

A.D. 1911. was confirmed by the Electric Lighting Orders Confirmation (No. 1) Act 1896 and which is in this Act called "the Order of 1896") the Corporation have erected and constructed a station for the generation and transformation of electrical energy upon part of the lands described in the Second Schedule to this Act and are supplying electricity in the city :

And whereas by section 71 of the said Order it is enacted that nothing in that Order shall exonerate the undertakers from any indictment action or other proceedings for nuisance in the event of any nuisance being caused or permitted by them :

And whereas it is expedient to empower the Corporation to continue maintain alter improve extend rebuild renew and use their said station and to render the said section 71 inapplicable in certain events and with certain exceptions in the case of that station and of any extension thereof and to make further provision with regard to their electricity undertaking :

And whereas the Corporation are or claim to be entitled to the exclusive right of holding markets and fairs within the city and it is expedient to make further and better provision as in this Act mentioned with regard to their markets and fairs and the tolls to be taken therein and to regulate any exemptions from toll which may be legally claimed in respect of land now or formerly part of the possessions of the Duchy of Lancaster :

And whereas the Corporation have acquired all rights of common over or in respect of the lands known as the Oxleaze the Common or Town Ham and the meadows known as Portham (otherwise Priest Ham) Little Meadow and Archdeacon's Meadow south of the railway and the Board of Agriculture have consented to the extinguishment of such rights upon the following amongst other conditions namely that no part of the said lands should be used as a site for any building other than a caretaker's lodge or other building required for the purposes of or in connection with any part of such lands which may be appropriated or used as a recreation and pleasure ground :

And whereas it is expedient that the conditions imposed by the said consent of the Board of Agriculture should be modified so as to permit of the erection on certain parts of the said meadows of buildings other than those allowed by such conditions :

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

[1 & 2 GEO. 5.] *Gloucester Corporation Act, 1911.* [Ch. xcii.]

And whereas the purposes of this Act cannot be effected without the authority of Parliament: A.D. 1911.

And whereas estimates have been prepared by the Corporation for the purposes hereinafter mentioned and such estimates are as follows:—

- | | |
|--|-------------|
| (a) For the purchase of lands and easements for and for and in connection with the construction of the waterworks authorised by Part II. of this Act | £
26,690 |
| (b) For the purchase of lands for and for and in connection with the construction of the street improvements authorised by Part III. of this Act | 4,600 |

And whereas the several works included in such estimates respectively are permanent works and it is expedient that the cost thereof should be spread over a term of years:

And whereas an absolute majority of the whole number of the council at a meeting held on the thirtieth day of November one thousand nine hundred and ten after ten clear days notice by public advertisement of such meeting and of the purpose thereof in the Gloucester Citizen 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 city fund and city rate and the district fund and general district rate in equal proportions:

And whereas such resolution was published twice in the said Gloucester Citizen and has received the approval of the Local Government Board:

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

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

And whereas plans and sections showing the lines 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

A.D. 1911. 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 duly deposited with the clerk of the peace for the county of Gloucester and the clerk of the peace for the city and county of the city of Gloucester and are in this Act 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 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 Gloucester Corporation Act 1911.

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

Part I.—Preliminary.

Part II.—Water.

Part III.—Street Improvements.

Part IV.—Lands.

Part V.—Streets Buildings Sewers and Drains.

Part VI.—Infectious Disease and Sanitary Provisions.

Part VII.—Common Lodging-houses.

Part VIII.—Electricity.

Part IX.—Markets and Fairs.

Part X.—Town Ham and Corporation Meadows.

Part XI.—Financial.

Part XII.—Miscellaneous.

Provisions of certain general Acts incorporated. 3. The following Acts and parts of Acts (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with and form part of this Act namely:—

The Lands Clauses Acts (except section 127 of the Lands Clauses Consolidation Act 1845);

The Waterworks Clauses Act 1847 (except the provisions thereof with respect to the amount of profit to be received

by the undertakers when the waterworks are carried on for their benefit and section 83 relating to accounts and except the words "with the consent in writing of the owner" or reputed owner of any such house or of the agent of "such owner" in section 44 thereof);

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The Waterworks Clauses Act 1863;

The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof and in such provisions for the purposes of this Act "the railway" means the waterworks by this Act authorised and "the centre of the railway" means the centre of such waterworks respectively.

4. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith or by the Public Health Acts have the same respective meanings unless there be something in the subject or context repugnant to such construction And in this Act unless the subject or context otherwise requires—

Interpretation.

"The Corporation" means the mayor aldermen and citizens of the city of Gloucester in the county of the city of Gloucester;

"The city" means the city of Gloucester;

"The "council" means the council of the city;

"The town clerk" "the treasurer" "the surveyor" "the medical officer" and "the inspector of nuisances" mean respectively the town clerk treasurer surveyor medical officer of health and any inspector of nuisances of the city and respectively include any person duly authorised to discharge temporarily the duties of those offices;

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

"The tribunal" means the jury arbitrators or arbitrator umpire or other authority to whom the question of disputed purchase money or compensation under this Act is referred;

"The water limits" means the limits of water supply of the Corporation shown on the map of the water limits mentioned in section 7 of the Act of 1894;

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“Waterworks” means the waterworks of the Corporation existing at the passing of this Act and all waterworks which may hereafter be constructed under any of the powers contained in this Act the Act of 1855 or the Act of 1894;

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

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

“Daily penalty” means a penalty for each day on which any offence is continued by a person after conviction therefor;

“Statutory security” means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by section 34 of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the Corporation;

“Statutory borrowing power” means any power whether or not coupled with a duty of borrowing or continuing on loan or re-borrowing money or of redeeming or paying off or creating or continuing payment of or in respect of any annuity rentcharge rent or other security representing or granted in lieu of consideration money for the time being existing under any Act of Parliament public or local passed or to be passed or under any provisional order confirmed by Act of Parliament passed or to be passed or under any order or sanction of any government department made or given or to be made or given by authority of any Act of Parliament passed or to be passed;

“Revenues of the Corporation” includes the revenues of the Corporation from time to time arising from any land undertakings or other property for the time being of the Corporation and the rates or contributions leviable by or on the order or precept of the Corporation;

“The Act of 1855” “the Act of 1874” and “the Act of 1894” mean respectively the Gloucester Waterworks

Act 1855 the City of Gloucester Extension and Improvement Act 1874 and the Gloucester Corporation Act 1894; A.D. 1911.

“The Order of 1896” means the Gloucester Corporation Electric Supply Order 1896 confirmed by the Electric Lighting Orders Confirmation (No. 1) Act 1896.

PART II.

WATER.

5. Subject to the provisions of this Act the Corporation may make and maintain in the lines and situations and upon the lands delineated on the deposited plans and described in the deposited book of reference and according to the levels shown on the deposited sections the works following (that is to say):— Power to make water-works.

Work No. 1 A well and pumping station with boreholes adits tunnels shafts and other works wholly situated in the parish of Pauntley in the county of Gloucester in the enclosure numbered 255 on the ordnance map scale $\frac{1}{2500}$ 2nd edition 1903;

Work No. 2 An approach road wholly situated in the said parish of Pauntley commencing in the public road from Poolhill to Ketford about 90 yards north of the dwelling-house called “The Rocks” and terminating in the said enclosure numbered 255;

Work No. 3 An aqueduct conduit or line of pipes commencing in the said parish of Pauntley at the well and pumping station (Work No. 1) passing through the parish of Newent and terminating in the parish of Upleadon all in the county of Gloucester by a junction with the outlet pipe from the more northerly of the two reservoirs belonging to the Corporation at Madam’s Wood;

together with all proper embankments walls dams sluices weirs outlets overflows washouts bridges roads approaches wells pumps engines boilers tanks basins gauges filter-beds discharge pipes adits shafts tunnels boreholes aqueducts culverts cuts channels conduits drains mains pipes junctions valves telegraphs telephones and other means of electric communication machinery appliances apparatus houses buildings and conveniences connected with or auxiliary to the said works or any of them or necessary for inspecting maintaining repairing cleansing managing working and using the same.

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Limits of deviation.

6. In the construction of the works authorised by this Part of this Act the Corporation may deviate laterally to any extent not exceeding the limits of lateral deviation shown on the deposited plans and where on any road no such limits are shown the boundaries of such road shall be deemed to be such limits and they may also deviate vertically from the levels shown on the deposited sections to any extent not exceeding five feet upwards and to any extent downwards.

Power to take waters.

7. Subject to the provisions of this Act the Corporation may for the purposes of their waterworks take collect use divert and appropriate all such underground springs and waters as can be taken or collected by the Work No. 1 authorised by this Act.

Period for completion of waterworks.

8. If the works authorised by this Part of this Act are not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted for the making thereof and otherwise in relation thereto shall cease except as to so much thereof as is then completed. Provided that the Corporation may extend enlarge deepen or increase the number of or alter or remove any of their engines machinery wells shafts drifts adits boreholes standages mains or pipes at any time and from time to time as the Corporation may think fit for the purposes of their waterworks.

Works to form part of waterworks undertaking.

9. The works authorised by this Part of this Act shall be comprised in the water undertaking of the Corporation and the provisions of the Acts relating to the Corporation and their undertaking so far as the same are applicable and subject to the provisions of this Act shall extend and apply to the said works.

For protection of Earl Beauchamp.

10. For the protection of the Right Honourable William Earl Beauchamp his heirs and successors in estate and assigns (all of whom are in this section included in the expression "the owner") the following provisions shall unless otherwise agreed in writing between the owner and the Corporation notwithstanding anything in this Act contained apply and have effect and be binding on the Corporation in the exercise of any of the powers of this Act (that is to say):—

- (1) The Corporation shall not exercise in respect of any lands of the owner the powers conferred by the provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof:

(2) The Corporation shall during the construction of the well and pumping station (Work No. 1) by this Act authorised and of any works in connection therewith on the lands on which Work No. 1 is to be constructed if required by the owner pay to him the reasonable cost of an additional keeper or watcher to be employed by the owner to prevent as far as possible trespass on the lands of the owner and for the protection of the game and for the prevention of poaching of the same: A.D. 1911.

(3) If any difference shall arise between the Corporation and the owner under this section such difference shall be referred to and determined by an arbitrator to be mutually agreed upon or in default of agreement to be appointed on the application of either party upon notice to the other by the president of the Surveyors' Institution and subject as aforesaid the Arbitration Act 1889 shall apply to any such reference.

11.—(1) For the purpose of protecting any of their waters and waterworks against pollution nuisance encroachment or injury the Corporation may by agreement purchase take on lease and acquire any lands and may hold such lands and any other lands which the Corporation may have acquired for the purposes of their water undertaking so long as they shall deem it necessary or expedient for those purposes Provided that the Corporation shall not create or permit the creation or continuance of any nuisance on any lands acquired under this section nor erect any buildings thereon except offices and dwellings for persons in their employment and such buildings and works as may be incident to or connected with their water undertaking. Power to purchase and hold lands and exercise powers for protection of waters and waterworks.

(2) The Corporation may in and upon the lands referred to in subsection (1) of this section construct and lay down drains sewers watercourses and other works and conveniences necessary or proper for the purpose of intercepting or taking all foul waters arising or flowing upon such lands or necessary or proper for preventing the water which the Corporation are empowered to take from being polluted and the Corporation may for the purposes aforesaid carry any such drain sewer or watercourse under across or along any street or road in the said limits subject and according to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes.

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Power to
agree as to
drainage of
lands &c.

12. The Corporation may make and carry into effect agreements with the owners lessees or occupiers of any lands within the drainage area of any of the existing or authorised reservoirs and waterworks of the Corporation with reference to the execution by the Corporation or such owners lessees or occupiers of such works as may be necessary for the purpose of draining such lands or any of them or for more effectually collecting conveying and preserving the purity of the waters authorised to be diverted collected and appropriated by the Corporation flowing to upon or from such lands directly or derivatively into such reservoirs and works.

Byelaws for
preventing
pollution of
water.

13.—(1) The Corporation may make byelaws for preventing the pollution fouling or contamination of the waters which flow by gravitation into the existing Matson and Witcombe reservoirs of the Corporation or of any water which they are authorised to take for the purposes of any of their waterworks and may by such byelaws prescribe the construction maintenance and use of proper drains sewers and works and make provision for the prevention of any act or thing tending to pollution of the water.

(2) The byelaws made under this section shall only be in force within the areas from or through which the said waters flow or within so much of those areas as may be defined in the byelaws.

(3) All byelaws made under this section shall be subject to the approval of the council of every district comprising any part of the area within which it is proposed that they shall be in force. Provided that such approval shall not be necessary where in the opinion of the Local Government Board it has been unreasonably withheld.

(4) The Corporation shall pay compensation to the owners of and other persons interested in any lands in respect of which byelaws shall be made under the provisions of this section whose legal rights shall be injuriously affected by the restrictions imposed by such byelaws and such compensation shall be settled in default of agreement by arbitration in accordance with the provisions of the Arbitration Act 1889.

Limiting
powers of
Corporation
to abstract
water.

14. The Corporation shall not construct any works for taking or intercepting water from any lands acquired by them unless the works are authorised by and the lands upon which the same are to be constructed are specified in this or some other Act of Parliament.

15. For the protection of the rural district council of Newent (in this section called "the Newent Council") and the owners and occupiers of lands and premises in those parts of the rural district of Newent and of the rural district comprising the parishes of Redmarley d'Abitot and Staunton in the county of Worcester (the affairs of which are administered by the Newent Council) which are situate within a radius of one mile and a half from the centre of the well part of Work No. 1 by this Act authorised (in this section called "the Ketford Well") or within a radius of one mile and a quarter of the point of intersection of the three roads which meet opposite the Wesleyan Chapel at Pool Hill in the said parish of Pauntley or within a radius of one-third of a mile of the point of intersection of the cross-roads about 180 yards north of the parish church of Redmarley d'Abitot which parts of the said rural districts are in this section called "the Ketford protected area" and are coloured blue green and red on a plan which has been signed in quadruplicate by Ernest Gardner Esquire the Chairman of the Committee of the House of Commons to which the Bill for this Act was referred (of which signed plans one copy has been deposited in the Private Bill Office of the House of Commons one copy in the Parliament Office of the House of Lords one copy with the clerk to the Newent Council and one copy with the town clerk) the following provisions shall have effect (that is to say):—

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For pro-
tection of
Newent Dis-
trict Council
and owners
and occupiers
in Ketford
protected
area.

- (1) During the execution of the works by this Act authorised or as soon as practicable thereafter the Corporation shall tub or line the Ketford Well to a level of 10·92 feet above Ordnance datum and shall not drive from such well any tunnel heading driftway or adit above the level of 9·08 feet below Ordnance datum:
- (2) The engineer of the Newent Council shall be at liberty from time to time during the making tubbing and lining of the Ketford Well at his own risk and after giving at least forty-eight hours' notice to the water-works engineer or surveyor of the Corporation to enter and inspect the said well in order to see that such works are respectively being carried out in accordance with the provisions of this section:
- (3) The Corporation shall not at any time pump at the Ketford Well during any period of two consecutive months a quantity of water exceeding an average of one million one hundred thousand gallons per diem

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(a) except in the case of any accident to machinery either at the Ketford Well or at the pumping station of the Corporation at Oxenhall or (b) except when it shall be necessary to pump a larger quantity for the purposes of constructing enlarging deepening or repairing the Ketford Well including any adits being part of Work No. 1 by this Act authorised Provided that in the case of any such accident at the Ketford Well or the Oxenhall pumping station any necessary repairs and in the case of any such construction enlarging deepening or repairing of the Ketford Well all necessary works shall be executed with all reasonable expedition and all water pumped during the construction of the Ketford Well and any water in excess of one million one hundred thousand gallons per diem which it may be necessary to pump for the purposes of enlarging deepening or repairing the Ketford Well shall be discharged into the river Leadon:

- (4) The Corporation shall fix and maintain in proper working order a meter or meters on the aqueduct conduit or line of pipes (Work No. 3) by this Act authorised for recording the quantity of water pumped at the Ketford Well and shall take and keep weekly records in writing of the quantity so pumped and the clerk of the Newent Council or any officer or other agent of such council duly authorised by him in writing for the purpose shall be at liberty at any reasonable time after giving twenty-four hours' notice to the surveyor of the Corporation to inspect the said meter or meters and take copies of the said records or any part thereof:
- (5) If it shall be proved that the pumping by the Corporation at the Ketford Well has caused any diminution of the supply in any private well or watering place for animals supplied from a spring or streamlet and existing as an effective source of supply at the time of the passing of this Act such private well or watering place being situate within the Ketford protected area the Corporation shall upon the written request of the owner of any such private well or watering place as aforesaid (in this section referred to as "the owner" which term shall include any lessee or occupier) afford to the owner a supply of

water equal to the amount of such diminution as so proved at such cost or rate (if any) as that the total cost to the owner of obtaining his full supply shall be the same after as before the construction of the Ketford Well and upon such other terms as may be agreed or as failing agreement may be settled by arbitration. Provided that if it shall be proved that any such private well or watering place has afforded an effective source of supply of water in dry as well as in normal seasons since the year one thousand eight hundred and ninety-five or for a reasonable number of years not exceeding eighteen years prior to pumping by the Corporation at the Ketford Well and that such supply was only diminished after the date when such pumping by the Corporation commenced the Corporation shall accept the same as *primâ facie* and sufficient evidence of the supply having been diminished by the Corporation pumping at the Ketford Well unless the Corporation shall prove otherwise:

- (6) If it shall be proved that any diminution of the supply of water in any private well or watering place within the Ketford protected area has been caused by the Corporation pumping it shall be assumed that such diminution was caused by pumping at the Ketford Well unless the Corporation shall prove otherwise:
- (7) The Corporation may if they think fit in lieu of making good the diminution of supply from any such private well deepen the affected well or make such borings therein or headings therefrom as will increase the supply so as to make good the said diminution and in the case of a watering place provide a suitable drinking trough with water laid on thereto and the owner shall without making any charge therefor give the Corporation access and every facility for carrying out such deepening borings or headings and for providing such drinking troughs and laying pipes for supplying water thereto and in the event of any such deepening boring or heading increasing the cost of obtaining or continuing to obtain such supply the Corporation shall pay to the owner reasonable compensation in respect thereof:

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(8) If the Corporation do not afford a supply equal to the diminution as aforesaid or in the case of a watering place provide a suitable drinking trough with water laid on thereto as aforesaid they shall make compensation in money to any such owner for such diminution and they shall also make like compensation for any injury caused to such owner by the exercise by the Corporation of the powers conferred by the last preceding subsection or by the diminution of the supply in such private well prior to the Corporation having made good such diminution or paid compensation therefor the amount of such compensation to be settled in case of difference by arbitration as hereinafter provided :

(9) The Corporation shall not be liable in respect of any claim made by the owner under this section if he shall have failed to afford to the officers servants or other representatives of the Corporation at all reasonable times after the passing of this Act access to the private well or watering place in respect of which the claim is made for the purpose of ascertaining particulars thereof and the level of the water therein :

(10)—(i) The Corporation shall not be required or obliged to supply water under this section beyond a radius of half a mile from the Ketford Well—

(a) in consequence of any diminution of the supply of water in any private well or watering place within three-quarters of a mile of any well or boring of the Malvern Urban District Council in the parish of Bromsberrow in the county of Gloucester authorised by the Malvern Water Act 1905 as existing at the date of the passing of this Act so long as it is used ;

(b) within one mile of any such well or boring of the Malvern Urban District Council existing at the date aforesaid if enlarged or deepened after the date aforesaid ;

(c) within one mile of any other well or boring which shall for the time being be used by or on behalf of any local authority company or person

for obtaining water for public supply or for any other purpose where the quantity of water pumped exceeds an average of ten thousand gallons per day of twenty-four hours during any period of two consecutive months unless it shall be proved by the owner that the diminution has been caused by the Corporation pumping ;

(d) at any higher level than can be supplied by gravitation from the existing service reservoir of the Corporation at Madam's Wood or any other reservoir of equal or higher elevation used in connection with the Ketford Well but in the event of any private well or watering place above such level being affected the Corporation shall if desired supply water as near to the site of the well or watering place as may be reasonably practicable :

(ii) The enlargement or deepening of any such well or boring of the Malvern Urban District Council as is referred to in the foregoing paragraph (b) or the making of any such well or boring as is referred to in the foregoing paragraph (c) shall not relieve the Corporation from continuing any supply afforded to any owner by them before any such enlargement or deepening or such making of a well or boring respectively :

(11) For the purpose of supplying water within the Ketford protected area in pursuance of the provisions of this section the Corporation may execute all such works within such area as may be required for that purpose doing no unnecessary damage and making full compensation in manner provided by the Lands Clauses Acts to all parties injured by or in consequence of the execution of such works and the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes and for the protection of pipes when laid so far as they are applicable shall extend and apply with respect to the execution by the Corporation of any works under the provisions of this section :

(12) Any question or dispute arising under this section shall be referred to and determined by a single arbitrator to be agreed on between the parties or in default of

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agreement to be appointed on the application of either party by the president of the Institution of Civil Engineers and the provisions of the Arbitration Act 1889 shall apply to any such arbitration :

- (13) If the administration of the parishes of Redmarley d'Abitot and Staunton or either of them shall be transferred from the Newent Council to any other rural or urban district council the council (in this section called "the substituted council") to which the administration of the said parishes or either of them is transferred shall be entitled to (a) the same rights and privileges under this section and under subsection (1) of the section of this Act the marginal note whereof is "Power to supply water to Newent Rural District Council and others" and under the agreement set forth in the Sixth Schedule to this Act in all respects as if the substituted council had with all necessary modifications been referred to therein in the same manner and as well as the Newent Council and to (b) such proportion of the twenty-five thousand gallons of water per day to be supplied under the said agreement as the Corporation the Newent Council and the substituted council may agree the Newent Council would have been entitled to in respect of such parish or parishes respectively and the said amount of twenty-five thousand gallons of water per day to which the Newent Council are entitled under the said agreement shall be reduced by the amount allocated to the substituted council Any difference between the Corporation and the Newent Council or the substituted council as to the rights and privileges or the proportion of water to be allocated to the substituted council under the provisions of this subsection shall be referred to arbitration in accordance with the Arbitration Act 1889 and the Corporation and the Newent Council shall at the request and cost of the substituted council join in executing all such agreements or other documents as may be necessary for effecting such transfer and such agreements or other documents shall if desired by any party be settled on behalf of all parties by one of the conveyancing counsel of the High Court.

16. If it shall be proved that the pumping by the Corporation at the pumping station Work No. 1 has caused any material diminution in the flow of the River Leadon the Corporation shall make to any person or persons interested in the waters of the said river (including persons interested in mills and fishing rights) compensation for any loss or damage which may have been sustained by him or them by reason of such diminution in the flow of the said river Any question arising under this section shall be settled by a single arbitrator to be agreed on between the parties or in default of agreement to be appointed by the president of the Institution of Civil Engineers and the provisions of the Arbitration Act 1889 shall apply to such arbitration.

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For protection of River Leadon.

17. The Corporation shall have and may exercise the powers which a local authority would have under section 54 of the Public Health Act 1875 with respect to the carrying of water mains within and without their district and for the purposes of that section the limits of supply of the Corporation shall be deemed to be the district.

Powers in relation to water mains.

18.—(1) For the purpose of executing constructing enlarging extending repairing cleansing emptying or examining any reservoir well adit aqueduct line of pipes or other work of the Corporation the Corporation may cause the water in any such work to be discharged into any available stream watercourse or ditch.

Discharge of water into streams.

(2) In the exercise of the power conferred by this section the Corporation shall do as little damage as may be and shall pay compensation to all persons for all damage sustained by them by reason or in consequence of the exercise of such power the amount of compensation to be settled in case of difference by arbitration under and pursuant to the provisions of the Arbitration Act 1889.

19. The provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets shall apply with the necessary modifications to the construction laying down erection and maintenance in any streets or roads of the aqueduct authorised by this Part of this Act and of any discharge pipes telephone or telegraph posts wires conductors or apparatus which the Corporation may erect or lay down for the purposes of their water undertaking Provided that the erection or laying down of such telephone or telegraph posts wires or conductors or

Application of Waterworks Clauses Act 1847 to works authorised by this Part of Act.

A.D. 1911. apparatus shall be subject to the provisions of the Telegraph Act 1863.

For protec-
tion of Post-
master-
General.

20. Any telegraphs telephones posts wires conductors apparatus or other means of electric communication laid down erected made or maintained under the provisions of this Act shall not be used in contravention of the exclusive privilege conferred on the Postmaster-General by the Telegraph Act 1869 and shall not be constructed in such a manner as to interfere with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General.

Detection
of waste.

21. Subject to the provisions of the Waterworks Clauses Act 1847 the Corporation may for the purpose of preventing and detecting waste affix and maintain meters and other apparatus on the service pipes and mains of the Corporation and stopcocks in the pipes supplying houses with water and may insert in the roads or footways the necessary covers of boxes for giving access and protection thereto and may for that purpose break up and interfere with temporarily public and private streets roads lanes footways courts passages pipes wires and apparatus:

Provided that the Corporation shall not break up or interfere with any wires or apparatus of the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878.

Byelaws for
preventing
waste &c.
of water.

22.—(1) The Corporation may make byelaws for the purpose of preventing the waste undue consumption misuse or contamination of water and may by such byelaws prescribe the size nature materials workmanship and strength and the mode of arrangement connection disconnection alteration and repair of pipes meters cocks ferrules valves soil pans waterclosets baths cisterns and other apparatus (in this section referred to as "water fittings") to be used and forbid any arrangements and the use of any water fittings which may allow or tend to waste undue consumption misuse erroneous measurement or contamination.

(2) Such byelaws shall apply only in the case of premises to which the Corporation are bound to afford and do in fact afford or are prepared on demand to afford a constant supply.

(3) In case of failure of any person to observe such byelaws as are for the time being in force the Corporation may if they think fit after twenty-four hours' notice in writing enter and by and under the direction of their duly authorised officer repair

[1 & 2 GEO. 5.] *Gloucester Corporation Act, 1911.* [Ch. xcii.]

replace or alter any water fittings belonging to or used by such person and not being in accordance with the requirements of such byelaws and the expense of every such repair replacement or alteration shall be recoverable by the Corporation from the person on whose credit the water is supplied as the water rates and charges in respect of the premises are recoverable. A.D. 1911.

23. Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or other instrument for measuring water or any fittings belonging to the Corporation or who fraudulently alters the index to any meter or other instrument for measuring water or prevents any meter or other instrument for measuring water from duly registering the quantity of water supplied or fraudulently abstracts consumes or uses water of the Corporation shall (without prejudice to any other right or remedy for the protection of the Corporation) be liable to a fine not exceeding five pounds and the Corporation may in addition thereto recover the amount of any damage by them sustained: Injuring
meters &c.

And in any case in which any person has wilfully fraudulently or by culpable negligence injured or suffered to be injured any pipe meter instrument or fittings belonging to the Corporation or has fraudulently altered the index to any meter or other instrument for measuring water or prevented the same from duly registering the quantity of water supplied or has fraudulently abstracted consumed or used water of the Corporation the Corporation may also enter upon the premises occupied by the offender and repair such injury and do all such works matters and things as may be necessary for insuring the proper registering by such meter of the quantity of water supplied by means thereof and the expense of such repair and of all such works matters and things shall be repaid to the Corporation by the person so offending and may be recovered by them as water rates are recoverable. The existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using water of the Corporation when such pipe meter instrument or fittings is or are under the custody or control of the consumer shall be *prima facie* evidence that such injury alteration prevention abstraction consumption or use as the case may be has been fraudulently knowingly and wilfully caused by the consumer using such pipe meter instrument or fittings.

A.D. 1911.

Dwelling-
houses for
persons em-
ployed by
Corporation.

24. The Corporation may purchase or take on lease dwelling-houses for persons employed by them for the purposes of their water undertaking and may erect maintain and let dwelling-houses for such persons upon any lands for the time being belonging to the Corporation for the purposes of the said undertaking and (subject to the terms of the lease) upon any lands for the time being leased to the Corporation for the purposes of the said undertaking.

Power to
Corporation
to repair
communica-
tion pipes.

25. If it should appear to the Corporation that by reason of any injury to or defect in any communication pipe which the Corporation are not under obligation to maintain any waste of water or injury or risk of injury to person or property is caused or likely to be caused it shall be lawful for the Corporation to execute such repairs as they may think necessary or expedient in the circumstances of the case without being requested so to do and the expense incurred by the Corporation in executing such repairs shall be recoverable by the Corporation from the owner:

Provided that except in case of emergency the Corporation shall not under the powers of this section enter into any house or private premises unless they shall have given to the owner of such house or premises not less than twenty-four hours' previous notice of their intention so to enter.

Maintenance
of common
pipe.

26. When several houses or parts of houses in the occupation of several persons are supplied by one common pipe belonging to the several owners or occupiers of such houses or parts of houses the said several owners or occupiers shall be liable to contribute the amount of any expenses from time to time incurred by the Corporation in the maintenance and repair of such pipe and their respective proportions of contributions shall be settled by the surveyor.

Corporation
not bound to
supply
several
houses by
one pipe.

27. The Corporation shall not be bound to supply more than one house by means of the same communication pipe and they may if they think fit require that a separate pipe be laid from the main pipe into each house supplied by them with water.

Notice of
discontin-
uance.

28. A notice to the Corporation from a consumer for the discontinuance of a supply of water shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the office of the Corporation.

Power to
supply water
to Newent

29.—(1) The agreement dated the twenty-eighth day of April one thousand nine hundred and eleven and made between

the Newent Rural District Council of the one part and the Corporation of the other part set forth in the Sixth Schedule to this Act is hereby confirmed and made binding on the parties thereto respectively.

A.D. 1911.
Rural District Council and others.

(2) It shall also be lawful for the Corporation by agreement to supply water in bulk or otherwise and for domestic or other purposes to the Newent Rural District Council in respect of any parishes in their district not included in the said agreement or to any premises situate within one mile of the line of pipes (Work No. 3) by this Act authorised on such terms and conditions in all respects and for such periods as the Corporation and such council or the owner of such premises may from time to time agree. Provided that nothing in this section shall authorise the Corporation to supply water within or for use within the district of the said council or the limits of supply of any company supplying water under statutory powers (except as provided by the section of this Act the marginal note of which is "Confirmation of agreement between Frank Ricardo and Corporation") without the consent of such council or company nor shall the Corporation under any agreement entered into in pursuance of this subsection supply water so as to interfere with their giving a proper supply for all purposes to persons within their water limits. Provided also that nothing in this section shall be construed as extending the limits of supply of the Corporation for the purposes of section 52 of the Public Health Act 1875.

PART III.

STREET IMPROVEMENTS.

30. 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 works hereinafter described in the city together with all necessary or proper works and conveniences connected therewith or incident thereto.

Power to construct street improvements.

The works hereinbefore referred to and authorised by this Part of this Act are as follows:—

Work No. 4. A widening of Westgate Street on the south-west side thereof:

Work No. 5. A widening of Station Road on the south side thereof:

Work No. 6. A widening of Barton Street on the east side thereof:

A.D. 1911.

Work No. 7 A widening of Barton Street on the west side thereof:

Work No. 8 A widening of Bristol Road on the north-west side thereof:

Work No. 9 A widening of Reservoir Road on the north-westerly side thereof.

Period for completion of improvements.

31. The works authorised by this Part of this Act shall be completed within five years from the passing of this Act and on the expiration of that period the powers by this Act granted to the Corporation for executing the said works or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Subsidiary works.

32.—(1) Subject to the provisions of this Act and within the limits of deviation shown on the deposited plans the Corporation may in connection with the works authorised by this Part of this Act and for the purposes thereof make junctions and communications with any existing streets which may be intersected or interfered with by or be contiguous to such works and may make diversions widenings or alterations of the lines or levels of any existing streets for the purpose of connecting the same with such works or of crossing under or over the same or otherwise and may alter divert or stop up all or any part of any drain sewer channel or gas or water main or pipe wire or apparatus within the said limits the Corporation providing a proper substitute before interrupting the flow of sewage in any drain or sewer or of any gas or water in any main or pipe or of electricity or telephonic communication in any wire or apparatus and making compensation for any damage done by them in the execution of the powers of this section.

(2) Provided 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 to 1909 to which the provisions of section 15 of the Act of 1882 apply except in accordance with and subject to the provisions of that section.

(3) Provided also that the Corporation shall not alter divert or otherwise interfere with any pipe wire or apparatus of the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878.

33. In the construction of the works authorised by this Part of this Act the Corporation may deviate from the lines thereof as shown on the deposited plans to any extent not exceeding the limits of lateral deviation shown on those plans and from the levels thereof as shown on the deposited sections to any extent not exceeding two feet either upwards or downwards.

A.D. 1911.
Limits of
deviation.

34.—(1) The Corporation during the execution and for the purposes of any works authorised by this Part of this Act may break up and also temporarily stop up divert and interfere with any street and may for any reasonable time 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.

Temporary
stoppage of
streets.

(2) The Corporation shall provide reasonable access for persons bonâ fide going to or returning from any such house.

PART IV.

LANDS.

35. Subject to the provisions of this Act the Corporation may enter upon take and use for the waterworks and street improvements by this Act authorised or (in the case of the widening or improving of any existing street) for the providing of space for the erection of buildings adjoining or near to any such street all or any part of the lands delineated on the deposited plans and described in the deposited book of reference relating to those works respectively.

Power to
take lands
referenced.

36. The agreement dated the twenty-third day of September one thousand nine hundred and ten and made between Frank Ricardo of the one part and the Corporation of the other part set forth in the Fifth Schedule to this Act is hereby confirmed and made binding on the parties thereto respectively and full effect may and shall be given thereto.

Confirmation
of agreement
between
Frank
Ricardo
and Corpora-
tion.

37. In estimating the amount of compensation or purchase money to be paid by the Corporation under this Part of this Act the benefits accruing to any person to whom compensation or purchase money shall be payable by reason of the making widening or improvement of any street shall be fairly estimated and shall be set off against the said compensation or purchase money.

As to assess-
ing purchase
money.

A.D. 1911.

Period for compulsory purchase of lands.

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

38. 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.

39. If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Corporation after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices acting for the county or city in which such lands are situate for the correction thereof and if it appear to the justices that the omission misstatement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described and such certificate shall be deposited with the clerk of the peace for the county of Gloucester or the clerk of the peace for the city and county of the city of Gloucester as the case may require and a duplicate thereof shall also be deposited with the town clerk and such certificate and duplicate respectively shall be kept by such clerks respectively with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Corporation to take the lands and execute the works in accordance with such certificate.

A copy of or extract from such certificate purporting to be under the hand of such clerk of the peace or of the town clerk (which copy or extract shall be given when required under his hand to any person interested) shall be conclusive evidence of such correction.

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

40.—(1) 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:—

(a) 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 purposes of the Corporation or each or any of them are hereinafter in this section included in the term "the owner" and the said properties are hereinafter referred to as "the scheduled properties":

A.D. 1911.

- (b) 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:
- (c) 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 tribunal shall in addition to the other questions required to be determined by it determine whether the portion of the scheduled properties 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:
- (d) If the tribunal determine that the portion of the scheduled properties 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:

A.D. 1911.

(e) If the tribunal determine that the portion of the scheduled properties 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 :

(f) If the tribunal determine that the portion of the scheduled properties 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 :

(g) If the tribunal determine that the portion of the scheduled properties 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.

(2) 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 (No party to be required to sell part of a house) of the Lands Clauses Consolidation Act 1845.

(3) The provisions of this section shall be stated in or endorsed upon every notice given thereunder to sell and convey any premises.

41.—(1) The Corporation may in lieu of acquiring any lands for the purposes of the waterworks authorised by this Act where the same are intended to be constructed underground acquire such easements only in such lands as they may require for such purposes and may give notice to treat in respect of such easements describing the nature thereof and the provisions of the Lands Clauses Acts shall apply to and in respect of the acquisition of such easements as fully as if the same were lands within the meaning of those Acts.

A.D. 1911.
Corporation may acquire easements only in certain cases.

(2) As regards any lands in respect of which the Corporation have acquired easements only under the provisions of this section the Corporation shall not be required or entitled to fence off or sever such lands from the adjoining lands but the owners or occupiers for the time being shall be subject to such easements and have the same rights to use and cultivate the said lands at all times as if this Act had not passed.

(3) Provided always that nothing in this section contained shall authorise the Corporation to acquire by compulsion any such easement in any case in which the owner in his particulars of claim shall require the Corporation to acquire the lands in respect of which they have given notice to treat for the acquisition of an easement only and every notice to treat for the acquisition of an easement shall be endorsed with notice of this provision.

42. The Corporation may from time to time for any of the purposes of their water undertaking purchase by agreement any lands not exceeding twenty acres in addition to the lands which they are authorised to take by compulsion but the Corporation shall not create or permit the creation or continuance of any nuisance or sink any well or intercept water on any such lands or use such lands for any building except offices and dwellings for persons in their employ and such buildings and works as may be incident to or connected with their waterworks.

Power to take additional lands by agreement.

43. 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 other persons than the parties to the agreement have an interest) required for the purposes of this Act in or affecting any such lands and the provisions of the Lands Clauses Acts with respect to lands and rentcharges

Persons under disability may grant easements &c.

[Ch. xcii.] *Gloucester Corporation Act, 1911.* [1 & 2 GEO. 5.]

A.D. 1911. — so far as the same are applicable in this behalf shall extend and apply to such grants easements rights and privileges as aforesaid.

Provisions
as to com-
pensation.

44. In determining any question of disputed purchase money or compensation payable in respect of lands taken in pursuance of this Act the tribunal shall not award any sum of money for or in respect of any improvement alteration or building made or erected or for or in respect of any interest in the land created after the first day of January one thousand nine hundred and eleven if in the opinion of the tribunal the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made erected or created with a view to obtaining or increasing compensation under this Act.

Costs of
arbitration
&c. in cer-
tain cases.

45.—(1) The tribunal to whom any question of disputed purchase money or compensation under this Act is referred shall if so required by the Corporation award and declare whether a statement in writing of the amount of compensation claimed has been delivered to the Corporation by the claimant giving sufficient particulars and in sufficient time to enable the Corporation to make a proper offer and if the tribunal shall be of opinion that no such statement giving sufficient particulars and in sufficient time shall have been delivered and that the Corporation had been prejudiced thereby the tribunal shall have power to decide whether the claimant's costs or any part thereof shall be borne by the claimant.

(2) Provided that it shall be lawful for any judge of the High Court to permit any claimant after seven days' notice to the Corporation to amend the statement in writing of the claim delivered by him to the Corporation in case of discovery of any error or mistake therein or for any other reasonable cause such error mistake or cause to be established to the satisfaction of the judge after hearing the Corporation if they object to the amendment and such amendment shall be subject to such terms enabling the Corporation to investigate the amended claim and to make an offer de novo and as to postponing the hearing of the claim and as to costs of the inquiry and otherwise as to such judge may seem just and proper under all the circumstances of the case.

(3) Provided also that this section shall be applicable only in cases where the notice to treat under the Lands Clauses

[1 & 2 GEO. 5.] *Gloucester Corporation Act*, 1911. [Ch. xcii.]

Consolidation Act 1845 either contained or was endorsed with a notice to the effect of this section. A.D. 1911.

46. Notwithstanding section 69 of the Lands Clauses Consolidation Act 1845 any purchase or compensation moneys payable in pursuance of this Act may be paid direct to any trustee or trustees who on a sale under the Settled Land Acts 1882 to 1890 or otherwise could give a legal discharge for such purchase money. Provision for payment to trustees.

47. Notwithstanding anything in the Lands Clauses Acts or in any other Act or Acts to the contrary the Corporation may retain hold and use for such time as they may think fit or may sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and in case of sale either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest therein acquired by them under this Act and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposition of such lands or interests therein and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange. Power to retain sell &c. lands.

48. So long as any lands remain to be acquired by the Corporation under the authority of this Act they may so far as they consider necessary apply any capital moneys received by them on resale or exchange or by leasing in pursuance of the powers of this Act in the purchase of lands so remaining to be acquired but as to capital moneys so received and not so applied the Corporation shall apply the same in or towards the extinguishment of any loan raised by them under the powers of this Act and such application shall be in addition to and not in substitution for any other mode of extinguishment provided by this Act except to such extent and upon such terms as may be approved by the Local Government Board Provided that— Proceeds of sale of surplus lands.

- (1) The amount to be applied in the purchase of lands under this section shall not exceed the amount for the time being unexhausted of the borrowing powers conferred by this Act for the purpose of such purchase:

A.D. 1911.

(2) The borrowing powers conferred by this Act for the purpose of such purchase shall be reduced to the extent of the amount applied in the purchase of lands under the provisions of this section.

Reservation of water rights &c. on sale.

49. The Corporation on selling any lands acquired by them in connection with their waterworks undertaking and not required for the purposes of that undertaking may reserve to themselves all or any part of the water rights or other easements belonging thereto and may make the sale subject to such reservations accordingly and may also make any such sale subject to such other reservations special conditions restrictions and provisions with respect to the use of water exercise of noxious trades or discharge or deposit of manure sewage or other impure matter and otherwise as they may think fit.

PART V.

STREETS BUILDINGS SEWERS AND DRAINS.

Further provisions as to new streets.

50.—(1) When a road or lane within the city becomes in consequence of building operations a new street within the meaning of the Public Health Act 1875 but the land on only one side of such street has been or is in course of being built on the Corporation may instead of requiring the owner of the land built on or in course of being built on to widen such road or lane to a width prescribed by the byelaws in force in the city require such owner to widen such road or lane so as to give a width of not less than one half of such prescribed width from the old centre line of such road or lane to the boundary thereof adjoining such land.

(2) Provided that if and when the land on the opposite side of such road or lane shall be in course of being built on the owner of such land shall complete the widening of such road or lane so as to comply in all respects with the byelaws of the Corporation.

Power to Corporation to grant licences for bridges over streets.

51. The Corporation may grant to the owner or with the consent of the owner to the lessee or occupier of any premises abutting on any street repairable by the inhabitants at large a licence to construct and use a way (exclusive or otherwise) for himself his servants and agents at all times with or without cattle horses carts and carriages by means of a bridge over such street for such term as shall be co-extensive with or less than

the interest of such owner lessee or occupier in the premises in respect of which such licence shall be given but not exceeding twenty-one years on such terms or at such rent and with under and subject to such covenants conditions and agreements as to the Corporation may seem fit: A.D. 1911.

Provided that any licence given under this power shall not in any way interfere with the convenience of persons using such street or affect the rights of the owners of the property adjoining and up to the line of the street. If any person shall construct such bridge without such licence or shall not construct or use the same in accordance with the terms and conditions of the licence he shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding five pounds:

Provided also that in the event of the construction of any such bridge involving the alteration of a telegraphic line of the Postmaster-General the enactments contained in section 7 of the Telegraph Act 1878 shall apply to such alteration and any such bridge shall for the purposes of the placing or maintenance of overground telegraphic lines under the powers conferred by the Telegraph Acts 1863 to 1909 be deemed part of the street or road which it crosses.

52. All buildings or parts of buildings which may in future be erected on the site of any building or on any land which site or land in consequence of any improvement made by the Corporation becomes front land shall be erected according to such elevation as the Corporation approve and if the owner lessee or occupier of any building or land which on the making of any such improvement acquires a frontage to the street makes any door or entrance opening upon or communicating with the street or any wall or fence by the side of the street every such owner lessee or occupier shall make the building wall or fence in a line with and the elevation thereof fronting to or towards the street in accordance with a drawing approved by the Corporation and in case the Corporation for a space of one month after any drawing of such elevation is submitted to them neglect to notify their determination in writing with reference thereto they shall be deemed to have approved thereof. Any person who shall offend against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings. The Corporation shall make compensation to the owner of any building or land for any loss or damage he may suffer by reason of the setting back or bringing forward of such building wall or fence.

Elevation of buildings erected on front lands to be subject to approval of Corporation.

A.D. 1911.

Regulation
dustbins.

53. The Corporation may by notice in writing require the occupier of any dwelling-house warehouse or shop to provide galvanised iron or enamelled iron dustbins for the convenient removal of house refuse and such dustbins shall be of such size and construction as may be approved by the Corporation and any occupier who fails within fourteen days after notice given to him to comply with the requirements of the Corporation shall for every such offence be liable to a penalty not exceeding twenty shillings and to a daily penalty not exceeding five shillings. Provided that this section shall not authorise the Corporation to require the provision of a dustbin thereunder in any case in which a dustbin or ashpit in use at the passing of this Act is of suitable size and in proper order and condition.

Corporation
may order
houses to be
drained by a
combined
drain.

54.—(1) If it appears to the Corporation that two or more houses may be drained more economically or advantageously in combination than separately and a sewer of a sufficient size already exists or is about to be constructed within one hundred feet of any part of such houses the Corporation may when the drains of such houses are first laid order that such houses be drained by a combined drain to be constructed either by the Corporation if they so decide or by the owners in such manner as the Corporation shall direct and the costs and expenses of such combined drain and of the repair and maintenance thereof shall be apportioned between the owners of such houses in such manner as the Corporation shall determine and if such drain is constructed by the Corporation such costs and expenses may be recovered by the Corporation from such owners.

(2) Any combined drain constructed in pursuance of this section shall for the purposes of the Public Health Acts be deemed to be a drain and not a sewer.

(3) Provided that the Corporation shall not exercise the powers conferred by this section in respect of any house plans for the drainage of which shall have been previously approved by the Corporation.

Inspection
of drains &c.

55.—(1) On complaint made on oath by the surveyor medical officer or inspector of nuisances that he has reasonable grounds for believing the existence of a nuisance any justice may grant a warrant to the surveyor medical officer or inspector of nuisances jointly or severally to inspect any drain sanitary convenience or cesspool or any water supply sink rain-water cistern trap syphon pipe or other work or apparatus connected therewith and on such

warrant being granted for that purpose or for the purpose of A.D. 1911.
ascertaining the course of any such work the surveyor medical
officer or inspector of nuisances or their authorised assistants (on
production of their authority if so required) at all reasonable times
in the daytime after not less than twelve hours notice in writing
has been given to the occupier of the premises to which such drain
sanitary convenience or cesspool water supply sink rain-water
cistern trap syphon pipe or other work or apparatus is attached
or if they are unoccupied to the owner or if such owner or
occupier is not known or cannot be found left on such premises
(and in case of emergency without notice) may enter with or
without workmen on such premises and cause the ground to
be opened wherever the surveyor medical officer or inspector of
nuisances or their authorised assistants think fit doing as little
damage as may be.

(2) If any person obstructs or attempts to obstruct or
incites any person to obstruct the surveyor medical officer or
inspector of nuisances or their assistants in the exercise of any
of the powers conferred by this section he shall be liable to a
penalty not exceeding five pounds.

(3) If upon such inspection it shall be found that no
nuisance exists or that the nuisance is not caused by or is not
attributable to such drain sanitary convenience or cesspool water
supply sink rain-water cistern trap syphon pipe or other works
or apparatus the Corporation shall cause any of such works or
apparatus which they may have taken up or disturbed to be
reinstated and made good as soon as may be and the expenses
of examining reinstating and making good the same shall be
defrayed by the Corporation and full compensation shall be
made by them for all damage or injury done or occasioned to
any person by such examination.

(4) If upon such inspection any drain sanitary convenience
or cesspool water supply sink rain-water cistern trap syphon
pipe or other work or apparatus be found to be in such a state
as to cause a nuisance the Corporation shall cause notice to be
served upon the owner or occupier of the premises upon or in
respect of which the inspection was made requiring him forth-
with or within a reasonable time specified in the notice to do
what is necessary to abate the nuisance.

(5) If such notice is not complied with the said owner or
occupier shall be liable to a penalty not exceeding five pounds

A.D. 1911. and to a daily penalty not exceeding forty shillings or the Corporation if they think fit in lieu of proceeding for a penalty may enter on the premises and execute the works and may recover the expenses incurred by them in so doing from the person in default before a court of summary jurisdiction.

(6) For the purposes of this section the expression "drain" includes a drain used for the drainage of more than one building whether owned or occupied by the same person or not.

For prevent-
ing water
flowing on
footpaths.

56. Where premises abutting upon any street are so situated that the surface water from such premises flows on to the footpath of such street the owner of such premises shall within one month after service of a notice of the Corporation for that purpose execute such works as may be necessary to prevent the water from such premises from flowing over the footpath and in default of compliance with such notice within the period aforesaid such owner shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Trees or
shrubs over-
hanging
streets and
footpaths.

57.—(1) Where any tree hedge or shrub overhangs any street or footpath so as to obstruct or interfere with the light from any public lamp or to interfere with vehicular traffic or with the free passage or comfort of passengers the Corporation may serve a notice on the owner of the tree hedge or shrub or on the occupier of the premises on which such tree hedge or shrub is growing requiring him to lop the tree hedge or shrub within seven days so as to prevent such obstruction or interference and in default of compliance the Corporation may themselves carry out the requisition of their notice doing no unnecessary damage.

(2) Any person aggrieved by any requirement of the Corporation under this section may appeal to a court of summary jurisdiction within seven days after the service of such notice provided he gives written notice of such appeal and of the grounds thereof to the town clerk and the court shall have power to make such order as the court may think fit and to award costs.

(3) Notice of the right to appeal shall be endorsed on every requirement of the Corporation under this section.

Courts to be
flagged.

58.—(1) The owner or owners of any existing court or yard or of any passage used in common by two or more occupiers (not being a highway repairable by the inhabitants at large) or

of any part of such court yard or passage shall flag asphalted concrete or pave such court yard or passage or any part thereof and make a drain through or along the same or such part thereof as the Corporation require and keep such flagging asphalted concreting or paving and drain in good repair. A.D. 1911.

(2) If such owner or owners shall for one month after notice in writing from the Corporation fail in any respect to comply with the provisions of subsection (1) of this section he or they shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and the Corporation may themselves if they think fit do the work and recover the expense incurred by them in that behalf from such owner or owners.

59. Notwithstanding any provisions contained in any public or local act or byelaw in force within the city regulating the construction of buildings the Corporation shall have power to relax or modify such provisions in the following cases and subject to the following provisions (that is to say):—

As to buildings of iron steel or reinforced concrete.

(1) Where a person is desirous of erecting an iron steel or reinforced concrete building or structure he shall make an application to the Corporation accompanied by complete plans sections and elevations of the proposed building with such details and other particulars as to the construction thereof as may be required by the Corporation:

(2) The Corporation if satisfied with such plans sections elevations details and particulars shall signify their approval of the same in writing and thereupon the building may be constructed according to such plans sections elevations details and particulars:

(3) The Corporation may for the purpose of regulating the procedure in relation to such applications and in reference to the excavations for or foundations of or the erection of such building and structure make and issue such general rules as they think fit as to the place time and manner of making applications and as to the plans sections elevations details and particulars to be deposited with the Corporation and as to the precautions to be taken in connection with any such excavation foundation or erection for safeguarding the stability of the street and the property

A.D. 1911.

therein and the public safety and convenience and otherwise and as to any other matter or thing connected therewith respectively.

Byelaws as to building materials.

60. The Corporation may make byelaws with respect to the materials with which new buildings shall be constructed and the manner in which and the materials with which grates stoves and fireplaces shall be set in new buildings and the thickness and construction of walls of all ovens and furnaces wholly or partially built after the passing of this Act.

Erection of buildings to greater height than adjoining buildings.

61.—(1) In case any building is at any time after the passing of this Act erected or raised to a greater height than the adjoining building and any flues or chimneys of such adjoining building are in the outer or party wall or against the building so erected or raised the person erecting or raising such building shall at his own expense build up those flues and chimneys so that the top thereof may be of the same height as the top of the chimneys of the building so erected or raised.

(2) Any person who shall offend against the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Means of escape from buildings in case of fire.

62.—(1) Every new building exceeding thirty-five feet in height used or intended to be used as a tavern hotel restaurant hospital boarding-house common lodging-house or school shall be provided on the storeys the upper surface of the floor whereof is above twenty feet from the street level with such means of escape in the case of fire for the persons dwelling or employed therein or resorting thereto as may be reasonably required under the circumstances of the case and no such building shall be occupied until the Corporation shall have issued a certificate that the provisions of this section have been complied with in relation thereto.

(2) Nothing contained in this section shall be deemed to interfere with the operation of section 14 (Provision of means of escape in case of fire) and section 15 (Byelaws for means of escape from fire) of the Factory and Workshop Act 1901 or of any Act amending the same.

(3) Any person who shall offend against the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

63.—(1) Every new dwelling-house shall be provided with at least one living room with a floor area of not less than one hundred and fifteen square feet and one bedroom with a floor area of not less than one hundred and ten square feet.

A.D. 1911.
Area of habitable rooms.

(2) No bedroom or other habitable room in any such dwelling-house shall have less floor area than seventy square feet.

(3) Any person who shall offend against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

64.—(1) The contractor or builder engaged in or upon the construction reconstruction or alteration of any building in the city shall if practicable provide to the reasonable satisfaction of the Corporation and until the completion of any such work or operation sufficient water or other closets and urinals.

Sanitary conveniences for workmen engaged on buildings.

(2) Any person offending against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

65. If in any street not repairable by the inhabitants at large the Corporation for the purpose of main drainage or otherwise shall require a larger sewer to be made than they consider necessary for the ordinary sewerage of such street the person laying out such street shall construct such enlarged sewer in accordance with the requirements of the Corporation and the additional cost thereof as ascertained by the surveyor shall be paid by the Corporation.

Corporation may require enlarged sewer.

66. The powers given by section 19 (Extension of 38 and 39 Vict. cap. 55 s. 41) of the Public Health Acts Amendment Act 1890 in relation to two or more houses belonging to different owners shall extend and apply to two or more houses belonging to the same owner.

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

67.—(1) Before the owner of any land within the city shall culvert or cover over any watercourse thereon forming part of the natural drainage of the area involved he shall submit for the approval of the Corporation plans sections and specifications of such watercourse and the method of culverting or covering over the same and the Corporation may subject as hereinafter provided require such owner so to construct any such culvert or so to cover over any such watercourse as to secure the free and uninterrupted passage of the water flowing in any such watercourse:

Watercourse not to be covered in except in accordance with approved plan.

A.D. 1911.

Provided that--

(a) No requirement of the Corporation under this section shall operate to compel any such owner to receive upon his land or to make provision for the passage of a greater quantity of water than he would have been obliged to receive or to permit to pass if this section had not been enacted:

(b) If with the consent of such owner the Corporation shall require him to make provision for the passage of a larger quantity of water than he is obliged to permit to pass at the time of the commencement of any work under this section any additional cost occasioned by such requirement shall be borne by the Corporation.

(2) If any difference shall arise between the Corporation and such owner as to the expediency necessity or otherwise of the works required by the Corporation to be executed such difference shall be referred to arbitration and the provisions of the Arbitration Act 1889 shall apply thereto.

(3) Any person offending against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Corporation may make communications between private drains and their sewers on payment &c.

68. If the owner or occupier of any premises within the city desires that the sewer or drain from such premises shall be made to communicate with any sewer of the Corporation such communication may be made by the Corporation upon the cost or estimated cost of making the communication being paid to the Corporation or the payment thereof to them being secured to their satisfaction and the Corporation may execute all works necessary for that purpose.

Reconstruction of drains.

69.—(1) It shall not be lawful for any person to reconstruct or alter the course of any drain communicating with any sewer of the Corporation except in accordance with the provisions of the byelaws of the Corporation relating to the drainage of existing buildings.

(2) Any person offending against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Notice of intention to repair drains.

70.—(1) It shall not be lawful for any person to repair any drain communicating with any sewer of the Corporation without

giving to the Corporation or the medical officer twenty-four hours' previous notice in writing of his intention to do so except in case of emergency and in that case it shall not be lawful for any person to cover over the drain without giving the like notice of his intention to do so. A.D. 1911.

(2) Free access to such drain or work of repair shall be afforded to the inspector of nuisances or any officer of the Corporation authorised in writing by the medical officer for the purpose of inspection.

(3) Any person who shall offend against this section shall be liable to a penalty not exceeding five pounds.

71.—(1) If a watercloset drain or soil pipe is so constructed or repaired as to be a nuisance or injurious or dangerous to health the person who undertook or executed such construction or repair shall unless he shows that such construction or repair was not due to any wilful act neglect or default be liable to a penalty not exceeding twenty pounds. Improper construction or repair of watercloset or drain.

(2) Provided that where a person is charged with an offence under this section he shall be entitled upon information duly laid by him to have any person being his agent servant or workman whom he charges as the actual offender brought before the court at the time appointed for hearing the charge and if he proves to the satisfaction of the court that he had used due diligence to prevent the commission of the offence and that the said other person committed the offence without his knowledge consent or connivance he shall be exempt from any penalty and the said other person may be summarily convicted of the offence.

72.—(1) If any person causes any drain watercloset earth-closet privy or ashpit to be a nuisance or injurious or dangerous to health by wilfully destroying or damaging the same or any water supply apparatus pipe or work connected therewith or by otherwise wilfully stopping up or wilfully interfering with or improperly using the same or any such water supply apparatus pipe or work he shall be liable to a penalty not exceeding five pounds. Wilful damage to drains water-closets &c.

(2) Provided that nothing in this section shall prejudice any right which the owner or occupier of any premises aggrieved by any such act may have to recover compensation in respect of any damage suffered by him by reason of such act.

A.D. 1911.
Street order-
ly bins.

73. The Corporation may provide and maintain orderly bins or other receptacles for the collection and temporary deposit of street refuse and waste paper in upon or under the streets of the city of such dimensions and in such positions as they may from time to time determine.

Soil pipes to
be ventilated.

74.—(1) The soil pipe of any watercloset within a house or building shall be properly ventilated by means of a pipe carried up therefrom or subject to the provisions of section 37 (Water or stack pipes not to be used as ventilating shafts) of the Public Health Acts Amendment Act 1907 if and when applied to the city by such other method as the Corporation shall direct.

(2) Any owner or occupier of such house or building who shall neglect or fail to comply with any requirement of the Corporation under this section for a period of twenty-eight days after notice in writing of such requirement and the mode in which the same is to be complied with shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Penalty on
occupiers re-
fusing execu-
tion of Act.

75. If the occupier of any house or part of a house shall prevent the owner thereof from carrying into effect any requirement of the Corporation under this Part of this Act or under any byelaw made thereunder then after notice of this provision shall have been given by the owner to the occupier any court of summary jurisdiction upon proof thereof may make an order in writing requiring the occupier to permit the owner to execute the works required by the Corporation to be done and if after the expiration of seven days from the service of such order the occupier shall continue to refuse to permit the owner to execute the said works he shall for every day during which he shall so continue to refuse be liable to a penalty not exceeding forty shillings and during the continuance of his refusal the owner shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such works.

Saving as
to railway
companies.

76. The provisions of this Part of this Act shall not extend or apply to any building (not being a dwelling house) belonging to and used and occupied by a railway company as a part of or in connection with their railway under any Act of Parliament.

PART VI.

A.D. 1911.

INFECTIOUS DISEASE AND SANITARY PROVISIONS.

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

For regulat-
ing manufac-
ture and sale
of ice-cream
&c.

- (a) Causes or permits ice-cream or any similar commodity or any materials used in the manufacture thereof to be manufactured sold or stored in any sleeping room or in any room cellar or place which is in a condition likely to render such commodity injurious to health or in which there is an inlet or opening to a drain; or
- (b) In the manufacture sale or storage of any such commodity does any act or thing likely to expose such commodity to infection or contamination or omits to take any proper precaution for the due protection of such commodity from infection or contamination; or
- (c) Omits on the outbreak of any infectious disease amongst the persons employed in his business to give notice thereof to the medical officer;

shall be liable to a penalty not exceeding forty shillings.

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

(3) Every dealer in ice-cream or other similar commodity vending his wares from any cart barrow or other vehicle or stand shall have his name and address legibly painted or inscribed on such cart barrow vehicle or stand and any person who shall fail to comply with this subsection shall be liable to a penalty not exceeding forty shillings.

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

Inspection
of premises
of dealer in
ice-cream.

A.D. 1911. of the Corporation would have under section 102 (Power of entry of local authority) of the Public Health Act 1875 in the cases therein mentioned.

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

Power to appoint additional inspectors of nuisances.

79. The Corporation may appoint more than one inspector of nuisances and sections 189 and 191 of the Public Health Act 1875 shall for the purposes of the execution of that Act within the city be construed accordingly.

Information to be furnished to medical officer and penalty for furnishing false information.

80.—(1) The occupier of any building in the city which is used for human habitation and in which there is or has been any person suffering from an infectious disease shall on the application of the medical officer at any time during the illness of such person or within six weeks from the occurrence of such illness furnish such information within his knowledge as the medical officer may reasonably require for the purpose of enabling measures to be taken to prevent the spread of the disease.

(2) Any occupier knowingly furnishing false information shall be liable to a penalty not exceeding forty shillings.

(3) In this section the expression "occupier" shall have the same meaning as in the Infectious Disease (Notification) Act 1889.

Removal of body of person dying of infectious disease.

81. When a person suffering from infectious disease whereof notice shall have been given to the medical officer shall die in the city of such disease the medical officer may give notice thereof to the person responsible for the conduct of the burial of the body of such person and in such case it shall not be lawful to transport such body by railway or other public conveyance (not being a conveyance reserved for such purpose) unless and until the medical officer has certified that every precaution necessary for the public safety has been adopted to his satisfaction and any undertaker and any person so responsible who shall after the giving of such notice knowingly remove or assist in removing such body without such certificate and any person who unless unaware of such notice shall procure or endeavour to procure the removal of such body without having obtained such certificate shall be liable to a penalty not exceeding ten pounds.

82. If any dairyman shall at the request of the Corporation stop his milk supply within the city on account of the spread or suspected spread of infectious disease or the probability that the consumption of such milk may cause tuberculosis to persons residing within the city the Corporation may make compensation to him for any loss occasioned by such stoppage and any such compensation may be paid out of the district fund or general district rate.

A.D. 1911.
Compen-
sation to
dairymen.

83. If any person shall at the request of the Corporation or of the medical officer stop his employment for the purpose of preventing the spread of infectious disease the Corporation may make compensation to him for any loss he may sustain by reason of such stoppage.

Compen-
sation to per-
sons ceasing
employment.

84.—(1) If the medical officer shall at any time receive notice of a case of infectious disease he may apply to the person who is required by section 3 (Notification of infectious disease) of the Infectious Disease (Notification) Act 1889 to send a notice of the case of infectious disease for the name and address of any laundryman to whom any clothes or other things may from time to time during the continuance of the infectious disease be sent for mangling or washing from the house in which the case of infectious disease exists and such person shall forthwith furnish such information accordingly.

Persons to
furnish
names of
laundrymen
to whom
clothes &c.
from infected
houses sent.

(2) Any person who shall offend against this section shall be liable to a penalty not exceeding five pounds.

85. For the purposes of section 112 (Restriction on establishment of offensive trade in urban district) of the Public Health Act 1875 a trade business or manufacture shall be deemed to be established not only if it is established anew but also if it is removed from any one set of premises to any other premises or if it is renewed on the same set of premises after having been discontinued for a period of six months or upwards or if any premises on which it is for the time being carried on are enlarged without the sanction of the Corporation but a trade business or manufacture shall not be deemed to be established anew on any premises by reason only that the ownership of such premises is wholly or partially changed or that the building in which it is established having been wholly or partially pulled down or burnt down has been reconstructed without any extension of its area.

Defining
establishing
of a new
business.

A.D. 1911.

Houses
infested with
vermin to be
cleansed.

86.—(1) If the medical officer has reasonable cause to suppose that any house is infested with vermin he or the inspector of nuisances may enter such house and may inspect and examine the same and any articles therein for the purpose of ascertaining whether such house is infested with vermin.

(2) Where on the certificate of the medical officer it appears to the Corporation that any house is infested with vermin the Corporation shall give notice in writing to the owner or occupier of such house or if the same be vacant to the owner thereof requiring him within a period to be specified in such notice to cleanse such house or the portion thereof specified in the notice and if so required in the notice to remove the wall paper or other covering from the walls of such house or the portion thereof specified in the notice and to take such other steps for the purpose of destroying and removing vermin as the case may require.

(3) If the person to whom such notice is given fails to comply therewith within the time therein specified he shall be liable on summary conviction to a fine not exceeding ten shillings for every day during which he makes default in complying with the requirements of such notice and the Corporation may if they think fit at any time after the expiration of the period specified in the notice themselves do any work required by the notice to be done and all reasonable costs and expenses incurred by the Corporation in so doing shall (subject as hereinafter provided) be recoverable summarily as a civil debt from the person making the default.

(4) Every person who shall wilfully obstruct any authorised officer or servant of the Corporation in carrying out the provisions of this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

(5) Upon any proceedings under this section the court may inquire as to whether any requirement contained in any notice given or any work done by the Corporation was reasonable and as to whether the costs and expenses incurred by the Corporation in doing such work or any part thereof ought to be borne wholly or in part by the person to whom the notice was given and the court may make such order concerning such costs and expenses or their apportionment as appears to the court to be just and equitable under the circumstances of the case.

Steam or gas
not to be
ejected so as

87. All steam or gas ejected from any fixed engine or the boiler or condensers thereof and all condensing water above a

temperature of one hundred and ten degrees Fahrenheit so ejected and all spent and ejected steam arising or produced in any trade business or manufacture shall be so discharged as not to be an annoyance to the public but nothing in this section shall apply to steam ejected from any locomotive boiler or engine now or hereafter belonging to any railway company Any person who shall offend against this section shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

A.D. 1911.
to be an
annoyance
to public.

88.—(1) Any river stream or watercourse or any part or parts thereof respectively within the city so choked up with weeds or other growth or so silted up as in either case to lessen the proper flow or usual effectual drainage of water through the same shall be deemed a nuisance within the meaning of the ninety-first section of the Public Health Act 1875 and all the provisions relating to nuisances of that Act shall apply to every such river stream or watercourse notwithstanding that the same may not be injurious to health.

Water-
course
choked up
to be a nuis-
ance under
Public
Health Act
1875.

(2) The provisions of this section shall apply to any river stream or watercourse flowing from the city into the River Severn including any part thereof forming the boundary between the city and the Gloucester Rural District.

89.—(1) Public notice of the foregoing provisions of this Part of this Act shall be given forthwith after the passing of this Act by advertisement in two newspapers published or circulating in the city and by a notice affixed outside the municipal offices and by the distribution of handbills amongst persons affected or likely to be affected so far as such persons can reasonably be ascertained.

Public
notice to be
given of
provisions
of this Part
of Act.

(2) Copies of the newspapers containing the advertisements shall be sufficient evidence that the provisions of this section have been complied with.

90. Any expenses of the execution by the Corporation of this Part of this Act shall be defrayed out of the district fund and general district rate.

Expenses
of Part VI.
of Act.

PART VII.

COMMON LODGING-HOUSES.

91.—(1) Notwithstanding anything in the Public Health Act 1875 the registration of a common lodging-house shall operate for one year only and application for the renewal of such regis-

Registration
of common
lodging-
houses.

A.D. 1911. tration shall be made to the Corporation on or previous to the thirty-first day of December in every year.

(2) Any person aggrieved by a refusal to renew the registration of a common lodging-house may appeal to a court of summary jurisdiction within fourteen days after such refusal provided he give twenty-four hours' notice of such appeal and of the grounds thereof to the town clerk and the court shall have power to make such order as they think fit and to award costs.

(3) Every person who after the thirty-first day of December one thousand nine hundred and eleven shall keep a common lodging-house without the registration of such house being renewed for the current year shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(4) Notice of the provisions of this section shall be served upon the keeper of every common lodging-house within the city either personally or by leaving the same at or sending the same to the common lodging-house.

(5) A copy of a notice endorsed with a certificate purporting to be signed by the town clerk that such notice has been served in accordance with the requirements of the last preceding subsection shall be sufficient evidence that the provisions of such subsection have been complied with.

Power medically to examine inmates of common lodging-houses where infectious disease is supposed to exist.

92. Whereas having regard to the local circumstances of the city and to the fact that the Corporation possess an efficient and adequate staff for the purpose it is hereby enacted as follows (that is to say):—

Whenever the medical officer shall report in writing to the Corporation that there is a prevalence of dangerous infectious disease in the city or any adjoining county or neighbouring county borough and that there are reasonable grounds to apprehend the spread or communication of such disease to persons within the city by persons resorting to common lodging-houses the Corporation may by resolution declare that by reason of the prevalence of the dangerous infectious disease named in the resolution it is expedient that the medical officer should be entrusted with the special powers hereinafter mentioned and subject as hereinafter provided the following provisions shall thereupon be in force within the city for such period as the

Corporation having regard to the circumstances of the case shall in the resolution determine (that is to say):— A.D. 1911.

(1) The medical officer may when authorised by warrant granted by any justice on complaint on oath by the medical officer that he has reason to believe that the dangerous infectious disease named in the resolution of the Corporation may exist or has recently existed in any common lodging-house in the city medically examine any person found in any common lodging-house in the city with a view to ascertaining whether such person is suffering or has recently suffered from such disease. Any person obstructing the medical officer in making the examination aforesaid shall be liable to a penalty not exceeding forty shillings for each offence:

(2) A copy of every such resolution shall forthwith be sent by the Corporation to every keeper of a registered common lodging-house in the city and to the Local Government Board:

(3) Unless approved by the Local Government Board any such resolution shall cease to be in force at the expiration of fourteen days after it is passed or any earlier date fixed by the Local Government Board:

(4) A warrant granted under this section may authorise the medical officer to exercise the powers of examination hereinbefore conferred during such period not exceeding the period during which the provisions aforesaid shall be in force as may be specified in such warrant.

PART VIII.

ELECTRICITY.

93. The Order of 1896 shall be read and construed as if the bridge carrying the Stroud Road over the Great Western and Midland Railways at Tuffley in the city and the approaches to such bridge were expressly mentioned in the Third Schedule to that Order. Amendment
of Order of
1896.

94.—(1) The Corporation may upon such part of the lands described in the Second Schedule to this Act as are or may become necessary therefor continue maintain alter improve extend rebuild renew and use their station for generating transforming converting and otherwise dealing with electrical energy together Continuance
of Corpora-
tion's elec-
trical station.

A.D. 1911: with such buildings machinery engines works and conveniences as may be required by the Corporation to enable them to carry into effect the objects of the Order of 1896.

(2) Notwithstanding the provisions of section 71 (Undertakers not exempt from proceedings for nuisance) of the Order of 1896 the Corporation shall not be liable to any indictment action or other proceeding for nuisance arising from vibration caused by the generation transforming converting or otherwise dealing with electrical energy at or upon their said station except in the case of the Corporation failing to adopt the best practicable and available means to prevent any such nuisance as soon as reasonably practicable and within six months after the service upon the town clerk of written notice by or on behalf of the person alleging that he is injuriously affected by such nuisance and giving general particulars of the alleged nuisance and its effects or within such period exceeding six months as may be allowed by an arbitrator to be appointed as hereinafter mentioned.

(3) Any difference which may arise between any such person and the Corporation as to whether the Corporation have adopted or as to what are the best practicable and available means to prevent any such nuisance or as to the time which should be allowed for adopting any such means shall be referred to and settled by an arbitrator to be appointed by the Board of Trade on the application of either party and the provisions of the Arbitration Act 1889 shall apply to any such reference which shall be without prejudice to any other remedies to which any such person may but for this clause be entitled in the event of the Corporation failing to adopt such means as aforesaid within the time allowed by the arbitrator for that purpose.

Power to construct electrical substations under streets.

95. The Corporation may construct and maintain in or under any street repairable by the inhabitants at large substations transforming stations and other works in connexion with their electrical undertaking and may in any such street provide and maintain all such means of access and approach to such substations transforming stations and works as may be necessary or convenient. Provided always that the Corporation shall not exercise the powers of this section so as to affect or interfere with any railway or work of the Midland Railway Company.

As to reserve fund for electricity undertaking.

96. Section 52 of the Order of 1896 is hereby amended so as to provide that the Corporation may set apart a reserve fund in respect of their electricity undertaking not exceeding one fifth of the capital value of such undertaking.

97. The Corporation may if they think fit make an allowance by way of discount not exceeding the rate of five pounds per centum on all sums of money due to the Corporation for the supply of electrical energy from any person who pays the same within such time of the demand thereof as the Corporation think fit to prescribe in that behalf and notice to this effect shall be endorsed on every demand note in respect of such charges Provided that the Corporation shall make the same allowance to all consumers under similar conditions.

A.D. 1911.
Discount on
electric sup-
ply accounts.

98.—(1) The Corporation may purchase sell let for hire and fix repair and remove but shall not manufacture electric motors for motive power and may supply all materials and work necessary or proper in that behalf and with respect thereto may demand and take such remuneration or rents and charges and make such terms and conditions as may be agreed upon The powers of this section include the wiring of private property but the Corporation shall not themselves execute such wiring except between the main of the Corporation and the consumer's meter nor shall they sell except through a contractor electric motors or apparatus necessary or proper to be used therewith.

Electric
motors.

(2) Provided as follows—

(a) The Corporation shall so adjust the charges to be made by them for any such electric motors or for the fixing repairing or removal thereof as to meet any expenditure by them under the powers of this section in connection therewith (including interest upon moneys borrowed for those purposes and all sums applied to sinking fund for repayment of moneys so borrowed):

(b) Every sum charged by the Corporation to a consumer in respect of the provision of such electric motors or the fixing repairing or removal thereof shall be separately stated on every demand note delivered by the Corporation to the consumer:

(c) The total sums expended and received by the Corporation in connection with the purposes in this section mentioned in each year (including interest and sinking fund) shall be separately shown in the published accounts of the electricity undertaking of the Corporation for that year.

99. Any expenses incurred by the Corporation in carrying into effect the provisions of this Part of this Act shall (subject as

As to
expenses and
receipts.

A.D. 1911. regards expenses incurred in carrying out the provisions of the section of this Act of which the marginal note is "Electric motors" to the provisions of that section) be deemed to be expenses incurred by the Corporation under the Electric Lighting Act 1882 and not otherwise provided for and the provisions of section 7 (Expenses of local authority) and section 8 (Power of local authority to borrow money) of that Act shall extend and apply accordingly to such expenses and any moneys received by the Corporation under this Part of this Act shall be applied in manner provided by section 52 (Application of revenue) of the Order of 1896 except capital moneys which shall be applied in manner provided by section 53 (Application of capital money) of that Order.

PART IX.

MARKETS AND FAIRS.

Sale of fruit and vegetables in cattle market.

100. The Corporation may appropriate or use any part of their cattle market as authorised to be enlarged by the Act of 1874 for the sale of fruit vegetables poultry and horticultural produce as well as agricultural produce and may demand and take tolls and charges not exceeding those specified in the Third Schedule to this Act in respect of the articles mentioned or referred to therein.

Freemen's exemption from toll.

101. There shall be reserved to the freemen of the city all and every the rights powers privileges franchises immunities and exemptions from all toll to which they or any of them are legally entitled in the same manner as they would have been entitled to or would have enjoyed the same in case this Act had not been passed :

Stock sold by a freeman to a non-freeman to pay only half toll.

Provided always and be it enacted that in every case in which a freeman of the city shall bring to any market or fair in the city any livestock produce or article in respect of which he may be entitled to exemption from toll and shall sell the same to any person not being a freeman of the city then and in every such case such non-freeman shall for or in respect of such livestock produce or article pay one half of the tolls authorised to be taken in respect thereof.

Exemption from toll in respect of lands for-

102. Nothing in this Act contained shall prejudice curtail or affect any right power privilege franchise immunity or exemption which any person might in respect of any land now or

formerly part of the possessions of the Duchy of Lancaster have legally claimed or enjoyed had this Act not been passed: A.D. 1911.

Provided always that—

(a) Any such person claiming exemption from tolls in respect of any animals or articles sent by him to any market or fair in the city shall if required and before such animals or articles enter the market or fair produce to the market toll collector a certificate stating the nature of his claim to such exemption and the situation of the land in respect of which he claims and shall in all cases deliver or cause to be delivered to such collector a declaration signed by him or some agent duly authorised by him in writing stating the number and description of the animals or articles and certifying that they are the bonâ fide property of such person and have been brought to the market or fair (allowing only reasonable time for transit) from the lands set forth in the certificate:

(b) Any person making a false declaration or otherwise improperly claiming exemption from tolls in respect of any market or fair in the city shall for every such offence be liable to a penalty not exceeding twenty pounds.

103. If any tenant shall not after any toll rent or charge has become due and payable to the Corporation in respect of any stall booth stand pen shed hiring fixture or property in any market or fair and after demand has subsequently been made therefor pay the same within three days of the demand the Corporation may enter upon and take possession of any such stall booth stand pen shed hiring fixture or property and re-let the same without prejudice to any other remedy for the recovery of such toll rent or charge. Power to take possession of stalls for non-payment of rent.

PART X.

TOWN HAM AND CORPORATION MEADOWS.

104. Notwithstanding the conditions on which the Board of Agriculture consented to the extinguishment of all rights of common over or in respect of the Oxleaze the Common or Town Ham Portham Little Meadow and the portion of Archdeacon Meadow to the south of the railway the Corporation shall subject Buildings on Corporation Meadows

A.D. 1911. to the proviso hereinafter contained be at liberty to use or permit others to use any part of the Oxleaze or Portham not being within fifty feet of the highway known as Over Causeway as a site for any building or buildings except dwelling-houses which the Corporation may think desirable in connection with the use of those meadows or neighbouring lands belonging to the Corporation :

Provided that no building (other than a building which is intended to be removed and is removed within one year from the date of the completion thereof) shall be erected or kept standing on such site under the provisions of this section without the previous consent of the Board of Agriculture and Fisheries who in giving or withholding their consent shall have regard to the same considerations and shall if necessary hold the same inquiries as are directed by the Commons Acts 1876 to be taken into consideration and held by the Board before forming an opinion whether an application under the Inclosure Acts shall be acceded to or not.

PART XI.

FINANCIAL.

Power to borrow.

105.—(1) The Corporation may from time to time independently of any other borrowing power borrow at interest for the purposes mentioned in the first column of the following table the respective sums mentioned in the second column thereof and they shall pay off all moneys so borrowed within the respective periods (each of which is in this Act referred to as “the prescribed period”) mentioned in the third column of the said table (namely) :—

1	2	3
Purpose.	Amount.	Period for Repayment.
(a) For the purchase of lands and easements for and for and in connection with the construction of the waterworks authorised by Part II. of this Act.	£ 27,000	Forty-five years from the date or dates of borrowing.
(b) For the purchase of lands for and for and in connection with the construction of the street improvements authorised by Part III. of this Act.	4,600	Sixty years from the date or dates of borrowing.
(c) For paying the costs charges and expenses of this Act.	The sum requisite.	Five years from the passing of this Act.

[1 & 2 GEO. 5.] *Gloucester Corporation Act*, 1911. [Ch. xcii.]

(2) The Corporation may also with the consent of the Local Government Board borrow such further moneys as may be necessary for any of the purposes of this Act. A.D. 1911.

Any moneys borrowed under this subsection shall be repaid within such period (in this Act referred to as "the prescribed period") as may be prescribed by the Local Government Board.

(3) In order to secure the repayment of the moneys borrowed under this section and the payment of the interest thereon the Corporation may mortgage or charge—

As regards moneys borrowed for the purposes (a) hereinbefore mentioned and any moneys borrowed for the purposes of the waterworks undertaking of the Corporation the revenue of that undertaking and the district fund and general district rate or either of those securities:

As regards moneys borrowed for the purposes (b) the district fund and general district rate:

As regards moneys borrowed for the purposes (c) the city fund and city rate and the district fund and general district rate in equal proportions:

As regards moneys borrowed with the consent of the Local Government Board such fund rate or revenue as that Board may prescribe.

The provisions of this subsection shall not limit the powers conferred upon the Corporation by the section of this Act whereof the marginal note is "Power to use one form of mortgage for all purposes."

106. The powers of borrowing money given by this Act shall not be restricted by any of the regulations contained in section 234 (Regulations as to exercise of borrowing powers) of the Public Health Act 1875 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. Section 234 of Public Health Act not to apply.

107. The following sections of the Act of 1894 shall with any necessary modifications extend and apply to the exercise of the powers of this Act as if the same were re-enacted in this Act namely:— Application of financial provisions of Act of 1894.

Section 88 (Provisions of Public Health Act as to mortgages to apply);

Section 92 (Protection of lender from inquiry);

Section 93 (Application of money borrowed).

A.D. 1911.

Mode of
payment off
of money
borrowed.

108. The Corporation shall pay off all moneys borrowed by them on mortgage under the powers of this Act either by equal yearly or half-yearly instalments of principal or of principal and interest combined or by means of a sinking fund or partly by one of those methods and partly by another or others of them and the payment of the first instalment or the first payment to the sinking fund shall be made within one year or when the money is repaid by half-yearly instalments within six months from the date of borrowing.

Sinking
fund.

109.—(1) If the Corporation determine to repay by means of a sinking fund any moneys borrowed by virtue of this Act such fund shall be formed and maintained either—

(a) By payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed. A sinking fund so formed is hereinafter called a “non-accumulating sinking fund”; or

(b) By payment to the fund throughout the prescribed period of such equal annual sums as with accumulations at a rate not exceeding three pounds per centum per annum will be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed. A sinking fund so formed is hereinafter called an “accumulating sinking fund.”

(2) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investments of the sinking fund shall unless applied in repayment of the loan in respect of which the sinking fund is formed be immediately invested in statutory securities the Corporation being at liberty from time to time to vary and transpose such investments.

(3) In the case of a non-accumulating sinking fund the interest on the investments of the fund may be applied by the Corporation towards the equal annual payments to the fund.

(4) The Corporation may at any time apply the whole or any part of any sinking fund in or towards the discharge of the moneys for the repayment of which the fund is formed. Provided that in the case of an accumulating sinking fund the Corporation shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to

the interest which would have been produced by such sinking fund or part thereof so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based. A.D. 1911.

(5)—(a) If and so often as the income of an accumulating sinking fund is not equal to the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any deficiency shall be made good by the Corporation :

(b) If and so often as the income of an accumulating sinking fund is in excess of the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any such excess may be applied towards such annual payments.

(6) Any expenses connected with the formation maintenance investment application management or otherwise of any sinking fund under this Act shall be paid by the Corporation in addition to the payments provided for by this Act.

(7) If it appears to the Corporation at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Act together with the probable accumulations thereon (in the case of an accumulating sinking fund) will not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Corporation to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose. Provided that if it appears to the Local Government Board that any such increase is necessary the Corporation shall increase the payments to such extent as the Board may direct.

(8) If the Corporation desire to accelerate the repayment of any loan they may increase the amounts payable to any sinking fund.

(9) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Act together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Local Government Board be more than sufficient to repay within the prescribed period the moneys for the repayment of which

A.D. 1911. the sinking fund is formed the Corporation may reduce the payments to the sinking fund either temporarily or permanently to such amounts as will in the opinion of the Local Government Board be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed.

(10) If the amount in any sinking fund at any time together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Local Government Board be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Corporation may with the consent of that Board discontinue the annual payments to such sinking fund until the Board shall otherwise direct.

(11) Any surplus of any sinking fund remaining after the discharge of the whole of the moneys for the repayment of which it was formed shall be applied to such purpose or purposes as the Corporation with the consent of the Local Government Board may determine.

Corporation
not to regard
trusts.

110. The Corporation shall not be bound to see to the execution of any trust whether express 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 of mortgages 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 encumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered in their register.

Power to
re-borrow.

111.—(1) The Corporation shall have power—

- (a) To borrow for the purpose of paying off any moneys previously borrowed under any statutory borrowing power which are intended to be forthwith repaid; or
- (b) To borrow in order to replace moneys which during the previous twelve months have been temporarily applied from other funds of the Corporation in repaying moneys previously borrowed under any statutory borrowing power and which at the time of such repayment it was intended to replace by borrowed moneys.

(2) Any moneys borrowed under this section shall for the purposes of repayment be deemed to form part of the original loan and shall be repaid within that portion of the period prescribed for the repayment of that loan which remains unexpired and the provisions which are for the time being applicable to the original loan shall apply to the moneys borrowed under this section. A.D. 1911.

(3) The Corporation shall not have power to borrow for the purpose of making any payment to a sinking fund or of paying any instalment or making any annual payment which has or may become due in respect of borrowed moneys.

(4) The Corporation shall not have power to borrow in order to replace any moneys previously borrowed which have been repaid—

- (a) By instalments or annual payments; or
- (b) By means of a sinking fund; or
- (c) Out of moneys derived from the sale of land; or
- (d) Out of any capital moneys properly applicable to the purpose of the repayment other than moneys borrowed for that purpose.

(5) Section 81 (Power to re-borrow) of the Act of 1855 section 38 (Power to re-borrow) of the Act of 1874 and section 91 (Power to re-borrow) of the Act of 1894 are hereby repealed but without prejudice to anything done or suffered to be done thereunder.

112. When under the provisions of any Act of Parliament or of any Order confirmed by or having the effect of an Act of Parliament whether passed confirmed or made before or after the passing of this Act the Corporation are empowered or required to form a sinking fund for the payment off of moneys borrowed or payable by them they may (in addition to any other powers for the time being vested in them) invest such sinking fund and the interest on the investments of such sinking fund in statutory securities. Power to invest all sinking funds in statutory securities.

113.—(1) Where the Corporation have for the time being any statutory borrowing power they may for the purpose of exercising such power grant mortgages in pursuance of the provisions of this section. Power to use one form of mortgage for all purposes.

(2) Every mortgage granted under this section shall be by deed truly stating the consideration and the time or the mode

A.D. 1911. of ascertaining the time and the place of payment and shall be sealed with the corporate seal of the Corporation and may be made in the form contained in the Fourth Schedule to this Act or to the like effect.

(3) All mortgages granted under this section shall rank equally without any priority or preference by reason of any precedence in the date of any statutory borrowing power or in the date of the mortgages or on any other ground whatsoever.

(4) The repayment of all principal sums and the payment of interest thereon secured by mortgages granted under this section shall be and the same are by virtue of this Act charged indifferently upon all the revenues of the Corporation.

(5) Nothing in this section contained shall alter or affect the obligations of the Corporation to provide for the repayment of the sums secured by mortgages granted under this section and all such sums shall be repaid within the periods by the means and out of the funds rates or revenues within by and out of which they would have been repayable respectively if this section had not been enacted.

(6) Nothing in this section contained shall alter or affect the obligations of the Corporation to provide for the payment of interest upon the sums secured by mortgages granted under this section and the interest upon such sums shall be paid out of the funds rates or revenues out of which such interest would have been payable respectively if this section had not been enacted.

(7) There shall be kept at the office of the Corporation a register of the mortgages granted under this section and within fourteen days after the date of any such mortgage an entry shall be made in the register of the number and date thereof and of the names and descriptions of the parties thereto as stated in the deed. Every such register shall be open to public inspection during office hours at the said office without fee or reward and the town clerk or other the person having the custody of the same refusing to allow such inspection shall be liable to a penalty not exceeding five pounds.

(8) Any mortgagee or other person entitled to any mortgage granted under this section may transfer his estate and interest therein to any other person by deed duly stamped truly stating the consideration and such transfer may be according to the form contained in the Fourth Schedule to this Act or to the like effect.

(9) There shall be kept at the office of the Corporation a register of the transfers of mortgages granted under this section and within thirty days after the date of every deed of transfer if executed within the United Kingdom or within thirty days after its arrival in the United Kingdom if executed elsewhere the same shall be produced to the town clerk who shall on payment of a sum not exceeding five shillings cause an entry to be made in such register of its date and of the names and descriptions of the parties thereto as stated in the deed of transfer and until such entry is made the Corporation shall not be in any manner responsible to the transferee. A.D. 1911.

(10) On the registration of any transfer the transferee his executors or administrators shall be entitled to the full benefit of the original mortgage and the principal and interest secured thereby and any transferee may in like manner transfer his estate and interest in any such mortgage and no person except the last transferee his executors or administrators shall be entitled to release or discharge any such mortgage or any moneys secured thereby.

(11) If the town clerk wilfully neglects or refuses to make in the register any entry by this section required to be made he shall be liable to a penalty not exceeding twenty pounds.

114.—(1) Where the Corporation are authorised by any statutory borrowing power to raise moneys for any purpose they may instead of exercising such borrowing power by the issue of any fresh security in respect thereof exercise the said power and raise the said moneys either wholly or partially by using for such purpose so much of any moneys for the time being forming part of a sinking fund as shall be available for the repayment of— Power to use sinking fund instead of borrowing.

(a) A loan which is secured by a charge on the same rate fund or revenue as would be specifically chargeable as the security for the repayment of a loan under the statutory borrowing power if the same were raised by the issue of a fresh security and which is not shown by the deed to be raised in exercise of a particular borrowing power specified therein; or

(b) Moneys borrowed and charged upon all the revenues of the Corporation in manner provided by the section of this Act whereof the marginal note is "Power to use one form of mortgage for all purposes" and not

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shown by the deed to be raised in exercise of a particular borrowing power specified therein.

(2) The Corporation when exercising the powers conferred on them by this section shall—

- (a) Withdraw from the sinking fund a sum equal to the amount of the statutory borrowing power proposed to be exercised by the user of moneys from such sinking fund:
- (b) Credit such sinking fund with the repayment of an amount of the principal moneys for the repayment of which the fund is established equal to the sum withdrawn from the sinking fund and thereupon the amount so credited shall be deemed to be principal moneys discharged by application of the sinking fund:
- (c) Debit the account of the statutory borrowing power proposed to be exercised with an amount of the principal moneys equal to the sum withdrawn from such sinking fund and thereupon the statutory borrowing power shall be deemed to have been exercised as fully as if the said amount had been raised by the issue of a fresh security and the provisions of any enactment as to the repayment and re-borrowing of sums raised under the statutory borrowing power shall apply thereto accordingly.

(3) The provisions of this section shall not apply to any sinking fund formed under the Local Loans Act 1875.

(4) The Corporation shall furnish all such information (if any) to the Local Government Board with regard to the exercise of the powers contained in this section as that Board shall require.

Return to
Local
Government
Board as
to sinking
fund.

115.—(1) The treasurer shall within forty-two 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 the sinking fund in respect of any of the moneys raised by the Corporation in pursuance of any statutory borrowing power and not raised by the issue of stock and at any other time when the Board may require such a return to be made transmit to the Board a return in such form as may be prescribed by the Board and if required by the Board verified by a statutory declaration of the treasurer showing for

[1 & 2 GEO. 5.] *Gloucester Corporation Act*, 1911. [Ch. xcii.]

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 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 together with such further information (if any) as the Board shall require and in the event of his failing to make such return the treasurer shall for each offence be liable to a penalty 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 Board out of the High Court. A.D. 1911.

(2) If it appears to the 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 the sinking fund (whether such instalment or annual payment or sum is required by the Act in pursuance of which the moneys are raised or by the Board in virtue thereof to be paid appropriated or set apart) or have applied any portion of the sinking fund to any purposes other than those authorised the Board may by order direct that the sum in such order mentioned not exceeding double the amount in respect of which default has 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 Board out of the High Court.

116. Any expenses of the execution by the Corporation of this Act with respect to which no other provision is made shall be defrayed by the Corporation out of the city fund and city rate or the district fund and general district rate as the Corporation may in their discretion having regard to the object of the expenditure deem just. Expenses of execution of Act.

117. Subject to the provisions of this Act the provisions of the Municipal Corporations Act 1882 relating to the keeping Audit of accounts.

A.D. 1911. and auditing of accounts and the accounts kept of sums of money received and paid under that Act shall extend to the keeping and auditing of accounts and to the accounts kept of sums of money received and paid under this Act.

Paid
auditors.

118. The Corporation may from time to time appoint and pay one or more members of the Institute of Chartered Accountants or of the Society of Incorporated Accountants and Auditors to act as auditor or auditors of the accounts of the Corporation in such manner as the Corporation direct in addition to the auditors appointed under the Municipal Corporations Acts.

PART XII.

MISCELLANEOUS.

Public
drinking
fountains.

119. The Corporation may within the city put up continue remove or discontinue drinking fountains and cattle troughs with proper conveniences for the gratuitous supply of water for drinking and for watering of cattle and horses at such fountains or troughs respectively.

Power to lay
pipes in
streets not
dedicated to
public use.

120. The Corporation may for the purpose of public lighting or water supply or for the purpose of supplying any premises on the application of the owner or occupier thereof with water or electricity where such premises are within the Corporation's water or electricity limits respectively and abutting on or being erected in any street laid out but not dedicated to public use lay down take up alter relay or renew in across or along such street such pipes and apparatus as may be requisite or proper for public lighting or for the supply of water or electricity as aforesaid and with regard to the exercise of the powers of this section for the purpose of water supply the Waterworks Clauses Acts 1847 and 1863 shall apply as if the street were a street within the meaning of those Acts:

Provided that any mains pipes or other apparatus which the Corporation may under the powers of this section lay down or execute or renew under or over or which may affect any railway roadways or works belonging to the Midland Railway Company shall be laid down and executed renewed and subsequently maintained by the Corporation under the direction and superintendence and to the reasonable satisfaction of the chief engineer of the Midland Railway Company and in accordance with plans and sections previously submitted to and approved by him and the Corporation shall make the Midland Railway Company full

compensation for all damage sustained by them by reason of the exercise of the powers of this section. A.D. 1911.

If any difference shall arise between the Corporation and the Midland Railway Company under this section such difference shall be settled by an engineer to be appointed by the President for the time being of the Institution of Civil Engineers at the request of either party.

121. The Corporation may erect or fix street fire alarms in such positions in any street road or public place within the city as they think fit Provided that nothing in this section shall authorise the transmission of any telegram which is within the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869. Fire alarms.

122. The Corporation may convert any clinkers or other refuse or surplus material or product arising in connection with their refuse destructor into slabs of artificial stone bricks concrete mortar and other materials and may construct such buildings and works and may in connection therewith provide and erect such machinery plant and appliances as may be required and any such slabs bricks concrete mortar or other materials so produced may be utilised by the Corporation for making and repairing streets or for any other purposes connected with the work of the Corporation for which they may be suitable or may be sold by the Corporation who shall carry the proceeds arising from any sales thereof to the credit of the district fund But the Corporation shall not create or permit any nuisance in connection with the working or use of their refuse destructor or in connection with the carrying out of the provisions of this section. Power to manufacture slabs &c. from destructor refuse.

123. The Corporation may close to the public and may reserve the exclusive use of any swimming bath belonging to them and may grant the use thereof to any company body or person (either gratuitously or for payment) for swimming contests practices or exhibitions of aquatic exercises or for any other entertainment or for meetings and may demand and take or authorise to be demanded and taken at the door or entrance of such swimming bath such sums for the exclusive use of such baths or for admission of persons thereto as they may think fit Provided that no such swimming bath shall be closed under the powers of this section for more than six days or for more than three consecutive days at any one time in any year. Use of swimming baths for exhibitions and entertainments.

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Notice of
certain
processions
to be given.

124.—(1) Any person or persons intending to organise or form a circus procession or procession of wild animals through the streets of the city shall give written notice thereof and of the route proposed to be taken and of the time at which it will take place to the Corporation by leaving such notice at the Guildhall twenty-four hours at least (exclusive of Sundays) previous to the time fixed for such procession to pass through the streets.

(2) If any such procession passes through the streets of the city without such notice having been previously given or otherwise than in accordance with such notice the person or persons organising or conducting such procession or any or either of them shall be liable to a penalty not exceeding five pounds each.

As to breach
of conditions
of consent of
Corporation.

125. Where under this Act or under any general or local Act for the time being in force in the city the Corporation give their consent to the execution of any work or the doing of any act or thing subject to any terms or conditions which they are authorised to impose any breach of any such terms or conditions shall be deemed as regards liability to a penalty and other consequences equivalent to the execution of the work or the doing of the act or thing without the required consent.

Authenti-
cation and
service of
notices &c.

126.—(1) Where any notice or demand under this Act or under any local Act provisional order or byelaw for the time being in force within the city requires authentication by the Corporation the signature of the town clerk or other duly authorised officer of the Corporation shall be sufficient authentication.

(2) Notices demands orders and other documents required or authorised to be served under this Act or under any local Act Provisional Order or byelaw for the time being in force within the city may be served in the same manner as notices under the Public Health Act 1875 are by section 267 (Service of notices) of that Act authorised to be served Provided that in the case of any company any such notice demand order or document shall be delivered or sent by post addressed to the secretary of the company at their registered office or at their principal office or place of business.

Confirmation
of byelaws.

127. The provisions of the following sections of the Public Health Act 1875 (namely):—

Section 182 (Authentication and alteration of byelaws);

Section 183 (Power to impose penalties on breach of byelaws);

Section 184 (Confirmation of byelaws); and

A.D. 1911.

Section 185 (Byelaws to be printed &c.);

so far as they relate to byelaws made by an urban sanitary authority shall apply to all byelaws made by the Corporation under the powers of this Act.

128. All consents given by the Corporation under the provisions of this Act shall be given in writing and unless otherwise prescribed may be given under the hand of the town clerk.

Consent of Corporation to be in writing.

129. Any person deeming himself aggrieved by any order judgment determination or requirement or the withholding of any certificate licence consent or approval of or by the Corporation or of or by any officer of the Corporation under the provisions of this Act or by any conviction or order made by a court of summary jurisdiction under the provisions of this Act may if no other mode of appeal is provided by this Act appeal to the next practicable court of quarter sessions under and according to the provisions of the Summary Jurisdiction Acts and in regard to any such order made by a court of summary jurisdiction the Corporation may in like manner appeal.

As to appeal.

130. Where under the provisions of this Act the Corporation shall construct or do any works for the common benefit of two or more buildings belonging to different owners the expenses which under this Act are recoverable by the Corporation from the owners shall be paid by the owners of such buildings in such proportions as shall be determined by the surveyor or in case of dispute by a court of summary jurisdiction.

Apportionment of expenses in case of joint owners.

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

Recovery of penalties &c.

132. Proceedings for the recovery of any demand made under the authority of this Act or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in any county court having otherwise jurisdiction in the matter provided that the

Recovery of demands.

A.D. 1911. demand does not exceed the amount recoverable in that court in a personal action.

Compensation may be in land &c.

133. The Corporation when they are required by any enactment to make compensation to any person interested in any lands may by agreement with such person make such compensation wholly or partly in works land or money but in the case of land for the alienation of which the consent of any public department is required only with such consent.

Compensation how to be determined.

134. When any compensation costs damages or expenses is or are by this Act directed to be paid and the method for determining the amount thereof is not otherwise provided for such amount shall in case of dispute be ascertained in the manner provided by the Public Health Acts.

Informations &c. by whom to be laid.

135. Save as otherwise by this Act expressly provided all informations and complaints under or in respect of the breach of any of the provisions of this Act or of any byelaws made thereunder may be laid and made by an officer of the Corporation authorised in that behalf or by the town clerk.

Penalties to be paid over to treasurer.

136. All penalties recovered on the prosecution of the Corporation or any officer of the Corporation on their behalf under this Act or under any byelaw thereunder shall be paid to the treasurer and be by him carried to the credit of the city fund or to such other fund as the Corporation shall direct.

Judges not disqualified.

137. A judge of any court or a justice shall not be disqualified from acting in the execution of this Act by reason of his being liable to any rate.

Application of section 265 of Public Health Act 1875.

138. Section 265 (Protection of local authority and their officers from personal liability) of the Public Health Act 1875 shall extend and apply to the purposes of this Act as if the same were re-enacted herein.

Saving for indictments &c.

139. Nothing in this Act shall protect any person from being proceeded against by way of indictment in respect of any matter by this Act made punishable on summary proceedings or shall relieve any person in respect of any such matter from any penal or other consequence to which he would have been liable if such matter had not been made punishable by this Act Provided that nothing in this Act shall make a person liable to be punished more than once for the same offence.

140.—(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.

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Inquiries
by Local
Government
Board.

(2) The Corporation shall pay to the Local Government Board any expenses incurred by that Board in relation to any inquiries referred to in 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.

141. 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 rights or remedies conferred on them or on any committee appointed by them by Act of Parliament charter law or custom and the Corporation or such committee (as the case may be) may exercise such other powers and be entitled to such other rights and remedies as if this Act had not been passed. Provided that no person shall incur more than one penalty (other than a daily penalty for a continuing offence) for the commission of the same offence.

Powers of
Act cumula-
tive.

142. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown.

Crown
rights.

143. The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed and ascertained by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the city fund or city rate and out of the district fund or general district rate in equal proportions or out of money to be borrowed under this Act for that purpose.

Costs of Act.

A.D. 1911. The SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

PREMISES OF WHICH PARTS ONLY ARE REQUIRED.

City.	Numbers on deposited Plans.
Gloucester - - - - -	33 34 39 41 42 43 51 52 and 53.

THE SECOND SCHEDULE.

All the pieces or parcels of land situate on the north-west side of Ladybellegate Street in the parish and city of Gloucester which or part of which are now used for the purposes of the electricity works of the Corporation and an approach road thereto and the piece of land on the south-west side of and adjoining such approach road lying between the electricity works and Ladybellegate Street as proposed to be widened to a width of 40 feet or thereabouts and having a frontage thereto of 114 feet or thereabouts which said pieces or parcels of land belong to the Corporation and comprise together an area of 4038 square yards or thereabouts and are bounded on the south-east by Ladybellegate Street as proposed to be widened as aforesaid on the north-east and south-west by properties belonging to the Corporation and on the north-west by other property of the Corporation and properties belonging to John Henry Jones (surviving trustee and executor of the late Benjamin Browning) and John Smith.

THE THIRD SCHEDULE.

A.D. 1911.

WHOLESALE MARKET FOR FRUIT VEGETABLES POULTRY AND
OTHER AGRICULTURAL AND HORTICULTURAL PRODUCE.

For fruit vegetables trees shrubs cider perry poultry game &c.
exposed or offered for sale for each day not exceeding the sums following
(that is to say) :—

	Not exceeding <i>s. d.</i>	
Fruit—		
For every hamper sieve box cask bag or sack - - - - -	0	1
Vegetables—		
For every hamper sieve bag sack dozen or dozen bunches or bundles - - - - -	0	1
For every large crate of - - - - -	0	2
Trees shrubs plants flowers mistletoe and holly—		
For every cart load of - - - - -	1	0
For every barrow truck or hand cart load of - - - - -	0	6
For every bundle of - - - - -	0	3
Cider and perry—		
For every cask not exceeding 100 gallons - - - - -	0	6
For every cask not exceeding 50 gallons - - - - -	0	3
Poultry game &c.—		
Fowls rabbits hares pigeons ducks and game per couple - - - - -	0	1
Geese and turkeys per head - - - - -	0	1
General—		
For fruit vegetables produce articles and things of any description or quantity not above particularly specified such reasonable sum or sums as the Corporation may think fit.		

THE FOURTH SCHEDULE.

FORM OF MORTGAGE.

CITY OF GLOUCESTER.

By virtue of the Gloucester Corporation Act 1911 and of other
their powers in that behalf them enabling the mayor aldermen and
citizens of the city of Gloucester in the county of the city of Gloucester

A.D. 1911. (herein-after referred to as "the Corporation") in consideration of the sum of _____ pounds paid to the treasurer of the city by _____ (herein-after referred to as "the mortgagee") do hereby grant and assign unto the mortgagee [his] executors administrators and assigns such proportion of the revenues of the Corporation in the said Act defined as the said sum so paid doth or shall bear to the whole sum which is or shall be charged on the said revenues To hold unto the mortgagee [his] executors administrators and assigns from the day of the date of these presents until the said sum of _____ pounds shall be fully paid and satisfied with interest for the same (subject as herein-after provided) at the rate of _____ per centum per annum from the _____ day of _____ one thousand nine hundred and _____ until payment of the said principal sum such interest to be paid half-yearly on the _____ day of _____ and the _____ day of _____ in each year And it is hereby agreed that the said principal sum of _____ pounds shall be repaid at the Guildhall in the said city [(subject as herein-after provided) on the _____ day of _____ one thousand nine hundred and _____] [by _____]:

Provided always and it is hereby agreed and declared that the before-mentioned time for repayment may be extended to such subsequent day or days and upon any such extension the before-mentioned rate of interest may be altered to such other rate or rates of interest as shall from time to time be agreed upon and mentioned in an endorsement to be made hereon under the hand of the mayor and town clerk of the city for the time being respectively and that upon any such endorsement being made whether relating to extension of time only or to extension of time with alteration of rate of interest the provisions thereof shall be incorporated herewith and shall operate and take effect as though they had been originally inserted herein.

In witness whereof the Corporation have caused their corporate seal to be hereunto affixed this _____ day of _____ one thousand nine hundred and _____

THE ENDORSEMENT WITHIN REFERRED TO.

The within-named _____ consenting the within-mentioned time for repayment of the within-mentioned principal sum of _____ is hereby extended to the _____ day of _____ one thousand nine hundred and _____ [and the interest to be paid thereon on and from the _____ day of _____ one thousand nine hundred and _____ is hereby declared to be at the rate of _____ per centum per annum].

Dated this _____ day of _____ one thousand nine hundred and _____

FORM OF TRANSFER OF MORTGAGE.

A.D. 1911.

I [the within-named] of [] in consideration of the sum of [] pounds paid to me by [] of [] (herein-after referred to as "the transferee") do hereby transfer to the transferee [his] executors administrators and assigns [the within-written security] [the mortgage number [] of the revenues of the mayor aldermen and citizens of the city of Gloucester in the county of the city of Gloucester bearing date the [] day of [] and all my right and interest under the same subject to the several conditions on which I hold the same at the time of the execution hereof and I the transferee for myself my executors administrators and assigns do hereby agree to take the said mortgage security subject to the same conditions.

Dated this [] day of [] one thousand nine hundred and []

THE FIFTH SCHEDULE.

THIS INDENTURE made the twenty-third day of September nineteen hundred and ten between FRANK RICARDO of Bure Homage Christchurch in the county of Hants Esquire (herein-after called "the owner") of the one part and the MAYOR ALDERMEN AND CITIZENS OF THE CITY OF GLOUCESTER in the county of the city of Gloucester acting by their Council (herein-after called "the Corporation") of the other part.

Stamp

Ten
Shillings

WHEREAS under or in pursuance of the Gloucester Corporation Act 1894 (herein-after called "the Act of 1894") the Corporation purchased land and constructed a well pumping station and other works in the parish of Oxenhall in the county of Gloucester and purchased other land and constructed a service reservoir at Madam's Wood in the parish of Newent in the said county and also laid pipes for conveying water from the said pumping station to the said reservoir and from the said reservoir to the city of Gloucester and such lands and works are now comprised in the water undertaking of the Corporation:

And whereas the Corporation are desirous of obtaining an additional supply of water for their said water undertaking and for that purpose propose to construct a well and pumping station in the neighbourhood of Ketford and to pump water therefrom to their said reservoir at Madam's Wood:

And whereas the owner is seized for an estate of inheritance in fee simple in possession of the lands and hereditaments herein-after

A.D. 1911. described and of other lands and hereditaments in the parishes of Dymock, Redmarley and Pauntley in the county of Gloucester and lying between Ketford and the said reservoir at Madam's Wood :

And whereas by an Indenture of even date the owner has demised to the Corporation upon the terms and conditions therein mentioned all those pieces or parcels of land containing 2·12 acres or thereabouts situate near Ketford Bridge in the parish of Dymock in the county of Gloucester being parts of the pieces or parcels of land Nod. 255 256 140 158 and 159 on the $\frac{1}{2500}$ Ordnance map second edition 1903 of that parish which said pieces or parcels of land are delineated and more particularly described in the map or plan drawn on these presents and thereon coloured pink and are herein-after referred to as "the proposed site" And also all that strip or piece of land fifteen feet wide and containing ·12 acres or thereabouts being part of the said piece of land Nod. 255 on the said Ordnance map and lying between the south-west corner of the land herein-before described and the road leading from Ketford to Pool Hill and which strip or piece of land is delineated and more particularly described in the said map or plan drawn on these presents and thereon coloured yellow and has authorised the Corporation to sink wells upon the proposed site for the purpose of ascertaining whether they can obtain a sufficient and satisfactory supply of water therefrom :

And whereas the owner has agreed to sell the proposed site and strip of land to the Corporation upon the terms and conditions herein-after mentioned and to enter into the agreements herein-after expressed :

Now this Indenture witnesseth as follows:—

1. If before the expiration of five years from the date hereof the Corporation shall give to the owner notice that they require to purchase the proposed site and the said strip of land for the purposes of their said water undertaking then the owner shall sell and the Corporation shall purchase at the price or sum of one hundred and sixty pounds the freehold and inheritance in fee simple of and in the proposed site and strip of land with all rights and interests therein and including all mines and minerals thereunder free from incumbrances.

2. If required by notice given by the Corporation to the owner within five years after the date of the conveyance or assurance of any land purchased in pursuance of the preceding paragraph the owner shall also grant to the Corporation full and free right and liberty at any time within five years from the date of such notice to drive and make and at all times thereafter to maintain such tunnels and driftways as the Corporation their successors and assigns may consider necessary or convenient for the purposes of their water undertaking through or under any part of the said pieces or parcels of land Nod. 255 158 and 159 on the said Ordnance map of the said parish of Dymock which

may not be purchased by the Corporation and under any part or parts of the neighbouring lands Nod. 223 224 225 and 257 on the said map of the said parish but not under the house called 'The Rocks' such tunnels and driftways to be carried out to the reasonable satisfaction of the owner or his agent And also to make in or upon all or any such parts or part aforesaid of the same hereditaments except as aforesaid such temporary workings and such permanent or temporary ventilating shafts to be first approved by the owner or his agent as the Corporation their successors and assigns may consider necessary or convenient for the purpose of sinking driving maintaining or ventilating any such shafts tunnels or driftways but so that such works shall not be unsightly to the neighbourhood or carried out in such a manner as to cause subsidence of the surface or any annoyance or disturbance and in constructing any such works as aforesaid to dig remove carry away or otherwise dispose of all such minerals as may necessarily or reasonably be dug removed carried away or otherwise disposed of in the course of construction without liability to account therefor or for the proceeds thereof to the owner And also the right to deposit upon such part of such lands as the owner thereof from time to time may direct any earth or spoil taken from any such shaft tunnel driftway or working Provided always that no such tunnel or driftway shall be driven or made by the Corporation their successors or assigns at a depth less than fifty feet from the surface of the hereditaments under which such tunnel or driftway shall be driven or made And the Corporation shall pay to the owner for and in respect of any and every tunnel or driftway which may be made through or under any land of the owner which may not be purchased by the Corporation at the rate of five pounds per chain for the length which any such tunnel or driftway shall extend beyond the boundary of the land purchased by the Corporation through or under the remaining lands of the owner and also fair compensation (the amount thereof to be in case of dispute settled by arbitration) to the owner lessee or tenant for the time being for any crops upon the said lands which may be injured or destroyed in carrying out the said works or for the temporary occupation of any of the said lands which cannot be planted or used in consequence of the carrying out of the said works and also for any land which may be taken enclosed or used for any permanent ventilating shaft.

3. The prices or rates mentioned in paragraphs one and two shall include satisfaction and compensation for all damage or injury sustained or to be sustained by the owner or other the owner for the time being of the other lands of the owner which shall be occasioned by reason of the severing of the land purchased from the other lands of the owner or otherwise but the Corporation shall pay the compensation (if any) to which the tenant or occupier of the land purchased may be fairly entitled in respect of tenant's rights or any damage he may sustain

[Ch. xcii.] *Gloucester Corporation Act, 1911.* [1 & 2 GEO. 5.]

A.D. 1911. beyond such fair abatement of rent as may have to be allowed by the owner.

4. If the Corporation shall within the period before-mentioned give notice of their intention to purchase the proposed site and said strip of land as aforesaid the owner shall within twenty-one days after being thereto required deliver to the town clerk of the Corporation an abstract of the title to the said land and hereditaments but to such extent only as the town clerk shall require and shall produce the deeds and muniments of title and other evidences in proof of the same and the owner and all other necessary parties shall execute proper assurances to the Corporation or as they shall require of the land and hereditaments purchased and of any easements to be acquired under any other lands of the owner and all necessary or usual acknowledgments of the right to the production and undertakings for the safe custody of any documents of title not handed over to the Corporation.

5. The purchase shall be completed and the said purchase money shall be paid within three calendar months from the date of the service of the said notice but if from any cause other than the wilful default of the owner the purchase money shall not be paid within the said three calendar months from the date of the service of the said notice the Corporation shall pay interest at the rate of five pounds per cent. per annum from the expiration of the said three calendar months to the actual payment thereof Provided nevertheless that notwithstanding that the purchase shall not be completed and the purchase money paid the Corporation shall be entitled to retain possession of the land to be purchased.

6. For the benefit and protection of the owner and his heirs and assigns (all of whom are in this paragraph included in the expression "the owner") the following provisions shall unless otherwise agreed between the owner and the Corporation be incorporated in the conveyance or assurance to the Corporation and shall apply and have effect and be binding on the Corporation (that is to say):—

- (1) During the execution of the proposed works or as soon as practicable thereafter the Corporation shall properly tub or line and afterwards keep tubbed or lined the proposed well for a depth of not less than fifty feet below the natural surface of the ground and the Corporation shall also in like manner and to a corresponding depth tub or line and afterwards keep tubbed or lined any temporary working or ventilating shafts (if any) which it may be found necessary to make to facilitate the execution of the works and which it may be determined to keep open after the completion of the works so as to prevent as far as practicable any water entering any such well or shaft within that distance of the natural surface of the ground:

- (2) The Corporation shall afford the owner and his agent all reasonable facilities to enter and inspect any boring well tunnel driftway or other works which may be carried out by the Corporation upon the land purchased or under any adjoining land of the owner: A.D. 1911.
- (3) The Corporation shall at their own expense erect (where necessary) and at all times thereafter maintain to the reasonable satisfaction of the owner or his agent a proper and sufficient boundary fence for dividing the land purchased from the remaining lands of the owner:
- (4) The Corporation shall also provide and fix two entrance gates convenient for the said remaining lands at such spots as the owner or his agent shall select:
- (5) The Corporation shall not in any way pollute the water of the stream shown upon the said plan. The Corporation shall be at liberty to take water from such stream for use in any boilers which may be used in connection with the pumping or other machinery upon the proposed site but save as aforesaid the Corporation shall not pump or otherwise intentionally take water from the said stream. In addition to lining the proposed well and any temporary working or ventilating shafts as mentioned in paragraph (1) of this clause the Corporation shall also if necessary adopt any other reasonable precautions to avoid in any way materially diminishing the flow of water in the said stream or prejudicially affecting the fishing therein and if they shall in any way materially diminish the flow of water in the said stream or prejudicially affect the fishing therein they shall pay compensation (to be settled by arbitration in the manner herein-after provided) to the owner for any loss or damage that may be sustained by him by reason of such diminution or interference:
- (6) At any time after the completion of any well and pumping station which may be constructed by the Corporation upon the proposed site and so long as such works shall be used by the Corporation for supplying or supplementing the existing water supply of the city of Gloucester the Corporation shall if desired by the owner supply water to the houses or farm buildings of the owner called or known as (1) The Rocks (2) Ketford (3) Herridges (4) Rylas Farm (5) Compton House (6) Compton Buildings (7) Compton Cottages (8) The White House (9) the farm buildings at Whitehall (10) Brand Green Cottage (11) Wood House Cottage and (12) Tower House Cottage all of which are situate adjoining or near to

A.D. 1911.

the road leading from Ketford Bridge to Madam's Wood in manner and upon the terms following (that is to say):—

(a) The Corporation shall if desired by the owner supply for each of the two houses known as The Rocks and Ketford and for the farm buildings known as Herridges a free supply of water up to two hundred and fifty gallons per day the Corporation bearing the expense of laying and the owner the expense of maintaining the pipes from the water main of the Corporation to such houses or buildings respectively any supply of water to any of the said houses or buildings exceeding two hundred and fifty gallons in any one day to be paid for by the owner at the rate of one shilling per one thousand gallons the said water to be supplied through a meter or meters to be fixed as near as practicable to the water main of the Corporation and at such place or places as the surveyor of the Corporation and the owner or his agent shall jointly appoint The said meter or meters shall be provided by the Corporation at their own expense but the owner shall pay to the Corporation a meter rent of eight shillings per annum for every meter so provided;

(b) The Corporation shall permit the owner of any other of the said houses or buildings at any time after the completion of the said works at his own expense to connect with the main of the Corporation at such point and in such manner as the surveyor of the Corporation for the time being shall direct any service pipe or service pipes which may be necessary or proper to enable a supply of water to be carried to the said houses or buildings or any of them;

(c) Except as provided in paragraph (a) with regard to the houses or buildings known as The Rocks Ketford and Herridges the Corporation shall be entitled to charge and recover from the owner or occupier of any house or premises so supplied for all water supplied thereto at the rate of one shilling per one thousand gallons;

(d) All water so supplied shall be supplied through a meter or meters and any meter or meters necessary or proper for the purpose aforesaid shall be erected and maintained by the Corporation at their own expense but the owner or occupier of every such house or premises shall pay to the Corporation a meter rent of eight shillings per annum for every meter so erected and maintained Every such meter shall be placed as near as may be to the main of the Corporation but otherwise at such point

or points as the surveyor of the Corporation for the time being and the owner or his agent shall jointly approve; A.D. 1911.

(e) The readings of the meter or meters shall be taken half-yearly on or near the twenty-fifth day of March and the twenty-ninth day of September in every year and shall be deemed *prima facie* and sufficient evidence of the quantity of water supplied by the Corporation through such meter or meters unless it be shown or admitted that any meter or meters is or are out of order and unreliable in which case the quantity or quantities supplied shall in default of agreement be determined under the arbitration clause herein-after contained. All water wasted by reason of leakage or otherwise after passing through the meter or meters shall be deemed to have been duly supplied under these presents;

(f) In every half-year the Corporation shall as soon as conveniently may be after the readings of the meters have been taken send to the tenant or occupier of any hereditaments supplied with water under these presents an account showing the amount due to the Corporation for water supplied to such hereditaments. The owner of the hereditaments so supplied shall use his best endeavours to procure payment to the Corporation by such tenant or occupier of the amount appearing to be due on each such account within one calendar month from the delivery thereof and such tenant or occupier shall be liable to forthwith pay the same;

(g) If default shall be made in payment either by the tenant or occupier or the owner of any hereditaments supplied with water under these presents for six weeks after the delivery of any such account as aforesaid of the amount due to the Corporation the Corporation may after notice in writing to the owner cut off the water supply to such hereditaments by such means as the Corporation may think fit and for the purpose of cutting off such supply may enter upon any part of the lands and hereditaments upon which any of the water service pipes or fittings are laid or fixed and do all acts and things therein or thereupon as may be reasonably necessary but in the event of a new tenant being found for the premises in respect of which default shall have been made in such payment as aforesaid and in respect of which the water supply shall have been stopped or in the event of the owner resuming possession thereof the Corporation shall immediately upon the new tenant taking possession or upon the owner resuming possession and upon the new

A.D. 1911.

tenant or owner agreeing to pay the charges payable in respect of the water thereafter supplied to him renew the water supply to the said premises whether the amount owing by the previous tenant has been paid or not;

(h) Provided nevertheless and it is hereby agreed that the Corporation shall not be responsible for any stoppage or insufficiency of the water supply to any of the said hereditaments that may be occasioned by frost unusual drought failure of machinery or other accident or unavoidable cause or by the liability of the Corporation to maintain a sufficient supply of water for all purposes to persons within their limits of supply provided the Corporation shall (and they undertake that they will) take all reasonable steps to resume the ordinary supply of water under these presents as quickly as possible.

7. If any difference shall arise in regard to the construction of these presents or any clause hereof or any act or thing to be done or payment to be made or right or liability hereunder such difference shall be forthwith referred to two arbitrators one to be appointed by each party in difference or their umpire or in the event of there being more than two parties in difference to a single arbitrator to be appointed in default of agreement by the Attorney-General and such arbitration shall be subject in all respects to the provisions of the Arbitration Act 1889 or any statutory modification or re-enactment thereof for the time being in force.

8. The Corporation shall pay to the owner the sum of twenty-five guineas for his solicitors and other costs in connection with this agreement in addition to such other costs as are provided for by the Lands Clauses Consolidation Act 1845.

In witness whereof the owner hath hereunto set his hand and seal and the Corporation have hereunto affixed their common seal the day and year first before written.

Signed sealed and delivered by
the said Frank Ricardo in the
presence of

GERALD H. HOOPER

Land agent of Gittisham Honiton
Devon.

FRANK RICARDO

L.S.

Common seal of the Corporation
affixed in the presence of

F. HANNAM-CLARK

Mayor.

Seal of
Corporation.

THE SIXTH SCHEDULE.

A.D. 1911.

ARTICLES OF AGREEMENT made and entered into this twenty-eighth day of April one thousand nine hundred and eleven between the NEWENT RURAL DISTRICT COUNCIL for the Newent Rural District in the county of Gloucester (herein-after called "the Newent Council") of the one part and the MAYOR ALDERMEN AND CITIZENS OF THE CITY OF GLOUCESTER in the county of the city of Gloucester acting by their Council (herein-after called "the Corporation") of the other part.

Stamp.

Ten
Shillings.

WHEREAS the Corporation are promoting a Bill to empower the Corporation to construct additional waterworks and for other purposes under which it is proposed to construct Work No. 1 a well and pumping station with bore-holes adits tunnels shafts and other works in the parish of Pauntley in the county of Gloucester and Work No. 3 an aqueduct conduit or line of pipes commencing in the said parish of Pauntley at the proposed well and pumping station Work No. 1 passing through the parish of Newent and terminating in the parish of Upleadon all in the county of Gloucester by a junction with the outlet pipe from the more northerly of the two reservoirs belonging to the Corporation at Madam's Wood:

And whereas the said parishes of Pauntley Newent and Upleadon and the parish of Dymock in the said county of Gloucester are situate within the Newent Rural District:

And whereas the parishes of Redmarley D'Abitot and Staunton in the county of Worcester constitute a separate rural district the affairs of which are in pursuance of an order made under the Local Government Act 1894 administered by the Newent Council:

And whereas the Newent Council have petitioned against the said Bill:

And whereas the Corporation in order to dispose of such opposition are willing to supply a limited quantity of water in bulk to the Newent Council in the events and on the terms herein-after mentioned:

Now therefore it is hereby mutually agreed by and between the parties hereto as follows:—

1. The Newent Council shall not further oppose the said Bill.

2. After the completion of the proposed works and so long as they shall be used by the Corporation for supplying or supplementing the existing water supply of the city of Gloucester or the limits of water supply of the Corporation as shown on the map of such water limits mentioned in section 7 of the Act of 1894 and after not less than three calendar months previous notice in writing from the Newent

A.D. 1911. Council of their desire to be supplied with water and stating approximately the daily quantity required the Corporation shall supply water in bulk to the Newent Council for the use of inhabitants of the said parishes of Pauntley Newent Upleadon Dymock Redmarley D'Abitot and Staunton in manner and upon the terms following (that is to say) :—

- (1) The Newent Council (in addition to the two amounts of twenty-five thousand and fifteen thousand gallons of water to which they are entitled under the agreement set out in the First Schedule to the Act of 1894) to be entitled to a continuous supply of water for the use of the inhabitants of the parishes of Pauntley Newent Upleadon Dymock Redmarley D'Abitot and Staunton in such quantity as may be required by notice as aforesaid up to twenty-five thousand gallons per day at the rate or charge of sevenpence per one thousand gallons—any larger quantity that may be required and which the Corporation may be able to supply from the proposed works in their then existing condition and after providing for the requirements of the city of Gloucester and the aforesaid limits of water supply of the Corporation to be charged for at the rate of one shilling per one thousand gallons:
- (2) The water to be supplied from the said aqueduct conduit or line of pipes (Work No. 3) through a junction or junctions to be fixed at some point or points to be agreed upon or failing agreement to be determined by arbitration as hereinafter provided and to be delivered through a meter or meters to be fixed to such junction or junctions as near the said aqueduct conduit or line of pipes as practicable such junctions and meters to be provided fixed and maintained by the Corporation at the expense of the Newent Council:
- (3) The said meter or meters to be open to the inspection of both parties who shall respectively be entitled to have the accuracy thereof tested but such meter or meters shall not (except in case of emergency) be removed altered or interfered with except by the Corporation after at least twenty-four hours' written notice to or with the written consent of the clerk or water inspector of the Newent Council:
- (4) The readings of the meter or meters shall be taken quarterly on or near the four usual quarter days and shall be deemed *primâ facie* and sufficient evidence of the quantity of water taken or consumed unless it shall be shown or admitted that any meter or meters is or are out of order and unreliable in which case the Corporation may adopt and charge for the quantity recorded by the same or the

corresponding meter or meters in the corresponding quarter of the previous year and the Newent Council shall pay to the Corporation for all water supplied under this agreement within one calendar month after the delivery of the quarterly account for water supplied ;

A.D. 1911.

- (5) All mains and services that may be required for distributing the water to be supplied to the Newent Council as aforesaid to be provided laid maintained and kept in repair by and at the expense of the Newent Council ;
- (6) If through leakage waste or otherwise the quantity of water delivered through the meter or meters to the Newent Council shall at any time exceed the maximum daily quantity hereinbefore mentioned or hereafter agreed upon the Corporation shall be entitled forthwith and at the expense of the Newent Council to execute any repairs necessary for stopping leakage and after giving twenty-four hours written notice to the Newent Council or their clerk to regulate the daily quantity of water supplied by partially closing a valve fixed for the purpose or by totally closing the said valve and giving an intermittent supply during a limited number of hours only each day and the Newent Council shall pay to the Corporation any extra or special expenses that may be incurred by them in so doing ;
- (7) Provided always and it is hereby agreed that the Corporation shall not be responsible for any stoppage or insufficiency of the water supplied to the Newent Council that may be occasioned by frost failure of machinery or other accidents or unavoidable cause but in any such case the Corporation shall take all reasonable steps to resume the ordinary supply as quickly as possible ;
- (8) Except as hereinbefore expressly provided nothing in this agreement shall affect the provisions of the agreement set out in the First Schedule to the Act of 1894 :
- (9) If any difference shall arise between the Newent Council and the Corporation in regard to the construction of any of the articles herein contained or to any act or thing to be done or payment to be made in pursuance hereof or in regard to the rights or liabilities of either party hereunder or to any other matter or thing relating to this agreement such difference shall be referred to and determined by a single arbitrator to be agreed on between the parties or in default of agreement to be appointed on the application of either party by the President of the Institution of Civil Engineers and the provisions of the Arbitration Act 1889 shall apply to any such arbitration :

[Ch. xcii.] *Gloucester Corporation Act, 1911.* [1 & 2 GEO. 5.]

A.D. 1911.

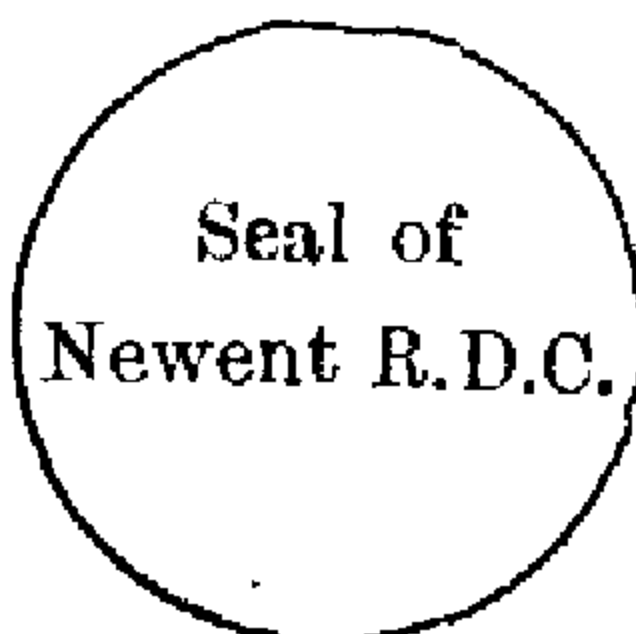
(10) This agreement shall be scheduled to and become part of the said Bill and be subject to such alterations as Parliament may think fit to make therein but if Parliament make any material alteration therein it shall be competent to either party to withdraw the same.

In witness whereof the said parties hereto have hereunto affixed their respective common seals the day and year first above written.

The common seal of the Newent Council was hereunto affixed in the presence of

W. P. THACKWELL

Chairman of the Newent Rural District Council.



The common seal of the Corporation was hereunto affixed in the presence of

JAMES BRUTON

Mayor.

GEO. SHEFFIELD BLAKEWAY

Town Clerk.



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