**CHAPTER clv.**

An Act for further improving the Navigation of the River
Severn for conferring additional powers on the Severn
Commissioners and for other purposes.

A.D. 1890.

[4th August 1890.]

WHEREAS by divers Acts of Parliament (hereinafter called
“the Severn Navigation Acts”) the Severn Commissioners
(hereinafter called “the Commissioners”) have been incorporated
and empowered to make and maintain works for the improve-
ment of the navigation of the River Severn from the lower
parting at Portham Mead and the entrance lock of the Herefordshire
and Gloucestershire Canal respectively in the county of Gloucester
to Gladder or Whitehouse Brook in the county of Worcester and
for those purposes to levy tolls and to raise moneys on the security
thereof:

And whereas the Commissioners now owe on mortgages
made under the Severn Navigation Acts or some of them for
the purposes of the undertaking the sum of one hundred and
seventy-nine thousand nine hundred and forty-four pounds two
shillings and fivepence:

And whereas it is expedient that the Commissioners should
be empowered to execute the works by this Act authorised for
further improving the navigation of the River Severn and for that
purpose to raise further moneys:

And whereas the undertaking of the Sharpness New Docks and
Gloucester and Birmingham Navigation Company (hereinafter
called “the Navigation Company”) will be benefited by such
works or some of them and it is essential that the lock or locks of
that Company forming the connection between their canal basin
at Gloucester and the River Severn should be deepened and that
the Navigation Company should be required to deepen the same
or in default by them that the Commissioners should be authorised
to do that work:

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— And whereas it is expedient that such provisions as are hereinafter contained should be made with reference to the cost of deepening such lock or locks and for enabling the Commissioners if need be to lend money to the Navigation Company for that purpose and that tolls rates and dues on traffic passing through such lock or locks should be levied and applied as hereinafter mentioned :

And whereas by the Oxford Worcester and Wolverhampton Railway Act 1845 it was enacted amongst other things that from and after a certain event (which has happened) and thenceforward so long as any principal or interest should be owing by the Commissioners under the Severn Navigation Acts 1842 and 1844 or either of such Acts the Great Western Railway Company (hereinafter called "the Great Western Company") and the Company incorporated by the Act now in recital (which last-mentioned company has by virtue of other Acts of Parliament become and is now incorporated with the Great Western Company) or one of them should if required by the Commissioners pay yearly and every year unto the Commissioners such an annual sum of money as together with the tolls received by the Commissioners during the year in respect whereof such payment should be made would make up and complete the full yearly sum of fourteen thousand pounds :

And whereas the average yearly amount during the three years ending on the thirtieth day of June one thousand eight hundred and eighty-nine of the tolls received by the Commissioners amounted to the sum of eight thousand two hundred and forty-five pounds sixteen shillings and twopence and the average yearly amount which the Great Western Company have paid to the Commissioners in order to make up the full sum of fourteen thousand pounds a year amounted during the same three years to the sum of five thousand seven hundred and fifty-four pounds three shillings and tenpence :

And whereas the agreement set forth in the Second Schedule to this Act has been entered into between the Great Western Company the Commissioners and the Company of Proprietors of the Staffordshire and Worcestershire Canal Navigation (herein called "the Canal Company") who are the holders of all the existing mortgages granted by the Commissioners other than those granted by them to the Great Western Company for the commutation of the said liability of the Great Western Company to the Commissioners on payment by them of the sum of one hundred thousand pounds and the cancellation of the mortgages given by the Commissioners to the Great Western Company And the agreement set forth in the Third Schedule to this Act has been entered into between the

Commissioners and the Canal Company with reference to the application of the said sum of one hundred thousand pounds and other matters connected therewith and it is expedient that the said agreements should be confirmed :

And whereas it is just and expedient that so long as any money shall remain due from the Commissioners on any mortgage made under this Act any increase of their income from tolls after the passing thereof above the said sum of eight thousand two hundred and forty-five pounds sixteen shillings and twopence (the average yearly amount of the tolls received by the Commissioners during the three years ending on the 30th day of June 1889) should be applied for the purposes in this Act mentioned :

And whereas by the improvement of the navigation of the River Severn the trade now existing in timber and other articles between the port of Cardiff and the Midland counties of England would be facilitated and increased in volume and the mayor aldermen and citizens of the city of Worcester (hereinafter called "the Corporation of Worcester") and the mayor aldermen and burgesses of the county borough of Cardiff (hereinafter called "the Corporation of Cardiff") and the ratepayers and traders of those places are desirous to aid in the improvement of the navigation as in this Act provided and it is expedient that the said Corporations should respectively be empowered and the said Corporations respectively are willing to contribute or advance moneys to the Commissioners as hereinafter provided and it is also expedient that the number of the Commissioners should be increased :

And whereas an absolute majority of the whole number of the council of the city of Worcester at a meeting held on the twenty-ninth day of October one thousand eight hundred and eighty-nine after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the Worcester Daily Times a local newspaper published and circulating in the city (such notice being in addition to the ordinary notices required for summoning that meeting) resolved to join with the Commissioners in the promotion of the Bill for this Act :

And whereas that resolution was published twice in the Worcester Daily Times a local newspaper published and circulating in the city and has received the approval of the Local Government Board so far as relates to matters within their jurisdiction :

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 of the city of Worcester at a further special meeting held in pursuance of a similar notice on the eighteenth day of February one thousand eight hundred and ninety being not less than

A.D. 1890. fourteen days after the deposit of the Bill for this Act in the Offices of the Houses of Parliament :

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

And whereas an absolute majority of the whole number of the council of the county borough of Cardiff at a meeting held on the ninth day of December one thousand eight hundred and eighty-nine after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the Western Mail and South Wales Daily News being local newspapers published and circulating in the county borough of Cardiff (such notice being in addition to the ordinary notices required for summoning that meeting) resolved to join with the Commissioners in the promotion of the Bill for this Act :

And whereas that resolution was published twice in the Western Mail and South Wales Daily News being local newspapers published and circulating in the county borough and has received the approval of the Local Government Board so far as relates to matters within their jurisdiction :

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 of the county borough of Cardiff at a further special meeting held in pursuance of a similar notice on the thirteenth day of January one thousand eight hundred and ninety being not less than fourteen days after the deposit of the Bill for this Act in the Offices of the Houses of Parliament :

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

And whereas it is expedient that certain provisions of the recited Acts should be repealed and amended in manner hereinafter mentioned :

And whereas plans and sections showing the lines and levels of the works authorised by this Act and also books of reference to the plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Gloucester with the clerk of the peace for the county of Worcester and with the clerks of the peace for the county of the city of Gloucester and for the county of the city of Worcester

and are hereinafter respectively referred to as the deposited plans A.D. 1890.
sections and books of reference:

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

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

1. This Act may be cited as the Severn Navigation Act 1890 Short title.
This Act and the other Acts relating to the Commissioners may be cited as the Severn Navigation Acts 1842 to 1890.

2. The Lands Clauses Acts and the provisions of the Railways Incorpo-
Clauses Consolidation Act 1845 with respect to the temporary ration of
occupation of lands near the railway during the construction general Acts.
thereof are (except where expressly varied by this Act) incorporated with and form part of this Act Provided that for the purposes of this Act in the said provisions of the Railways Clauses Consolidation Act 1845 the word "Company" shall mean the Commissioners the word "railway" shall mean the works by this Act authorised and the expression "the centre of the railway" shall mean any part of such works.

3. In this Act the several words and expressions to which Interpreta-
meanings are assigned by the Acts wholly or partially incorporated tion of terms.
herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction and for the purposes of this Act the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or partially incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt and not a debt or demand created by statute.

4. This Act shall be put into execution by the Commissioners. Execution
of Act.

5. Subject to the provisions of this Act the Commissioners may make and maintain in the lines and according to the levels shown on the deposited plans and sections the works hereinafter described and may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited books of reference as may be required for the purposes of this Act The works hereinbefore referred to and authorised by this Act are—

(a.) A dock or basin to be constructed in the parish of Saint Peter the Great in the city and county of the city of Worcester

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and county of Worcester or one of them on lands numbered 9 54 and 57 on the ordnance map of that parish (scale $\frac{1}{2500}$).

(b.) An entrance to the said dock or basin with a swing bridge to carry thereover the road and towing-path hereinafter referred to wholly in the said parish of Saint Peter the Great commencing in and out of the Diglis upper cutting and terminating by a junction with the said dock or basin at the western boundary thereof.

(c.) A diversion wholly in the said parish of Saint Peter the Great of the road and towing-path leading from the Commissioners' locks at Diglis along the eastern bank of the said Diglis upper cutting to Worcester commencing and terminating by junctions with the said road and towing-path.

(d.) An approach road situate wholly in the said parish of Saint Peter the Great commencing on the western side of the public street or road known as Diglis Lane and terminating in the said land numbered 54 on the said ordnance map.

Accessory
works and
power to
lease lands.

6. The Commissioners may construct and maintain all necessary wharves quays jetties roads warehouses sheds and other accessory works in connection with the said dock or basin and may grant leases of land for the erection of any such buildings or other purposes or of land with buildings erected thereon by the Commissioners for such term and on such conditions as the Commissioners may deem expedient.

Power to
improve
Lincomb
Lock Holt
Lock and
Bevere
Lock.

7. The Commissioners may from time to time improve alter deepen and enlarge their locks known as Lincomb Lock Holt Lock and Bevere Lock respectively situate in the parishes of Astley Ombersley Grimley and Claines (sometimes called North Claines) in the county of Worcester so as to allow of the passage at low summer level of the River Severn at those respective locks of flat-bottomed vessels measuring fifteen feet six inches across the bottom in the widest part of such vessels and drawing six feet of water.

Errors and
omissions
in plans &c.
may be
corrected
by two
justices.

8. If any omission mis-statement or erroneous description shall have been made of any lands or of the owners lessees or occupiers of any lands described on the deposited plans or in the deposited books of reference the Commissioners may after giving ten days' notice to the owners of the lands affected by such proposed correction apply to two justices for the correction thereof and if it shall appear to such justices that such omission mis-statement or erroneous description arose from mistake they shall certify the same accordingly and they shall in such certificate state the particulars of any such omission and in what respect any such matter shall have been

mis-stated or erroneously described and such certificate shall be deposited with the clerks of the peace for the several counties in which the lands affected thereby shall be situate and shall also be deposited with the parish clerks of the several parishes in which the lands affected thereby shall be situate and such certificate shall be kept by such clerks of the peace and parish clerks respectively along with the other documents to which it relates and thereupon such plans and books of reference shall be deemed to be corrected according to such certificate and the Commissioners may make the works in accordance with such certificate.

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9. Copies of such plans and books of reference and of any correction thereof or extracts therefrom certified to be correct by such clerk of the peace (which certificate such clerk shall give to all persons interested when required) shall be received in all courts of justice and elsewhere as *prima facie* evidence of the contents thereof.

Copies of plans &c. to be evidence.

10. Subject to the provisions of this Act the Commissioners in constructing the works by this Act authorised may deviate laterally from the lines thereof delineated on the deposited plans to any extent within the limits of deviation defined on the deposited plans Provided that no such deviation shall extend into the lands or property of any person whose name is not mentioned in the said books of reference without the previous consent in writing of such person unless the name of such person shall have been omitted by mistake and the fact that such omission proceeded from mistake shall have been certified in the manner hereinbefore provided And they may deviate from the levels of the said works as defined on the deposited sections to any extent not exceeding three feet upwards or three feet downwards but not so as to increase the rate of inclination of any road or towing-path :

Power of deviation.

Provided always that nothing in this Act contained shall authorise the Commissioners to raise the level or alter the dimensions of any of their dams or weirs from those authorised by the Severn Navigation Acts or to do any other works which may at any time raise the low summer level of the river.

11. The Commissioners may levy and charge for the use of the said dock or basin the following tolls (that is to say) :—

Tolls for use of dock &c.

On all goods wares and merchandise in any vessel entering or leaving the said dock or basin not exceeding twopence per ton :

Provided that no goods wares or merchandise which have paid the said toll on entering the said dock or basin shall pay toll again on leaving it whether in the same or any other vessel

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unless such goods wares or merchandise have been landed at the said dock or basin :

On all goods wares and merchandise deposited on the wharves at the said dock or basin or loaded or unloaded thereat not exceeding twopence per ton :

On all goods wares and merchandise remaining on such wharves for any period of seven days or more not exceeding one penny per ton per week.

Requiring
Sharpness
New Docks
and Glou-
cester and
Birmingham
Navigation
Company to
alter their
locks at
Gloucester.

12. The Navigation Company shall on lands belonging to them alter enlarge and deepen the lock or locks forming the connection between their canal basin or dock at Gloucester and the River Severn so as to allow of the passage of vessels through the same one hundred and thirty-five feet in length and twenty-one feet beam and so as to have a depth of nine feet six inches over the entrance from the River Severn to the said lock or locks and over the bottoms of such locks and over the middle and outer sills thereof at low summer level of the River Severn at Gloucester such low summer level being taken to mean seven feet eight inches upon the gauge now adjoining or near to the lower sill of the entrance to the said lock or locks at Gloucester being the gauge referred to in section 16 of the Severn Navigation Act 1869 as upon such lower sill and which gauge is to remain unaltered And the Navigation Company shall construct and maintain near the gauge above referred to an additional gauge showing the depth of the water upon the lower sill above mentioned when deepened and altered in manner authorised by this Act and such other particulars as the Navigation Company may deem necessary And such enlargement and deepening of the said lock or locks shall be carried out and completed by such time as the Commissioners shall have dredged scoured and deepened the navigable channel of the River Severn between Gloucester and Worcester to a minimum depth of ten feet at low summer level as authorised by this Act The said lock or locks are situate partly in the parish of Saint Owen partly in the parish of South Hamlet and partly in the parish of Saint Nicholas all in the city of Gloucester in the county of the city of Gloucester and in the county of Gloucester or one of them.

Commis-
sioners to
lend money
to the
Navigation
Company.

13. The Commissioners shall when and as required by the Navigation Company from time to time as the enlargement alteration and deepening of the said lock or locks is carried out advance to them by way of loan out of the moneys to be raised by virtue of this Act all moneys which may be necessary for the purpose of enlarging altering and deepening their said lock or locks not exceeding in the whole three thousand five hundred

pounds and the Navigation Company shall borrow the same and the Commissioners and subject to the provisions of this Act the Navigation Company may and shall make and carry into effect all necessary agreements with reference to the manner in which the said works shall be executed and with reference to the moneys so to be borrowed and generally with reference to the said works and the advance of moneys for the same.

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14. The Commissioners may carry out the enlargement alteration and deepening of the said lock or locks and the construction of the said additional gauge in the event of default by the Navigation Company so to do within the time prescribed by section 12 of this Act.

Power to Commissioners to alter locks in default of Navigation Company.

15. The Navigation Company shall secure to the Commissioners the repayment of all moneys advanced on loan by the Commissioners to the Navigation Company or expended by the Commissioners in the enlargement alteration and deepening of such lock or locks with interest at a rate not exceeding five pounds per centum per annum by way of a preferential charge upon the additional toll of one halfpenny per ton by this Act authorised to be levied on certain goods wares and merchandise passing through the said lock or locks as hereinafter mentioned but which charge shall not affect any other tolls or property of the Navigation Company Any difference arising with reference to the works to be executed the manner and cost of executing the same the amount of any moneys so expended by the Commissioners or the Navigation Company as the case may be and the rate of interest to be paid for any moneys advanced or expended by the Commissioners may be ascertained and determined by agreement between the Commissioners and the Navigation Company or in default of agreement the same shall be ascertained and determined by an arbitrator to be appointed by the Board of Trade upon the application of the Commissioners or the Navigation Company.

Security to be given to Commissioners for money advanced or expended by them.

16. On the enlargement alteration and deepening of the said lock or locks of the Navigation Company being completed the Navigation Company shall in case the Commissioners shall have advanced to the Navigation Company the moneys necessary for such work or shall have themselves carried out such work levy and take an additional toll of one halfpenny per ton on all goods wares and merchandise passing through the said lock or locks of the Navigation Company in any vessel whose carrying capacity shall exceed one hundred and sixty tons and such toll of one halfpenny per ton shall from time to time be paid by the Navigation Company to the Commissioners in case they shall have advanced

Additional toll for such locks.

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Power to dredge and deepen portion of the River Severn.

17. The Commissioners may and they are hereby authorised and empowered from time to time and at all times to dredge scour and deepen and to improve and maintain the navigable channel of the River Severn to a minimum depth of ten feet at low summer level from or near the point in that river known as the lower parting at Portham Mead in the county of Gloucester along the eastern channel of the river there to the southern side of Worcester Bridge in the city of Worcester and county of the said city and to a minimum depth of seven feet at low summer level from the southern side of Worcester Bridge aforesaid to Gladder or Whitehouse Brook in the county of Worcester and for that purpose to dredge dig and remove all or any part of any ford shoal mud sand soil clay gravel stone or rock within the bed and channel of the river between the limits aforesaid and to abate and remove all impediments and accumulations which may obstruct or tend to obstruct the navigation thereof.

Commissioners may dispose of materials &c. dredged.

18. Subject to the provisions of this Act the Commissioners may use sell and dispose of in such manner as they think proper the mud sand soil clay gravel stone rock and other materials dug or dredged by them in carrying the powers of this Act into execution and may enter into and carry into effect agreements with the owner or owners of any land adjoining the River Severn for depositing such mud sand soil clay gravel stone rock and other materials upon the land of such owner or owners.

Penalty on persons injuring navigable channel by removing materials from river.

19. If any person shall raise obtain or remove any mud sand soil clay gravel stone rock or other such like material from the bed and channel of the river between the points aforesaid in such manner as to injure the navigable channel or to break down damage or destroy any existing bank or other work or any bank or other work to be erected or made by the Commissioners for the purpose of maintaining such navigable channel he shall for every such offence forfeit a sum not exceeding five pounds.

For the protection of the Corporation of Worcester.

20. For the protection of the Corporation of Worcester and of Worcester Bridge and quays the following provisions shall have effect (that is to say):—

- (1.) The Commissioners shall not commence any dredging or other works for deepening the navigable channel of the River Severn from its existing depth to or beyond the depth of ten

feet below Worcester Bridge and to or beyond the depth of seven feet at and above such bridge pursuant to the provisions of this Act at or within two hundred yards of the bridge known as Worcester Bridge belonging to the Corporation of Worcester or any of the Worcester quays belonging to the Corporation of Worcester until they shall have given to the town clerk of the city of Worcester for the time being two months' notice in writing of their intention to commence such works accompanied by plans and sections showing the intended works and a specification or description thereof in writing and if the Corporation of Worcester or any of their committees for the time being empowered in that behalf shall consider that such works or any parts thereof are likely to endanger the safety of or otherwise injuriously affect the said bridge or any part of the said quays and shall within the said two months give notice of such opinion in writing to the Commissioners then the Commissioners shall not proceed with any works at or within two hundred yards of the said bridge or quays until the Commissioners and the Corporation of Worcester or their respective engineers have agreed as to what dredging deepening or other works can be executed without affecting the safety of or injuriously affecting the said bridge and quays or any part thereof and what works (if any) are necessary for protecting the said bridge and quays and every part thereof from any injury or injurious interference and in default of such agreement within two months after the giving of such notice by the Corporation of Worcester or such committee as aforesaid the matters in difference shall be determined in manner hereinafter mentioned and the dredging or other works for deepening the navigable channel as aforesaid shall not be commenced until the matters in difference have been agreed on or determined in manner aforesaid nor until all such protective works (if any) as may be agreed upon or as the arbitrator may decide to be necessary shall have been first executed and completed by the Commissioners to the satisfaction of the Corporation of Worcester or their engineer for the time being.

- (2.) If at any time hereafter the Corporation of Worcester or any committee of that body duly empowered in this behalf shall be of opinion that owing to some Act or default of the Commissioners works are necessary for the strengthening or protection of the said bridge or any part of the said quays and shall give to the Commissioners notice in writing of such opinion accompanied by plans and sections showing the works stated to be necessary and a specification or description

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thereof in writing and a statement of the act or omission of the Commissioners supposed to have rendered such works necessary the Commissioners shall proceed to carry out such works unless they shall within two months after the receipt by them of such notice give to the town clerk for the time being notice in writing of their objection so to do and thereupon in case the matter in difference shall not be agreed on between the Commissioners and the Corporation of Worcester within two months after the giving of such notice by the Commissioners the same shall be determined by arbitration in like manner as is hereinbefore provided with reference to the works referred to in paragraph (1) of this section. Provided that if in the opinion of the Corporation of Worcester or such committee as aforesaid the works are imperatively required to be executed forthwith for the safety or protection of the said bridge or any part of the said quays the Corporation of Worcester may immediately after the giving by them of the notice hereinbefore mentioned carry out such works and in such case the questions to be referred to arbitration shall be whether such protective works were or were not rendered necessary by any act or omission of the Commissioners and to what extent if any the same should be paid for by the Commissioners.

(3.) Any damage or injurious interference which may occur or be occasioned to the said bridge or any part of the said quays by reason of any works or operations or omission of the Commissioners shall be made good and paid to the Corporation of Worcester by the Commissioners whether any protective works shall have been required and executed or not.

(4.) If any difference shall arise between the Commissioners and the Corporation of Worcester or their respective engineers as to the manner of carrying out the works referred to in this section or as to the necessity for any works provided for by this section or as to any requirement by the Corporation of Worcester in connection therewith or as to the necessity for any works for protecting the said bridge and quays from danger or injurious interference or as to the amount of damage caused or compensation to be made or paid by the Commissioners as hereinbefore provided the difference shall be referred to and be determined by a civil engineer to be appointed (unless otherwise agreed upon) by the Board of Trade on the application of the Commissioners or of the Corporation of Worcester and the decision of such

engineer shall be final and binding on both parties and the costs of the reference shall be borne as he shall direct And the Commissioners shall execute and do all such works and things as the engineer so appointed may determine to be necessary or proper for the purposes aforesaid or any of them.

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21. For the protection of the mayor aldermen and citizens of the city of Gloucester (hereinafter called "the Corporation of Gloucester") and of the Westgate Bridge and quay at Gloucester the following provisions shall have effect (that is to say) :—

For the protection of the Corporation of Gloucester.

- (1.) The Commissioners shall not commence any dredging or other works for deepening the navigable channel of the River Severn from its existing depth to or beyond the depth of ten feet pursuant to the provisions of this Act at or within two hundred yards of the bridge known as Westgate Bridge belonging to the Corporation of Gloucester or the quay at Gloucester belonging to the Corporation of Gloucester until they shall have given to the town clerk of the city of Gloucester for the time being two months' notice in writing of their intention to commence such works accompanied by plans and sections showing the intended works and a specification or description thereof in writing and if the Corporation of Gloucester or any of their committees for the time being empowered in that behalf shall consider that such works or any parts thereof are likely to endanger the safety of or otherwise injuriously affect the said bridge or any part of the said quay and shall within the said two months give notice of such opinion in writing to the Commissioners then the Commissioners shall not proceed with any works at or within two hundred yards of the said bridge or quay until the Commissioners and the Corporation of Gloucester or their respective engineers have agreed as to what dredging deepening or other works can be executed without affecting the safety of or injuriously affecting the said bridge and quay or any part thereof and what works (if any) are necessary for protecting the said bridge and quay and every part thereof from any injury or injurious interference and in default of such agreement within two months after the giving of such notice by the Corporation of Gloucester or such committee as aforesaid the matters in difference shall be determined in manner hereinafter mentioned and the dredging or other works for deepening the navigable channel as aforesaid shall not be commenced until the matters in difference have been agreed on or determined in manner aforesaid nor until all such protective works (if any) as may be agreed upon or as the arbitrator

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may decide to be necessary shall have been first executed and completed by the Commissioners to the satisfaction of the Corporation of Gloucester or their engineer for the time being.

- (2.) If at any time hereafter the Corporation of Gloucester or any committee of that body duly empowered in this behalf shall be of opinion that owing to some act or default of the Commissioners works are necessary for the strengthening or protection of the said bridge or any part of the said quay and shall give to the Commissioners notice in writing of such opinion accompanied by plans and sections showing the works stated to be necessary and a specification or description thereof in writing and a statement of the act or omission of the Commissioners supposed to have rendered such works necessary the Commissioners shall proceed to carry out such works unless they shall within two months after the receipt by them of such notice give to the town clerk for the time being notice in writing of their objection so to do and thereupon in case the matter in difference shall not be agreed on between the Commissioners and the Corporation of Gloucester within two months after the giving of such notice by the Commissioners the same shall be determined by arbitration in like manner as is hereinbefore provided with reference to the works referred to in paragraph (1) of this section. Provided that if in the opinion of the Corporation of Gloucester or such committee as aforesaid the works are imperatively required to be executed forthwith for the safety or protection of the said bridge or any part of the said quay the Corporation of Gloucester may immediately after the giving by them of the notice hereinbefore mentioned carry out such works and in such case the questions to be referred to arbitration shall be whether such protective works were or were not rendered necessary by any act or omission of the Commissioners and to what extent if any the same should be paid for by the Commissioners.
- (3.) Any damage or injurious interference which may occur or be occasioned to the said bridge or any part of the said quay by reason of any works or operations or omission of the Commissioners shall be made good and paid to the Corporation of Gloucester by the Commissioners whether any protective works shall have been required and executed or not.
- (4.) If any difference shall arise between the Commissioners and the Corporation of Gloucester or their respective engineers as to the manner of carrying out the works referred to in this section or as to the necessity for any works provided for by this section or as to any requirement by the Corporation of

Gloucester in connection therewith or as to the necessity for any works for protecting the said bridge and quay from danger or injurious interference or as to the amount of damage caused or compensation to be made or paid by the Commissioners as hereinbefore provided the difference shall be referred to and be determined by a civil engineer to be appointed (unless otherwise agreed upon) by the Board of Trade on the application of the Commissioners or of the Corporation of Gloucester and the decision of such engineer shall be final and binding on both parties and the costs of the reference shall be borne as he shall direct And the Commissioners shall execute and do all such works and things as the engineer so appointed may determine to be necessary or proper for the purposes aforesaid or any of them.

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22. For the protection of the Gloucestershire county council (hereinafter called "the county council") and of the Mythe Bridge and the Haw Bridge in the county of Gloucester the following provisions shall have effect (that is to say):—

For the protection of the Gloucestershire county council.

- (1.) The Commissioners shall not commence any dredging or other works for deepening the navigable channel of the River Severn from its existing depth to or beyond the depth of ten feet pursuant to the provisions of this Act at or within two hundred yards of the bridge known as the Mythe Bridge or at or within two hundred yards of the bridge known as the Haw Bridge until they shall have given to the clerk of the county council for the time being two months' notice in writing of their intention to commence such works accompanied by plans and sections showing the intended works and a specification or description thereof in writing and if the county council or any of their committees for the time being empowered in that behalf shall consider that such works or any parts thereof are likely to endanger the safety of or otherwise injuriously affect the said bridges or either of them and shall within the said two months give notice of such opinion in writing to the Commissioners then the Commissioners shall not proceed with any works at or within two hundred yards of the said bridges or either of them until the Commissioners and the county council or their respective engineers have agreed as to what dredging deepening or other works can be executed without affecting the safety of or injuriously affecting the said bridges or either of them and what works (if any) are necessary for protecting the said bridges or either of them from any injury or injurious interference and in default of such agreement within two months after the giving of such notice by the county council

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or such committee as aforesaid the matters in difference shall be determined in manner hereinafter mentioned and the dredging or other works for deepening the navigable channel as aforesaid shall not be commenced until the matters in difference have been agreed on or determined in manner aforesaid nor until all such protective works (if any) as may be agreed upon or as the arbitrator may decide to be necessary shall have been first executed and completed by the Commissioners to the satisfaction of the county council or their engineer for the time being.

(2.) If at any time hereafter the county council or any committee of that body duly empowered in this behalf shall be of opinion that owing to some act or default of the Commissioners works are necessary for the strengthening or protection of the said bridges or either of them and shall give to the Commissioners notice in writing of such opinion accompanied by plans and sections showing the works stated to be necessary and a specification or description thereof in writing and a statement of the act or omission of the Commissioners supposed to have rendered such works necessary the Commissioners shall proceed to carry out such works unless they shall within two months after the receipt by them of such notice give to the clerk to the county council for the time being notice in writing of their objection so to do and thereupon in case the matter in difference shall not be agreed on between the Commissioners and the county council within two months after the giving of such notice by the Commissioners the same shall be determined by arbitration in like manner as is hereinbefore provided with reference to the works referred to in paragraph (1) of this section Provided that if in the opinion of the county council or such committee as aforesaid the works are imperatively required to be executed forthwith for the safety or protection of the bridge affected or for which the same may be required the county council may immediately after the giving by them of the notice hereinbefore mentioned carry out such works and in such case the questions to be referred to arbitration shall be whether such protective works were or were not rendered necessary by any act or omission of the Commissioners and to what extent if any the same should be paid for by the Commissioners.

(3.) Any damage or injurious interference which may occur or be occasioned to the said bridges or either of them by reason of any works or operations or omission of the Commissioners shall be made good and paid to the county council by the

Commissioners whether any protective works shall have been required and executed or not. A.D. 1890.

- (4.) If any difference shall arise between the Commissioners and the county council or their respective engineers as to the manner of carrying out the works referred to in this section or as to the necessity for any works provided for by this section or as to any requirement by the county council in connection therewith or as to the necessity for any works for protecting the said bridges or either of them from danger or injurious interference or as to the amount of damage caused or compensation to be made or paid by the Commissioners as hereinbefore provided the difference shall be referred to and be determined by a civil engineer to be appointed (unless otherwise agreed upon) by the Board of Trade on the application of the Commissioners or of the county council and the decision of such engineer shall be final and binding on both parties and the costs of the reference shall be borne as he shall direct And the Commissioners shall execute and do all such works and things as the engineer so appointed may determine to be necessary or proper for the purposes aforesaid or any of them.

23. Notwithstanding anything in this Act contained the following provisions shall apply for the protection of the owners of the banks of the River Severn and the lands abutting thereon and the towing-paths along the river (that is to say):—

For the protection of riparian owners and towing-paths.

- (1.) The Commissioners shall not in the exercise of the powers hereby conferred dredge scour or deepen the said river within the distance of fifteen feet from the edge of the water at low summer level against the adjacent bank of the river unless it shall in the opinion of the Commissioners be necessary so to do and in that case the Commissioners shall take all such measures and do and construct all such works as may be necessary for the protection of such bank and shall at all times protect the same from injury by reason of such dredging scouring or deepening.
- (2.) If any part of the banks of the river or of the lands abutting on such banks or of the towing-paths or of the bridges culverts or other works belonging thereto shall at any time be washed away or damaged by reason of any dredging scouring or deepening of the channel of the river or of the execution of any works by the Commissioners under the powers of this Act opposite to or within five hundred yards of the bank or land or towing-path so washed away or damaged the Commissioners shall at their own cost when required by the owner of the said

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banks or lands or towing-paths respectively make good to such owner the damage and restore the same or at the option of the Commissioners make adequate compensation for such damage Provided the claim for such damage be delivered in writing to the Commissioners within three years from the time of doing the dredging or other work alleged to have occasioned such damage.

- (3.) On the requisition of the owner of any lands abutting upon the river and of the bed of the river or a portion of such bed opposite his lands such requisition being made within twenty-one days after notice shall have been given to such owner or his known agent or tenant in writing by the Commissioners of their intention to dredge or deepen the bed of the river opposite his lands (which notice the Commissioners shall be bound to give before they begin to deepen the river opposite such lands in pursuance of this Act) the Commissioners shall deposit upon such parts of the banks belonging to him as he shall direct so much of the materials and matter taken or dredged by them from such portion of the bed of the river so belonging to him as may not be required for the purpose of improvement of the navigation or the construction or maintenance of the works thereon under the authority of this Act or any of the recited Acts The owner shall pay to the Commissioners for all materials and matter so required by him as aforesaid the cost of and incident to the raising and deposit thereof less the cost of dredging and less fourpence per cubic yard of the cost of carrying and landing the same The Commissioners shall remove all materials and matter other than such as are required by the owner for his own benefit as aforesaid by means of barges boats or other vessels and shall not without the consent of the owner deposit on the lands of such owner any materials or matter other than those so required by the owner as aforesaid or raise any banks on any of the lands of such owner The Commissioners shall pay to such owner in respect of all such materials and matter dredged or taken by the Commissioners from the said river bed and removed and sold at a profit by the Commissioners out of such profit a royalty of twopence per ton or the whole of such profit where the same is less than twopence per ton.
- (4.) The Commissioners shall during the progress of such works as aforesaid take all reasonable precautions for preventing trespass on the lands of the owners and any nuisance or annoyance to them or their tenants.
- (5.) If any difference shall arise between the Commissioners and any of such owners of lands or of the towing-path as to the

due fulfilment of the provisions of this section the difference shall be referred to and be determined by a civil engineer to be appointed (unless otherwise agreed upon) by the Board of Trade on the application of the Commissioners or of the owner or owners claiming to be affected and the decision of such engineer shall be final and binding on both parties and the costs of the reference shall be borne as he shall direct And the Commissioners shall execute and do any works and things which the engineer so appointed may determine to be necessary for the purposes aforesaid.

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24. The powers of the Commissioners 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.

Powers for compulsory purchase limited.

25. If the works specified in sections 5 7 12 and 14 of this Act are not completed within ten years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Commissioners for making and completing such works or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

Period for completion of works.

26. Subject to the provisions of this Act the Commissioners may from time to time borrow or re-borrow at interest on the credit of the Severn Navigation Undertaking the further sum of twenty-five thousand pounds or any part thereof and for securing the repayment of the moneys so borrowed with interest the Commissioners may mortgage the tolls and sums of money arising by virtue of the Severn Navigation Acts 1842 to 1890 with the benefit of the provisions in section 36 of this Act and all mortgages or transfers to be made pursuant to this Act may be in the respective forms contained in the First Schedule to this Act annexed or to the like effect Provided always that whenever any part of the said sum of twenty-five thousand pounds shall have been repaid by the Commissioners out of their surplus income as hereinafter provided or out of the proceeds of the sale of surplus lands or other moneys except borrowed moneys applicable to capital account the same shall not be re-borrowed.

Power to borrow on mortgage.

27. The Commissioners shall within fourteen days after their annual meeting in every year cause a copy of the abstract of the accounts of the Commissioners certified at such meeting under section 59 of the Act of 1869 to be transmitted to the Local Government Board.

Commissioners to send copy of the abstract of their accounts to Local Government Board.

28. All mortgages granted by the Commissioners in pursuance of the powers of any of the recited Acts and which shall be

Priority of existing mortgages.

A.D. 1890. subsisting at the passing of this Act and all mortgages which under the powers of any of the recited Acts shall be granted in lieu of any such mortgage or on the re-borrowing of any money secured thereby shall during the continuance of such mortgages have priority over any mortgages to be granted by virtue of this Act except so far as such last-mentioned mortgages are secured by the additional tolls mentioned in section 36 of this Act.

Further powers as to lands at Diglis and power to borrow 5,000/.

29. The Commissioners may at any time hereafter exercise the powers granted to them by section 16 of the Severn Navigation Act 1844 for the purchase by agreement of additional land for the purposes therein mentioned or any of them and in case the Commissioners shall find it necessary for such purposes or for the purposes of this Act or any of them to purchase more than three acres of land at Diglis in the parish of Saint Peter the Great aforesaid the Commissioners may borrow on mortgage of their undertaking for the purchase of such additional land as they require and for the erection of any necessary buildings or works thereon such sum or sums of money not exceeding five thousand pounds as they find necessary in addition to the sum of twenty-five thousand pounds hereinbefore authorised to be borrowed and making therewith the total sum of thirty thousand pounds and the sum of thirty thousand pounds shall thereupon be and be deemed to be substituted throughout this Act for the sum of twenty-five thousand pounds wherever that amount is mentioned in this Act Provided always that the Commissioners shall not create or permit the creation of any nuisance upon any of the said lands.

Application of moneys borrowed.

30. All moneys borrowed under the provisions of this Act shall be applied for or towards those purposes of the recited Acts and this Act only to which capital is properly applicable.

Mortgages under this Act to be without preference.

31. All persons to whom any mortgages shall be made under the powers of this Act or who shall be entitled to the moneys thereby secured shall be entitled one with another to their respective proportions of the tolls and surplus income applicable to the payment thereof according to the respective sums in such mortgages mentioned to be advanced by such mortgagees respectively and to be repaid the sums so advanced with interest without any preference one above another in respect of the priority of advancing such moneys or of the date of any such mortgage or of the meeting at which the same was authorised.

Advances of money to Commissioners by

32. The Corporation of Worcester and the Corporation of Cardiff may respectively from time to time contribute and pay to the Commissioners for the purposes of this Act or any of them or may

advance and lend to the Commissioners at such rate of interest not exceeding five pounds per centum per annum as may be from time to time agreed on any part of the moneys by this Act authorised to be borrowed not exceeding in the case of each Corporation five thousand pounds and those Corporations respectively may accept as security for any moneys that may be so lent and the interest thereon such mortgages as by this Act the Commissioners are authorised to grant to persons advancing money on the security of the Severn Navigation Undertaking.

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Corporations
of Worcester
and Cardiff.

33. The Corporation of Worcester may from time to time in addition to any moneys they are now authorised to borrow or which they may be authorised to borrow under the provisions of the Public Health Act 1875 or any public general Act borrow or re-borrow at interest on the security of the city fund city rate district fund and general district rate and all other rates tolls rents and revenues of the Corporation of Worcester or on any one or more of those securities or by the creation of corporation stock any sum or sums not exceeding five thousand pounds for the purposes of this Act.

Power to
Corporation
of Worcester
to borrow.

(1.) For the purpose of raising all or any of the moneys authorised to be borrowed under this Act the Corporation of Worcester may from time to time create and issue Worcester Corporation stock under the Worcester Extension Act 1885 but subject nevertheless to the provisions of this Act.

(2.) The amount of the annual sums payable to the Corporation Loans Fund under the Worcester Extension Act 1885 towards the redemption of stock created and issued by the Corporation of Worcester for the purposes of this Act shall be such as with accumulations at the rate of three pounds per centum per annum will suffice to redeem at par such stock on the expiration of a period of fifty years from the creation thereof.

(3.) The half-yearly annual or other sums payable to the Corporation Loans Fund under the Worcester Extension Act 1885 for payment of dividends on and for making a provision towards redemption of such stock shall be payable out of such of the rates funds tolls rents and revenues as the Corporation of Worcester from time to time direct.

(4.) In case any moneys raised by the Corporation of Worcester for the purposes of this Act shall be borrowed on any security other than Worcester Corporation stock the Corporation of Worcester shall set aside such annual sums as with accumulations at the rate aforesaid will suffice to pay off the

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moneys so borrowed within the period of fifty years from the date of the borrowing thereof.

(5.) Notwithstanding anything in this Act contained the Corporation of Worcester shall not create or issue any irredeemable stock for the purpose of raising any moneys authorised to be borrowed under this Act.

(6.) Provided always that any agreements which may be entered into for composition in payment of stamp duty shall be in accordance with the provisions of the Customs and Inland Revenue Act 1887.

Power to
Corporation
of Cardiff
to borrow.

34. The Corporation of Cardiff may from time to time in addition to any moneys they are now authorised to borrow or which they may be authorised to borrow under the provisions of the Public Health Act 1875 or any public general Act borrow or re-borrow at interest on the security of the borough fund borough rate district fund and general district rate water revenue harbour rates tonnage dues and all other rates tolls rents and revenues of the Corporation of Cardiff or on any one or more of those securities any sum or sums not exceeding five thousand pounds for the purposes of this Act.

(1.) For the purpose of raising all or any of the moneys authorised to be borrowed under this Act the Corporation of Cardiff may from time to time create and issue Cardiff Corporation stock under the Cardiff Corporation Act 1884 but subject nevertheless to the provisions of this Act.

(2.) All the provisions of the Cardiff Corporation Act 1884 with respect to the borrowing re-borrowing and repayment of borrowed moneys shall extend and apply mutatis mutandis to the borrowing re-borrowing and repaying of the said sum of five thousand pounds provided that no stock created for the purposes of this section shall be irredeemable and that the period within which the same shall be repaid shall not exceed fifty years from the date of the borrowing thereof and that the appropriation for any sinking fund created for such repayment shall commence on the first day of January next following the date of the borrowing of the moneys to be repaid by means thereof.

(3.) In case any moneys raised by the Corporation of Cardiff for the purposes of this Act shall be borrowed on any security other than Cardiff Corporation stock the Corporation of Cardiff shall set aside such annual sums as with accumulations at the rate aforesaid will suffice to pay off the moneys so borrowed within the period of fifty years from the date of the borrowing thereof.

(4.) Provided always that any agreements which may be entered into for composition in payment of stamp duty shall be in accordance with the provisions of the Customs and Inland Revenue Act 1887. A.D. 1890.

35. Notwithstanding anything contained in the recited Acts or any of them the annual income to be received by the Commissioners from tolls to the amount of eight thousand two hundred and forty-five pounds sixteen shillings and twopence if the tolls amount to so much and if they amount to less then the whole of such annual income from tolls shall (subject as hereinafter provided) be applied as follows (that is to say):—

Application
of income by
the Commis-
sioners.

First. In payment of any expenses incurred or which may hereafter be incurred by the Commissioners under the Severn Navigation Acts 1842 to 1890 and in maintaining and keeping the navigation of the River Severn in manner provided by the same Acts or any of them but not including in such expenses the construction of any works authorised by this Act.

Secondly. In payment of interest accruing subsequently to the thirtieth day of June one thousand eight hundred and eighty-nine on the principal moneys for the time being remaining due from the Commissioners on any mortgages granted by them under the recited Acts.

Thirdly. In repaying the said principal moneys.

36. Provided always that during such time as any money shall remain due on any mortgage made under this Act all tolls received by the Commissioners after the passing of this Act in every twelve months ending on the thirtieth day of June and being in excess of the sum of eight thousand two hundred and forty-five pounds sixteen shillings and twopence shall be applied as follows (that is to say):—

Application
of tolls in
excess of
8,245*l.* 16*s.*
2*d.* per
annum.

First. In payment of any expenses which may be incurred by the Commissioners in maintaining and keeping the dock or basin and other new works by this Act authorised and any additional expenses which may be incurred by them in maintaining and keeping the navigation of the River Severn owing to the depth thereof being increased under the provisions of this Act but not including in such expenses the construction of any works authorised by this Act.

Secondly. In payment of interest on the sum of twenty-five thousand pounds to be raised under this Act or so much thereof as shall for the time being remain owing.

Thirdly. Towards repaying the principal of such sum of twenty-five thousand pounds.

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Confirming
scheduled
agreement
between the
Great West-
ern Company
Commis-
sioners and
Canal Com-
pany.

37. The agreement dated the nineteenth day of April one thousand eight hundred and ninety and set forth in the Second Schedule to this Act made between the Great Western Company the Commissioners and the Canal Company is hereby confirmed and made binding on the parties thereto and on all parties claiming through or under them and full effect shall be given thereto.

The Great Western Company may apply any of the moneys which they now have in their hands or which they have powers to raise by shares stock debenture stock or mortgages by virtue of any Act relating to the Company and which may not be specially applicable or which may not be required for the purposes to which they are by any such Acts made specially applicable to the payment of the sum of one hundred thousand pounds payable by them under the said agreement.

Upon payment and delivery by the Great Western Company as by the said agreement provided all liability of the Great Western Company to make or guarantee any payment to the Commissioners or to the Canal Company under the Oxford Worcester and Wolverhampton Railway Act 1845 or under the Great Western Railway Act 1868 or under any agreement thereby confirmed is hereby extinguished and in like manner all liability of the Commissioners to deliver accounts to the Great Western Company under the said Act and agreement and under the Severn Navigation Act 1869 is hereby extinguished.

Confirming
scheduled
agreement
between the
Commis-
sioners and
the Canal
Company.

38. The agreement dated the nineteenth day of April one thousand eight hundred and ninety and set forth in the Third Schedule to this Act made between the Commissioners and the Canal Company is hereby confirmed and made binding on the parties thereto and on all parties claiming through or under them and full effect shall be given thereto And the Canal Company shall apply the said sum of one hundred thousand pounds in the manner directed by the said agreement And the Canal Company may invest in their ordinary stock any moneys so paid to them until they are able to apply the same in the purchase and cancellation or in redemption of debenture stock created by the Canal Company under the Staffordshire and Worcestershire Canal Act 1875.

Commis-
sioners to
be added to
Severn Com-
missioners.

39. From and after the passing of this Act there shall be added to the Commissioners four Commissioners to be elected as by this Act directed and they shall have enjoy and be subject to such and the like powers privileges duties and responsibilities as the Commissioners now have or are subject to by virtue of the Severn Navigation Acts or any of them and shall form and be to all intents and for all purposes part of the body corporate of the Commissioners.

40. Two of the Commissioners to be elected under this Act shall within three months after the passing of this Act be respectively elected by the council and body hereafter named (that is to say) :—

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By whom
new Com-
missioners to
be elected.

One by the council of the county borough of Cardiff in the county of Glamorgan :

One by the Incorporated Chamber of Commerce of the county borough of Cardiff :

And in case the council of the county borough of Cardiff aforesaid shall contribute and pay or advance to the Commissioners the sum of five thousand pounds towards the moneys required for the purposes of this Act then the council of the county borough of Cardiff aforesaid at any time after contributing paying or advancing such moneys as aforesaid may elect two Commissioners to represent them on the Commission so long as any moneys shall remain due to the Corporation of Cardiff in respect of any such contribution or advance.

41. As often as any Commissioner to be elected under this Act shall die refuse resign or become disqualified or incompetent to act the council or body as the case may be by whom such Commissioner shall have been elected shall from time to time elect some other person to be a Commissioner in his stead and the provisions relating to the election of Commissioners contained in the Severn Navigation Acts 1842 to 1890 or any of them shall extend and apply to all elections of Commissioners in pursuance of this Act In the case of the chamber of commerce of the county borough of Cardiff the secretary of such Chamber shall give the notice of election of a Commissioner required by the said Acts.

Mode of
election of
new Com-
missioners.

42. Section 28 of the Severn Navigation Act 1869 and sections 245 and 252 and the other sections of the Severn Navigation Act 1842 specified in section 50 of the Severn Navigation Act 1869 except sections 240 and 241 of the Act of 1842 and except so far as such sections are inconsistent with the provisions of this Act shall extend and apply to this Act and the objects and purposes thereof as fully and effectually as if those sections were re-enacted in this Act with special reference to the objects and purposes of this Act.

Certain
provisions of
5 & 6 Vict.
c. xxiv. and
32 & 33 Vict.
c. ciii. ex-
tended to
this Act.

43. Section 210 of the Severn Navigation Act 1842 is hereby varied and amended by the addition thereto of the following purposes for which byelaws may be made (that is to say) :—

Byelaws.

For regulating the speed of vessels propelled by steam or electrical or other mechanical power on the said river ;

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For regulating the number of vessels to be towed by any vessel propelled by steam or electrical or other mechanical power on the said river ;

For regulating the consumption of smoke on vessels navigating the said river :

And if the Commissioners shall fail to make byelaws under this section within two years from the passing of this Act the Board of Trade may on the application of any person aggrieved or otherwise exercise the power of making byelaws with reference to the above matters.

Restriction
on taking
houses of
labouring
class.

44. The Commissioners shall not under the powers by this Act granted without the consent of the Local Government Board take ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers :

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

Works below
high-water
mark not
to be com-
menced
without
consent of
Board of
Trade.

45. The Commissioners shall not construct on the shore of the sea or of any creek bay arm of the sea or navigable river communicating therewith where and so far up the same as the tide flows and re-flows any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of such approval being signified as last aforesaid and where any such work may have been constructed the Commissioners shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consents or approvals If any such work be commenced or completed contrary to the provisions of this Act the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the cost and charge of the Commissioners and the amount of such costs and charges shall be a debt due from the Commissioners to the Crown and shall be recoverable accordingly with costs.

46. If at any time the Board of Trade deems it expedient for the purposes of this Act to order a survey and examination of a work constructed by the Commissioners on in over through or across tidal lands or tidal water or of the intended site of any such work the Commissioners shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Commissioners to the Crown and be recoverable accordingly with costs or the same may be recovered with costs as a penalty is recoverable from the Commissioners.

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Survey of
works by
Board of
Trade.

47. The Navigation Company or the Commissioners as the case may be shall during the whole time of the constructing altering or extending of any of the works authorised by this Act which are situated below high-water mark of the River Severn exhibit and keep burning at their own expense every night from sunset to sunrise such lights (if any) as the Board of Trade from time to time require or approve. If the Navigation Company or the Commissioners fail to comply in any respect with the provisions of this section they shall for each night in which they so fail be liable to a penalty not exceeding twenty pounds.

Lights to
be exhibited
during con-
struction of
works in
tidal waters.

48. If any work which hereafter may be executed or constructed by the Commissioners or by the Navigation Company as the case may be under the authority of this Act in under over or across or affecting the River Severn or any portion of any such work shall be abandoned or suffered to fall into disuse or decay the Board of Trade may abate and remove the same or such part or parts thereof as they may at any time or times deem fit and proper to abate or remove and may restore the site thereof to its former condition at the cost and charge of the Commissioners or the Navigation Company as the case may be and the amount thereof shall be a debt due from the Commissioners or the Navigation Company as the case may be to the Crown and be recoverable accordingly with costs of suit.

Works
affecting
tidal waters
abandoned
may be
removed by
the Board
of Trade at
expense of
Commis-
sioners.

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

Saving rights
of Crown
under Crown
Lands Act.

50. Nothing contained in this Act shall authorise the Commissioners or the Navigation Company to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any right in respect thereof belonging to the Queen's most Excellent Majesty in right

Saving rights
of the Crown
in the fore-
shore.

A.D. 1890. of Her Crown without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give) neither shall anything in the said Act or Acts contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty Her heirs or successors.

Not to affect
rights of the
mayor &c. of
Gloucester.

51. Provided always and be it enacted that nothing in this Act contained shall extend to suspend lessen take away prejudice or extinguish the payment of any river dues or other dues or tolls or any right privilege immunity jurisdiction or authority granted or belonging to or enjoyed or legally claimed or received by immemorial custom or usage or otherwise by the mayor aldermen and citizens of the city of Gloucester or any officer belonging to them for the time being.

Expenses of
Act.

52. The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act shall be paid by the Commissioners out of any moneys coming to their hands under the recited Acts or this Act.

The SCHEDULES referred to in the foregoing Act. A.D. 1890.

THE FIRST SCHEDULE.

FORM OF MORTGAGE DEED.

The Severn Commission.

Mortgage No.

By virtue of the Severn Navigation Act 1890 the Severn Commissioners in consideration of the sum of
pounds paid to them by A.B. of
assign unto the said A.B. his executors administrators and assigns all the tolls and sums of money arising by virtue of the Severn Navigation Acts 1842 to 1890 with the benefit of the provisions in section 36 of the Act of 1890 as to any increase in the amount of the tolls to hold unto the said A.B. his executors administrators and assigns until the said sum of
pounds together with interest for the same at the rate of
pounds for every one hundred pounds by the year computed from the day of the date hereof be satisfied the principal sum to be repaid at the end of
years from the date hereof [in case any period be agreed on for that purpose].

Given under the common seal of the Severn Commissioners this
day of in the year of our Lord one thousand eight hundred
and

FORM OF TRANSFER OF MORTGAGE.

I A.B. of in consideration of the sum
of pounds paid to me by G.H. of
do hereby transfer to the said G.H. his executors
administrators and assigns a certain mortgage number
made by the Severn Commissioners under the authority of the Severn
Navigation Act 1890 to the said bearing
date the day of for securing the sum
of pounds and interest [or if such transfer be
by endorsement "the within security"] and all my right estate and interest
to and in the money thereby secured.

In witness whereof I have hereunto set my hand and seal this
day of one thousand eight hundred and

A.D. 1890.

THE SECOND SCHEDULE.

AGREEMENT made the 19th day of April 1890 between the GREAT WESTERN RAILWAY COMPANY the SEVERN COMMISSIONERS and the COMPANY of PROPRIETORS of the STAFFORDSHIRE and WORCESTERSHIRE CANAL NAVIGATION (hereinafter called "the Canal Company").

1. The Great Western Railway Company within one month after the passing of an Act of Parliament confirming this agreement will pay to the Commissioners the sum of 100,000*l.* and will deliver up to the Commissioners for cancellation the mortgages amounting to 28,808*l.* 11*s.* 6*d.* given by the Commissioners to the Great Western Railway Company under the provisions of the Oxford Worcester and Wolverhampton Railway Act 1845 and the agreement dated the 24th June 1868 confirmed by the Great Western Railway Act 1868 and will give up to the Commissioners the benefit of any further mortgage or mortgages to which the Great Western Railway Company are or may be entitled under the Act and agreement aforesaid or otherwise Provided that if the said sum of 100,000*l.* be not paid on or before the 30th day of June 1890 the Railway Company shall pay interest thereon at 4½*l.* per cent. per annum from the 30th day of June 1890 until payment thereof.

2. Upon such payment and delivery the Great Western Railway Company shall as and from the 30th day of June 1890 cease to be liable to make up to the Commissioners the yearly sum of 14,000*l.* which they are at present liable to make up or any part thereof and shall as from that date be discharged from all liability to the Commissioners or to the Canal Company except in respect of any amount which may be due by them to the Commissioners under the said Act or agreement for the year ending the 30th day of June 1890.

3. The Commissioners shall pay the said sum of 100,000*l.* when received from the Great Western Railway Company to the Canal Company in redemption and satisfaction of mortgages granted by the Commissioners and held by the Canal Company to such amount and on such terms and conditions as the Canal Company and the Commissioners agree.

4. The Commissioners will use their best endeavours to obtain from Parliament the confirmation of this agreement as part of the Bill promoted by them in the present session and each of the Companies parties hereto will support and do all in their power to obtain the sanction of Parliament to any application made by the Commissioners with the above object Should the application from any cause be unsuccessful in the present session any one of the parties hereto may apply in the following session for confirmation by Parliament of this agreement and the other parties hereto will support such application and the 30th day of June in such year shall be substituted for the 30th day of June 1890 in paragraphs 1 and 2 of this agreement.

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5. The several parties hereto shall respectively bear and pay their own expenses of and incident to this agreement and of obtaining the confirmation of the same.

6. It is hereby declared that this agreement shall be subject to such alterations as Parliament may think fit to make therein but if the committee on the Bill make any material alteration in this agreement or in the clauses for giving effect thereto it shall be competent to any party hereto to withdraw from the arrangements herein expressed.

7. It is hereby further agreed that if so required by Parliament or the parties hereto the several provisions of this agreement may be turned into clauses and introduced into and treated in all respects as part of the Bill itself in lieu of being appended to the Bill by way of schedule and confirmed as a separate agreement.

In witness whereof the common seals of the said parties have been hereunto set the day and year first above written.

The common seal of the Great Western
Railway Company was hereunto affixed in
the presence of

J. D. HIGGINS,
Secretary.



The common seal of the Severn Commissioners
was hereunto affixed in the presence of

THOS. SOUTHALL,
Worcester,
Clerk to the Commissioners.



The common seal of the Company of
Proprietors of the Staffordshire and
Worcestershire Canal Navigation was here-
unto affixed in the presence of

JOHN NEVE,
Clerk to the Company,
Wolverhampton.



THE THIRD SCHEDULE.

Articles of agreement made the nineteenth day of April one thousand eight hundred and ninety between the Severn Commissioners of the one part and the Company of Proprietors of the Staffordshire and Worcestershire

A.D. 1890.

Canal Navigation (hereinafter called "the Canal Company") of the other part Supplemental (1) to an agreement dated the twenty-fourth day of June one thousand eight hundred and sixty-eight and made between the Severn Commissioners of the first part the Canal Company of the second part and the Great Western Railway Company (hereinafter called "the Railway Company") of the third part and which was scheduled to and confirmed by the Great Western Railway Act 1868 and (2) to another agreement dated the nineteenth day of April one thousand eight hundred and ninety and made between the Railway Company the Severn Commissioners and the Canal Company Whereas by the Staffordshire and Worcestershire Canal Act 1875 the Canal Company were empowered to create debenture stock to the amount owing by the Canal Company in respect of monies borrowed by them for the purpose of their loans to the Severn Commissioners as therein mentioned And it was thereby provided that when and as from time to time the Canal Company should receive from the Severn Commissioners or from the Railway Company any money in or towards repayment of the sums advanced by the Canal Company to the Severn Commissioners they should apply the same either in the redemption of the Canal Company's mortgages or in the purchase or redemption of their debenture stock according to the terms and conditions on which the same was issued and that the stock so purchased or redeemed should thereupon be cancelled and the Canal Company should not re-issue the same or issue any other debenture stock in lieu thereof And whereas under the powers of the said Act of 1875 the Canal Company created debenture stock bearing interest at the rate of four pounds and ten shillings per centum per annum and issued the same in lieu of or in exchange for or instead of the renewal of mortgages in accordance with the said Act And whereas the Canal Company have from time to time received monies from the Severn Commissioners in repayment of parts of the principal moneys due from them on their mortgages and have applied the same to the purchase and redemption of debenture stock and the cancellation thereof pursuant to the said Act And whereas the said debenture stock now stands at a premium of about twenty pounds per cent. in the market And whereas the Railway Company have agreed to pay to the Severn Commissioners a sum of one hundred thousand pounds as mentioned in the said agreement of the nineteenth day of April one thousand eight hundred and ninety And whereas the Severn Commissioners have requested the Canal Company to receive from them the said sum of one hundred thousand pounds in payment and satisfaction of a portion of the mortgages granted by them to the Canal Company and to be applied by the Canal Company in the purchase and redemption of a portion of their said debenture stock And the Canal Company have agreed to accept the said sum on the terms and conditions hereinafter stated Now it is hereby agreed between the said parties hereto as follows:—

1. The Severn Commissioners shall pay to the Canal Company the sum of one hundred thousand pounds to be paid by the Railway Company to the Severn Commissioners under the said agreement of the nineteenth day of April one thousand eight hundred and ninety and the interest (if any) received by the Severn Commissioners on such sum shall be applied by them in payment of interest on their mortgages.

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2. The said sum of one hundred thousand pounds shall be accepted and taken by the Canal Company in full satisfaction and discharge of mortgages to the following amounts given by the Severn Commissioners Thirty-three thousand eight hundred and sixty-one pounds and five shillings bearing interest at the rate of five pounds per centum per annum four thousand pounds bearing interest at the rate of four pounds per centum per annum and forty-five thousand four hundred and seventy-two pounds one shilling and eightpence bearing interest at the rate of four pounds and ten shillings per centum per annum and together amounting to the sum of eighty-three thousand three hundred and thirty-three pounds six shillings and eightpence And the mortgages so paid off shall be cancelled and given up by the Canal Company to the Severn Commissioners thereby reducing the mortgages due from the Severn Commissioners to the Canal Company to the sum of sixty-seven thousand one hundred and sixty-four pounds one shilling and sevenpence.

3. The said sum of one hundred thousand pounds shall be applied by the Canal Company in and towards the purchase and redemption of their debenture stock in accordance with the Staffordshire and Worcestershire Canal Act 1875 and in and towards providing for the premium the Canal Company will have to pay on the purchase of such debenture stock.

4. The mortgages which will remain due from the Severn Commissioners to the Canal Company after the thirtieth day of June next and after payment of the said sum of one hundred thousand pounds shall bear interest at the rate of four pounds and ten shillings per centum per annum but such interest shall not be cumulative against the Severn Commissioners beyond the rate of four pounds per centum per annum in case in any year the income of the Severn Commissioners available for payment of interest together with the reserve fund hereinafter mentioned (if any) shall be insufficient to pay interest at the rate of four pounds and ten shillings per centum per annum.

5. The Severn Commissioners shall be at liberty to form and maintain a reserve fund not exceeding three thousand pounds and to carry thereto such part or parts as they may from time to time think fit of their surplus income available for repayment of the principal monies due on their mortgages after payment of the expenses incurred in maintaining and keeping up the navigation and of the interest upon the said mortgages.

6. The amount standing to the credit of the said reserve fund shall from time to time be applied towards making up any deficiency in the income of the Severn Commissioners available for payment of interest at the rate of four pounds and ten shillings per centum per annum on the mortgages for the time being remaining due or of any arrears of interest on such mortgages up to four pounds per centum per annum.

7. It is hereby declared that this agreement shall be subject to such alterations as Parliament may think fit to make therein but if the committee on the Severn Commission Bill now pending in Parliament or on any future Bill for confirming this agreement make any material alteration in this agreement or in the clauses for giving effect thereto it shall be competent to either party hereto to withdraw from the arrangements herein expressed.

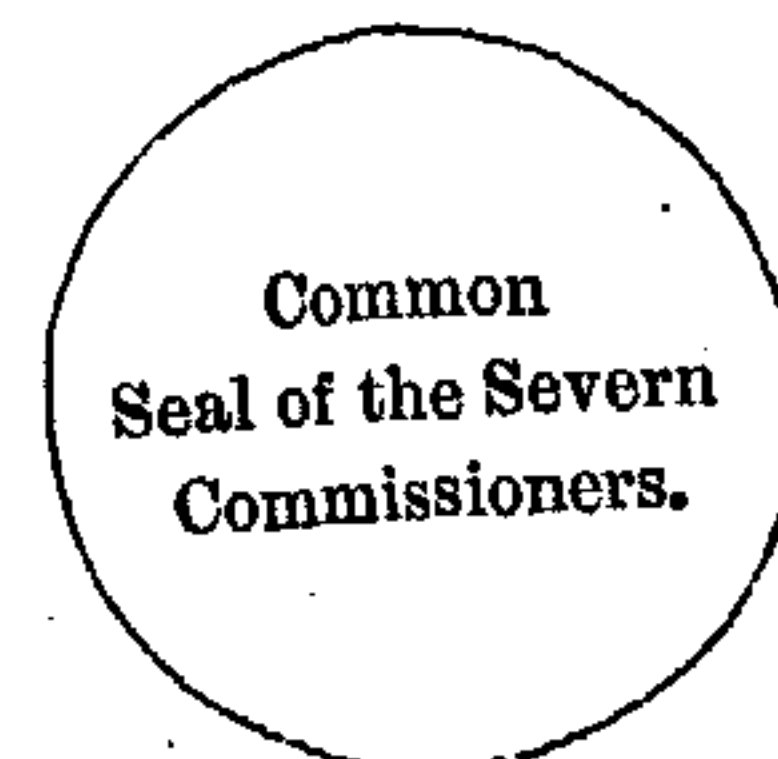
A.D. 1890.

8. It is hereby further declared and agreed that if so required by Parliament or the parties hereto the several provisions of this agreement may be turned into clauses and introduced into and treated in all respects as part of the Bill itself in lieu of being appended to the Bill by way of schedule and confirmed as a separate agreement.

In witness whereof the common seals of the said parties have been hereunto set the day and year first above written.

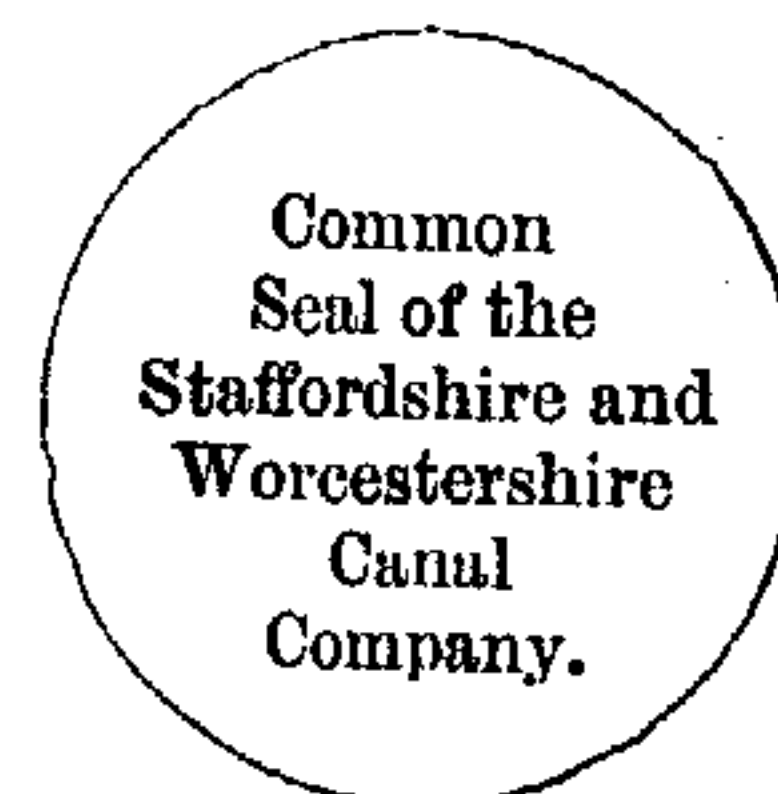
Common seal of the Severn Commissioners
affixed in the presence of

THOS. SOUTHALL,
Worcester,
Clerk to the Commissioners.



Common seal of the Company of Proprietors
of the Staffordshire and Worcestershire
Canal Navigation affixed in the presence
of

JOHN NEVE,
Clerk to the Company,
Wolverhampton.



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