



CHAPTER xci.

An Act to empower the Corporation of Gloucester to construct additional waterworks to consolidate the parishes within the city and to make better provision for the health local government and improvement of the city and for other purposes. [20th July 1894.]

A.D. 1894.

WHEREAS the city of Gloucester in the county of the city of Gloucester is a municipal city under the government of the mayor aldermen and citizens of the city (in this Act called the Corporation) who acting by the council are also the urban sanitary authority for the city and the city is a county borough within the meaning of the Local Government Act 1888 :

And whereas the Corporation are under and subject to the provisions of the Gloucester Waterworks Act 1855 (in this Act referred to as the Act of 1855) the owners of waterworks and supply water within the city and neighbourhood :

And whereas the supply of water from the present waterworks 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 that the Corporation should be empowered to borrow further moneys for the construction of the works by this Act authorised and otherwise for the purposes of this Act :

And whereas there are at present eleven parishes and four hamlets comprised within the city and there is some difference in the amount in the pound actually levied by way of rate in the several parishes and hamlets and the employment of an assistant overseer for each parish and hamlet is attended with much expense and it is expedient that the city should be constituted one parish for all purposes other than ecclesiastical purposes :

And whereas the Corporation are or claim to be entitled to the exclusive right of holding markets and fairs within the city and it

A.D. 1894. is expedient that better provision should be made as in this Act mentioned in regard to their markets and fairs:

And whereas it is expedient that better provision should be made with reference to streets buildings and sewers 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:

And whereas there are certain commons or lands subject to commonable rights in and near to the city namely the Town or Common Ham containing ninety acres or thereabouts the Oxleaze containing thirty-seven acres or thereabouts the Portham (otherwise Prestham) containing sixty-five acres or thereabouts the Archdeacon's Meadow and the Little Meadow containing together fifty-nine acres or thereabouts and the Meanham (otherwise Saint Catherine's Meadow) containing fifty acres or thereabouts (all which commons or lands are in this Act referred to as the common meadows):

And whereas the Corporation are or claim to be entitled to certain pasturage or commonable rights over or in respect of the common meadows on behalf of the citizens and freemen of the city or some of them:

And whereas the Corporation are or claim to be entitled to the soil and freehold of the Town or Common Ham and of the Oxleaze but the soil and freehold of the other common meadows are vested in other bodies and persons:

And whereas the total area of the common meadows greatly exceeds that actually required to provide for the pasturage or commonable rights of the persons now entitled to and exercising such rights and it would be of great benefit to the inhabitants of the city if the common meadows or some of them were freed from all commonable rights and laid out and maintained as public recreation and pleasure grounds and it is expedient with that view that the Corporation should be authorised to enter into and carry into effect agreements for the purposes and to exercise the powers in this Act mentioned:

And whereas by the Act 4 William IV. cap. xliv. (in this Act referred to as the Act of 1834) commissioners were appointed for lighting the suburbs of the city of Gloucester with gas and such suburbs were divided into four districts consisting of the hamlets and places described in the Act but the commissioners were empowered to enlarge the districts to any extent not exceeding one mile from the then boundary of the city:

And whereas by the City of Gloucester Extension and Improvement Act 1874 (in this Act referred to as the Act of 1874) the city was extended and since the passing of the Act of 1834 and the Act

of 1874 many houses have been built beyond the limits of the Act of 1834 and the population of the suburbs has greatly increased and it is therefore expedient that the districts of the said commissioners should be extended and enlarged as by this Act provided :

And whereas the area added to the city by the Act of 1874 included portions of the districts of the local boards of Barton Saint Mary Barton Saint Michael and Kingsholm Saint Catherine (herein-after referred to as the three suburban local boards) and the remaining portions of the said districts were added by that Act to the rural sanitary district of the Gloucester Union :

And whereas by section 51 of the Act of 1874 it is (in part) enacted as follows :—

In relation to the respective property rights debts and liabilities of the Corporation as a sanitary authority and of the three suburban local boards the following provisions shall have effect (that is to say) :—

(1.) The Local Government Board may if and when they think fit and shall on the application of the Corporation or of any one of the three suburban local boards or of any twenty ratepayers resident in the city or in any one of the three suburban districts apportion in such manner as the Local Government Board think most equitable the property rights debts and liabilities aforesaid in accordance with the determination of the Local Government Board on the following questions and that Board shall come to a determination thereon accordingly :—

(A.) Whether the whole or any and if any what part of the separate property of the Corporation as a sanitary authority or of the three suburban local boards respectively shall be retained for the benefit thereof exclusively and whether the whole or any and if any what part of that property shall become the property of the extended city :

(B.) Whether the whole or any and if any what part of the debts or liabilities of any of the constituent parts of the extended city or of the cost of any works or other expenditure for sanitary purposes required therein respectively at the time of apportionment shall be a charge exclusively on one or more of those constituent parts or on the extended city as a whole :

(C.) Whether such parts of the districts of the three suburban local boards as are not comprised within the extended city shall be wholly or to any and if any to what extent relieved from the respective mortgage

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debts of those local boards existing at the time of apportionment :

(D.) Whether any and if any what differences should be made or continued in the sanitary rates or in the water rents or other charges to be levied or charged in the different constituent parts of the extended city regard being had to any such exclusive benefit or liability as aforesaid :

And whereas the questions referred to in the above-mentioned enactment were duly submitted to and determined by the Local Government Board who by their order dated the twenty-ninth day of November one thousand eight hundred and seventy-five (amongst other things) determined as follows :—

Article II. paragraph (3)—

(3.) The cost of the works for sanitary purposes in making good the roadways and footways constructing sewers and surface drains and providing works of water supply now required in the area added to the old city by the City of Gloucester Extension and Improvement Act 1874 shall be charged exclusively on the area so added :

And whereas it would be to the general advantage of the inhabitants of the city to charge the outstanding debt costs and expenses referred to in Article II. paragraph (3) of the said order upon the whole of the city and to discontinue the differential rating authorised and determined by the Act of 1874 and the said order :

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

And whereas estimates have been prepared by the Corporation for the purchase of land for and the execution of the works by this Act authorised and such estimates amount to the sum of forty-five thousand pounds and the several works included in such estimates are permanent works within the meaning of section 234 of the Public Health Act 1875 :

And whereas plans and sections describing the lines situations and levels of the works authorised by this Act and a book of reference to those plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of lands required or which may be taken for the purposes or under the powers of this Act have been deposited with the clerk of the peace for the county of Gloucester and the clerk of the peace for the county of the city of Gloucester and are in this Act referred to as the deposited plans sections and book of reference :

And whereas an absolute majority of the whole number of the members of the council at a meeting held on the twenty-eighth day

of November one thousand eight hundred and ninety-three 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: A.D. 1894.

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 thirtieth day of January one thousand eight hundred and ninety-four being not less than fourteen days after the deposit of the Bill for this Act in Parliament:

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

And whereas since the deposit of the Bill for this Act an additional provision was made thereto which has received the consent of the council and of the owners and ratepayers of the city:

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

PART I.—PRELIMINARY.

1. This Act may be cited as the Gloucester Corporation Act 1894. Short title.

2. This Act is divided into parts as follows:—

Part I.—Preliminary.

Part II.—Water.

Part III.—Consolidation of Parishes.

Part IV.—Streets Buildings and Sewers.

Part V.—Sanitary Provisions.

Part VI.—Street Advertisements.

Part VII.—Markets Fairs and Slaughter-houses.

Part VIII.—Hackney Carriages.

Part IX.—Common Lodging Houses.

Division of
Act into
parts.

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Part X.—Town Ham and Common Meadows.

Part XI.—Financial Provisions.

Part XII.—Miscellaneous Provisions.

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 this Act namely:—

The Lands Clauses Acts;

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 for the purpose of incorporation with this Act and with the Act of 1855 section 44 of the Waterworks Clauses Act 1847 shall be read and have effect as if the words “with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner” were omitted from such section;

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 shall apply to the reservoir and tunnels or driftways by this Act authorised.

Interpreta-
tion of
terms.

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

“The undertakers” or “the Company” means the Corporation;

“The railway” means any reservoir tunnels or driftways by this Act authorised to be constructed;

“Centre of the railway” means with respect to the reservoir by this Act authorised to be constructed the boundaries of such reservoir and with respect to the tunnels and driftways the centre lines of those works respectively;

And in this Act—

“The city” means the city of Gloucester;

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

“The council” means the council of the city;

“The town clerk” “the treasurer” “the surveyor” “the medical officer of health” “the city fund” and “the city rate” “the district fund” and “general district rate” mean

respectively the town clerk treasurer surveyor medical officer of health city fund city rate district fund and general district rate of the city;

“The water limits” means the limits of water supply of the Corporation shown on the map of the water limits hereinafter mentioned;

“Parishes” includes the hamlets of Wotton Saint Mary (Within) Littleworth South Hamlet and Barton Saint Mary within the city;

“Sky sign” means any word letter model sign device or representation in the nature of an advertisement announcement or direction supported on or attached to any post pole standard framework or other support wholly or in part upon over or above any house building or structure which or any part of which sky sign shall be visible against the sky from some point in any street or public way and includes all and every part of any such post pole standard framework or other support The expression “sky sign” shall also include any balloon parachute or similar device employed wholly or in part for the purposes of any advertisement or announcement on over or above any house building structure or erection of any kind or on or over any street or public way but shall not be deemed to include--

(1.) Any flagstaff pole vane or weathercock unless adapted or used wholly or in part for the purposes of any advertisement or announcement;

(2.) Any sign on any board frame or other contrivance securely fixed to or on the top of the wall or parapet of any building on the cornice or blocking course of any wall or to the ridge of a roof Provided that such board frame or other contrivance be of one continuous face and not open work and do not extend in height more than three feet above any part of the wall or parapet or ridge to against or on which it is fixed or supported;

(3.) Any such word letter model sign device or representation as aforesaid which relates exclusively to the business of a railway company and which is placed or may be placed wholly upon or over any railway station yard platform or station approach belonging to a railway company and which is also so placed that it could not fall into any street or public place;

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

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

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

Words and expressions to which meanings are assigned by the Public Health Act 1875 have in this Act the same respective meanings unless the subject or context otherwise requires:

Provided that the expression “superior courts” or “court of competent jurisdiction” shall have effect as if the debt or demand with respect to which it is used were a simple contract debt and not a debt or demand created by statute.

Execution and limits of Act.

5. This Act shall be carried into execution by the Corporation acting by the council. And this Act (except Part II.) shall unless otherwise expressed or implied apply only to the city.

PART II.—WATER.

Works to form part of waterworks undertaking.

6. The works authorised by this Act shall be comprised in the water undertaking of the Corporation.

Map of the water limits.

7.—(1.) The map showing in pink colour the limits of water supply of the Corporation signed in duplicate by William Kenrick Esquire the chairman of the committee of the House of Commons to which the Bill for this Act was referred (in this Act called the map of the water limits) shall within three weeks after the passing of this Act be deposited in the Private Bill Office of the House of Commons and with the town clerk at his office.

(2.) Copies of the map of the water limits certified by the town clerk to be true copies shall be received in all courts of justice and elsewhere as *primâ facie* evidence of the limits of water supply of the Corporation.

Power to make water-works.

8. 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):—

Work No. 1. A well and pumping station in the parish of Oxenhall in the field numbered 297 on the $\frac{1}{2500}$ Ordnance map of that parish;

Work No. 2. A tunnel or driftway in the parish of Oxenhall commencing at or in the well first herein-before described and terminating in and under the field numbered 230 on the $\frac{1}{2500}$ Ordnance map of that parish;

Work No. 3. A tunnel or driftway in the parish of Oxenhall commencing at or in the well first herein-before described and

terminating in and under the field numbered 306 on the $\frac{1}{2500}$ Ordnance map of that parish; A.D. 1894.

Work No. 4. A line of pipes commencing in the well or pumping station first herein-before mentioned and terminating in the reservoir next herein-after mentioned;

Work No. 5. A reservoir in Madams Wood in the parish of Newent;

Work No. 6. A road diversion being a diversion of the public road leading from Upleadon to Barber's Bridge commencing in the parish of Upleadon in the said road and terminating in the parish of Newent in the said road;

Work No. 7. A road diversion being a diversion of the public road at Barber's Bridge where it crosses Redbrook commencing in the parish of Highleadon in the said road and terminating in the parish of Rudford in the said road;

Work No. 8. A line of pipes commencing in the parish of Newent in the reservoir (Work No. 5) herein-before mentioned and terminating in the parish of St. Mary-de-Crypt in the city at or near to Gloucester Cross:

Together with all proper embankments dams sluices weirs outlets overflows washouts bridges roads approaches wells pumps engines boilers tanks basins gauges filter beds discharge pipes adits shafts tunnels aqueducts culverts cuts channels conduits drains mains pipes junctions valves telegraphs telephones and other means of electric communication engines apparatus houses buildings and conveniences connected with or auxiliary to the intended works or any of them or necessary for inspecting maintaining repairing cleansing managing working and using the same Provided that such telegraphs telephones and other means of electric communication shall not be used in contravention of the exclusive privileges conferred on the Postmaster-General by the Telegraph Act 1869.

9. Subject to the provisions of this Act the Corporation may enter on take and use such of the lands delineated and described in the deposited plans and book of reference as may be required for the purposes of this Act and they may for the purposes of their waterworks take collect use and appropriate all such underground springs and waters as can be taken or collected by the waterworks authorised by this Act other than by the works No. 4 and No. 8. and any waters other than streams which may be found in or under any lands acquired by them under this Act. Power to take lands and waters.

10. Subject to the provisions of this Act in constructing the works by this Act authorised or any of them the Corporation may deviate from the lines thereof to any extent not exceeding the limits of deviation shown on the deposited plans and where the line Power to deviate.

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of any work is shown on those plans as passing along any road and no limits of lateral deviation are marked thereon the Corporation may in making such work deviate laterally to any extent within the boundaries of such road and the Corporation may deviate from the levels shown on the deposited sections to any extent not exceeding three feet upwards and to any extent downwards. Provided that no deviation either lateral or vertical below high-water mark shall be made without the consent in writing of the Board of Trade.

Power to acquire easements only for the tunnels &c.

11. The Corporation may in lieu of acquiring any lands for the purpose of the tunnels or driftways and lines of pipes by this Act authorised acquire such easements and rights in such lands as they may require for the purpose of making, maintaining, cleansing and repairing the tunnels or driftways and lines of pipes and may give notice to treat in respect of such easements and rights and may in such notice describe the nature thereof and the several provisions of the Lands Clauses Acts (inclusive of those with regard to limited owners and to arbitration and the summoning of a jury) shall apply to such easements and rights as fully as if the same were lands within the meaning of such Acts:

Provided that as regards any lands taken or used by the Corporation for the purpose of such tunnels or driftways and lines of pipes where they are respectively laid underground the Corporation shall not (unless they give notice to treat for such lands and not merely for easements therein) 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 at all times after the completion of the works have the same rights of passing over such lands for all purposes of or connected with the use or enjoyment of the adjoining lands as if such lands had not been taken or used by the Corporation:

Provided always that nothing herein 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 proviso but this proviso shall not apply in regard to so much of the tunnels or driftways (Works Nos. 2 and 3) by this Act authorised as is constructed at a depth of not less than forty feet from the surface of the ground.

For the protection of the Great

12. For the protection of the Great Western Railway Company (herein-after referred to as "the Great Western Company.") the

following provisions shall unless otherwise agreed in writing between the Great Western Company and the Corporation apply :—

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Western
Railway
Company.

(A.) The line of pipes work No. 8 where it crosses under the Newent Railway of the Great Western Railway Company and the said line of pipes where it crosses under the South Wales Railway of the said Company shall be carried through a culvert bridge at each of such crossings of such diameter as will admit of the line of pipes being laid therein and of access thereto for the purpose of repairing and renewing the said line of pipes and such culvert bridge shall if necessary and on the request of the Great Western Company be extended by the Corporation so as to be of sufficient length to allow of the said company widening their said Newent Railway at any time or times thereafter to admit of four lines of rails being laid thereon and widening the said South Wales Railway at any time or times thereafter to admit of four lines of rails being laid thereon and the said line of pipes No. 8 where it crosses over the said Newent Railway at Barber's Bridge shall be carried outside of the said bridge and the approaches thereto :

(B.) In laying down altering improving enlarging extending or renewing or in executing or effecting the repairs or renewals of any pipes culverts or other works by this Act authorised upon across over under or adjoining or in any way affecting the railways and works now or hereafter belonging to or used by the Great Western Company or the bridges approaches viaducts stations or other works or any level crossings over the railways of the Great Western Company the same except in the case of urgent repairs shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of the Great Western Company and only according to such plans and in such manner as shall be submitted to and as shall be previously reasonably approved by him in writing :

(C.) Except as in this section otherwise provided all such works shall be done by and at the expense of the Corporation who shall also restore and make good to the reasonable satisfaction of the said engineer the roads over or under any bridge or over any level crossing of the railways of the Great Western Company or over the approaches to any such bridge or level crossing which the Great Western Company is or may be liable to maintain so far as the same may be disturbed or interfered with by or owing to any operations of the Corporation :

(D.) All such works and operations and all matters incidental thereto shall be constructed executed and done so as to cause as little injury as may be to the several railways and the

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bridges level crossings approaches viaducts stations and works respectively and so as to cause no interruption to the passage or conduct of traffic over such railways or at to or from any station thereon :

(E.) Notwithstanding anything in this Act contained if any injury or interruption as aforesaid shall arise from or in any way be owing to any of the acts works operations and matters aforesaid or the failure of any such culverts pipes or works in under or near to any railway bridge level crossing embankment cutting approach viaduct station land works or property of the Great Western Company the Corporation shall make compensation to the Great Western Company in respect thereof the amount of such compensation unless agreed upon to be determined by arbitration in the manner herein-after provided :

(F.) The Corporation shall bear and on demand pay to the Great Western Company the reasonable expenses of the employment by them during the making and maintaining of the tunnel work No. 3 and of any of the lines of pipes by this Act authorised under or over the respective railways in this section referred to or on the land and works connected therewith respectively of a sufficient number of inspectors signalmen or watchmen to be appointed by the Great Western Company for watching their respective railways and works and the conduct of the traffic thereon with reference to and during the execution and maintenance of the intended works and for preventing as far as may be all interference obstruction danger and accident from any of the operations or from the acts or defaults of any person or persons in the employ of the Corporation with reference thereto or otherwise :

(G.) The Corporation shall acquire only such an easement across over or under any of the railways or the lands or works connected therewith respectively of the Great Western Company as may be necessary for constructing or maintaining the several works of the Corporation hereby authorised and shall pay to the Great Western Company for any such easement to be acquired by them such sum either annual or otherwise as may be agreed upon or failing agreement as shall be settled by arbitration in manner provided by the Lands Clauses Acts with respect to the acquisition of lands otherwise than by agreement and the easement so to be taken shall be deemed to be land so far as respects the proceedings for the acquisition thereof and also for the purposes of such arbitration :

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(H.) If the Great Western Company at any time or times hereafter require of which they shall be the sole judges to construct any additional or other works upon their lands or railways or to alter or repair their railways bridges viaducts or works upon across over or under which any of the works of the Corporation may have been constructed or laid the Great Western Company may at their own expense on giving to the Corporation fourteen days' notice in writing under the hand of their secretary or general manager for the time being and in case of emergency without notice divert support or carry the said works of the Corporation across over or under their lands railways bridges or works at any other point or otherwise deal with the same in as convenient a manner as circumstances will admit and doing as little damage as may be without being liable to pay compensation in respect of such diversion supporting carrying or dealing with such works :

(I.) Except as in this section otherwise provided any dispute or difference which may arise between the Great Western Company and the Corporation with reference to the provisions of this section or in any way arising thereout or as to any works to be carried out in pursuance thereof shall be settled by arbitration by an engineer or other fit person to be appointed by the Board of Trade on the application of the Great Western Company and the Corporation or either of them and the costs of such arbitration shall be in the discretion of such arbitrator and the Arbitration Act 1889 shall apply to such arbitration.

13. For the protection of the navigation of the River Severn the following provisions shall apply and have effect:—

For the protection of the navigation of the River Severn.

(A.) In laying down the line of pipes (Work No. 8) the Corporation shall not exercise the powers of deviation given by this Act so as to lessen the headway under the Westgate Bridge available for navigation at the time of the passing of this Act and shall provide and fix on the main line of pipes a suitable stop valve on each side of and at least one hundred yards from the Westgate Bridge in order that if the Severn Commissioners shall at any time obtain power to alter the said bridge the portion of the said line of pipes between the said valves and crossing over the said bridge may be carried over the bridge as altered or under the River Severn and the water diverted from the old to the new line of pipes without causing unnecessary inconvenience to the city of Gloucester and so that the said line of pipes may not form any additional artificial barrier to the alteration of the said bridge or the improvement of the Severn navigation If any such alteration of the said

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bridge and line of pipes shall be authorised and carried out the alteration of the said line of pipes shall be carried out in manner and in accordance with plans sections and specifications to be first reasonably approved by the Corporation and the whole of the works connected with the new line of pipes shall as far as possible be completed before interfering with the old line of pipes and the said works shall be carried out to the reasonable approval of the Corporation with all reasonable despatch and so as to cause as little interruption to traffic as possible. The Severn Commissioners shall maintain the new line of pipes for a period of twelve months and if the said line of pipes shall be carried under the River Severn the same shall unless otherwise agreed be enclosed in water-tight shafts and tunnel which shall for ever be repaired and maintained by or at the expense of the Severn Commissioners and in case the Severn Commissioners shall fail to repair or maintain the said line of pipes or the said shafts and tunnel during the said respective periods or in case of emergency the Corporation shall be entitled to execute the required works and recover the expenses incurred in so doing from the Severn Commissioners :

- (B.) The Severn Commissioners shall bear the whole cost of and incidental to the alteration and maintenance of the said line of pipes so far as any such alteration is made and of the construction and maintenance of the said shafts and tunnel in manner aforesaid :
- (C.) If any dispute or difference shall arise between the Corporation and the Severn Commissioners with reference to anything to be done or any payment to be made under this section the same shall be referred to an engineer to be agreed upon or failing agreement to be appointed on the application of either party by the Board of Trade as a single arbitrator in accordance with the provisions of the Arbitration Act 1889 :
- (D.) Nothing herein contained shall in any way authorise the Severn Commissioners to make any alteration in or otherwise interfere with the Westgate Bridge or affect any of the rights of the Corporation therein or with reference thereto or affect or prejudice the right of the Corporation to object to or oppose any proposal to alter or interfere with the said bridge on any grounds they may think proper except with reference to the line of pipes (Work No. 8) as to which special provision is hereby made and which shall not be used by the Corporation as a ground of opposition.

14. If the works by this Act authorised are not completed within ten years from the passing of this Act then on the expiration of that

Time for
completion
of works.

period the powers by this Act granted for the making thereof respectively or otherwise in relation thereto shall cease except as to such of them or so much thereof respectively as is then completed. A.D. 1894.

15. The powers of the Corporation for compulsory purchase of lands under this Act shall cease after the expiration of three years from the passing of this Act. Period for compulsory purchase of lands.

16. 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 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.

17. 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 than the parties to the agreement have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the Lands Clauses Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants easements rights and privileges as aforesaid. Power to take easements &c. by agreement.

18. The proceeds of the sale of any superfluous lands of the Corporation under the powers of this Act shall be distinguished as capital in the accounts of the Corporation and shall be applied in discharge of moneys borrowed by the Corporation for waterworks purposes but shall not be applied to the payment of instalments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board Any moneys discharged out of the proceeds of any such sale shall not be reborrowed. Proceeds of sale of surplus land to be treated as capital.

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

For the purposes of this section the expression "labouring class" means and includes mechanics artizans labourers and others working

A.D. 1894. for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

Maintenance of substituted roads.

20. When the road diversions by this Act authorised have been constructed by the Corporation in substitution for portions of the existing public highways the road diversions shall be maintained in repair by and at the cost of the Corporation for twelve months after their respective completion and opening to the public of which completion a certificate of two justices shall be conclusive evidence (which certificate two justices shall give on such completion being proved to their satisfaction) and from and after the expiration of the said respective periods of twelve months such road diversions shall be maintained in repair by and at the expense of the highway authority or person by whom or at whose expense the former public highways were respectively repairable.

Power to supply water to local authorities and others.

21. It shall be lawful for the Corporation to supply water by agreement in bulk or otherwise and for domestic or other purposes to any local or sanitary authority company or person any part of whose district or premises is situate within one mile of the lines of pipes (Works No. 4 and No. 8) by this Act authorised on such terms and conditions in all respects and for such periods (not exceeding three years) as the Corporation and such local or sanitary authority company or person 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 limits of supply of any local or sanitary authority or company (except to the Onslow estate and the Mansion House and premises known as Newent Court) without the consent of such authority or company nor shall the Corporation under any such agreement supply water so as to interfere with their giving a proper supply for all purposes to persons within their limits of supply Provided that the limitation of three years prescribed by this section shall not apply to the agreement set forth in the First Schedule to this Act nor to any agreement entered into with the owners of the Onslow estate and Newent Court respectively 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.

Supply by measure.

22. The Corporation may supply water within the water limits for domestic trade and other purposes by measure and on such terms pecuniary and otherwise and conditions as shall be agreed on

between the Corporation and the person requiring the supply and the moneys payable for the supply and use of meters shall be recoverable as water rates are recoverable under the Waterworks Clauses Act 1847 Provided that no person shall be entitled to a supply of water for other than domestic purposes if such supply would interfere with the sufficiency of the supply of water for domestic purposes.

23. Before any person connects or disconnects any meter through which any of the water of the Corporation is intended to be or has been registered he shall give not less than twenty-four hours' notice in writing to the Corporation of his intention to do so and all alterations or repairs and the connecting and disconnecting of meters shall be done at his cost and under due superintendence of an officer of or person authorised by the Corporation and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings Notice of the provisions of this section shall be printed on every application for the supply of water by measure and on every demand note for charges in respect of water so supplied.

Notice to Corporation of connecting or disconnecting meters.

24. Where water is supplied by measure the register of the meter shall be *primâ facie* evidence of the quantity of water consumed.

Register of meter to be *primâ facie* evidence.

25. The agreement made between the guardians of the poor of the Newent Poor Law Union acting as the rural sanitary authority for the said union of the one part and the Corporation of the other part set forth in the First 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 Newent Rural Sanitary Authority and Corporation.

26. The Corporation shall not under the powers of this Act 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 Corporation shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consents or approvals If any such work be commenced or completed contrary to the provisions of this Act the Board of Trade may abate and

Works below high water mark not to be commenced without consent of Board of Trade.

remove the same and restore the site thereof to its former condition at the costs and charges of the Corporation and the amount of such costs and charges shall be a debt due from the Corporation to the Crown and shall be recoverable accordingly with costs.

Survey of
works by
Board of
Trade.

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

Abatement
of work
abandoned
or decayed.

28. If a work constructed by the Corporation on in over through or across tidal lands or tidal water is abandoned or suffered to fall into decay the Board of Trade may abate and remove the work or any part of it and restore the site thereof to its former condition at the expense of the Corporation and the amount of such expense shall be a debt due from the Corporation to the Crown and be recoverable accordingly with costs or the same may be recovered with costs as a penalty is recoverable from the Corporation.

Saving rights
of the Crown
in the
foreshore.

29. Nothing contained in this Act shall authorise the Corporation to take use or in any manner interfere with any portion of the shore or bed of the 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 of Her Crown and under the management of the Board of Trade without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give) neither shall anything in this Act contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exercisable by the Queen's Majesty Her heirs or successors.

For the pro-
tection of the
Gloucester-
shire County
Council.

30. Whereas the line of pipes by this Act authorised and described as Work No. 8 is intended to be constructed across the western channel or branch of the River Severn at Over in the county of Gloucester by means of a bridge to be erected for the purpose by the Corporation near to a bridge belonging to or reputed to belong to the Gloucestershire County Council (herein-after called "the County Council") and it is expedient that the following

provisions shall (unless otherwise agreed upon between the parties) apply and have effect :— A.D. 1894.

(1.) The said bridge shall consist of one span and shall be constructed upon screw piles on either bank of the river and in the line shown by the deposited plans. At least six weeks before the commencement of the construction of the said bridge a drawing and section and a specification of the said screw piles and of the mode of carrying out the work so far as it relates to the said screw piles shall be submitted to the county council who shall be at liberty to submit the same to Sir Benjamin Baker civil engineer or in the event of his death or incapacity to some other competent engineer to be named by the Board of Trade and the Corporation shall comply with any reasonable modification that may be required by him provided the Corporation receive particulars of such modification within three weeks from the date when the said drawing section and specification shall have been submitted to the county council and the work as regards the said screw piles shall be carried out to his reasonable satisfaction. And the county council shall be at liberty from time to time to inspect the said work during the progress thereof and such screw piles shall thereafter be maintained by the Corporation. If any repair or renewal of any of the said screw piles shall be necessary the Corporation shall (except in case of emergency) give to the county council at least fourteen days' notice thereof before the commencement of such repair or renewal and the same shall be carried out to the reasonable satisfaction of the county council :

(2.) The line of pipes (Work No. 8) shall be carried over Barber's Bridge in accordance with a plan and section signed by R. Read on behalf of the Corporation and Edward T. Gardom on behalf of the county council :

(3.) The Corporation for the protection of the public highways shall provide proper drains at all washouts hydrants and stand-pipes constructed by the Corporation in streets beyond the city :

(4.) The line of pipes or any mains which may be laid or re-laid by the Corporation in streets beyond the city shall be so laid that the uppermost part of such pipes shall be not less than two feet below the surface of the street.

PART III.—CONSOLIDATION OF PARISHES.

31.—(1) From and after the twenty-fifth day of March one thousand eight hundred and ninety-six the area included within the Consolidation of all the parishes

A.D. 1894.
—
of the city
into one
parish.

city shall for all purposes other than exclusively ecclesiastical purposes be one parish to be called (and herein-after referred to as) the parish of Gloucester. Provided that so long as the Gloucester county lunatic asylum with its lands buildings and appurtenances shall continue to be within and to form part of the county of Gloucester the lunatic asylum lands buildings and appurtenances shall not form part of the parish of Gloucester but upon their ceasing to form part of the county of Gloucester they shall become part of the parish and city and county of the city of Gloucester.

(2.) Notwithstanding anything in section 47 of the Act of 1874 the gaol with the area there described shall form part of the parish and city and county of the city of Gloucester. Provided nevertheless that such gaol shall continue to be the gaol for the county of Gloucester and that nothing in this section contained shall affect the rights powers and duties of any sheriff coroner or justice of the county of Gloucester within such gaol.

(3.) All and every right custom privilege or power other than in matters ecclesiastical vested in or exerciseable by the parishioners ratepayers or inhabitants in vestry assembled of any parish which is by this Act included within the parish of Gloucester shall cease to be so vested or exerciseable and every office of overseer assistant overseer and collector of poor rates in or for any parish which is by this Act included in the parish of Gloucester shall be vacated and determine. Provided that nothing in this section shall take away prejudice or affect any security right or remedy for or in respect of the collection and recovery of rates or any proceeding or thing pending or in course of being done on the said twenty-fifth day of March one thousand eight hundred and ninety-six or any liability to account or audit and all arrears of rates may be enforced collected and recovered by the overseers and assistant overseers appointed under this Act.

(4.) From and after the twenty-fifth day of March one thousand eight hundred and ninety-six all rights powers duties liabilities obligations privileges and immunities not exclusively ecclesiastical incident or attaching to the said parishioners ratepayers or inhabitants in vestry assembled shall for and within the parish of Gloucester be incident and attach to the council and be exerciseable by them.

(5.) From and after the twenty-fifth day of March one thousand eight hundred and ninety-six the power and duty of any authority or person to appoint an overseer and assistant overseer for the parish of Gloucester shall cease and determine and the following provisions shall apply :—

(A.) On the twenty-fifth day of March in any year or within fourteen days thereafter and within fourteen days of any vacancy

in the office of overseer or within such extended period as the Local Government Board may in either of such cases allow the council shall appoint the overseers or an overseer (as the case may be) of the poor for the parish of Gloucester ;

- (B.) The council shall as often as need be appoint the assistant overseer or assistant overseers for the parish of Gloucester and determine and specify the duties to be by him or them executed and performed and fix the remuneration to be paid to him or them out of the poor rate ;
- (C.) The churchwardens of the parishes included within the city shall cease to be overseers ;
- (D.) Every householder (being a citizen) residing within the city or within seven miles thereof shall be qualified to be an overseer of the parish of Gloucester ;
- (E.) Subject to the provisions of this sub-section the provisions of the general law with respect to overseers and assistant overseers shall apply.

(6.) Any assistant overseer or collector of poor rates of or for any parish by this Act made part of the parish of Gloucester who was in office on or before the fifteenth day of December one thousand eight hundred and ninety-three and shall be in office on the twenty-fifth day of March one thousand eight hundred and ninety-six shall as and from the last-mentioned date if willing to continue to discharge the duties hitherto appertaining to his office or analogous and equivalent duties within the area of the parish of which he was such assistant overseer or collector of poor rates (or any other area which may be agreed on) be and be deemed (subject to his first giving proper security for the due honest and faithful discharge of such duties) an officer of the parish of Gloucester holding office by the same or the like tenure and on and subject to the same or like terms and conditions as he held his former office and entitled to the like salary and emoluments as he was entitled to in respect of his former office for the year ending the twenty-fifth day of March one thousand eight hundred and ninety-six and subject to the duties obligations and liabilities of and incident to his former office or as near thereto as circumstances will admit Provided nevertheless that if such officer and the Corporation shall either before or after the said twenty-fifth day of March one thousand eight hundred and ninety-six so agree it shall be lawful for the Corporation instead of retaining the services of such officer to award him compensation for loss of office Such compensation may be paid by way of annuity or in a gross sum or otherwise and the amount thereof shall be determined by agreement between such officer and the Corporation or in the event of dispute by the Local Government Board.

A.D. 1894.

(7.) Any doubt question or difficulty which may arise as to the status of any officer or as to the transfer apportionment or adjustment of any property debt or liability as between any of the parishes affected by this Act shall be determined by the Local Government Board whose decision shall be binding and conclusive on all bodies and persons concerned and any costs which may be incurred by the Local Government Board under this section shall be paid by the Corporation out of the city fund.

(8.) Unless and until it be otherwise determined or ordered by the Local Government Board the parish of Gloucester shall form part of the Gloucester Poor Law Union and the representation of that parish on the board of guardians for the said union shall until altered in pursuance of any powers in that behalf be the same as that of the parishes in the city immediately before this section comes into operation. The wards of the city shall be deemed wards of the parish of Gloucester for the election of guardians in like manner as though the parish of Gloucester had been divided into the said several wards for the election of guardians by an order pursuant to section 12 of the Divided Parishes and Poor Law Amendment Act 1876 and the Corporation shall as soon as practicable after the twenty-fifth day of March one thousand eight hundred and ninety-six make an order apportioning the number of guardians representing or entitled to represent the parish of Gloucester among the several wards of that parish and shall also determine which of the then guardians shall represent the several wards.

(9.) Any person who shall have acquired a settlement or status of irremovability in any of the parishes comprised in the city shall be deemed respectively to have acquired a settlement or a status of irremovability in the parish of Gloucester as constituted by this Act.

(10.) All rate books books of account minutes of proceedings deeds papers and writings belonging to the parishes which are comprised in the city shall be deposited in the Guildhall in the city and be there kept and preserved by the town clerk and the ratepayers shall at all times have the same right of inspection and making extracts from such books and minutes as they would have had if they were ratepayers of the said parishes.

(11.) The guardians representing the parishes in the city immediately before this section comes into operation shall remain in office until the guardians for the parish of Gloucester are elected and come into office.

(12.) Notwithstanding anything herein-before contained any power by this section conferred on the Local Government Board may be exercised and any proceedings (including the giving of any

notice) preliminary to the election of guardians for the parish of Gloucester may be taken before the twenty-fifth day of March one thousand eight hundred and ninety-six and it shall be the duty of the clerk to the board of guardians of the Gloucester Poor Law Union and of all other persons to take proceedings so as to conform to the provision of this section. A.D. 1894.

(13.) Notwithstanding anything herein-before contained the registers of persons entitled to vote at the election of a knight of the shire for the northern or Tewkesbury parliamentary division of Gloucestershire for the parishes comprised within the city shall be deemed to be the register of such parliamentary voters entitled to vote as aforesaid for the parish of Gloucester until a new register of parliamentary voters for the parish of Gloucester shall have been prepared according to law and shall have come into force.

(14.) All valuation lists in relation to hereditaments and premises in the parishes by this Act included in the parish of Gloucester and in force on the twenty-fifth day of March one thousand eight hundred and ninety-six shall until new valuation lists are made be and be deemed to be part of the valuation lists for the parish of Gloucester.

(15.) For the purposes of the Registration of Electors Acts 1843 to 1891 it shall be sufficient (instead of publishing the entire lists of parliamentary voters and citizens in accordance with those Acts) to publish the lists of parliamentary voters and citizens of each ward of the city at the times and in manner provided by those Acts as if each such ward were a separate parish.

PART IV.—STREETS BUILDINGS AND SEWERS.

32. The deposit with the Corporation of any plan of any street or building shall be null and void if the execution of the work specified in such plan be not commenced within the following periods (that is to say):— Deposit of plan to be void after certain interval.

As to plans deposited after the passing of this Act within three years from the date of such deposit; and

As to plans deposited before the passing of this Act within three years from the passing of this Act:

And at the expiration of those respective periods fresh notice and deposits shall unless the Corporation otherwise determine be requisite.

33. The Corporation may make byelaws with reference to the retention by them of drawings plans sections specifications and written particulars descriptions or details deposited with the Corporation. Byelaws as to plans deposited with the Corporation.

A.D. 1894. Corporation in pursuance of any enactment for the time being in force in the city or any byelaw thereunder respectively.

Power to vary position or direction of new streets.

34. The Corporation may by order vary or alter the position direction or level of any intended new street for the purpose of causing it to communicate in a direct or more direct line with any other street adjoining or leading thereto. The Corporation shall make compensation to any person who may be injuriously affected by the exercise of the powers conferred by this section.

Intersecting streets.

35. No new street shall unless the Corporation otherwise allow be laid out more than one hundred and fifty yards in length without an intersecting street.

As to line of buildings.

36. After the passing of this Act no new building or erection shall without the consent of the Corporation be erected beyond or in front of the general line of buildings in any street if the distance of the line of buildings from the street does not exceed twenty feet or shall be erected within twenty feet of the street where the distance of the line of buildings therefrom exceeds the distance of twenty feet and in case there is no general line of buildings in any street the Corporation may define and fix the general building line to be observed in such street and no building or erection shall without the consent of the Corporation be erected beyond or in front of the building line so fixed and every person erecting any house or building otherwise than in accordance with the provisions of this section or failing to keep the line of buildings so fixed as aforesaid shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding ten pounds.

Gardens forecourts &c. to be fenced off from streets.

37. Whenever the person erecting any building shall be desirous of leaving an opening or of placing any steps or other projection in any forecourt area or space left in front of such building such forecourt area or space shall if required in writing under the hand of the town clerk be well and sufficiently fenced off from the footpath or street by a railing parapet or dwarf wall or otherwise to the satisfaction of the Corporation and any person who shall offend against this enactment shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Continuations of existing streets to be deemed new streets.

38. Every continuation of an existing street shall for the purposes of the Public Health Acts and of this Act and of any byelaws made thereunder and for the time being in force within the city be deemed to be a new street and shall (unless with the consent of the Corporation) be of the full width at the least of the street of which it shall be a continuation. Provided always that such new street shall in no case without the consent of the Corporation be of less width than that specified in the byelaws for the time being in force

Provided also that this section shall not apply to or in the case of any continuation of any existing street the plan and section of which continuation have been approved of by the Corporation before the passing of this Act. A.D. 1894.

39. If the footway or carriageway of any street is injured by or in consequence of any building work or surface excavation on or under such footway or carriageway or on or under lands adjoining thereto the Corporation may repair or replace the footway or carriageway so injured and may recover summarily as a civil debt or in any court of competent jurisdiction from the owner of the land on or under which the building work has been done or excavation has been made or from the person causing the injury as the Corporation may think fit all damages arising from such injury and all expenses incurred in such repair or replacement. Injury to streets by excavation to be made good.

40. Where any vacant or waste lands are in a state to cause a nuisance or danger to the public the Corporation may serve a notice on the owner or occupier requiring him within a time thereby limited to effectually fence the same and if the owner or occupier fails to comply with the requisitions of the notice or to keep such lands effectually fenced the Corporation may cause such lands to be effectually fenced or the fences thereof to be repaired and may recover the expenses so incurred summarily as a civil debt or in any court of competent jurisdiction from the person making default. Fencing of vacant lands.

41. The entrance to any court or place not being a highway repairable by the inhabitants at large shall not at any time after the commencement of this Act be closed or narrowed or built over or the height or headway thereof lowered without in each case the consent of the Corporation in writing. Entrances to courts &c. not to be closed &c. without consent of Corporation.

42. When in any court any building is burnt or pulled down to or below half the front thereof such building shall if required by the Corporation be entirely pulled down and removed and shall not be rebuilt. Provided that the Corporation shall make compensation to the owner of the site of such building for any loss or damage sustained by him in consequence of the building being so pulled down removed and not rebuilt. Restriction on erection of any building in courts.

43. No person shall in any new street commence to erect any new building or to excavate for the foundation thereof until the whole length of the street shall have been defined by posts or in some other sufficient manner to the satisfaction of the Corporation to indicate the approved line and level 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 twenty shillings. No buildings allowed until street defined.

A.D. 1894.

Crossings
for horses
or vehicles
&c. over
footways.

44. Every person desirous of forming a communication for horses cattle or vehicles across any kerbed or paved footway so as to afford access to any premises from a street shall first give notice in writing of such desire to the Corporation and shall if so required by them submit to them for their approval a plan of the proposed communication showing where it will cut the footway and what provision (if any) is made for kerbing for gullies and for a paved crossing and the dimensions and gradients of necessary works and shall execute the works at his own expense under the supervision and to the reasonable satisfaction of the surveyor and in case such plan shall have been required then in accordance with the plan so approved and not otherwise.

If any person drives or permits or causes to be driven any horse cattle or vehicle across any kerbed or paved footway before such a communication has been made or on or along any part of any such footway other than the part over which such communication has been made he shall for each such offence be liable to a penalty not exceeding forty shillings in addition to the amount of damage (if any) thereby occasioned and such penalty and damages shall be recoverable in like manner as penalties under this Act may be recovered.

As to
urgent
repairs to
private
streets.

45. In cases where urgent repairs are required to any street not being a highway repairable by the inhabitants at large and where for want of such repairs danger exists to passengers or vehicles in such street the Corporation may give notice in writing to the owners of the premises fronting adjoining or abutting on such parts thereof as may require such repairs requiring them to execute within a time to be specified in such notice such repairs in and upon such street as shall be specified in such notice and if such notice is not complied with the Corporation may if they think fit execute such repairs and the expenses thereof shall be recoverable summarily as a civil debt or in any court of competent jurisdiction from the owners in default.

What to be
deemed new
buildings.

46. From and after the commencement of this Act—

The re-erection wholly or partially on the same site of any building of which an outer wall is pulled down or burnt down to or within ten feet of the surface of the adjoining ground and of any frame building so far pulled down or burnt down as to leave only the framework of the ground floor storey thereof;

The conversion into a dwelling-house of any building not originally constructed for human habitation or the conversion into more

than one dwelling-house of a building originally constructed as one dwelling-house only; A.D. 1894.

The re-conversion into a dwelling-house of any building which has been discontinued as and appropriated for any purpose other than that of a dwelling-house;

The conversion of a dwelling-house into any other building not intended for human habitation;

The making of any addition to an existing building by raising any part thereof or making any projection therefrom but so far as regards such addition only; and

The roofing or covering over of an open space between walls or buildings;

shall for all the purposes of this Act and the Public Health Acts and of any byelaws made thereunder respectively be deemed to be the erection of a "new building" and the word "building" shall for all such purposes include an erection or building of a permanent character of whatever material constructed.

47. No new building shall without the approval of the Corporation be erected on the side of any street not existing at the passing of this Act which shall exceed in height the distance from the front of such building to the opposite side of such street nor shall the height of any building at any time erected on the side of any street be at any time subsequently increased without such approval as aforesaid so as to exceed such distance. In determining the height of a building the measurement shall be taken from the level of the centre of the street immediately opposite to the centre of the front of the building up to the top of the eaves of the roof or in the case of a flat roof to the top of the parapet facing the street.

Height of buildings.

48. Sections 69 and 70 of the Towns Improvement Clauses Act 1847 (incorporated with the Public Health Acts) shall with respect to the city extend and apply to any crane or apparatus for hoisting or lowering goods and any other like projections from or at any building and whether erected before or after the passing of this Act which the Corporation may determine to be dangerous or an obstruction to the safe or convenient use of any street.

Prevention and removal of projections over streets.

49. If any trade refuse or any building materials or other materials or rubbish of a like description be deposited in any privy cesspool ashpit or ashtub the Corporation may make a reasonable charge for the removal of the same which charge shall be paid to the Corporation by the occupier of the premises in respect of which the charge is made and may be recovered summarily.

Charge for emptying privies of rubbish.

A.D. 1894.

Restric-
tions on
deposit of
building
materials
and excava-
tions.

50. It shall not be lawful for any person without the consent of the Corporation first obtained which consent shall not be unreasonably withheld to lay any building materials rubbish or other thing or make any excavation on or in any street and when with such consent any person lays any building materials rubbish or other thing or makes any excavation on or in any street he shall at his own expense cause the same to be sufficiently fenced and a sufficient light to be fixed in a proper place on or near the same and to be continued every night from sunset to sunrise and shall remove such materials rubbish or thing or fill up such excavation (as the case may be) when required by the Corporation and if any person fails to comply in any respect with the requirements of this enactment he shall be liable to a penalty not exceeding forty shillings and the Corporation may remove any such materials rubbish or thing or fill up such excavation (as the case may be) and recover the expenses from the offender summarily.

Pipes from
slopstones
to be dis-
connected
from
sewers.

51. Every pipe from any slopstone bath or lavatory in a building erected before as well as after the passing of this Act shall where practicable be carried through the external wall of such building and be constructed so as to discharge in the open air on the outside of such building over a channel leading to a gully grating at a suitable distance and every gully grating or other inlet to the drains shall be properly trapped and every person offending against this enactment shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding five shillings Provided always that with respect to a building erected before the passing of this Act any penalty for an offence against the provisions of this section shall not be enforced unless default has been made for twenty-eight days in complying with a notice from the Corporation or the inspector of nuisances requiring the owner of such building to comply with the provisions of this section.

Undertak-
ings to bind
successive
owners.

52. Every undertaking or agreement in writing given after the passing of this Act by or to the Corporation to or by or on behalf of any owner of property on the passing of plans or for the removal of obstructions or otherwise in connexion with the property of such owner shall be binding upon the owner of the property for the time being and upon his successors in title and upon the Corporation and may be enforced by either party in any court of summary jurisdiction by a penalty not exceeding five pounds for each breach of such undertaking or agreement and a daily penalty not exceeding twenty shillings and such owner shall be entitled to require from the Corporation a copy of such undertaking or agreement And every intending owner or lessee of property shall be entitled on

application to information from the Corporation as to the existence of any such undertaking or agreement affecting the property and the terms of the undertaking or agreement if any such exist. A.D. 1894.
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53.—(1.) In case 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 Act or under any byelaw made under the powers of this Act 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 five pounds and during the continuance of such 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. Penalty on occupiers refusing execution of Act.

(2.) If the occupier of any premises when requested by or on behalf of the Corporation to state the name of the owner of the premises occupied by him shall refuse or wilfully omit to disclose or wilfully misstate the same he shall (unless he shall show a cause to the satisfaction of the court for his refusal) be liable to a penalty not exceeding five pounds.

54. There shall be exempted from so much of the provisions of this Act as relates to buildings and structures every building structure or work vested in or in the occupation of Her Majesty Her heirs and successors either beneficially or as part of the hereditary revenues of the Crown or in trust for the public service or public services also any building structure or work vested in or in the occupation of any department of Her Majesty's Government for public purposes or for the public service. Exemption of Government property from building regulations.

55. Nothing in this part of this Act or in any byelaws to be made thereunder shall apply to any buildings (not being a dwelling-house) belonging to any railway company and used by such company as a part of or in connexion with their railway. Exemption of buildings of railway companies.

PART V.--SANITARY PROVISIONS.

56. The Corporation may make byelaws for regulating the admission to and discharge of patients from any hospital temporary or otherwise provided by them and the conduct of patients therein Byelaws regulating hospitals.

A.D. 1894. and for preventing persons from entering such hospitals or the grounds thereof except with the consent of and subject to such conditions as may be imposed by the Corporation.

Dairymen to furnish list of customers in certain cases.

57. Whenever it shall be certified to the Corporation by the medical officer of health that the spread of infectious disease is in the opinion of such medical officer of health attributable to the milk supplied by any dairyman the Corporation may require such dairyman to furnish to them within a time to be fixed by them a full and complete list of the names and addresses of all his customers within the city and such dairyman shall furnish such list accordingly and the Corporation shall pay to him for such list the sum of sixpence and after the rate of sixpence for every twenty-five names contained therein but no such payment shall exceed three shillings and every person who shall wilfully or knowingly offend against this enactment shall for each such offence be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Persons engaged in washing or mangling clothes to furnish list of owners of clothes in certain cases.

58. Whenever it shall be certified to the Corporation by the medical officer of health that it is desirable with a view to prevent the spread of infectious disease that they should be furnished with a list of the customers of any person or company earning a livelihood or deriving gain by the washing or mangling of clothes the Corporation may require such person or company to furnish to them a full and complete list of the names and addresses of the owners of clothes for whom such person or company washes or mangles or has washed or mangled during the past six weeks and such person or company shall furnish such list accordingly and the Corporation shall pay to him her or them for every such list the sum of sixpence and at the rate of sixpence for every twenty-five names contained therein but no such payment shall exceed three shillings and any person who shall wilfully or knowingly offend against this enactment shall for each such offence be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Medical officer may require dairymen to furnish list of sources of their supply of milk.

59. If the medical officer of health shall have reasonable cause to believe that any person in the city is suffering from infectious disease attributable to milk supplied within the city he may by notice in writing require every person supplying milk to the person so suffering or to the house of which he is an inmate to furnish him with a list of all the farms dairies or places from which he derives his supply of milk or from which he has derived his supply during the last six weeks and every such person failing to comply with

such request shall for every such offence be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings. A.D. 1894.
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60. All dairymen supplying milk within the city from premises whether within or beyond the city shall notify to the Corporation all cases of infectious disease among persons engaged in or in connexion with their dairies and in default shall be liable to a penalty not exceeding forty shillings. Dairymen to notify infectious disease existing among their servants &c.

61. A person who knows himself to be suffering from any infectious disease shall not milk any animal or pick fruit and shall not engage in any occupation connected with food intended for the use of man or carry on any trade or business in such a manner as to be likely to spread such infectious disease and if he does so he shall be liable to a penalty not exceeding forty shillings. Infected person not to carry on business &c.

62. Section 124 of the Public Health Act 1875 shall extend and apply to all cases of persons suffering from any dangerous infectious disease and being in or upon any house or premises where such person cannot be effectually isolated so as to prevent the spread of the disease. Section 124 of Public Health Act to apply to persons who cannot be isolated.

63. It shall not be lawful to blow or inflate the carcase or any part of the carcase of any animal slaughtered within or brought into the city and any person exposing or depositing for sale within the city a carcase so blown or inflated or any part thereof shall be liable to a penalty not exceeding twenty shillings. Prohibition of blowing or stuffing carcasses.

64. Any person who sends or deposits or permits to be sent or deposited for the purpose of sale or of preparation for sale any food intended for the use of man which is to his knowledge diseased or unfit for the food of man shall be liable to a penalty not exceeding twenty pounds. Penalty for sending diseased food.

65. Where it is shown that any animal or article liable to be seized under section 116 of the Public Health Act 1875 and found in the possession of any person was purchased by him from another person for the food of man and when so purchased was in such a condition as to be liable to be so seized and to be condemned under section 117 of the Public Health Act 1875 the person who so sold the same shall be liable to the same fine as that imposed for an offence under the said section 117 of the Public Health Act 1875 unless he proves that at the time he sold the said article he did not know and had no reason to believe that it was in such condition. Penalty on original vendor of unsound food.

66. Whenever the medical officer of health or surveyor has reasonable grounds for believing that the drains connected with any house or building are defective so as to cause risk to health he may Owners &c. to permit application of smoke test to drains.

A.D. 1894.

after twenty-four hours' notice and with the consent (except in the case of houses let in separate dwellings) of the owner or occupier of such house or building or in the event of objection by any such owner or occupier after obtaining the order of a court of summary jurisdiction apply the smoke test to such drains for the purpose of discovering any defects therein. Any owner or occupier who refuses notwithstanding such order to allow such test to be made or to give all reasonable facilities for making such test shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings. If the drains be found defective the owner of the premises shall be bound (subject to the terms of any lease or other contract) on receiving notice from the Corporation to that effect specifying generally the nature of the defect to carry out all necessary operations for remedying the same within a reasonable time to be named in such notice and if he makes default in so doing the Corporation may enter and execute the work and recover the expenses thereof from the owner or other person liable under the lease or contract in a summary manner or where the owner is the person liable as private improvement expenses are recoverable under the Public Health Acts.

Urinals to be attached to refreshment houses &c.

67. Where any inn public house beer house eating house or other place of public entertainment built before or after the passing of this Act has no urinal belonging or attached thereto in a convenient and suitable position the Corporation may order the owner of such inn public house beer house eating house or other place of public entertainment to provide and maintain upon the premises in a position to be specified in the order a urinal or urinals to the satisfaction of the Corporation and the Corporation may order the owner of any buildings or lands to remove any urinal belonging or attached thereto which appears to them so situated or constructed as to be a nuisance or offensive to public decency and if any person fails to comply with any of the provisions of this section he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

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

68. Public notice of this part of this Act shall be given forthwith after the passing of this Act by advertisement in two newspapers published or circulated in the city and by a notice affixed outside the town hall of the city and by the distribution of handbills amongst the dairymen affected by such provisions. A copy of the newspaper containing the advertisement shall be conclusive evidence that public notice of this part of this Act has been duly given unless the contrary be proved and no objection to such notice shall be made after six months from the date of the advertisement.

PART VI.—STREET ADVERTISEMENTS.

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69. After the passing of this Act it shall not be lawful to erect or fix upon or in connexion with any building or erection any sky sign and if any sky sign be erected contrary to the provisions of this Act it shall be lawful for the Corporation to take down and remove the sky sign and to recover the expenses in relation thereto summarily as a civil debt.

Regulations
as to sky
signs.

Any person acting in contravention of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

70.—(1.) It shall not be lawful in any street in the city to use any vehicle exclusively or principally for the purpose of displaying advertisements without the consent of the Corporation which consent shall be in writing under the hand of the town clerk and may contain such terms and conditions as the Corporation think fit.

Restriction
on adver-
tising
vehicles &c.

(2.) It shall not be lawful to erect or use any hoarding for the exhibition thereon of advertisements without the consent of the Corporation and any such consent may be given subject to such conditions as to the construction position and maintenance of the hoarding and the removal thereof if and when unsafe and the mode of exhibiting advertisements thereon as the Corporation may see fit. But this provision shall not apply to any board or similar structure affixed to any railway or railway station and used for the purpose of any railway company.

(3.) Any person acting in contravention of this section or of the terms and conditions (if any) of such consent shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(4.) Any person aggrieved by the refusal of the Corporation to grant such consent may appeal to a petty sessional court held in and for the city after the expiration of two clear days after such refusal provided he give twenty-four hours' written notice of such appeal and the grounds thereof to the town clerk and the court shall have power to award costs to the successful party such costs to be recoverable in like manner as a penalty under this Act.

PART VII.—MARKETS FAIRS AND SLAUGHTER-HOUSES.

71. The Corporation may appropriate any part of their cattle market as authorised to be enlarged by the Act of 1874 (section 24) for the sale of hay straw and other agricultural produce and may demand and take in respect thereof tolls and charges not exceeding those specified in the Second Schedule to this Act.

Sale of hay
and straw in
cattle
market.

A.D. 1894.

Corporation
may license
porters
drovers and
carriers.

72.—(1.) The Corporation may from time to time grant to any person carrying on or desiring to carry on within the limits of the markets of the Corporation the business or calling of a porter drover or carrier a licence on such terms and revocable in such cases and events as the Corporation may prescribe.

(2.) The Corporation may demand and take for every such licence any sum not exceeding four shillings for twelve months and in the like proportion for any shorter period not being less than three months and may attach to such licence the terms and conditions of revocation or suspension of any such licence.

(3.) If any person while unlicensed represents himself to be licensed or wears any badge for the purpose of holding himself out as licensed to carry on any of the callings specified in this section he shall be liable to a penalty not exceeding twenty shillings.

Sales by
auction in
market.

73. The Corporation may from time to time by resolution fix the place or places for sales by auction within any of their markets and may limit the time during which such sales shall take place and otherwise regulate such sales and any person selling by auction in any market of the Corporation contrary to any such resolution or regulation shall be liable to a penalty not exceeding five pounds.

Forfeiture of
articles left
in markets.

74. Every animal or article brought into any market or fair and left therein after the hour of closing (except such as may be left in charge of the superintendent or inspector of the market or fair) may be taken possession of by the superintendent or inspector and if the same being of a perishable nature be not claimed within one hour after the closing or not being of a perishable nature be not claimed within seven days thereafter then and in every such case the same may be sold by the Corporation who shall return the surplus proceeds of such sale after deducting any unpaid toll due in respect thereof and the expenses of detention and sale to the owner on demand if made within one month after the sale but if demand be not so made the proceeds of the sale shall be forfeited to the Corporation.

Slaughtering
prohibited
except in
Corporation
slaughter-
houses when
provided.

75. After the Corporation shall have provided adequate slaughter-houses and after the expiration of one month from the date of publication by the Corporation in two local newspapers circulating in the city of notice to that effect no person shall except with their consent slaughter in the way of trade any cattle horse sheep or pig within the city except in such slaughter-houses and if any person acts in any respect in contravention of this section he shall be liable for each offence to a penalty not exceeding five pounds. Provided always that the Corporation shall make compensation to the owner

and occupier of any registered slaughter-house who shall be injuriously affected by the exercise of the prohibition in this section contained: A.D. 1894.

Provided always that nothing in this section shall interfere with the operation or effect of the Contagious Diseases (Animals) Acts 1878 to 1892 or of any order licence or act of the Board of Agriculture made granted or done thereunder.

PART VIII.—HACKNEY CARRIAGES.

76. All byelaws for regulating licensed hackney carriages and the conduct of the drivers thereof and all provisions of this Act and of the Town Police Clauses Acts 1847 and 1889 for the time being in force within the city shall apply to licensed hackney carriages and the drivers thereof within a distance of five miles from the Guildhall of the city if the hiring takes place within the city. Provided that if the hiring takes place within the city any offence against any such byelaw whether such offence shall have been committed within the city or not may be brought before and be determined by any justice or justices of the peace for the city. Prescribed distance for hackney carriages.

77. The inspector of hackney carriages or any person appointed by the Corporation in writing may from time to time examine all public vehicles plying for hire within the city and shall see that the laws and byelaws relating to such public vehicles are duly observed. If any proprietor driver or conductor or other person shall obstruct or hinder such inspector or other person so appointed as aforesaid in the execution of his duties such proprietor driver conductor or person shall be liable to a penalty not exceeding forty shillings. Powers of inspector of hackney carriages.

78. The provisions of the Town Police Clauses Acts 1847 and 1889 and the byelaws of the Corporation with respect to hackney carriages or other public vehicles shall be as fully applicable in all respects to hackney carriages and public vehicles conveying passengers to or from any railway station within the city as if such railway station were a public stand for public vehicles: As to public vehicles taken at railway stations.

Provided that nothing in this section shall extend to or empower the Corporation in any way to interfere with any vehicle belonging to or hired or used by any railway company for conveying passengers and their luggage to or from any railway station or with the drivers or conductors thereof unless such vehicle plies for hire in the ordinary way.

A.D. 1894.

PART IX.—COMMON LODGING-HOUSES.

Regulations as to common lodging-house keepers.

79. The keeper of every common lodging-house shall reside constantly and shall remain between the hours of nine o'clock in the afternoon and six o'clock in the forenoon in such house and shall manage control and exercise proper supervision over the same and the inmates thereof except at such times as some other person appointed by him for that purpose and whose name is registered at the office of the Corporation shall with the approval of the Corporation in writing under the hand of their officer appointed for that purpose (which approval and registration shall be revocable by the Corporation) reside and remain in such house and manage control and exercise proper supervision over the same and the inmates thereof as the case may be. If any keeper of a common lodging-house offends against this enactment he shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

Sanitary conveniences to be provided for inmates of common lodging-houses.

80. Every common lodging-house whether registered before or after the passing of this Act shall to the satisfaction of the Corporation be provided with sufficient sanitary conveniences having regard to the number of lodgers who may be received in such common lodging-house and all waterclosets and urinals shall be provided with a proper water supply laid on for flushing purposes. Any keeper of a common lodging-house who shall make default for twenty-eight days in complying with a notice from the Corporation requiring him to comply with the provisions of this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings. The expression "sanitary conveniences" in this section includes urinals waterclosets earth-closets privies ash-pits and any similar convenience.

Penalties on un-registered common lodging-house keepers.

81. Every person who without being registered in accordance with section 77 of the Public Health Act 1875 shall keep a common lodging-house within the city shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Power to refuse registration of common lodging-house keepers.

82. The Corporation may notwithstanding the provisions of section 78 of the Public Health Act 1875 refuse to register any person as a common lodging-house keeper unless they are satisfied of his character and fitness for the position.

Cancellation of registration of common lodging-house keeper.

83. Notwithstanding anything contained in section 88 of the Public Health Act 1875 where a common lodging-house keeper has been convicted of any offence against the provisions of the Public Health Acts or of this Act or of any byelaw made under the

authority of any of the said Acts in respect of common lodging-houses the court before whom the conviction takes place may cancel the registration of such common lodging-house keeper. A.D. 1894.

84. Notice of the provisions of this part of this Act shall be served upon the keeper of every common lodging-house either personally or by leaving the same at the common lodging-house. Notice to common lodging-house keepers.

PART X.—TOWN HAM AND COMMON MEADOWS.

85.—(1.) The Corporation may enter into agreements with the freemen or other commoners or any committee appointed by them under this section and also with the persons entitled to the soil and freehold (herein-after referred to as the freeholders) of the following common meadows (namely) Portham (otherwise Prestham) Archdeacon's Meadow Little Meadow and Meanham (otherwise Saint Catherine's Meadow) for all or some of the following purposes and for those purposes the Corporation the freemen or other commoners or any committee appointed by them and the freeholders are hereby empowered to do all things necessary or proper for giving full effect to the provisions of any such agreements:— Agreements for extinguishment of commonable rights.

(A.) For the purpose of extinguishing all rights of common over or in respect of the common meadows or some of them or some part or parts thereof;

(B.) For limiting the common rights to some or one of the common meadows or some part or parts thereof and for extinguishing all commonable rights over or in respect of the other common meadows or some part or parts thereof;

(C.) For settling any disputed claims of commonable rights over or in respect of the common meadows or any of them;

(D.) For the acquisition by the Corporation of the soil and freehold of Portham (otherwise Prestham) Archdeacon's Meadow Little Meadow and Meanham (otherwise Saint Catherine's Meadow) or of some of them or of some part or parts thereof.

(2.) Any such agreement may provide for the payment of money by the Corporation or by the freeholders or some of them either as the sole or as part of the consideration for the release or extinguishment of the said commonable rights or for the estate and interest of the freeholders in the common meadows or some of them or some part or parts thereof and as regards money paid for the rights of the freemen or other commoners may provide for the application of such money in one or more of the ways mentioned in paragraphs (A) (C) (D) and (E) of section 2 of the Commonable Rights Compensation Act 1882 or if and so far as not required for any of these purposes in or towards the maintenance support or execution of

A.D. 1894. — any public institution or other object or purpose for the permanent benefit of persons interested in the said commonable rights or of the inhabitants of the city of Gloucester and in payment of any costs of incidental to and consequent on any such agreement.

(3.) Any lands appropriated given up or purchased for use as a recreation ground shall remain vested in or be conveyed to the Corporation as the local authority but any such agreement may provide for the vesting of any land purchased with money paid for the said rights in the Corporation or such other body or persons as may be agreed upon as trustees and may define and declare the powers and duties of such trustees. If any such agreement shall be entered into as aforesaid for the purpose of extinguishing the rights of the freemen or other commoners in the said meadows and the mode of applying any money paid for the said rights under such agreement cannot be agreed upon the same shall be applied in such of the ways mentioned in this section as may on the application of any committee appointed under this section or of the Corporation be determined by the Board of Agriculture and in order to arrive at such determination the Board of Agriculture may if they think expedient hold an inquiry after such notice and in such manner as they shall deem fit and may if they think proper direct an assistant commissioner appointed by them to preside at any such inquiry and any such inquiry may be adjourned from time to time.

(4.) For the purpose of this section the mayor on behalf of the Corporation may call meetings of the freemen or other commoners in accordance with the provisions of the Lands Clauses Consolidation Act 1845 with respect to lands being common or waste lands and it shall be lawful for any such meeting to appoint a committee of not exceeding nine in accordance with the said provisions of the said Act and any committee so appointed shall have the same powers and the provisions of the said Act shall apply as if the freemen or other commoners were parties entitled to commonable rights and the common meadows were common lands intended to be taken by the Corporation.

(5.) "Freeholders" for the purpose of this section shall include all persons who under the Lands Clauses Acts are empowered to sell and convey or release lands.

(6.) If and when the rights of the freemen or other commoners in respect of the Town or Common Ham and Oxleaze or either of them or any part or parts thereof have been released or extinguished and if and when the Corporation shall have acquired any of the other common meadows or any part or parts thereof freed from commonable rights the Corporation may as regards any of such lands which are for the time being in their opinion suitable for the recreation of the

public lay out drain and maintain the same as public open spaces and recreation grounds subject to the provisions of the Public Health Acts relating to pleasure grounds and as regards the remainder of such lands may let the same for mowing or grazing purposes.

(7.) Nothing in this Act shall be construed as an admission of any pasturage or other commonable rights of the freemen or other commoners in or over the common meadows or any of them and nothing in this Act contained shall empower the Corporation to extinguish any commonable rights over the said meadows otherwise than by agreement.

(8.) The purposes of this section shall be deemed purposes of the Public Health Act 1875.

(9.) No part of the common meadows shall be inclosed under the provisions of this part of this Act except with the previous consent of the Board of Agriculture 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 Act 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 PROVISIONS.

86.—(1.) The Corporation may from time to time independently of any other borrowing power borrow at interest the sums of money following (that is to say):—

Power to borrow.

(1.) For the purchase of land and for the execution of the works by this Act authorised any sum or sums not exceeding forty-five thousand pounds;

(2.) For the payment of the costs of this Act as herein-after provided the sum requisite for that purpose;

and with the approval of the Local Government Board such further moneys as they may require for waterworks purposes or for any of the other purposes of this Act.

(2.) In order to secure the repayment of moneys borrowed under this section and the payment of the interest thereon the Corporation may in regard to waterworks purposes mortgage or charge the district fund and general district rate and the revenue of their water undertaking and in regard to purpose (2) they may as to one half thereof mortgage or charge the city fund and city rate and as to the other half thereof the district fund and general district rate and in regard to any of the other purposes of this Act they may mortgage or charge the district fund and general district rate.

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

Provisions of Public Health Act as to mortgages to apply.

Payment off of money borrowed.

Mode of payment off of money borrowed.

Power to re-borrow.

87. The powers of borrowing money by this Act given shall not be restricted by any of the regulations contained in section 234 of the Public Health Act 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.

88. The following sections of the Public Health Act 1875 shall extend and apply to mortgages granted under this Act (that is to say):—

Section 236. Form of mortgage.

Section 237. Register of mortgages.

Section 238. Transfer of mortgages.

Section 239. Receiver may be appointed in certain cases.

89. The Corporation shall pay off all moneys borrowed by them under this Act within the respective periods (in this Act referred to as the prescribed periods) following (that is to say):—

As to moneys borrowed for waterworks purposes within the limit herein-before prescribed within fifty years from the date or dates of the borrowing of the same;

As to moneys borrowed for the payment of the costs of this Act as herein-after provided for within five years from the date or dates of the borrowing of the same;

As to moneys borrowed with the approval of the Local Government Board within such period as they may think fit to sanction.

90. 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 or by means of a sinking fund or partly by such instalments and partly by a sinking fund and in regard to any sinking fund formed under this Act the provisions of section 15 of the Local Loans Act 1875 shall apply but the Corporation shall not invest any sinking fund in their own securities or in any securities transferable by delivery.

91. If the Corporation pay off any moneys borrowed by them under this Act otherwise than by instalments or by means of a sinking fund or out of the proceeds of the sale of land or other property or out of fines or premiums on leases or out of other moneys received on capital account not being borrowed moneys they may from time to time re-borrow the same but all moneys so re-borrowed shall be repaid within the prescribed period and shall be deemed to form the same loan as the moneys originally borrowed and the obligations of the Corporation with respect to the repay-

ment of the loan and to the provision to be made for such repayment shall not be diminished by reason of such re-borrowing. A.D. 1894.

92. A person lending money to the Corporation under this Act shall not be bound to inquire as to the observance by them of any of the provisions of this Act or be bound to see to the application or be answerable for any loss or non-application of the money lent or of any part thereof. Protection of lender from inquiry.

93. Moneys borrowed by the Corporation under this Act shall be applied only for purposes for which they are respectively authorised to be borrowed and to which capital is properly applicable. Application of moneys borrowed.

94. The treasurer shall within twenty-one days after the expiration of each financial year during which any sum is required to be set apart for a sinking fund or any instalment is required to be paid under this Act transmit to the Local Government Board a return in such form as may be prescribed by that Board and verified by statutory declaration if so required by them showing the amount which has been paid as an instalment or invested for the purpose of such sinking fund during the year preceding the making of such return and the description of the securities upon which the same has been invested and also showing the purposes to which any portion of the moneys invested for the sinking fund and the interest thereof have been applied during the same period and the total amount remaining invested at the end of the year and in the event of any wilful default in making such return the treasurer shall be liable to a penalty of not exceeding twenty pounds which shall be paid to the Local Government Board and shall be recoverable by that Board in the same manner as penalties recoverable under the Public Health Act 1875 in a summary manner may be recovered by parties aggrieved within the meaning of that Act. If it appear to the Local Government Board by such return or otherwise that the Corporation have failed to pay any instalment or to set apart the sum required by this Act for the sinking fund or have applied any portion of the moneys set apart for that fund or any interest thereof to any purposes other than those authorised by this Act the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund and such order shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the High Court and the provisions of this section shall mutatis mutandis apply to appropriations and annual repayments. Annual return to Local Government Board with respect to sinking fund.

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Saving for
existing
charges.

95. Nothing in this Act shall prejudicially affect any charge on the revenue and rates or the estates and property of the Corporation subsisting at the passing of this Act and every mortgagee or person for the time being entitled to the benefit of any such charge shall have the same priority of charge and all the like rights and remedies in respect of the revenue rate and property subject to his charge as if this Act had not been passed and all such charges created before the passing of this Act shall during the subsistence thereof have priority over any mortgage or charge granted under this Act on the same revenue rate and property.

Abolition
of differential
rating.

96. Notwithstanding anything contained in section 51 of the Act of 1874 and in the Order of the Local Government Board dated the twenty-ninth day of November one thousand eight hundred and seventy-five the outstanding debt and the costs and expenses mentioned and referred to in paragraph (3) of Article II. of the said Order shall as from the twenty-ninth day of September one thousand eight hundred and ninety-four be chargeable upon and borne by the city as a whole and the differential rating authorised and determined by the said enactment and Order shall as from that date cease and the general district rate shall thereafter be made and levied over the whole of the said city as if no such special provision had been authorised and made.

Expenses of
execution of
Act.

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

PART XII.—MISCELLANEOUS PROVISIONS.

Street
musicians
to depart
when
required to
do so.

98. Any householder personally or by his servant or by any constable may require any street musician or singer to depart from the neighbourhood of the house of such householder and every person who shall sound or play upon any musical instrument or sing in any street near or within hearing of such house after being so required to depart shall be liable to a penalty not exceeding forty shillings.

Prohibition
of persons
assembling
in streets for
purpose of
betting.

Penalty on
persons
obstructing
footway.

99. Any three or more persons assembled in any street for the purpose of betting shall be deemed to be obstructing the street and each of such persons shall be liable to a penalty not exceeding forty shillings.

100. If two or more persons shall be assembled together in any street at any time of the day or night for the purpose of assaulting

insulting or annoying foot passengers and if any of such persons shall not comply with the direction or request of any constable to move away so as to leave the footway clear and unobstructed or shall assault insult or annoy any foot passenger he shall be liable to a penalty not exceeding forty shillings.

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101. Any unfenced ground adjoining or abutting upon any street shall for the purposes of the Vagrancy Act 1824 and any Act for the time being in force altering or amending the same be deemed to be a public place.

As to unfenced grounds.

102. The Corporation may if they think fit cleanse any stream or watercourse within the city and they may invert concrete or pave the bed and sides of any such stream or watercourse and with the consent of the owners of the adjoining lands may arch over or cover in any part or parts of such stream or watercourse and the Corporation their officers and servants may from time to time enter any adjoining lands or premises in the daytime to do all necessary acts for any of the purposes aforesaid so that the same be executed with all convenient despatch and the Corporation shall make compensation to the occupiers of the lands and premises entered upon for any damage which they may sustain by reason of such entry but nothing in this section shall apply to the River Severn or any part thereof.

Power to cleanse streams.

103. The Corporation may from time to time provide and maintain between their Guildhall waterworks public offices and other establishments and premises whether within or outside the city and the stations of any city or volunteer fire brigade and the offices of the officials of the Corporation and the private residences of the officers and firemen of any such fire brigades or between any such places such telegraphic or telephonic apparatus as they may deem fit but such apparatus shall not be used for the purpose of transmitting such telegrams as are within the exclusive privileges conferred upon the Postmaster-General by the Telegraph Act 1869 and in relation to any such telegraph or telephone the Telegraph Act 1863 shall apply to the Corporation as if the Corporation were a company authorised by special Act of Parliament to construct and maintain telegraphs but so that it shall not be requisite for the Corporation to give any notice respecting the opening for the purposes of telegraphs or telephones of any streets under their own management and any such telegraph or telephone over under or across the River Severn or any part thereof shall be constructed and if necessary altered by the Corporation so as not to obstruct or interfere with the navigation of the said river or any alteration or improvement therein.

Telegraphic &c. communications between offices of Corporation.

A.D. 1894.

Districts of
Suburbs
Lighting
Commis-
sioners
extended.

104. The districts of the Commissioners for carrying into execution the Act of 1834 are hereby extended so as to include the area surrounding the city and situate within two miles of the present boundary of the city. Provided that nothing in this section shall be deemed or taken to affect the provisions of section 7 of the Local Government Act 1894.

Local
Government
Board may
prescribe
form of
rates &c.

105. The Local Government Board may prescribe a form of rate which may include the poor rate city rate general district rate water rate or other rates and they may in respect of such rates prescribe the form of demand note and of receipt for rates and any forms so prescribed shall be sufficient in law.

Inquiries
by Local
Government
Board.

106.—(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.

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

In executing
works for
owner
Corporation
not liable
for damage
save in case
of negli-
gence.

107. Whenever the Corporation under any enactment or bye-law for the time being in force within the city execute re-execute or alter any work act or thing in default of the owner or occupier and in the absence of negligence on the part of the Corporation or of any contractor or person employed by them are required to pay any damages penalties costs charges and expenses for or in respect of or consequent upon the executing re-executing or altering such work act or thing the amount thereof when paid shall be added to and be deemed to be part of the expenses payable by such owner or occupier.

Power to
grant gra-
tuities in
certain cases.

108.—(1.) The Corporation may if they think fit grant a gratuity of any sum (not exceeding one year's pay) to any of their officers or servants who may be disabled or injured in their service or may become incapacitated through age or other infirmity or to the widow or family of any such officer or servant who may die in their service.

(2.) Every such gratuity shall be charged on and paid out of the fund or funds on which the salary wages or emoluments of such officer or servant would have been charged or paid if he had continued in his office or service.

A.D. 1894.

109. Save as herein expressly provided all informations and complaints under or for the breach of any of the provisions of this Act or of any byelaws made thereunder or of the Town Police Clauses Act 1847 or of the Towns Improvement Clauses Act 1847 as incorporated with the Public Health Act 1875 or the Town Police Clauses Act 1889 may be laid and made by any officer of the Corporation duly authorised in that behalf or by the town clerk or by the chief-constable or any superintendent of police acting for or within the city.

Informations by whom to be laid.

110. Where in any legal proceedings taken by or on behalf of the Corporation or the council whether under any general or local Act of Parliament and whether passed before or after the passing of this Act it becomes necessary to prove the appointment or authority of any officer servant solicitor or agent of the Corporation or of any committee of the council or to prove any resolution of the council or of any committee of the council a certificate of such appointment authority or resolution purporting to be authenticated by the signature of the mayor or the town clerk shall be *prima facie* evidence of such appointment authority or resolution and of the performance of all conditions precedent or necessary to the validity thereof without further proof of the holding of any meeting or the production of any minute book or other record or document.

Evidence of appointments authority &c.

111. 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 for by the Public Health Act 1875.

Compensation how to be determined.

112. Any person deeming himself aggrieved by any order judgment determination or requirement or the making or withholding of any certificate licence or consent or approval of or by the Corporation or of or by any officer or valuer of the Corporation or by any conviction or order made by a court of summary jurisdiction under any provision of this Act may 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 the Corporation may in like manner appeal.

As to appeal.

A.D. 1894.

Recovery of penalties &c.

113. Offences against this Act and penalties forfeitures costs and expenses imposed or recoverable under this Act or any byelaw made in pursuance thereof may be prosecuted and recovered in a summary manner.

Authentica-
tion and
service of
notices &c.

114. In the case of any notice or other such document under this Act requiring authentication by the Corporation the signature of the town clerk or other duly authorised officer of the Corporation shall be sufficient authentication and in the case of licences and certificates granted by the Corporation under any general or local Act the signature of the town clerk or other duly authorised officer of the Corporation shall be sufficient authentication Notices orders and any other documents required or authorised to be served under this Act may be served in the same manner as notices under the Public Health Act 1875 are by section 267 of that Act authorised to be served Provided always that in the case of any company any such notice or document shall be delivered or sent by post addressed to the secretary of the company at their principal office or place of business.

General pro-
visions as to
byelaws.

115. All the provisions with respect to byelaws contained in sections 182 to 185 of the Public Health Act 1875 (except so much thereof as relates to byelaws of a rural sanitary authority) shall apply to all byelaws from time to time made by the Corporation under the powers of this Act.

Powers of
Act cumu-
lative.

116. All powers given to the Corporation by this Act shall be deemed to be in addition to and not in derogation of any other powers conferred on them by the Public Health Act 1875 and the Municipal Corporations Act 1882 or other Act amending the same respectively and such other powers may be exercised in the same manner 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.

Judges not
disqualified.

117. 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 payable to the Corporation.

Saving
rights of
Crown under
Crown Lands
Act.

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

Saving the
rights of
the Severn
Commis-
sioners.

119. Nothing herein contained shall take away lessen abridge or prejudicially affect any of the rights powers authorities jurisdictions or privileges of the Severn Commissioners vested in them by any

Act or Acts or otherwise howsoever and all such rights powers authorities jurisdictions and privileges may be exercised by the Severn Commissioners in as full and ample a manner as if this Act had not been passed. A.D. 1894. —

120. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation as to one half thereof out of the city fund or city rate and as to the other half out of the district fund and general district rate or out of moneys to be borrowed under this Act. Costs of Act.

A.D. 1894.

THE FIRST SCHEDULE.

ARTICLES of AGREEMENT made and entered into this first day of May 1894 between the Guardians of the Poor of the Newent Poor Law Union in the Counties of Gloucester Hereford and Worcester acting as the Rural Sanitary Authority for the District of the said Union and herein-after called "the Newent Authority" 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 and herein-after called "the Corporation" of the other part.

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 a well or pumping station and certain tunnels or driftways in the parish of Oxenhall in the county of Gloucester within the district of the Newent Authority and to lay water mains from the said well or pumping station along certain public highways passing through the town of Newent to a reservoir to be constructed at Madams Wood in the parish of Newent and from such reservoir to the city of Gloucester And whereas the Newent Authority apprehending that the proposed works of the Corporation may prejudicially affect certain of the wells in the town of Newent and in the parishes of Newent Oxenhall Dymock and Pauntley which are within the district of the Newent Authority have petitioned against the said Bill And whereas the Corporation although advised that their proposed works will not have the effect apprehended by the Newent Authority are willing to supply a limited quantity of water in bulk to the Newent Authority for the use of inhabitants of the said town and parishes 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:—

The Newent Authority shall not further oppose the said Bill but shall if desired by and at the expense of the Corporation petition in favour thereof and render all other reasonable support and assistance to the Corporation in passing the said Bill.

During the execution of the proposed works or as soon as practicable thereafter the Corporation shall tub or line the proposed well for a depth of not less than sixty feet below the natural surface of the ground and the Corporation shall also in like manner and to a corresponding depth tub or line 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.

All tunnels or driftways from or communicating with the proposed well shall in every part thereof be sixty feet below the general natural surface of the ground along the line thereof and the engineer of the Newent Authority shall be at liberty from time to time during the progress of the works and until the completion thereof at his own risk and after giving at least forty-eight hours' notice to the engineer or surveyor of the Corporation to enter and inspect all such shafts tunnels and driftways in order to see that such works are respectively being carried out in accordance with the provisions of this agreement.

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 and after not less than three calendar months' previous notice in writing from the Newent Authority 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 Authority for the use of inhabitants of the said town and parishes in manner and upon the terms following (that is to say):—

The Newent Authority to be entitled to a continuous supply of water for the use of inhabitants of the town of Newent in such quantity as may be required by notice as aforesaid up to twenty-five thousand gallons a day at the rate or charge of seven pence per one thousand gallons—any larger quantity which 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 suburbs thereof to be charged for at the rate of one shilling per one thousand gallons.

The Newent Authority also to be entitled to a continuous supply of water for the use of inhabitants of the parishes of Newent (outside the town of Newent) Oxenhall Dymock and Pauntley in such quantity as may be required by notice as aforesaid up to fifteen thousand gallons a day at the rate or charge of seven pence per one thousand gallons—any larger quantity which may be required and which the Corporation may be able to supply from the proposed works in their then existing condition, after providing for the requirements of the city of Gloucester and the suburbs thereof to be charged for at the rate of one shilling per one thousand gallons.

The water to be supplied from the Corporation main 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 herein-after provided and to be delivered through a meter or meters to be fixed to such junction or junctions as near the Corporation main as practicable such junctions and meters to be provided fixed and maintained by the Corporation at the expense of the Newent Authority.

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' notice to or with the consent of the clerk or water inspector of the Newent Authority.

A.D. 1894.

The readings of the meter or meters shall be taken quarterly on or near the four usual quarter days and shall be deemed *prima 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 Authority 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.

All mains and services that may be required for distributing the water to be supplied to the Newent Authority as aforesaid to be provided laid maintained and kept in repair by and at the expense of the Newent Authority.

If through leakage waste or otherwise the quantity of water delivered through the meter or meters of the Newent Authority shall at any time exceed the maximum daily quantities herein-before mentioned or hereafter agreed upon the Corporation shall be entitled after giving twenty-four hours' notice to the Newent Authority or their clerk to regulate the daily quantity of water supplied by giving an intermittent supply during a limited number of hours only each day and the Newent Authority shall pay to the Corporation any extra or special expenses that may be incurred by them in so doing.

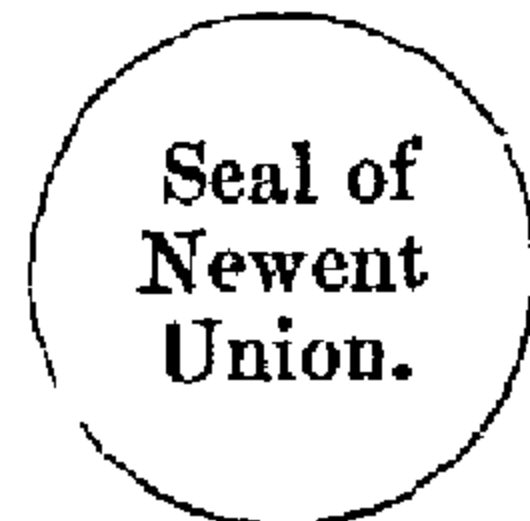
Provided always and it is hereby agreed that the Corporation shall not be responsible for any stoppage or insufficiency of the water supply to the Newent Authority that may be occasioned by frost failure of machinery or other accident or unavoidable cause but in any such case the Corporation shall take all reasonable steps to resume the ordinary supply as quickly as possible.

On the transfer of the powers duties and liabilities of the Newent Authority to the district or parish councils under the Local Government Act 1894 the rights powers duties and liabilities of the Newent Authority under this agreement shall if necessary be transferred to such district or parish councils and in case any question or difficulty shall arise as to the apportionment of the rights powers duties and liabilities of the Newent Authority between or among such district or parish councils the same shall be referred to arbitration in accordance with the Arbitration Act 1889 and the Corporation shall at the request and cost of the Newent Authority 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.

If any difference shall arise between the Newent Authority 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 forthwith referred to two arbitrators one to be appointed by each party

according and subject to the provisions of the Arbitration Act 1889 or any statutory modification or re-enactment thereof for the time being in force. A.D. 1894.

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



J. A. MATTHEWS
Mayor.



THE SECOND SCHEDULE.

Hay Straw and other Agricultural Produce.

For hay straw vetches tares roots clover or other agricultural produce exposed or offered for sale for each day not exceeding the sums following (that is to say):—

	£	s.	d.
For every ton - - - - -	0	1	0
For every half-ton or less quantity - - - - -	0	0	6

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