CHAPTER clxv.

An Act to authorise the Construction of Tramways in the Borough of Cambridge; and for other purposes. A.D. 1879.

[21st July 1879.]

WHEREAS the construction of tramways in the borough of Cambridge, in the county of Cambridge, would be attended with public and local advantage:

And whereas the persons herein-after named, with others, are willing at their own expense to make the said tramways, and it is expedient that the powers herein-after contained should be conferred upon them for that purpose:

And whereas plans and sections showing the lines and levels of the tramways have been deposited with the clerk of the peace for the county of Cambridge, and are herein-after referred to respectively as the deposited plans and sections:

And whereas the purposes aforesaid cannot be attained without the authority of Parliament:

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

Short title.

1. This Act may be cited for all purposes as the Cambridge Street Tramways Act, 1879.

Incorporation of general Acts 8 & 9 Vict. c. 16. 26 & 27 Vict. c. 118. 32 & 33 Vict. c. 48.

2. The following Acts and parts of Acts; (that is to say,)

The Companies Clauses Consolidation Act, 1845, Part I. (relating to cancellation and surrender of shares) of the Companies Clauses Act, 1863, as amended by the Companies Clauses Act, 1869;

8 & 9 Vict. c. 18. 23 & 24 Vict. c. 106. 32 & 33 Vict. c. 18.

The Lands Clauses Consolidation Acts, 1845, 1860, and 1869, except the provisions of the Lands Clauses Consolidation Act, 1845, with respect to the purchase of lands otherwise

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than by agreement, and with respect to the entry on lands by the promoters of the undertaking;

Section 3 (interpretation of terms), section 19 (local authority may lease or take tolls), and Parts II. and III. of the Tramways Act, 1870,

33 & 34 Vict. c. 78.

are, except where they are expressly varied by or are inconsistent with the provisions of this Act, incorporated with and form part of this Act.

Interpretation of terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated with this Act have the same respective meanings, unless there be something in the subject or context repugnant to such construction:

The expression "the Company" means the Company incorporated by this Act;

The expression "the tramways" and "the undertaking" mean respectively the tramways and undertaking by this Act authorised;

The expression "the borough" means the borough of Cambridge;

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

The word "contingencies" in section 122 of the Companies Clauses Consolidation Act, 1845, shall, with reference to the Company, be construed to include the contingency of the undertaking being sold to the local authority under section 43 of the Tramways Act, 1870, at a sum less than the aggregate amount of the capital and debts of the Company.

Company incorporated.

4. Jabez Spencer Balfour, John Pelton, Mark Ives Whibley, William Harland Hebb, Robert Sayle, and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking, and their executors, administrators, successors, and assigns respectively, shall be united into a company for the purpose of making and maintaining the tramways and for other the purposes of this Act, and for those purposes shall be incorporated by the name of "The Cambridge Street Tramways Company," and by that name shall be a body corporate, with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of lands and other

property for the purposes of this Act, and their undertaking shall be called "The Cambridge Street Tramways." A.D. 1879.

Power to make tramways.

5. Subject to the provisions of this Act the Company may make, form, lay down, work, use, and maintain, in the lines and according to the levels shown on the deposited plans and sections and (except as herein-after provided) in accordance with those plans and sections, the tramways herein-after described, with all proper rails, plates, offices, weigh-bridges, weighing machines, stables, carriage houses, sheds, buildings, warehouses, works, and conveniences connected therewith or for the purposes thereof, and may work and use the same.

The tramways herein-before referred to and authorised by this Act are the following; namely,

Tramway (No. 1), one mile and three chains in length, (consisting of a double line in Station Road and Hills Road for a distance of forty-six chains and of a single line for the remainder of its length,) commencing in the parish of Saint Andrew-the-Less in Station Road at a point opposite the north-east corner of the Railway Tavern, and terminating in Saint Andrew Street in the parish of Saint Andrew-the-Great at a point nine yards or thereabouts north of the junction of Christ's Lane with Saint Andrew Street aforesaid: Provided always, that if the Great Eastern Railway Company so require Tramway (No. 1) may and shall be laid as a single line only in Station Road: Provided always, that nothing herein contained shall be deemed to authorise or require the Company to construct such portion of Tramway (No. 1) so that for a distance of thirty feet or upwards a less space than nine feet six inches shall intervene between the outside of either footpath and the nearest rail of the tramway, unless the owners, lessees, and occupiers of all lands, houses, shops, or warehouses abutting on such portion of the footpath consent thereto.

The foregoing Tramway (No. 1) will be situate in the parishes of Saint Andrew-the-Less, Saint Benedict, and Saint Andrew-the-Great, and will be constructed with the following passing-place; namely,

A subsidiary tramway or passing-place (*a*), one chain and seventy-five links in length, commencing at a point in Regent Street opposite the south-west corner of the University Arms Hotel, and terminating at a point in that street opposite the lane passing by the south end of Regent Terrace, and situate in the parishes of Saint Benedict and Saint Andrew-the-Great.

Tramway (No. 2), six furlongs and seven chains in length, (consisting of a single line,) commencing in the parish of Saint

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Andrew-the-Less by a junction with Tramway (No. 1) at a point in Hills Road five yards or thereabouts south of the junction with Lensfield Road, and terminating in the parish of Saint Mary-the-Great at a point on Senate House Hill: Provided that Tramway (No. 2) shall be so laid that the termination thereof shall not extend northward of a point on Senate House Hill immediately opposite the centre of the roadway of Saint Mary's Street.

The foregoing Tramway (No. 2) will be situate in the parishes of Saint Andrew-the-Less, Saint Andrew-the-Great, Saint Benedict, Saint Mary-the-Less, Saint Botolph, Saint Edward, and Saint Mary-the-Great, and will be constructed with the following passing-place; namely,

A subsidiary tramway or passing-place (*b*), one chain and three yards in length, situate in the parish of Saint Benedict, commencing at a point in Trumpington Street opposite the south entrance to Saint Peter's Terrace, and terminating at a point in that street twenty yards north of the south entrance to Saint Peter's Terrace aforesaid.

All the tramways and works hereby authorised will be situate in the borough of Cambridge in the county of Cambridge.

Company not to use railway carriages.

6. The Company shall not use upon the tramways carriages or trucks constructed for use upon railways.

Capital.

7. The capital of the Company shall be twenty thousand pounds in two thousand shares of ten pounds each.

Shares not to issue until one fifth paid up.

8. The Company shall not issue any share created under the authority of this Act, nor shall any share vest in the person accepting the same unless and until a sum not being less than one fifth of the amount of such share shall have been paid in respect thereof.

Calls.

9. One fifth of the amount of a share shall be the greatest amount of a call, and two months at least shall be the interval between successive calls, and three fifths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Receipt in case of persons not sui juris.

10. If any money is payable to a shareholder being a minor, idiot, or lunatic, the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Power to borrow on mortgage.

11. The Company may from time to time borrow on mortgage any sum not exceeding in the whole five thousand pounds, but no part thereof shall be borrowed until the whole of the said capital of

twenty thousand pounds is issued and accepted and one half thereof is paid up, and the Company have proved to the justice who is to certify under the 40th section of the Companies Clauses Consolidation Act, 1845, before he so certifies, that the whole of such capital has been issued and accepted and that one half thereof has been paid up, and that not less than one fifth of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such capital was issued bonâ fide and is held by the persons or corporations to whom the same were issued, or their executors, administrators, successors, or assigns, and that such persons or corporations, their executors, administrators, successors, or assigns, are legally liable for the same; and upon production to such justice of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which shall be sufficient evidence thereof.

Appointment of receiver.

12. The mortgagees of the Company may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than five hundred pounds in the whole.

Company not to create debenture stock.

13. The Company shall not create or issue debenture stock.

Short title of Act to be marked on mortgage.

14. Every mortgage granted by the Company shall be marked with the short title of the Act under which the same is granted.

Mortgage to comprise purchase money paid on compulsory sale.

15. Every mortgage of the Company's undertaking shall be deemed to comprise all purchase money which may be paid to the Company in the event of a compulsory sale to the local authority under section 43 of the Tramways Act, 1870, and may comprise all or any moneys carried to the contingency fund, according to the terms of the mortgage.

Endorsement on mortgage deeds.

16. Every mortgage deed granted by the Company under this Act shall be endorsed with notice that such mortgage will not be a charge upon the tramway in the event of its being purchased by the local authority under the 43rd section of the Tramways Act, 1870.

Priority of mortgages over other claims.

17. All moneys to be borrowed on mortgage under this Act shall have priority against the Company and the property from time to time of the Company over all other claims on account of any

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debts incurred or to be incurred or engagements entered into or to be entered into by them.

Application of moneys.

18. All moneys raised under this Act, whether by shares or borrowing, shall be applied to the purposes of this Act only.

First and subsequent ordinary meetings.

19. The first ordinary meeting of the Company shall be held within six months after the passing of this Act, and the subsequent ordinary meetings of the Company shall be held in the months of March and September in every year.

Quorum for general meetings.

20. The quorum for general meetings of the Company shall be eight shareholders present in person or by proxy, holding in the aggregate not less than two thousand pounds in the capital of the Company.

Number of directors.

21. The number of directors shall be five, but the Company may from time to time reduce the number, provided that the number be not less than three.

Qualification of directors.

22. The qualification of a director shall be the possession in his own right of not less than twenty shares.

Quorum of directors.

23. The quorum for a meeting of directors shall be three whilst their number is five or four and two when their number is three.

First directors.

Election of directors.

24. Jabez Spencer Balfour, John Pelton, and Mark Ives Whibley, and two other persons to be named by them and consenting thereto, shall be the first directors of the Company, and shall continue in office until the first ordinary meeting held after the passing of this Act. At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or named as aforesaid, or any of them, or may elect a new body of directors or directors to supply the place of those not continued in office, the directors appointed by this Act or named as aforesaid being, if qualified, eligible for re-election, and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power herein-before contained for reducing the number of directors) elect persons to supply the places of the directors then retiring from office, agreeably to the provisions in the Companies Clauses Consolidation Act, 1845, contained, and the several persons elected at any such meeting, being neither removed nor disqualified nor having resigned, shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Period for completion of tramways.

25. The tramways shall be completed within two years from the passing of this Act, and on the expiration of that period the powers

by this Act granted to the Company for constructing the tramways, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed. A.D. 1879.

Deposit money not to be repaid except so far as tramways are opened.

26. Whereas, pursuant to the standing orders of both Houses of Parliament, and to an Act passed in the session of Parliament held in the ninth and tenth years of the reign of Her present Majesty, chapter twenty, a sum of seven hundred and fifteen pounds Consolidated Three Pounds per Centum Annuities, being upwards of five per centum upon the amount of the estimate in respect of the tramways, has been transferred into the court, that is to say, the Chancery Division of the High Court of Justice, in respect of the application to Parliament for this Act (which sum is in this Act referred to as "the deposit fund"): Be it enacted, that, notwithstanding anything contained in the said Act, the deposit fund shall not be paid or transferred to or on the application of the person or persons, or the majority of the persons, named in the warrant or order issued in pursuance of the said Act, or the survivors or survivor of them (which persons, survivors or survivor, are or is in this Act referred to as "the depositors"), unless the Company shall, previously to the expiration of the period limited by this Act for completion of the tramways, open the tramways for the public conveyance of passengers: Provided that if within the said period the Company open any portion of the tramways for the public conveyance of passengers, then, on production of the certificate of the Board of Trade specifying the length of the portions of the tramways opened as aforesaid and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length of the tramways so opened bears to the entire length of the tramways, the court shall, on the application of the depositors, order the said portion of the deposit fund so specified in such certificate to be paid or transferred to them, or as they shall direct, and the certificate of the Board of Trade shall, if signed by the secretary or by an assistant secretary of that Board, be sufficient evidence of the facts therein certified, and it shall not be necessary to produce any certificate of this Act having passed, anything in the above-mentioned Act to the contrary notwithstanding.

Application of deposit.

27. If the Company do not, previously to the expiration of the period limited by this Act for the completion of the tramways, open them for the public conveyance of passengers, then and in every such case the deposit fund, or so much thereof as shall not have been paid to the depositors as aforesaid, shall be applicable, and after due notice in the London Gazette shall be applied, towards compensating

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any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the tramways or any portion thereof, and also in compensating the road authority for the expense incurred by them in taking up any tramway or materials connected therewith placed by the Company in or on any road vested in or maintainable by such road authority, and in making good all damage caused to such roads by the construction or abandonment of such tramway, and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the court may seem fit; and if no such compensation shall be payable, or if a portion of the deposit fund shall have been found sufficient to satisfy all just claims in respect of such compensation, then the deposit fund, or such portion thereof as may not be required as aforesaid, shall either be forfeited to Her Majesty, and shall accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the court thinks fit to order, on the application of the Solicitor to Her Majesty's Treasury, and shall be carried to and form part of the Consolidated Fund of the United Kingdom, or, in the discretion of the court, if the Company is insolvent and has been ordered to be wound up or a receiver has been appointed, shall wholly or in part be paid or transferred to such receiver or to the liquidator or liquidators of the Company, or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof: Provided that until the deposit fund shall have been repaid to the depositors, or shall have become otherwise applicable as herein-before mentioned, any interest or dividends accruing thereon shall from time to time, and as often as the same shall become payable, be paid to or on the application of the depositors.

Purchase of lands by agreement.

28. The Company may from time to time purchase and acquire by agreement for the purposes of their undertaking such lands as they may require not exceeding three acres.

Gauge of tramways and width of groove.

29. Every tramway to be made, formed, or laid down under the powers of this Act shall be constructed with two rails on the gauge of four feet, and in such manner that the groove of the rail shall in no case exceed one inch and a quarter in width: Provided always, that so much of section 34 of the Tramways Act, 1870, as limits the extent of the carriage used on any tramway beyond the outer edge of the wheels of such carriage shall not apply to carriages used on the tramways.

As to rails of tramways.

30. The rails of the tramways shall be such as the Board of Trade may approve.

Tramways to be kept level with surface of roads.

31. If and whenever the road authority alter the level of any road along or across which any or any part of the tramways is laid or authorised to be laid, the Company may and shall from time to time alter or (as the case may be) lay their rails so that the uppermost surface thereof shall be on a level with the surface of the road as altered.

Company to adopt improvements if required by Board of Trade.

32. The Board of Trade may from time to time, upon the application of the road authority, require the Company to adopt and apply such improvements in the tramways, including the rails thereof, as experience may from time to time suggest, having regard to the greater security of the public and advantage to the ordinary traffic, and the Company shall with all reasonable despatch comply with any order made by the Board of Trade for the purpose of carrying out such improvements.

Inspection by Board of Trade.

33. The tramways shall not be opened for public traffic until they have been inspected and certified to be fit for such traffic by the Board of Trade.

Further provisions as to construction, &c. of tramways.

34. In addition to the requirements of section 26 of the Tramways Act, 1870, the Company shall, at the same time as they give notice to the road authority of their intention to open or break up any road for the purpose of constructing, laying down, maintaining, or renewing any of the tramways, lay before the Board of Trade a plan showing the proposed mode of constructing, laying down, maintaining, or renewing such tramways, and a statement of the materials intended to be used therein, and the Company shall not commence the construction, laying down, maintenance, or renewal of any of the tramways or part of any of the tramways respectively until such plan and statement have been approved by the Board of Trade, and after such approval the works shall be executed in accordance in all respects with such plan and statement and under the superintendence and to the reasonable satisfaction of the surveyor for the time being of the road authority, as provided by section 26 of the said Act: Provided always, that the word "materials" in this enactment does not include materials used for paving any part of any street under the provisions of the Tramways Act, 1870, or this Act.

Provision as to paving of roads.

35. So much of the road whereon any tramway is laid as lies between the rails and as extends thirty inches beyond the rails of and on each side of the tramway shall be paved by the Company at their own expense with granite cubes or sets upon a foundation or substructure of concrete, or otherwise, to the satisfaction of the

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road authority, or with such other paving material as the road authority may approve.

Penalty for not maintaining rails in proper order.

36. The Company shall at all times maintain and keep in good condition and repair, and so as not to be a danger or annoyance to the ordinary traffic, the rails of the tramways and the granite cubes or sets or other paving material laid down by the Company, and the substructure upon which the same rest, and if the Company at any time fail to comply with this provision or with any provisions of section 28 of the Tramways Act, 1870, they shall be subject to a penalty not exceeding five pounds for every day on which such failure continues after twenty-four hours notice has been given by the clerk or surveyor of the road authority, and such penalty shall be a penalty within the meaning of section 56 of the said Act. In case it is represented in writing to the Board of Trade by the road authority of any district in which the tramways or any portion thereof are or is situate or by twenty inhabitant ratepayers of such district that the Company have made default in complying with the provisions in this section contained or with any of the requirements of section 28 of the Tramways Act, 1870, the Board of Trade may, if they think fit, direct an inspection by an officer to be appointed by the said Board, and if such officer report that the default mentioned in such representation has been proved to his satisfaction, then and in every such case a copy of such report, certified by a secretary or an assistant secretary of the Board of Trade, may be adduced as evidence of such default and of the liability of the Company to such penalty or penalties in respect thereof as is or are by this section imposed.

Application of road materials excavated in construction of tramways.

37. Any paving, metalling, or material excavated by the Company in the construction of their works from any road under the jurisdiction or control of the road authority may be applied by the Company, so far as may be necessary, in or towards the reinstating of the road and the maintenance for six months after completion of any of the tramways within the district of such road authority of so much of the roadway on either side of such tramways as the Company are required to maintain, and the Company shall, if so required, deliver the surplus paving, metalling, or material not used at the expiration of such period of six months for the purposes aforesaid to the surveyor for the time being of the road authority, or to such person or persons as he may appoint to receive the same: Provided that if within seven days after the expiration of such period of six months, and after notice given by the Company to that effect, the surplus thereof as aforesaid is not removed by the said surveyor or by some other person or persons named by him for

that purpose, such surplus paving, metalling, or material shall absolutely vest in and belong to the Company, and may be dealt with, removed, and disposed of by them in such manner as they may think fit; any difference between the Company and any road authority or surveyor or other person with reference to any of the matters aforesaid shall be determined in manner provided by the Tramways Act, 1870, with respect to differences between the Company and any road authority.

Cleansing of roads.

38. The control over and duty of cleansing the surface of every road in which any tramway is laid shall continue in the road authority who may cleanse the same without reference to the tramways, but whatever cleansing, owing to snow or other matters impeding the traffic, shall be requisite for the proper working of the tramways shall be executed by the Company, who shall in performing the same remove the snow or other matter to such other part of the road and at such times as the road authority or their surveyor may direct.

Power to make additional crossings, &c.

39. The Company may, subject to the provisions of this Act, with the consent of the road authority, from time to time make, maintain, alter, and remove such crossings, passing-places, sidings, junctions, and other works in addition to those particularly specified in and authorised by this Act as they find necessary or convenient for the efficient working of the tramways or any of them, or for providing access to any warehouses, stables, or carriage houses, or works of the Company: Provided that in the construction of any such works no rail shall be so laid that a less space than nine feet six inches shall intervene between the said rail and the outside of the footpath on either side of the road if any owner or occupier of premises abutting on the place where such rail is proposed to be laid shall, by writing under his hand addressed to the Company, express his objection thereto.

Protecting Cambridge Improvement Commissioners.

40. The Company shall not work or use the portion of Tramway (No. 2) to the northward of Benet Street until they have, at their own expense, applied for and obtained powers to extend and shall have constructed an extension of Tramway (No. 2) into and along Saint Mary's Street to the north-west corner of the Market Hill, and the Cambridge Improvement Commissioners will concur in such application, and when the Company shall have constructed such extension they shall not between Benet Street and Saint Mary's Street aforesaid create a station or stopping-place for the collection of passengers, or change or reverse the horses drawing any carriage used on the tramways.

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Temporary tramways may be made when necessary.

41. Where, by reason of the execution of any work affecting the surface or soil of any road along which any of the tramways is laid, it shall, in the opinion of the road authority, be necessary or expedient temporarily to remove or discontinue the use of such tramway or any part thereof, the Company shall, within seven days of receiving an order in writing from the road authority under the hand of their clerk or surveyor, discontinue or take up such tramway for such term as may be necessary for the execution of the said works: Provided that the Company may, subject to such conditions and in accordance and in all respects with such regulations as the road authority may from time to time make, construct on the same or any adjacent road, and with the like consent, subject to the like conditions, and in accordance with the like regulations maintain, so long as occasion may require, a temporary tramway or temporary tramways in lieu of the tramway or part of the tramway so removed or discontinued. If any difference arises between the Company and the road authority with respect to the reasonableness of any regulations or with respect to the mode of constructing any temporary tramway or tramways under the authority of this section, the same shall be settled in the manner specified in section thirty-three of the Tramways Act, 1870, for the settlement of differences in the said section mentioned.

Road authority to have free access to sewers, &c.

42. The road authority shall at all times have free access to and communication with all their sewers and drains, and power to lay lateral and private drains and pipes to communicate therewith, without the consent or concurrence of the Company, and the provisions contained in the thirty-second and thirty-third sections of the Tramways Act, 1870, shall be applicable in the case of any sewer or private drain of or under the control of the road authority as if the same were a pipe for the supply of gas or water.

Protecting the Cambridge University and Town Gaslight and Waterworks Companies.

43. The following provisions shall have effect for the benefit and protection of the Cambridge University and Town Gaslight Company (herein-after called "the gas company") and of the Cambridge University and Town Waterworks Company (herein-after called "the water company") respectively; that is to say,

(*a.*) All works, matters, or things which the Company may be empowered or required to do or execute with reference to the mains, pipes, services, or other works of the gas company or of the water company, as the case may be, shall be done and executed by and at the expense of the Company, but to the reasonable satisfaction of the engineer

for the time being of the gas company or, as the case may be, of the water company:

(*b.*) No such work, matter, or thing shall be commenced till after fourteen days notice thereof in writing, accompanied by a plan of the proposed works, shall have been given by the Company to the gas company or, as the case may be, to the water company, and if the gas company or, as the case may be, the water company give notice in writing to the Company within seven days after the receipt by them of notice of the intended commencement by the Company of any such work, matter, or thing that they intend themselves to do or execute such work, matter, or thing they may do or execute the same accordingly, and the Company shall, on the completion thereof, pay to the gas company or the water company, as the case may be, the reasonable expenses incurred by them in the doing and execution thereof:

(*c.*) If any interruption whatsoever in the supply of gas or water by the gas company or the water company, as the case may be, shall be in any way occasioned by the Company or by the acts of any of their contractors, agents, workmen, or servants, or of any person in the employ of them, or of any or either of them, the Company shall forfeit and pay on demand to the gas company or the water company, as the case may be, the sum of twenty pounds for every day or part of a day during which such interruption shall continue, and every such sum may be recovered with full costs of suit by the gas company or the water company, as the case may be, in any court of competent jurisdiction:

(*d.*) The expense of all repairs or renewals of any main, pipe, or service of the gas company or the water company, as the case may be, or any works in connexion therewith, which may at any time hereafter be rendered necessary by reason of the use of steam or other mechanical power on the tramways or by the acts or defaults of the Company, their contractors, agents, workmen, or servants, or of any person in the employ of them, or of any or either of them, shall be borne and paid by the Company, and may be recovered against them by the gas company or the water company, as the case may be, in any court of competent jurisdiction:

(*e.*) If and when the Company acquire and appropriate any lands, houses, and buildings which are served with gas or water

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by the mains, pipes, services, or works of the gas company or the water company, as the case may be, or do any act or thing whereby any mains, pipes, services, or works of the respective company become useless for supplying gas or water, the Company shall, at their own expense, take up such mains, pipes, services, and works, and shall deliver the same to the respective company in as good a condition as such mains, pipes, services, and works were in immediately before they were taken up or interfered with:

(*f.*) Neither the gas company nor the water company shall be liable for any loss or damage which may happen to the tramways or works or appurtenances connected therewith, or to any passengers or traffic whatsoever conveyed or intended to be conveyed upon the tramways, by reason of any accident which may at any time happen to the mains, pipes, services, or other works of the respective company at, under, or near the tramways, nor for any loss or damage to the Company arising from the stoppage or loss of traffic on the tramways during the repairing, renewing, or removing of any such mains, pipes, services, or other works which may be necessary in consequence of such accident, unless such loss or damage shall have been occasioned by the wilful default or neglect of the gas company or the water company, as the case may be, or of their respective agents, officers, workmen, or servants:

(*g.*) Nothing in this Act shall prevent the gas company or the water company from laying or making, at their own expense, from time to time as they may respectively think fit, such new, substituted, or additional mains or pipes, or any valves, hydrants, manholes, or works in connexion with any of their respective mains or pipes, or from time to time inspecting any of their mains, pipes, services, or other works at, under, over, across, or near the tramways, and neither company shall be liable for any damage to the tramways or works connected therewith, or for any stoppage of the tramways or loss of traffic thereon, that may be caused by any of the matters aforesaid: Provided that the works of the respective companies shall be carried on so as to interfere as little as possible with the traffic on the tramways, and, so far as they affect the tramways, according to the reasonable directions and under the

superintendence of the engineer for the time being of the Company :

(*h.*) Neither the gas company nor the water company shall be liable for any damage or injury done to the tramways by reason of any works to be executed under the powers of any Act relating to the respective company or consequent on the execution thereof, unless such damage or injury shall have been occasioned by the wilful default or neglect of the respective company, or of their agents, officers, workmen, or servants :

(*i.*) If any difference arise between the Company or their engineer and the gas company or the water company, as the case may be, or their respective engineers, with respect to the amount of any costs, expenses, or charges which under the provisions of this Act are to be paid by the Company to the gas company or the water company, as the case may be, or with respect to any work, matter, or thing to be done or executed under this Act, or the mode of doing or executing the same, or with reference to any other matter arising under this Act, such difference shall be determined by arbitration in manner provided by the Companies Clauses Consolidation Act, 1845, with respect to the settlement of disputes by arbitration :

(*j.*) Except as in this Act specially provided, nothing in this Act shall prejudice, affect, diminish, alter, or take away any of the rights, privileges, powers, or authorities of the gas company or of the water company.

Protecting the Governors of Hobson's Watercourse.

44. Nothing in this Act shall take away or abridge any rights or powers vested in the Governors of Hobson's Watercourse to break up any road along which any tramway is laid for the purpose of altering, repairing, and maintaining any watercourse, conduit, or other works of or under the control of the said Governors, and the provisions contained in sections 30, 31, 32, and 33 of the Tramways Act, 1870, shall apply in respect to the said Governors and any such watercourse, conduit, or other work as if the same had been respectively named and referred to in those sections.

Construction and propelling of carriages, &c.

45. Every carriage used upon the tramways shall be constructed with sufficient break power, and shall be used singly and not in connexion with or attached to any other carriage, and shall be propelled by horse power only.

Tolls for passengers.

46. The Company may demand and take for every passenger travelling upon the tramways or any part thereof, including the

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use of the tramways and of the carriages and motive power, and every other expense incidental to such conveyance, any tolls or charges not exceeding twopence per mile or fraction of a mile, but not exceeding the sum of threepence for any longer distance than a mile.

Passengers luggage.

47. Every passenger travelling upon the tramways may take with him his personal luggage not exceeding twenty-eight pounds in weight without any charge being made for the carriage thereof.

List of tolls to be exhibited.

48. A list of the tolls and charges by this Act authorised to be taken for passengers, including therein the cheap fares for the labouring classes, and which shall be charged by the Company from time to time, shall be exhibited in a conspicuous place inside each of the carriages used upon any of their tramways.

Company may carry goods, &c.

49. The Company may but shall not be bound to carry animals, goods, small parcels, or other things in respect of which they are by this Act authorised to take tolls or charges, nor passengers luggage exceeding the weights by this Act prescribed.

Tolls for goods, &c.

50. The Company may demand and take in respect of any goods, materials, articles, or things conveyed by them on the tramways, including the use of the tramways, waggons, trucks, and motive power, and every other expense incidental to such conveyance (except a reasonable sum for loading or unloading, and for delivery and collection of goods, and any other service incidental to the business of a carrier where any such service is performed by the Company), any tolls or charges not exceeding the rates following:

ANIMALS.

For hares, rabbits, geese, turkeys, ducks, wild-fowl, and other game and poultry, dead or alive, one halfpenny per head per mile.

GOODS.

For all coals, coke, culm, charcoal, cannel, limestone, chalk, lime, salt, sand, fireclay, cinders, dung, compost, and all sorts of manure, and all undressed materials for the repair of public roads or highways, threepence per ton per mile:

For all timber, deals, staves, iron, ironstone, iron ore, pig iron, bar iron, rod iron, sheet iron, hoop iron, plates of iron, slabs, billets, and rolled iron, bricks, slag, and stone, stone for building, pitching, and paving, tiles, slates, and clay (except fireclay), and for wrought iron not otherwise specially classed

herein, and for heavy iron castings, including railway chairs, fourpence per ton per mile: A.D. 1879.

For all sugar, grain, corn, flour, hides, dye-woods, earthenware, and metals (except iron), nails, anvils, vices, and chains, and for light iron castings, fourpence per ton per mile:

For cotton, wools, drugs, manufactured goods, and all other wares, merchandise, fish, vegetables, articles, matters, or things not otherwise specially classed herein, fivepence per ton per mile.

SMALL PARCELS.

For any parcel not exceeding seven pounds in weight, threepence:

For any parcel exceeding seven pounds and not exceeding fourteen pounds in weight, fivepence:

For any parcel exceeding fourteen pounds and not exceeding twenty-eight pounds in weight, sevenpence:

For any parcel exceeding twenty-eight pounds and not exceeding fifty-six pounds in weight, ninepence:

For any parcel exceeding fifty-six pounds but not exceeding one hundredweight, such sum as the Company may think fit:

Provided always, that articles sent in large aggregate quantities although made up in separate parcels, such as bags of sugar, coffee, meal, and the like, shall not be deemed small parcels, but that term shall apply only to single parcels in separate packages.

REGULATIONS AS TO TOLLS.

For goods, articles, or things conveyed on the tramways for a less distance than three miles, the Company may demand tolls and charges as for three miles:

For a fraction of a ton (except in the case of small packages) the Company may demand tolls according to the number of quarters of a ton in such fraction, and if there be a fraction of a quarter of a ton such fraction shall be deemed a quarter of a ton:

With respect to all articles, except stone and timber, the weight shall be determined according to the usual avoirdupois weight:

With respect to stone and timber fourteen cubic feet of stone, forty cubic feet of oak, mahogany, teak, beech, or ash, and fifty cubic feet of any other timber shall be deemed one ton weight, and so in proportion for any smaller quantity.

51. The tolls and charges by this Act authorised shall be paid at such times and places, and to such persons upon or near to the tramways, and in such manner and under such regulations as the

As to mode, &c. of payment of tolls.

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Company may from time to time, by notice to be annexed to the list of tolls, appoint.

Periodical revision of tolls.

52. If at any time after three years from the opening for public traffic of the tramways or any portion of the tramways, or after three years from the date of any order made in pursuance of this section in respect of the tramways or any portion of the tramways, it is represented in writing to the Board of Trade by the local authority of any district in which the tramways or such portion of the tramways are or is wholly or partly situate, or by twenty inhabitant ratepayers of any such district, or by the Company, that under the circumstances then existing all or any of the tolls and charges demanded and taken in respect of the traffic on the tramways or on such portion of the tramways should be revised, the Board of Trade may (if they think fit) direct an inquiry by a referee to be appointed by the said Board in accordance with the provisions of the Tramways Act, 1870, and if such referee report that it has been proved to his satisfaction that all or any of such tolls and charges should be revised the said Board may make an order in writing altering, modifying, reducing, or increasing all or any of the tolls and charges to be demanded and taken in respect of the traffic on the tramways or on such portion of the tramways in such manner as they think fit, and thenceforth such order shall be observed until the same is revoked or modified by an order of the Board of Trade made in pursuance of this section: Provided always, that the tolls and charges prescribed by any such order shall not exceed in amount the tolls and charges by this Act authorised.

As to heavy traffic.

53. No goods, articles, or things, other than passengers and passengers luggage and parcels, shall be conveyed on the tramways without the consent of the road authority.

Cheap fares for labouring classes.

54. The Company at all times after the opening of the tramways for public traffic shall and they are hereby required to run at least two carriages each way every morning in the week and every evening in the week (Sundays, Christmas Day, and Good Friday always excepted) at such hours, not being later than seven in the morning or earlier than six in the evening respectively, as the Company think most convenient for artizans, mechanics, and daily labourers, at fares not exceeding one penny per journey; Provided that in case of any complaint made to the Board of Trade of the hours appointed by the Company for the running of such carriages the said Board shall have power to fix and regulate the same from time to time.

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Tramways not to be used on Sundays without consent of road authority.

55. The Company shall not run carriages on the tramways nor suffer or permit the tramways to be used for public traffic on Sundays without the consent of the road authority.

Form and delivery of notices.

56. With respect to notices and to the delivery thereof by or to the Company the following provisions shall have effect; namely,

1. Every notice shall be in writing or print, including lithograph, or partly in writing and partly in print, and if given by the local or road authority shall be sufficiently authenticated by being signed by their surveyor or clerk:

2. Any notice to be delivered by or to the Company to or by the local or road authority may be delivered by being left at the principal office of the local or road authority or of the Company, as the case may be, or by being sent by post in a registered letter addressed to their respective clerk or surveyor at their principal office, and every such letter shall be deemed to be received by the local or road authority or by the Company, as the case may be, on the day on which the same ought to be delivered at their principal office in the ordinary course of post.

Interest not to be paid on calls paid up.

57. The Company shall not, out of any money by this Act authorised to be raised by shares or by borrowing, pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by him: Provided always, that this Act shall not prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act, 1845.

Deposits for future bills not to be paid out of capital.

58. The Company shall not, out of any money by this Act authorised to be raised, pay or deposit any sum which, by any standing order of either House of Parliament now or hereafter in force, may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any other tramway or to execute any other work or undertaking.

Tramways not exempt from provisions of present or future general Tramway Acts.

59. Nothing herein contained shall be deemed or construed to exempt the tramways from the provisions of any general Act relating to tramways now in force or which may hereafter pass during this or any future session of Parliament, or from any future revision or alteration, under the authority of Parliament, of the maximum rates of tolls or charges authorised by this Act.

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Saving rights of Corporation of borough of Cambridge.

60. Except as is by this Act expressly provided, nothing in this Act contained shall extend or be construed to extend to affect, prejudice, alter, abridge, or take away any estates, rights, powers, privileges, duties, and authorities whatsoever belonging or appertaining to the mayor, aldermen, and burgesses of the borough of Cambridge.

Saving rights of Cambridge Improvement Commissioners.

61. Except as is by this Act expressly provided, nothing in this Act contained shall extend or be construed to extend to affect, prejudice, alter, or abridge, or take away any rights, powers, privileges, duties, authorities, and control whatsoever belonging or appertaining to the Cambridge Improvement Commissioners.

Expenses of Act.

62. All costs, charges, and expenses of and preliminary and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the Company.

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