CHAPTER lxvi.

An Act to provide for further Bridge accommodation over the River Cam and approaches thereto and for other purposes. A.D. 1889.

[9th July 1889.]

WHEREAS the present bridge accommodation over the River Cam between the borough of Cambridge and the parish of Chesterton is inconvenient and insufficient:

And whereas it is expedient for the purpose of affording increased bridge accommodation over the said river that the mayor aldermen and burgesses of the borough of Cambridge (herein-after called "the corporation") and the local board of the district of Chesterton (herein-after referred to as "the local board") be authorised to construct the bridges approaches and works and to exercise the other powers in that behalf herein-after mentioned:

And whereas with a view to straightening and regulating the boundaries of Midsummer Common in the parish of St. Andrew-the-Less and county of Cambridge and the respective properties of the master and master fellows and scholars of St. John's College in the University of Cambridge and of the master fellows and scholars of Jesus College in the said University it is expedient that the corporation should be empowered to exchange portions of the said common with the said master and master fellows and scholars respectively:

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

And whereas estimates have been prepared of the expense to be incurred for the purchase of land for and for the construction of the bridges approaches roads and works by this Act authorised and such estimates amount to twenty-one thousand pounds and those several purposes are permanent works within the meaning of section 234 of the Public Health Act 1875:

And whereas an absolute majority of the whole number of the council of the said borough at a meeting held on the 15th day

A.D. 1889.

of March 1888 after ten clear days notice by public advertisement of such meeting and of the purpose thereof in the "Cambridge Chronicle and University Journal" a local newspaper circulating in the borough such notice being in addition to the ordinary notices required for summoning such meeting resolved that the expenses of the corporation in relation to promoting the Bill for this Act should be charged on the borough fund and borough rate:

And whereas such resolution was published twice in the said "Cambridge Chronicle and University Journal" and has received the approval of Her Majesty's Principal Secretary of State for the Home Department:

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the council of the borough at a further special meeting held in pursuance of a similar notice on the 23rd day of January 1889 being not less than fourteen days after the deposit of the Bill in Parliament:

And whereas the owners and ratepayers of the borough by resolution in the manner provided in Schedule 3 of the Public Health Act 1875 have consented to the promotion of the Bill for this Act:

And whereas an absolute majority of the whole of the members of the local board at a meeting held on the 7th day of March 1888 after ten clear days notice by public advertisement of such meeting and of the purpose thereof in the said "Cambridge Chronicle and University Journal" a local newspaper circulating in the district such notice being in addition to the ordinary notices required for summoning such meeting resolved that the expenses in relation to promoting the Bill for this Act should be charged on the district fund and general district rates:

And whereas such resolution was published twice in the said "Cambridge Chronicle and University Journal" 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 of the members of the local board at a further special meeting held in pursuance of a similar notice on the 24th day of January 1889 being not less than fourteen days after the deposit of the Bill in Parliament:

And whereas the owners and ratepayers of the district by resolution in the manner provided in Schedule 3 of the Public Health Act 1875 have consented to the promotion of the Bill for this Act:

And whereas plans and sections describing the lines situations and levels of the works authorised by this Act and a book of reference to those plans containing the names of the owners or reputed owners

lessees or reputed lessees and of the occupiers of lands required or which may be taken for the purposes of this Act were duly deposited with the clerk of the peace for the county of Cambridge (and are herein-after respectively referred to as the deposited plans sections and book of reference):

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

Short title.

1. This Act may be cited as the River Cam Bridges Act 1889.

Incorporation of Acts.

2. The following Acts and provisions of Acts so far as they are applicable for the purposes of and not inconsistent with this Act are hereby incorporated with this Act (that is to say):—

The Lands Clauses Consolidation Acts 1845 1860 and 1869 as amended by the Lands Clauses (Umpire) Act 1883 (herein-after referred to as the Lands Clauses Acts):

The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary use of private roads near the railway during the construction thereof:

Provided that for the purposes of this Act the said incorporated provisions of the Railways Clauses Consolidation Act 1845 shall be construed so that—

(1.) The expression "the company" therein shall mean the Promoters as herein-after defined:

(2.) The expression "the railway" therein shall mean the work (D) or the work (E) as the case may be shown on the deposited plans and by this Act authorised and the prescribed limits shall be two hundred yards from every or any part of the respective works.

Interpretation of terms.

3. In this Act the following words and expressions have the several meanings hereby assigned to them unless there be something in the subject or context repugnant to such construction (that is to say):—

"The corporation" means the mayor aldermen and burgesses of the borough of Cambridge in the county of Cambridge acting by the town council:

"The town council" means the town council of the said borough of Cambridge:

"The local board" means the local board of the district of Chesterton in the county of Cambridge:

A.D. 1889.

"The Promoters" means the corporation and the local board acting by the joint committee constituted and chosen as herein-after provided:

"The borough" means the municipal borough of Cambridge:

"The district" means the district of the local board:

"Person" includes corporation:

And except as by this Act otherwise expressly provided the several words and expressions to which by the Acts wholly or partly incorporated herewith meanings are assigned have in this Act the same respective meanings unless there be something in the subject or context repugnant to or inconsistent with such construction:

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

Act to be carried into execution by Promoters acting by a joint committee.

4. This Act shall be carried into execution by the Promoters acting by a joint committee (herein-after referred to as "the joint committee") consisting of ten members five to be chosen by the town council out of members of the town council at a meeting of the town council to be held within one month after the passing of this Act and at the first meeting of the town council held in the month of January in the year 1890 and in every subsequent year and the remaining five members of the joint committee to be chosen by the local board out of members of the local board at a meeting of the local board to be held within one month after the passing of this Act and at their first meeting in the month of April in the year 1890 and in every subsequent year Every such meeting is in this Act referred to as "a meeting for election."

Provisions as to joint committee.

5. The following provisions shall have effect with respect to the joint committee (that is to say):—

(1.) All appointments of members of the joint committee shall be made by writing under the common seal of the corporation or local board as the case may be:

(2.) The members of the joint committee so chosen shall if they shall so long live and not resign or be disqualified or incapable hold office as members of the joint committee until the next meeting for election of the town council or the local board as the case may be and shall be eligible to be re-chosen:

(3.) Any member of the joint committee shall cease to be a member thereof on his ceasing to be a member of the town council or local board as the case may be:

(4.) Any member of the joint committee may resign his office by writing under his hand addressed to the town clerk of the borough or to the clerk of the local board as the case may be:

(5.) Any casual vacancy occurring by death resignation incapacity disqualification or failure duly to choose a member of the joint committee shall be filled up by the choice of a person to fill such vacancy by the town council or by the local board as the case may be within three weeks of the vacancy so occurring and any person chosen to fill such casual vacancy shall hold office as such member until the next meeting for election of the town council or of the local board by whom he was so chosen and shall be eligible to be re-chosen:

(6.) The proceedings of the joint committee shall not be invalidated by reason of any vacancy or vacancies amongst the members or any irregularity in the choosing of the joint committee or of any member thereof or of any member not qualified or ceasing to be qualified acting as a member of the joint committee:

(7.) The joint committee shall cause minutes of their proceedings to be duly kept and any minute of proceedings at a meeting of the joint committee and copies of any orders made or resolutions passed at a meeting of the joint committee purporting to be signed by the chairman of the meeting of the joint committee at which such proceedings took place or such orders were made or resolutions passed or by the chairman of the next ensuing meeting of the joint committee shall be received as evidence in all legal proceedings and until the contrary is proved every meeting of the joint committee where minutes of the proceedings have been so made shall be deemed to have been duly convened and held and all the proceedings thereat to have been duly had:

(8.) Meetings of the joint committee shall be held and the proceedings thereof shall be conducted and questions determined in accordance with the rules contained in the First Schedule to this Act annexed.

Powers of joint committee.

6. The joint committee shall have and may exercise all or any powers of the Promoters under or for the purposes of this Act either in the name of the joint committee or in the names of the corporation and the local board except powers of borrowing money and powers incidental thereto.

A.D. 1889.

Contracts &c. by joint committee.

7. All contracts entered into by the joint committee and required by law to be in writing under seal or in writing and signed by the parties to be charged therewith shall be effectual in law and be binding upon the Promoters if signed by the chairman for the time being of the joint committee and countersigned by one member of the joint committee appointed by the corporation and one member appointed by the local board.

Protection of members of joint committee from personal liability.

8. No matter or thing done and no contract entered into by the joint committee and no matter or thing done by any member of such committee or other person whomsoever acting under the direction of such committee shall if the matter or thing were done or the contract were entered into bonâ fide for the purpose of executing this Act subject them or any of them personally to any action liability claim or demand whatsoever and any expense incurred by any such member or other person acting as last aforesaid shall be borne and repaid as part of the expenses of the Promoters in the execution of this Act Provided that nothing in this section shall exempt any member of any such committee from liability to be surcharged with the amount of any payment which may be disallowed by the auditor in the accounts of such committee and which such member authorised or joined in authorising.

Power to Promoters to make new bridges approaches roads and works.

9. Subject to the provisions of this Act in the lines according to the levels and within the limits of lateral deviation shown on the deposited plans and sections as amended in the case of works "A" and "D" by the standard sections herein-after referred to the Promoters may make and maintain the following bridges and approaches roads and works namely:—

(A.) A bridge over the River Cam with approaches thereto commencing in the parish of Chesterton in the road known as Bridge Road (formerly River Road) at or about the junction with the said Bridge Road of Trafalgar Street and terminating in the parish of St. Andrew-the-Less in the borough of Cambridge at a point four and a half chains or thereabouts measured in a southerly direction from a point on the south bank of the River Cam directly opposite Bridge Road aforesaid:

(B.) A new road wholly in the parish of St. Andrew-the-Less and borough of Cambridge commencing at the termination of the bridge and approaches (work "A") by this Act authorised proceeding thence in a southerly direction and terminating at or about the point where the streets known as Jesus Lane King Street Short Street and Maids' Causeway meet:

(D.) A bridge over the River Cam with approaches thereto commencing in the parish of St. Andrew-the-Less aforesaid and

borough of Cambridge in the road known as Abbey Road at a point eleven and a half chains or thereabouts measured in a northerly direction from the junction of East Road with Newmarket Road in that borough and terminating in the said parish of Chesterton at a point nine chains or thereabouts north of its authorised point of commencement as above described:

(E.) A new road wholly in the parish of Chesterton aforesaid commencing at the termination of the bridge and approaches (work "D") by this Act authorised and terminating by a junction with Chesterton Road opposite Chesterton Hall: and

(F.) All such abutments foundations arches piers dams piles walls fences drains sewers culverts lamps lamp-posts buildings roadways footways banks haling-ways works and conveniences connected with the aforesaid bridges approaches and roads as the Promoters may deem proper.

Limiting amount of common land to be taken.

10. Notwithstanding anything in this Act or shown on the deposited plans the Promoters shall not take or appropriate under the powers of this Act for the purposes of the works hereby authorised more of the common or commonable lands shown on the deposited plans and described in the deposited book of reference and known as Jesus Green and Butt Green and Midsummer Common in the parish of St. Andrew-the-Less than the following quantities (that is to say):—

(*a.*) For the bridge and approaches (being work "A") by this Act authorised 1 rood 30½ perches:

(*b.*) For the new road (being work "B") by this Act authorised 1 acre 2 roods 33½ perches.

For protection of conservators of River Cam.

11. In the construction of the bridges by this Act authorised over the River Cam the following regulations shall be observed and conformed to unless the Promoters and the conservators of the River Cam (herein-after called "the conservators") shall otherwise agree (that is to say):—

(1.) Notwithstanding anything in this Act or shown on the deposited sections the said bridges shall be so constructed as to give in the case of work A a clear waterway of not less than 77 feet 6 inches in width and in the case of work D a clear waterway of not less than 80 feet 6 inches in width and in the case of each such works A and D a clear headway from the ordinary top water level of the river of not less than 10 feet 9 inches in the lowest part and so as also to give in the case of each such works A and D a towing-path or haling-way of not less than 12 feet in width from the edge of the river with a clear headway for a width of 6 feet from the river of not less than 7 feet 6 inches in height and generally in accordance with

A.D. 1889.

supplemental sections signed in duplicate by Albert Edmund Earl of Morley Chairman of Committees of the House of Lords and deposited in the Parliament Office and the Private Bill Office of the House of Commons (which sections are in this Act referred to as "the standard sections"):

(2.) Before commencing the construction of the said bridges or any works affecting the River Cam the Promoters shall give notice in writing to the conservators of their intention so to do and all such works shall be constructed under the superintendence and to the reasonable satisfaction of the surveyor for the time being of the conservators provided that if after such notice as aforesaid such surveyor fail to superintend the works the Promoters may proceed with the construction thereof without such superintendence:

(3.) All such works shall be so constructed as to avoid as far as practicable any interruption of the traffic upon the River Cam and when and so soon as the permanent works are completed the Promoters shall remove any materials or temporary works which may have been placed in the river by them:

(4.) If during the construction of the said bridges any temporary works are placed in the river the Promoters shall hang out and exhibit thereat or near thereto every night from sunset to sunrise until such temporary works are removed lights to be kept burning by and at the expense of the Promoters proper and sufficient for the navigation and safe guidance of barges and boats such lights to be from time to time altered in such manner and to be of such kind and number and to be so placed and used as the conservators by writing under the hand of their clerk shall approve or sanction:

(5.) Any difference which may arise between the conservators and the Promoters touching any of the matters referred to in this section shall be decided by a single arbitrator to be appointed on the application of either party by the Board of Trade and the costs of such arbitration and of the parties shall be in the discretion of the arbitrator.

Power to deviate from levels &c.

12. Subject to the provisions of this Act in making the works by this Act authorised the Promoters may deviate from the levels thereof respectively defined on the deposited sections as amended by the standard sections herein-before referred to (but in the case of works "A" and "D" only with consent as herein-after provided) to any extent not exceeding three feet but nothing herein contained shall authorise or be construed to authorise any deviation from the levels defined by such standard sections of work "A" or of work "D" without the consent in writing of the conservators of the River Cam

and the Promoters may also subject to the provisions of this Act deviate laterally from the lines of any works by this Act authorised to any extent within the limits of deviation defined on the deposited plans.

Power to stop up ways during the execution of the works.

13. The Promoters during the making of any of the works by this Act authorised may in or upon the lands within the limits of deviation shown upon the deposited plans stop up or cause to be temporarily stopped up all or any part of the carriage-ways or footways of any streets roads passages and places which they may think necessary for the purposes of this Act to be so stopped up and for that purpose may put or cause to be put up sufficient palisades bars posts and other erections and may make from time to time such orders for regulating the passage of carts carriages and horses as to them shall seem proper Provided that reasonable access from any house in any street road passage or place so stopped up shall be preserved.

Power to make subsidiary works.

14. Subject to the provisions of this Act and within the limits defined on the deposited plans the Promoters in connexion with the works by this Act authorised and as part and for the purposes thereof may make junctions and communications with any existing streets intersected or interfered with by or contiguous to the works and may divert widen or alter the lines or levels of any existing street for the purpose of connecting the same with such works and may also alter and interfere with any gas or water pipes or any drain or sewer and may remove any other obstruction but the Promoters shall provide a proper substitute before interrupting the flow of sewage in any such drain or sewer or the supply of gas or water through any pipe and all substituted drains sewers and pipes shall be under the same jurisdiction care management and direction as the existing drains sewers and pipes Provided always that compensation shall be made by the Promoters in the manner provided by the Lands Clauses Acts to every person whose land or interest in land or right or easement is injuriously affected by the exercise of the powers by this enactment conferred upon the Promoters.

Promoters may lay out and maintain carriage-way and footways over bridges and approaches and roads.

15. The Promoters may lay out such parts of the bridges and approaches thereto and of the roads by this Act authorised for carriage roads and such parts thereof for footways as they may think proper and may sewer level pave metal flag channel and complete such roads and ways The bridges and approaches and roads by this Act authorised shall be maintained lighted cleansed and repaired by the Promoters and the cost of such maintenance lighting and cleansing and repair shall be borne and paid rateably in manner herein-after provided.

A.D. 1889.

Period for completion of works.

16. If the works by this Act authorised be not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Promoters for making and completing the same or otherwise in relation thereto shall cease except so far as the same shall have been then completed.

Power to take lands and easements.

17. Subject to the provisions of this Act the Promoters may enter upon take and use all or any of the lands shown on the deposited plans and described in the deposited book of reference and any rights or easements in under or over the portion of the River Cam so shown and described and the bed and soil thereof which they may require for the purposes of this Act Such rights or easements shall be deemed to be lands for the purposes of the Lands Clauses Acts as incorporated with this Act.

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

18. And whereas in the construction of the works hereby authorised or otherwise in exercise of the powers of this Act it may happen that portions only of the houses or other buildings or manufactories shown on the deposited plans may be sufficient for the purposes of the same and that such portions may be severed from the remainder of the said properties without material detriment thereto Therefore notwithstanding section 92 of the Lands Clauses Consolidation Act 1845 the owners of and other persons interested in the houses or other buildings or manufactories described in the Second Schedule to this Act and whereof parts only are required for the purposes of this Act may if such portions can in the opinion of the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted be severed from the remainder of such properties without material detriment thereto be required to sell and convey to the Promoters the portions only of the premises so required without the Promoters being obliged or compellable to purchase the whole or any greater portion thereof the Promoters paying for the portions required by them and making compensation for any damage sustained by the owners thereof and other parties interested therein by severance or otherwise.

Power to take easements &c. by agreement.

19. 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 Promoters any easement right or privilege required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Restriction on taking houses of

20. The Promoters shall not under the powers of this Act without the consent of the Local Government Board purchase or acquire

in any city borough or other urban sanitary district or in any parish or part of a parish not being within an urban sanitary district ten or more houses which after the passing of this Act have been or on the 15th day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

labouring class.

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

Errors and omissions in plans &c. to be corrected by justices who shall certify the same.

21. If any omission mis-statement or erroneous description shall have been made of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or described in the deposited book of reference the Promoters may after ten days notice to the owners lessees and occupiers of lands affected by such proposed correction apply to two justices for the correction thereof and if it shall appear to such justices that such omission mis-statement or erroneous description arose from mistake they shall certify the same accordingly and they shall in such certificate state the particulars of any such omission and in what respect any such matter shall have been mis-stated or erroneously described and such certificate shall be deposited with the clerk of the peace for the county of Cambridge and such certificate shall be kept by such clerk of the peace along with the other documents to which it relates and thereupon such plans or book of reference shall be deemed to be corrected according to such certificate and the Promoters may take the lands in accordance with such certificate.

Limitation of time for purchase of lands.

22. The powers of the Promoters for the compulsory purchase or taking of the lands and the rights and easements authorised to be taken by this Act shall not be exercised after the expiration of three years from the passing of this Act.

Regulation of traffic on bridges.

23. No carriage vehicle or machine weighing more than fifteen tons including the loading thereof and no carriage vehicle or machine not constructed or carried on wheels ordinarily used for passage over a common road shall be allowed to come or pass on either of the bridges by this Act authorised without the permission of the Promoters first obtained Any person wilfully contravening the provisions of this section shall be liable to a penalty not exceeding five pounds in addition to making good any damage which may be

A.D. 1889.

done by any such carriage vehicle or machine to the structure of the bridge or otherwise.

Contribution to expenses by Promoters.

24. The expenses of constructing the works by this Act authorised and the sums from time to time required for the maintenance lighting cleansing and repair of the same shall be contributed by the corporation and by the local board in equal shares.

Accounts of joint committee and calls.

25. Accounts shall be kept of the receipts payments and liabilities of the joint committee distinguishing capital from revenue account and shall be made up in such form and to such day in every year as the Local Government Board may appoint and shall be audited in like manner and with the same incidents as the accounts of urban sanitary authorities under the Public Health Act 1875 and for the purpose of defraying any expenses incurred by the joint committee in the execution of this Act (including the expenses of any arbitration under the rules contained in the First Schedule to this Act) the joint committee may by precept from time to time make on the corporation and the local board such calls of money in respect of the amount to be contributed by them under this Act as the joint committee think fit and may appoint the persons to whom and the times and places at which the calls are to be paid giving at least two months notice of such call before the day fixed for the payment thereof and if at any time appointed by the joint committee for the payment of any call either the corporation or the local board fail to pay the amount of the call the body so failing to pay such amount shall pay so long as such call shall be in arrear to the joint committee interest at the rate of seven per cent. per annum and the joint committee may sue the body so in default for the amount of such call with interest at such rate as aforesaid and may recover the sum and the interest thereon from the date on which the call was payable.

Separate precepts shall be issued by the joint committee for money required on capital and revenue account and the precepts issued for moneys required on capital account shall specify the purposes for which such moneys are required.

Payment of expenses of corporation and local board.

26. The corporation may pay any moneys required by them for the purposes of this Act out of the borough fund and borough rate of the borough and the local board may pay any moneys required by them for the purposes of this Act out of the district fund and general district rates of the district.

Power to corporation and local board to borrow.

27. The corporation and the local board respectively may from time to time borrow at interest such sum or sums of money as they may respectively require for the payment of the contributions

payable by them respectively under this Act towards (*a*) the expenses of constructing the works by this Act authorised not exceeding twenty-one thousand pounds and (*b*) the costs charges and expenses of and incident to the preparing applying for obtaining and passing of this Act as ascertained as herein-after provided and such further sums as with the approval of the Local Government Board may be necessary for carrying into execution the powers of this Act Provided always that the powers of borrowing moneys by this Act conferred upon the corporation and the local board shall not be restricted by any of the regulations contained in the Public Health Act 1875 and that in calculating the sum which the corporation or the local board may borrow under the Public Health Act 1875 or any other enactment any sums they may borrow under this Act shall not be reckoned All costs incurred by the Local Government Board including such reasonable sum not exceeding three guineas a day as that Board may determine for the services of any inspector in relation to the duties imposed on that Board under this section shall be paid by the corporation and the local board or by such one of those bodies and in such proportions as the Local Government Board may determine.

Security for moneys borrowed and re-borrowed.

28. The moneys so borrowed by the corporation shall be charged on the borough fund and borough rate of the borough and the moneys so borrowed by the local board shall be charged on the district fund and general district rates of the district.

Power to Promoters to mortgage.

29. For securing the repayment of any moneys borrowed under the authority of this Act for any of the purposes of this Act the corporation and the local board respectively or either of them may mortgage the fund or rate upon which the moneys from time to time borrowed by the corporation and the local board respectively are made a charge by this Act and the provisions of the Commissioners Clauses Act 1847 with respect to the mortgages to be executed by the commissioners shall apply to the mortgages to be executed by the corporation except where the same are herein-after expressly altered or varied and for the purposes of such application the term "the commissioners" in the said provisions shall be construed to mean the corporation and the term "clerk to the commissioners" shall mean the town clerk of the borough :

And the provisions of sections 236 to 238 (both included) of the Public Health Act 1875 shall extend and apply mutatis mutandis to and in relation to all such mortgages to be executed by the local board.

Moneys borrowed on mortgage

30. All moneys borrowed by the corporation or by the local board by mortgage under the authority of this Act without the

A.D. 1889.

may be paid by instalments or by means of sinking funds.

sanction of the Local Government Board may be borrowed for any time not exceeding as regards moneys borrowed for the purposes of the works by this Act authorised forty years and as regards moneys borrowed for paying the costs of this Act ten years from the date of the first borrowing of the same respectively and all moneys borrowed by the corporation or by the local board under the authority of this Act with the consent of the Local Government Board may be borrowed for such term not exceeding sixty years as the Local Government Board may prescribe and all moneys borrowed shall be repaid by yearly or half-yearly instalments or by means of sinking funds Provided that when the yearly or half-yearly instalments of principal are not equal in amount the instalment or instalments of principal payable in each year together with the interest payable in such year in respect of the principal moneys owing shall in every year amount to the same sum.

Sinking fund for money borrowed on mortgage.

31. The corporation on account of the moneys borrowed by them under this Act and the local board on account of the moneys so borrowed by them shall within twelve months after borrowing the same and thenceforth annually on the same days each of them set apart as a sinking fund for the repayment of the moneys so borrowed by them respectively out of the fund or rate or the funds or rates upon the security of which such moneys have been borrowed respectively such equal annual sums as will with the accumulations thereof by way of compound interest at three and a half per cent. per annum with yearly rests be sufficient to pay within a period not exceeding the period by this Act respectively prescribed for the repayment thereof such portion of the principal moneys so borrowed by them respectively as shall not be repayable by yearly or half-yearly instalments All sums so set apart and the income thereof shall be invested from time to time and accumulated in the way of compound interest by investing the same and the dividends or interest thereof in any securities in which trustees are for the time being by or under the provisions of any Act of Parliament passed or to be passed authorised to invest trust funds or on the security of mortgages debentures debenture stock or annuity certificates or other security granted or issued under any Act of Parliament passed or to be passed of any municipal corporation in Great Britain or any other local authority within the meaning of section 34 of the Local Loans Act 1875 other than the corporation or the local board and the corporation and the local board may respectively from time to time apply the whole or any part of any such sinking fund set apart by the corporation and by the local board respectively in repayment of such portion of the principal moneys for the repayment of which such sinking fund was set apart in such order and manner as they deem

proper Provided always that whenever any of such principal moneys have been so paid off by the corporation or by the local board the corporation or the local board as the case may be shall thenceforward until the whole of such principal moneys have been paid off pay into the sinking fund every year in addition to the other sums herein-before required to be set apart and appropriated a sum equal to the annual interest of the principal money so paid off by the corporation or by the local board as the case may be at the rate per cent. on which the payments to the sinking fund are based Provided also that whenever and so long as the securities constituting such sinking fund shall be equal in value at the market price of the day to the principal moneys then outstanding and to be paid off by means of such fund the corporation or the local board as the case may be may in lieu of investing the said yearly income apply the same in payment of such interest and may during such periods discontinue the payment to such sinking fund of the yearly sums herein-before required to be paid thereto Provided further that the corporation and the local board respectively shall only be required to set apart moneys under this section for the repayment of the moneys respectively borrowed by them and the moneys so set apart by the corporation and by the local board respectively shall form in each case a separate sinking fund.

Annual return to Local Governmen Board in respect of sinking fund.

32. The town clerk of the borough or the clerk to the local board as the case may be shall within forty-two days after the 25th day of March in each year during which any sum is required to be set apart by the corporation or by the local board for a sinking fund or to be paid as an instalment in respect of any moneys borrowed by them on mortgage 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 invested for the purpose of such sinking fund or paid as an instalment 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 thereon have been applied during the same period and the total amount remaining uninvested at the end of the year and in the event of any wilful default in making such return by such town clerk or by such clerk to the local board such town clerk or such clerk as the case may be so in default shall be liable to a penalty 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 are recoverable by parties

A.D. 1889.

aggrieved within the meaning of that Act If it appears to the Local Government Board by any such return or otherwise that the corporation or the local board have failed to pay any instalment or to set apart the sum required by this Act for any 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 has been made shall be set apart and invested as part of such 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 of Justice and the provisions of this section shall mutatis mutandis apply to appropriations and annual repayments in the case of moneys borrowed under the Local Loans Act 1875.

Power to mortgagees to obtain a receiver.

33. With respect to a receiver the following provisions shall have effect namely :—

(1.) The mortgagees of the corporation or of the local board under this Act may enforce payment of arrears of interest or principal or principal and interest by the appointment of a receiver of the fund or rate upon the security of which the mortgage so in arrear or the interest thereof is secured 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 one thousand pounds.

(2.) The application for the appointment of a receiver shall be made to the High Court of Justice and the court if it thinks fit may appoint a receiver on such terms as it thinks fit.

(3.) The court may at any time discharge the receiver and shall have full jurisdiction over him and all persons interested in his acts.

Power to re-borrow.

34. The corporation and the local board respectively may from time to time borrow at interest on mortgage as aforesaid any money necessary for repaying any principal money borrowed under this Act or the repayment of which is provided for by this Act on the same becoming repayable or for the paying off of any of such principal moneys as they can re-borrow at a lower rate of interest and so from time to time Provided as follows :—

The time for the repayment of any moneys so re-borrowed shall not be extended beyond the unexpired portion of the term prescribed in the case of the original loan :

For the purpose of repayment the moneys re-borrowed and the moneys originally borrowed shall be deemed the same loan :

Neither the corporation nor the local board shall re-borrow any moneys paid off by means of instalments or a sinking fund or out of the proceeds of the sale or disposition of land or other moneys received on capital account other than borrowed moneys.

Corporation and local board not to regard trusts.

35. Neither the corporation nor the local board shall be bound to see to the execution of any trust whether express or implied or constructive to which any loan or security for loan given by them respectively may be subject but the receipt of the person in whose name any loan or security for loan stands in the register book of the corporation or local board as the case may be shall from time to time be a sufficient discharge to the corporation or local board in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the corporation or local board have had express or implied notice of any such trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered in their register and neither the corporation nor the local board shall be bound to see to the application of the money paid in any such receipt or be answerable or accountable for any loss misapplication or non-application of any of such money.

Protection of lenders from inquiry.

36. A person lending money to the corporation or to the local board secured by mortgage under this Act or by debentures debenture stocks or annuity certificates under the Local Loans Act 1875 and this Act shall not be bound to inquire as to the observance by them of any provision of this Act or be bound to see to the application or be answerable for any loss or non-application or misapplication of the money lent or any part thereof.

Power to borrow under Local Loans Act 1875.

37. The corporation or the local board if they think fit in lieu of borrowing on the security of mortgages as herein-before provided may borrow the moneys which they are by this Act authorised to borrow or any part thereof under the powers and subject to the provisions of the Local Loans Act 1875 by means of a loan or loans to be raised by the issue of debentures debenture stock or annuity certificates or partly in one way and partly in another Any moneys borrowed in manner by this section authorised for any of the purposes of this Act shall be a charge upon and shall be paid out of the fund or rate upon which the moneys from time to time borrowed by the corporation or by the local board as the case may be are made a charge by this Act and such fund or rate shall be the local rate within the meaning and for the purposes of the Local Loans Act 1875 Every such loan shall be discharged within the respective period prescribed by this Act And if the corporation or

A.D. 1889.

the local board at any time think fit to form a sinking fund for effecting such discharge all sums paid into such fund shall as soon as may be unless the same be appropriated and used in the repayment of debt be invested by the corporation or by the local board as the case may be in the manner in which sinking funds are by this Act authorised to be invested.

Application of moneys borrowed.

38. All moneys borrowed under this Act shall be appropriated to the purposes of this Act to which capital moneys are properly applicable.

Saving rights of conservators of River Cam.

39. Except as is by this Act expressly provided nothing contained in this Act shall extend to or be construed to extend to prejudice or derogate from the estates rights interests privileges liberties or franchises of the conservators of the River Cam or to prohibit defeat alter or diminish any powers authority or jurisdiction which at the time of passing this Act the said conservators did or might lawfully claim use or exercise.

As to exchange of lands.

40. The corporation may exchange—

(*a.*) With the master and the master fellows and scholars of St. John's College in the University of Cambridge all or any portion of that part of Midsummer Common which is shown upon the plan signed by the town clerk deposited in the town hall and thereon coloured pink for the property belonging to the said master and master fellows and scholars adjoining the said common and coloured blue on the said plan or any part or parts thereof: and

(*b.*) With the master fellows and scholars of Jesus College in the said University all or any portion of that part of Midsummer Common which is coloured yellow on the said plan for the property of the said master fellows and scholars adjoining the said common which is coloured green on the said plan or any part or parts thereof.

The corporation may execute all such conveyances as may be necessary for effecting any such exchange and upon the execution of such conveyances the portion or portions of Midsummer Common so exchanged as aforesaid shall vest in the said master of St. John's College and master fellows and scholars of St. John's College or master fellows and scholars of Jesus College as the case may be freed and discharged from all commonable or other rights now affecting the same and the lands conveyed to the corporation in exchange therefor shall vest in the corporation to the same extent and interest as the lands in exchange for which they are so conveyed are now vested in the corporation and shall be held by the corporation subject to the same rights of common and other rights as the

lands in exchange for which they have been so conveyed are now subject. A.D. 1889.

All costs payable by the corporation in effecting such exchange shall be paid out of the borough fund and borough rate.

Costs of Act.

41. All costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed and ascertained by the taxing officer of the House of Lords or House of Commons shall be paid by the corporation and by the local board in equal proportions and the sum so payable including the costs charges and expenses respectively incurred by the corporation and the local board in complying with the provisions of the Act of the session of Parliament held in the 35th and 36th years of the reign of Her present Majesty cap. 91 with respect to the Bill for this Act and all matters relating thereto shall be paid by the corporation out of the borough fund and the borough rate or out of moneys borrowed by them on the security thereof for the purpose and by the local board out of the district fund and general district rates of the district or out of moneys borrowed on the security thereof for the purpose.

A.D. 1889.

SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

RULES AS TO MEETINGS AND PROCEEDINGS OF THE JOINT COMMITTEE UNDER THE FOREGOING ACT.

1. The joint committee may meet and adjourn as it thinks proper.

2. A quorum of the joint committee shall consist of three members.

3. The joint committee may appoint a chairman of its meetings.

4. If no chairman is elected or if the chairman elected is not present at the time appointed for holding a meeting of the joint committee the members present shall choose one of their number to be chairman of such meeting.

5. Every question at a meeting of the joint committee shall be determined by a majority of votes of the members present and voting on that question and in case of an equal division of votes the chairman shall have a second or casting vote but it shall be competent for the committee to re-consider any question so decided at the next meeting of the committee if any two members of the committee whether or not present at the meeting at which the decision was arrived at shall by writing addressed to the chairman or secretary of the committee so request.

6. No resolution or determination of the joint committee at any meeting shall be revoked or altered at any subsequent meeting unless notice of the intention to revoke or alter such resolution shall have been given to each member of the joint committee seven clear days before such last-mentioned meeting.

7. If any question affecting capital expenditure or the sale or disposal of any property acquired by the Promoters for the purposes of this Act arise at a meeting of the joint committee and upon such question all the members representing the corporation present and voting at the meeting vote in the same sense and all the members representing the local board present and voting at the meeting vote in a contrary sense then on the request of the representatives or of the majority of the representatives of the corporation or the local board present at such meeting delivered to the chairman or secretary of the meeting within one month after such meeting such question shall be referred to an arbitrator to be agreed upon between the corporation and the local board or failing agreement to be appointed by the Local Government Board on the application of either the corporation or the local board.

THE SECOND SCHEDULE.

DESCRIBING HOUSES BUILDINGS MANUFACTORIES AND PREMISES OF WHICH PORTIONS ONLY MAY BE TAKEN.

Parish.	Work.	Number on Deposited Plans and in Deposited Book of Reference.
Chesterton - -	Bridge and approaches (work "A.")	2, 3, 4, and 6.
St. Andrew-the-Less -	Bridge and approaches (work "D.")	8 and 9.

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