



ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

Cap. xcii.

An Act for repealing and amending the Provisions of the Acts relating to the Navigation of the River *Cam* or *Cham*, alias *Grant*, between *Clayhithe Ferry* and the *King's Mill* in the Town of *Cambridge*; for altering the Navigation Tolls; for enabling the Conservators of the said River to sue and be sued in the Name of their Clerk; for conferring additional Powers; and other Purposes. [24th July 1851.]

WHEREAS by an Act passed in the First Year of the Reign of Her Majesty Queen *Anne*, intituled *An Act for making the River Cham, alias Grant, in the County of Cambridge, more navigable from Clay-Hithe Ferry to the Queen's Mill in the University and Town of Cambridge*, certain Persons and their Successors, to be nominated as therein mentioned, were appointed Conservators of the said River, and were authorized to execute various Works for better making and maintaining the said River navigable between the University and Town of *Cambridge* and [Local.] 15 Q *Clayhithe*

¹ Anne,
Stat. 2. c. 11.

The River Cam Navigation Act, 1851.

Clayhithe Ferry, and within such Limits the said Conservators were authorized to levy certain Tolls, Duties, and Rates for the Use of the said Navigation, and to put in execution the various Powers conferred by the said Act: And whereas an Act was passed in the Fifty-third Year of the Reign of His Majesty King *George* the Third, 53G.3.c.214. intituled *An Act for extending and amending an Act of Queen Anne, for making the River Cham more navigable from Clayhithe Ferry to the Queen's Mill in the County of Cambridge*, whereby the Powers of the said first-recited Act were amended and extended, and further Powers granted to the Conservators of the said River: And whereas the Navigation of the said River *Cham*, now called the River *Cam*, hath been greatly improved under the Powers of the said Acts: And whereas it is expedient that some of the Powers and Provisions of the said recited Acts should be altered and amended, and the same would be most conveniently effected if the said recited Acts were repealed, and other Powers and Provisions granted in lieu thereof: And whereas it is expedient that some of the Tolls, Duties, and Rates authorized to be levied for the Use of the said Navigation should be altered, and that further Powers should be granted to the said Conservators for the Application and Investment of the surplus Funds now in their Possession, and for better enabling them to carry the several Purposes of the said recited Acts into full and complete Effect: And whereas the several beneficial Objects aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

Recited Acts repealed, but existing Conservators to continue in Office until others appointed.

I. That from and after the passing of this Act the said recited Acts shall be and the same are hereby repealed: Provided always, that, notwithstanding the Repeal of the said recited Acts, it shall be lawful for the Conservators appointed in virtue thereof who shall be in Office and acting at the Time of the passing of this Act, and they are hereby authorized and required, to put this Act into execution until Conservators shall have been appointed in their Place or Stead under the Provisions of this Act, and be authorized to act in execution thereof.

Interpretation of Expression "the Conservators."

II. That in this Act the Expression "the Conservators" shall mean the Conservators for the Time being of the River *Cam* in the County of *Cambridge* chosen or appointed under the Provisions of the said first-recited Act or of this Act.

Provisions of 8 & 9 Vict. c. 18. incor-

III. That "The Lands Clauses Consolidation Act, 1845," shall be incorporated with and form Part of this Act, and such Act shall be construed

The River Cam Navigation Act, 1851.

construed as if the Expression "the Conservators" had been inserted therein instead of the Expression "the Promoters of the Undertaking:" Provided always, that nothing in the said Lands Clauses Consolidation Act or this Act contained shall authorize the Conservators to purchase any Lands or Houses otherwise than with the Consent of the Parties by the said Act or this Act capacitated to sell the same.

porated with
this Act.

IV. That "The Commissioners Clauses Act, 1847," except the several Sections and Clauses and Provisions thereof herein-after mentioned; that is to say,

Certain Pro-
visions of
10 & 11 Viet.
c. 16, incor-
porated with
this Act.

Except Section Six, providing that Joint Owners or Occupiers, when qualified, shall be eligible as Commissioners; Section Seven, declaring that the same Property shall not give Two Qualifications; so much of Sections Eight, Twelve, Fifteen, and Fifty-two, as refers to the Possession of a Property Qualification by the Commissioners; and Section Sixteen, as to Commissioners neglecting to act:

Except all the Clauses and Provisions with respect to the Election and Rotation of the Commissioners where the Commissioners are to be elected by the Ratepayers or other like Class of Electors:

Except Section Thirty-seven, as to the Election of an annual Chairman of Meetings; and so much of Section Thirty-eight as refers to such Chairman; so much of Sections Forty and Forty-one as authorizes or relates to the holding of monthly Meetings of the Commissioners; and Sections Forty-two and Forty-three, as to the Business to be transacted at monthly Meetings; Section Forty-five, as to holding Special Meetings; Section Forty-six, as to Things to be done by special Order only; Sections Fifty-three and Fifty-four, authorizing the Commissioners to provide public Offices, and daily Attendance thereat:

Except so much of Sections Sixty-one and Sixty-three as authorizes or refers to Actions or Suits to be brought by or against the Commissioners in the Names of any Two of the Commissioners:

Except so much of the Clauses with respect to the Accounts to be kept by the Commissioners as requires the annual Statement and Account to be printed, and printed Copies thereof furnished to any Persons, and as authorizes Creditors or Ratepayers to be present at any Meeting of the Commissioners or Auditors, and as confers any other Right or Power upon any Ratepayers, and as requires an Account in abstract to be prepared and sent to the Clerk of the Peace:

Except Section One hundred and four, incorporating certain Provisions of the Railways Clauses Consolidation Act, 1845:

Shall,

The River Cam Navigation Act, 1851.

Shall, so far as the same is not varied by the Provisions of this Act, be incorporated with this Act, and such Act shall be construed as if the Expression "the Conservators" had been inserted therein instead of the Word "Commissioners."

Chairman of Meetings of Conservators.

V. That at all Meetings of the Conservators One of the Members present shall be appointed Chairman, and in case of any equal Division of Votes upon any Question such Chairman shall have a second or Casting Vote.

s.V repealed by RCCA 1922 s.4

Time of holding first and annual Meetings of Conservators.

VI. That the Conservators shall hold their First Meeting under the Provisions of this Act on the Second *Saturday* after the passing thereof, and they shall hold an Annual Meeting on the First *Tuesday* in the Month of *June* in every Year, or within Fourteen Days from that Day.

Conservators may hold Quarterly Meetings.

VII. That it shall be lawful for the Conservators, in addition to the Annual Meeting, to hold Quarterly Meetings for the Transaction of general Business, and such Quarterly Meetings shall be held at such Place, and on such Day and Hour, and in such Month as the Conservators shall from Time to Time appoint, and the Clerk shall give **Ten clear Days** Notice of the Time and Place appointed for holding such Quarterly Meetings to each of the Conservators.

s.VII amended by Cambridge City Council Act 1985 s.13 to read "three clear days" instead of "ten clear days".

As to the holding of Special Meetings.

VIII. That any Three or more of the Conservators may require a Special Meeting to be held, but no such Meeting shall be held unless **Ten clear Days** Notice thereof at least be given.

s.VIII amended likewise to s.VII

Place for holding Meetings of Conservators.

IX. That it shall be lawful for the Conservators to hold their Annual and other Meetings at the Office or usual Place of Meeting of the Conservators in the Borough of *Cambridge*, or at such other Place within the said Borough as shall be appointed for that Purpose by the Conservators at any of their Quarterly Meetings; and the Clerk to the Conservators shall give **Ten clear Days** Notice of the Time and Place of holding every such Meeting to each of the Conservators; and for the Purpose of holding any Meetings of the Conservators the Borough of *Cambridge* shall be deemed to be within the Limits of this Act; and all such Meetings of the Conservators shall be open to the Public.

s.IX amended likewise to s.VII

Conservators neglecting to act to cease to be Conservators.

X. That every Conservator who for the Space of Twelve Months after his Appointment neglects to make and subscribe the Declaration required by this Act, or who for Twelve Months in succession shall be absent from all Meetings of the Conservators, and shall neglect to act in the Execution of this Act, shall be deemed to have refused to act, and shall cease to be a Conservator.

The River Cam Navigation Act, 1851.

XI. That the Expenses of the annual Survey of the said River by the Conservators shall be paid out of the general Funds of the Conservators under this Act, such Expenses not exceeding in any Year the Sum of Thirty Pounds.

Expenses of annual Survey.

XII. That it shall be lawful for the Conservators, at any Annual, Quarterly, or Special Meeting, to direct the Payment of any Sum of Money which may be then owing by the Conservators or any of their Officers in respect of any Goods supplied, or Work or Labour done, by the Order of the Conservators or of any of their Officers acting under their Authority, for any of the Purposes authorized by the said recited Acts or this Act; and every Sum of Money which by any such Annual, Quarterly, or Special Meeting shall be directed to be paid shall be paid by the Treasurer out of any Monies then in his Hands, or which may thereafter come into his Hands, under the Authority of the said recited Acts and this Act or any of them.

Conservators may order Payment of Sums due by them.

XIII. That any Notice which by this Act may be required to be given to any Person may lawfully be served by delivering the same to such Person, or by delivering the same to his Wife or Servant, or any Inmate at his usual or last known Place of Residence or Business.

Service of Notices.

XIV. That Three Persons to be nominated by the Chancellor of the University of *Cambridge* for the Time being or his Deputy, and the Heads of the Colleges of the said University for the Time being, or in their Absence their Deputies, or the major Part of them, Five Persons to be nominated by the Justices of the Peace for the said County of *Cambridge*, Three Persons to be nominated by the Council of the said Borough of *Cambridge*, to be from Time to Time nominated as by this Act provided, shall be Conservators for executing this Act; and such Conservators, and other the Conservators for the Time being, whether appointed under the said recited Acts or this Act, shall be called "The Conservators of the River *Cam* in the County of *Cambridge*," and may and shall exercise the several Powers by this Act conferred on the Conservators, and, subject to the Provisions of this Act, they shall be the Conservators of the River within the Limits of this Act, and shall have Power to purchase and hold Lands and to improve the said River within such Limits, subject to the Provisions and Restrictions contained in this Act and the Acts incorporated herewith.

Act to be carried into execution by Eleven Conservators.

s.XIV
repealed by
RCCA 1922
s.4

XV. That it shall be lawful for the Chancellor of the said University or his Deputy, and the Heads of the Colleges of the said University for the Time being, or their Deputies, or the major Part of them, to appoint Three Persons to be Conservators to represent the said University, and to act as such Conservators, from

University to appoint Three Conservators.

s.XV
repealed by
RCCA 1922
s.4

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and

The River Cam Navigation Act, 1851.

and after the First *Tuesday* in the Month of *June* One thousand eight hundred and fifty-one, and every Person who at the Time of such Appointment shall be a Conservator appointed for the said University shall be eligible for Re-appointment.

How Va-
cancies in
University
Conservators
to be filled
up.

XVI. That if the Chancellor of the said University or his Deputy, and the Heads of the Colleges of the said University for the Time being, or their Deputies, or the major Part of them, shall at any Time think fit to remove or change any of the Conservators for the Time being appointed for the said University, or if any of such Conservators shall die, or become unfit for the Service, or shall neglect or decline to act as a Conservator, it shall be lawful for the said Chancellor or his Deputy, and the Heads of the Colleges of the said University for the Time being, or their Deputies, or the major Part of them, from Time to Time, as Occasion shall require, to appoint some other Person to be a Conservator in the Room of every Conservator who shall be so removed, or who shall so die, or become unfit or neglect or decline to act as a Conservator.

s.XVI repealed by
RCCA 1922 s.4

Justices at
Quarter
Sessions to
appoint Five
Conserva-
tors.

XVII. That it shall be lawful for the Justices of the Peace for the said County of *Cambridge*, at any General Quarter Sessions of the Peace for the said County to be held after the passing of this Act, or the major Part of them, to appoint Five Persons to be Conservators for the said County, and to act as such Conservators, from and after the First *Tuesday* in the Month of *June* One thousand eight hundred and fifty-one; and every Person who at the Time of such Appointment of Conservators being made shall be a Conservator appointed for the said County shall be eligible for Re-appointment.

s.XVII repealed by
RCCA 1922 s.4

How Va-
cancies in
County Con-
servators to
be filled up.

XVIII. That if the Justices of the Peace for the said County, at any General Quarter Sessions of the Peace for the said County, or the major Part of them, shall at any Time think fit to remove or change any of the Conservators for the Time being appointed for the said County, or if any of such Conservators shall die, or become unfit for the Service, or shall neglect or decline to act as Conservators, it shall be lawful for the said Justices, at the same or at any subsequent Quarter Sessions of the Peace for the said County, or the major Part of them, from Time to Time, as Occasion shall require, to appoint some other Person to be a Conservator in the Room of any Conservator who shall be so removed, or who shall so die, or become unfit or neglect or decline to act as a Conservator.

s.XVIII repealed by
RCCA 1922 s.4

Council of
Borough to
appoint
Three Con-
servators.

XIX. That it shall be lawful for the Council of the Borough of *Cambridge*, at a Meeting of the Council to be held for the Purpose, to appoint Three Persons, being Members of the Council, to be Conservators

s.XIX repealed by
RCCA 1922 s.4

The River Cam Navigation Act, 1851.

servators to represent the said Borough, and to act as such Conservators, from and after the First *Tuesday* in the Month of *June* One thousand eight hundred and fifty-one, and until the First Day of *January* immediately following such Appointment, on which Day, and on the First Day of *January* in every succeeding Year, except any Year in which that Day shall happen to be a *Sunday*, and in such Year on the Second Day of *January*, the Council of the Borough shall appoint Three Persons, being Members of the Council, to represent the said Borough for the ensuing Year; and every Person who at the Time of any such Appointment shall be a Conservator appointed for the said Borough shall be eligible for Re-appointment.

...repealed.

XX. That if the Council of the said Borough shall at any Time think fit to remove or change any of the Conservators for the Time being appointed for the said Borough, or if any of such Conservators shall die, or become unfit for the Service, or shall neglect or decline the same, or shall cease to be a Member of the Council of the said Borough, it shall be lawful for the Council, from Time to Time, as Occasion shall require, to appoint some other Person, being a Member of the said Council, to be a Conservator in the Room of every Conservator who shall be so removed, or who shall die, or become unfit or neglect or decline to act as a Conservator, or cease to be a Member of the said Council; and every Person who shall be so appointed to fill such extraordinary Vacancy shall hold his Office for such Time as the Person by whom such Vacancy has been made would regularly have held it if no such Vacancy had occurred.

How Vacancies in Borough Conservators to be filled up.

s.XX
repealed by
RCCA 1922
s.4

XXI. That the Auditors of the Accounts of the Conservators shall be Six, to be appointed as herein-after provided, any Four of whom shall be competent to exercise all or any of the Powers and Authorities by this Act vested in the Auditors of the Accounts of the Conservators; and at any Meeting of the Auditors to audit the Accounts all Questions shall be determined by a Majority of the Votes of the Auditors present.

Auditors to be Six in Number.

s.XXI
repealed by
RCCA 1922
s.4

XXII. That One of such Auditors shall be the Chancellor of the University of *Cambridge* for the Time being, or his Deputy; that One other of such Auditors shall be the Chairman of the then preceding Sessions of the Peace for the said County of *Cambridge*; that One other of such Auditors shall be One of the Heads of the Colleges of the University, to be from Time to Time appointed by the Chancellor or his Deputy, and the Heads of Colleges in the said University, or their Deputies, or the major Part of them; that One other of such Auditors shall be One of the Justices of the Peace for the said County, to be from Time to Time appointed by the said Justices of the Peace for the said County at the General Quarter Sessions of the

Appointment of Auditors.

s.XXII
repealed by
RCCA 1922
s.4

The River Cam Navigation Act, 1851.

the Peace for the said County, or the major Part of them ; and that the remaining Two of such Auditors shall be Two of the Members of the Council of the Borough of *Cambridge* to be annually appointed by the Council of the Borough, on the same Day, in the same Manner, and subject to the like Provisions in all respects as the Conservators to represent the said Borough are authorized to be appointed ; and any Vacancy in the Office of Auditor appointed by the Council may be filled up by the Council in the same Manner as Vacancies in the Office of Conservators to represent the said Borough are authorized to be filled up by the Council of the Borough. ... repealed.

Accounts, when audited, to be entered in Three several Books.

XXIII. That the Accounts of the Conservators, when audited under the Provisions of this Act, shall be fairly entered into Three several Books to be kept for that Purpose, One whereof shall be kept amongst the Evidences of the said University, One other among the Records of the Sessions of the Peace for the said County of *Cambridge*, and the other shall remain in and among the Records of the Sessions of Peace of the said Town of *Cambridge* ; the which said Books may be inspected and perused by any Person or Persons requiring the same, without any Fee for such Inspection ; and if the Conservators shall omit to prepare and transmit such Books or any of them they shall be liable for every such Omission to a Penalty of Twenty Pounds.

Conservators to invest existing Fund for the Purposes of this Act.

XXIV. And whereas the Conservators are possessed of several Sums of Money which have accrued from surplus Revenue, and it is expedient that the same should be invested, and the Income thereof made applicable to the Maintenance of the said Navigation : Be it therefore enacted, That it shall be lawful for the Conservators to retain all and every Sum and Sums of Money which they have raised or received under the Powers of the said recited Acts or either of them, and which have not been applied for the Purposes of the said Acts or either of them, and to lay out and invest the same or any Part thereof, either in the Names of the Conservators or in the Names of Trustees for them, upon Government or Real Securities in *England*, and to call in and re-invest the same or any Part thereof as they shall from Time to Time think proper ; and the Interest of the Funds and Securities upon which such Monies shall be so invested shall be applied solely to the same Purposes as the Tolls for the Time being payable to the Conservators are or may be applicable and applied under the Provisions of this Act.

Existing Fund may be advanced on Mortgages under this Act.

XXV. Provided always, That if the Conservators shall have Occasion to raise, under the Power for that Purpose herein-after contained, any Sum or Sums of Money upon Mortgages of the Tolls by this Act authorized, it shall be lawful for the Conservators,

The River Cam Navigation Act, 1851.

if they shall think it expedient so to do, to advance any Portion of the said Monies so now belonging to them upon Mortgages of the said Tolls, such Mortgages being made to Trustees for the Conservators; but all Sums of Money which shall be so advanced by the Conservators shall be repaid out of the Tolls, or out of the Sinking Fund by this Act directed to be provided; and the Trustees to whom such Mortgages shall be made shall have all the same Powers for enforcing the Payment of the Principal and Interest Monies secured by such Mortgages as if they were beneficially interested in the Money thereby secured.

XXVI. That the Conservators shall keep separate and distinct Accounts of the said Monies so now belonging to them as aforesaid, and of the Funds and Securities upon which the same shall for the Time being be invested, and of the Interest or Income thereof, and of the Manner in which such Interest or Income hath been applied and disposed of, and such Accounts shall be kept in separate Books, and shall not be complicated or intermixed with the other Accounts of the Conservators.

Separate
Accounts to
be kept of
the existing
Fund.

XXVII. That so much and such Part of the said River *Cam* or *Cham*, alias *Grant*, as lies within the following Limits, that is to say, between a certain Place called the *King's Mill* in the said Town of *Cambridge* and a certain Place about Seven Miles below the said Town in the said River called *Clayhithe* alias *Clayhive Ferry*, shall be and be deemed to be the Portion of the said River within the Jurisdiction of the Conservators, and subject to the Powers and Provisions of this Act.

Limits of
Jurisdiction
of Conser-
vators.

s. XXVII
repealed by
RCCA 1922
s. 4

XXVIII. That from and immediately after the passing of this Act all the Wharfs, Sasses, Locks, Turnpikes, Pens for Water, and other Works connected with the said River or the Navigation thereof, within the Limits before mentioned, and all Lands, Tenements, Hereditaments, Buildings, Easements, prescriptive and other Rights, Powers, and Privileges whatsoever of or to which the Conservators or any of them, or any Person in trust for them, shall be seised, possessed, or entitled, at Law or in Equity, and all Tolls, Rates, Duties, and Monies due or accruing due to, and all Securities, Books of Account, Documents, Choses in Action, Monies, Effects, and other Property belonging to or acquired by the Conservators under the said recited Acts or either of them, and which respectively at the Time of the Repeal of the said recited Acts shall be vested in or held by them, or any Trustee for them, as aforesaid, shall be and the same are hereby well and effectually vested in the Conservators, and the same respectively shall, notwithstanding the Repeal of the said Acts, be vested in the Conservators and their Successors, in the

Existing
Works, &c.
vested in
Conser-
vators notwith-
standing
Repeal of
Acts.

The River Cam Navigation Act, 1851.

Nature of a Body Corporate, for the Purposes of this Act, and for such and the same Estates, Terms, and other Interests as under the said recited Acts or either of them, or any Conveyance or other Instrument made or entered into for the Purposes thereof, the Conservators, or any Trustees for them, had therein at the Time of the passing of this Act, or would have had therein if the said recited Acts had not been repealed.

Deeds to remain in force, and Conservators to be liable to Debts, notwithstanding Repeal of Acts.

XXIX. That all Conveyances, Assurances, Leases, Demises, Grants, Mortgages, Bonds, Covenants, Agreements, Contracts, Awards, Securities, and other Instruments made, executed, or entered into by or between any Person or Persons and the Conservators, or to, with, in favour of, or by or for any such Person or Persons and the Conservators respectively, shall and the same are hereby declared to be, remain, and continue in full Force and Effect; and the Conservators and all such Person and Persons shall respectively be bound by and liable to execute and perform the same, and the Conservators, after the Repeal of the said Acts, shall be and remain liable to all Debts and Engagements to which they were liable before such Repeal.

Actions, &c. not to abate.

XXX. That no Action, Suit, Prosecution, Appeal, or Notice of Appeal, Order or Decision of Justices, or Matter pending before Justices, Distress, Entry, Execution, Arbitration, or other Proceeding whatsoever, commenced, carried on, levied, given, or made by, against, or in reference to the said Conservators or the said Navigation previously to the passing of this Act, shall abate or be discontinued, annulled, or prejudicially affected by this Act, but, on the contrary, the same shall continue and take effect in favour of or against or in reference to the Conservators acting under this Act in the same Manner in all respects as the same would have continued and taken effect in favour of or against or in reference to the said Conservators if this Act had not been passed; and all Penalties incurred by or for any Offence against the Provisions of the said hereby repealed Acts or either of them, or against any Byelaw or Regulation of or concerning the said Conservators or the said Navigation, previously to the passing of this Act, shall and may be sued for, proceeded for, and recovered, and all Offences which may have been committed before the passing of this Act against the Provisions of the said hereby repealed Acts or either of them, or any such Byelaw or Regulation, may be prosecuted in such or the like Manner, to all Intents and Purposes, as the same might have been sued for and prosecuted respectively if this Act had not passed, the Conservators acting under this Act being, in reference to the Matters aforesaid, in all respects considered identical with the Conservators acting under the said recited Acts or either of them.

XXXI. That

The River Cam Navigation Act, 1851.

XXXI. That nothing in this Act contained shall be held to prejudice or affect any Right or Cause of Action or Suit, or any Remedy, which the Conservators acting under the said repealed Acts had against any Person or Corporation, or which any Person or Corporation had against the said Conservators, at the Time of the passing of this Act, but that all such Rights, Causes, and Remedies may be enforced or prosecuted by or against the Conservators acting under this Act in like Manner and within the same Period as the same might have been enforced or prosecuted by or against the Conservators acting under the said repealed Acts if this Act had not been passed.

Rights of
Action
saved.

XXXII. That all Tolls, Rates, and Duties made or imposed under the said recited Acts, and which at the Time of the Repeal thereof shall be payable to the Conservators or their Lessees, or if this Act had not passed would have become payable to the Conservators or their Lessees, shall continue in force and be payable to the Conservators or their Lessees until the same shall be varied or altered under the Authority of this Act, and shall and may be collected and recovered by such Means and under such Restrictions and Regulations as any Tolls may be collected and recovered under or in pursuance of this Act: Provided always, that after the Expiration or sooner Determination of any Lease of the Tolls imposed under the said recited Acts which may be subsisting at the Time of the passing of this Act it shall not be lawful for the Conservators to continue to demand or take any Tolls for Passengers, or any greater Amount of Tolls for Goods, Wares, or Merchandise than is hereinafter by this Act expressly authorized.

Tolls now
payable to be
recoverable
under this
Act.

XXXIII. That every Clerk, Collector, and other Officer and Servant appointed by virtue of or acting under the Authority of the said repealed Acts or either of them, and not acting contrary to the Provisions and Directions in this Act contained, shall hold and enjoy his Office and Employment, together with the Salary or Emolument thereunto annexed, until he shall be removed therefrom; and every such Clerk, Collector, and Officer shall have the like Powers and Authorities for the Purposes of this Act, and for carrying the same into execution, and shall be subject and liable to the like Pains and Penalties, and to the like Power of Removal, and to the like Rules and Regulations, in all respects whatsoever, as if he had been appointed by virtue of this Act.

Officers to
continue
until re-
moved, &c.

XXXIV. That all Books and other Documents whatsoever by the said recited Acts or either of them authorized or directed to be kept, and thereby made Evidence, shall still be admitted as Evidence in all Courts of Law and Equity or elsewhere against or in favour of the Conservators.

Books, &c.
to continue
Evidence.

XXXV. That

The River Cam Navigation Act, 1851.

Provisions in Acts of Parliament for Benefit of the Conservators not to be affected by the Repeal of Acts.

XXXV. That all Powers, Rights, and Privileges granted or reserved by any Act of Parliament (other than the said hereby repealed Acts) to or for the Benefit of the Conservators, and not since repealed, shall, notwithstanding the Repeal of the said hereby repealed Acts, be of the like Force and Effect as if the same Acts had not been repealed, and shall appertain to and be exercised and enforced by the Conservators in as full and beneficial a Manner to all Intents and Purposes as the same Powers, Rights, and Privileges respectively would have appertained to or might have been exercised and enforced by the Conservators in case this Act had not been passed.

Conservators empowered to cleanse and keep open the River, &c.

XXXVI. And whereas under the said first-recited Act the Powers for making, extending, and amending the said River *Cam* or *Cham*, alias *Grant*, contained in this Section, are now vested in the Conservators, and it is expedient that the same Powers should be preserved and vested in the Conservators under this Act: Be it therefore enacted, That it shall be lawful for the Conservators, and their Agents, Officers, Workmen, and Servants, and they are hereby authorized and empowered, subject to the Restrictions in this Act, to maintain navigable the said River within the Limits aforesaid, and for that Purpose to cleanse and open, or cause to be cleansed and opened, the said River, and to cut or dig the Banks thereof, and to cut down and remove all Trees and Roots of Trees, Weirs, or other Impediments which may hinder the Passage or Navigation on the said River, either in sailing or haling of Boats, Lighters, or other Vessels, with Horses, Men, or otherwise, and also to open, prepare, and make all Weirs, Sasses, Locks, Pens for Water, and Turnpikes fit for the said Passage, and likewise to cleanse, scour, open, or cut and dig the Banks of any other Bank, Stream, Ditch, or Watercourse falling into the said River which shall to them seem necessary and convenient for the better making the said River navigable and passable as aforesaid, and likewise to make and erect any Wharfs, Sasses, Locks, Turnpikes, or Pens for Water in or near the said River or Passage which shall be thought fit or necessary for the same, and to bring, lay, and work on the Lands adjoining to the said River all Materials requisite for the making, erecting, and repairing of the said Sluices, Pens for Water, Weirs, Sasses, Locks, or Turnpikes upon the said River or Passage, and to do all other Things which shall by the Conservators be adjudged necessary or convenient for the said River and Passages, Wharfs, Sluices, Locks, Weirs, Turnpikes, and Pens for Water, and for the altering, repairing, keeping, using, and amending the same or any of them, or any Part of them, from Time to Time, and at all Times hereafter, as Need shall be or require.

XXXVII. And

The River Cam Navigation Act, 1851.

XXXVII. And to the end that the making or maintaining the said River navigable and passable as aforesaid, and the erecting and making the said Works or the doing other Things in pursuance of this Act, may not be prejudicial to the Inheritance, Possession, or Profit of any Person having any Lands, Tenements, or Hereditaments adjoining the said River and Passages aforesaid, or any of them, be it enacted, That the Conservators, before they meddle with any Lands or Hereditaments, or the Profits thereof, shall first agree with the Owners and Occupiers thereof for the Purchase Money to be paid for such Lands or Hereditaments, and the Compensation to be made for the Loss or Damage that they may receive or sustain by the making good the said Navigation, or making or altering the said Wharfs, Sluices, Weirs, Sasses, Locks, Turnpikes, or Pens for Water, or Passages; and any Lands which may be purchased by the Conservators under the Powers of this Act shall be conveyed to and vested in the Conservators and their Successors in the Nature of a Body Corporate, for the Purposes of this Act.

Conservators to make Compensation for Lands taken or injured.

XXXVIII. That it shall be lawful for the Conservators, from Time to Time when and as often as they shall think proper so to do, to survey the said River, within the before-mentioned Limits, and all the Ditches, Sewers, and Streams running into the said River, and all Impediments and Annoyances in the same, and to make like Process to inquire thereof, and to impose such Fines and Penalties, and to make such Orders for removing the same, as any Commissioners of Sewers, by any Law, Statute, or Commission of Sewers, are enabled to do in other Rivers and Places.

Conservators may remove Annoyances in Navigation and Streams.

XXXIX. That the said River within the before-mentioned Limits, and all Sasses, Locks, Weirs, Turnpikes, Pens for Water, Engines, and Sluices erected for preserving and continuing the said Navigation therein, shall from henceforth be in the sole Rule, Order, and Government of the Conservators, and not under the Survey or Order of any Commissioners of Sewers, nor subject to any Commission of Sewers, any Law or Statute to the contrary thereof notwithstanding.

River, within Limits, to be exempt from Commission of Sewers.

XL. That the Tops and uppermost Part of all and every the Weirs, Sasses, and Pens for Water now made, or to be made or set up in the said River by virtue of this Act, shall be lower by a Foot than the Surface and uppermost Parts of the Soil of the Lands which are next adjoining to the said Works.

Tops of Weirs, &c. to be One Foot lower than the Surface of the Soil.

XLI. That it shall be lawful for the Watermen and Lightermen, Boatmen and Bargemen, and other Helpers of them, in convenient Places, and such as the said Conservators shall limit or

Men or Horses hauling Vessels on the River

[Local.]

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appoint,

The River Cam Navigation Act, 1851.

to have free
Passage.

appoint, to have and use Winches, Ropes, and other Engines, and with the same, and by Strength of Men and Horses, or either of them, to go upon the Towing-paths or Haling-ways near the said River, without any Hindrance, Let, Trouble, or Impeachment of any Person or Persons, and to draw the Barges, Boats, Lighters, or other Vessels navigating the said River within such Limits.

Power to
suspend
Navigation,
giving Notice
of the same.

XLII. That it shall be lawful for the Conservators to suspend the Navigation of the whole or any Part of the River, for the Purpose of enabling them to execute, maintain, or repair any Works, Fourteen Days Notice of such Suspension being previously given by Advertisement.

Power to
erect Toll
Houses.

XLIII. That it shall be lawful for the Conservators, if they shall think proper so to do, to erect and set up Toll Houses near the said River, and from Time to Time to remove such Toll Houses, and to erect or set up other Toll Houses in lieu thereof, and from Time to Time to erect, provide, and maintain such Conveniences near or adjoining to such Toll Houses as they shall think proper.

Toll Houses,
&c. not
wanted may
be sold.

XLIV. That it shall be lawful for the Conservators to sell and dispose of any Toll Houses or other Buildings and Premises purchased or acquired under or erected by virtue of the said recited Acts or either of them, or to be erected by virtue of this Act, and the Ground whereon the same may stand or which may belong thereto, whenever such Toll Houses, Buildings, and Premises shall be considered by the Conservators unnecessary for the Purposes of this Act, in such Manner and upon such Terms and Conditions as the Conservators shall think expedient and proper.

Conservators
may make
Byelaws for
the Regula-
tion of the
Navigation,
&c. ;

XLV. That it shall be lawful for the Conservators from Time to Time as they shall think proper to make such Byelaws as they shall think fit for regulating the Use of the said Navigation, and of all the Banks, Wharfs, Sluices, Locks, Weirs, Turnpikes, Pens for Water, and other Engines thereof, and the Towing-paths of the said River, and for the Government, good Order, and Regulation of the Bargemen, Boatmen, Lightermen, Watermen, and other Persons using the same, and also from Time to Time as they shall think fit to repeal or alter any such Byelaws: Provided always, that such Byelaws shall not be repugnant to the Laws of *England* or to the Provisions of this Act, and shall be reduced into Writing, and shall be signed by Two of the Conservators, and shall be confirmed and published as herein provided.

s.XLV
repealed by
RCCA 1922
s.25(3)

and impose
Penalties for
Breach of the

XLVI. That it shall be lawful for the Conservators by any such Byelaws to impose such reasonable Penalties for the Breach or Non-observance

s.XLVI
repealed by
RCCA 1922
s.25(3)

The River Cam Navigation Act, 1851.

observance of such Byelaws or any of them as they shall think fit, not exceeding the Sum of Five Pounds for each Breach or Non-observance of such Byelaws: Provided always, that such Byelaws shall be so framed as to allow the Justices before whom any Penalty imposed thereby may be sought to be recovered to order the whole or a Part only of such Penalty to be paid.

same, not exceeding Five Pounds.

... repealed.

XLVII. That no Byelaw made under any of the Powers for that Purpose herein or in any Act incorporated herewith contained (except such as relate solely to the Officers and Servants of the Conservators) shall come into operation until the same be confirmed and allowed by some Judge of One of the Superior Courts, or by the Justices at the Quarter Sessions for the County of *Cambridge*; and it shall be incumbent on such Justices, on the Request of the Conservators, to inquire into any Byelaws tendered to them for that Purpose, and to allow or disallow of the same as they shall think meet.

Byelaws to be confirmed.

s.XLVII
repealed by
RCCA 1922
s.25(3)

XLVIII. That no such Byelaws shall be confirmed unless Notice of the Intention to apply for a Confirmation of the same shall have been given in One or more of the Newspapers of the Borough of *Cambridge* One Month at least before the hearing of such Application; and any Person desiring to object to any such Byelaw, on giving to the Conservators Notice of the Nature of his Objection Ten Days before the hearing of the Application for the Allowance thereof, may by himself, or his Counsel, Attorney, or Agent, be heard thereon, but not so as to allow more than One objecting Party to be heard on the same Matter of Objection.

Notice of Allowance of Byelaws to be given in One or more Newspapers.

s.XLVIII
repealed by
RCCA 1922
s.25(3)

XLIX. That for One Month at least before any such Application for Confirmation of any Byelaws a Copy of the proposed Byelaws shall be kept at some Place in the Borough of *Cambridge* to be named in the aforesaid Notice of the Intention to apply for Confirmation of the Byelaws, and all Persons may at all reasonable Times inspect such Copy, without Fee or Reward, and the Conservators shall furnish every Person who shall apply for the same with a Copy thereof or of any Part thereof, on Payment of Sixpence for every One hundred Words so to be copied.

A Copy of proposed Byelaws to be open for Inspection.

s.XLIX
repealed by
RCCA 1922
s.25(3)

L. That the said Byelaws, when confirmed, shall be printed, and the Clerk to the Conservators shall deliver a printed Copy thereof to every Person applying for the same, upon Payment of such Sum as shall be appointed by the Conservators, not exceeding the Sum of One Shilling, and a Copy of so much thereof as relates to the Navigation shall be painted or placed on Boards, and be put up on some conspicuous Place at each of the Sluices upon the said Navigation; and such Boards, with the Byelaws thereon, shall be renewed from Time

Publication of Byelaws.

s.L
repealed by
RCCA 1922
s.25(3)

The River Cam Navigation Act, 1851.

Time to Time as Occasion shall require, and shall be open to Inspection, without Fee or Reward; and in case the said Clerk shall refuse to deliver such Copy as aforesaid, he shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

... repealed.

Byelaws to be binding on all Parties.

LI. That all Byelaws made, confirmed, and printed as aforesaid, when so published and put up, shall be binding upon and be observed by all Parties, and shall be sufficient to justify all Persons acting under the same.

s.LI
repealed by
RCCA 1922
s.25(3)

Proof of Publication of Byelaws.

LII. That the Production of a written or printed Copy of the Byelaws requiring Confirmation by a Judge of the Superior Courts or the Court of Quarter Sessions, authenticated by the Signature of the Judge or of the Chairman of the Court who shall have approved of the same, and a written or printed Copy of the Byelaws not requiring such Confirmation, authenticated under the Hands of the Conservators or any Two of them, shall be Evidence of the Existence and due making of such Byelaws in all Cases of Prosecution under the same, without Proof of the Signature of such Judge or Chairman or Conservators; and with respect to the Proof of the Publication of any such Byelaws, it shall be sufficient to prove that a Board containing a Copy thereof was put up and continued in manner by this Act directed, and, in case of its afterwards being displaced or damaged, that such Board was replaced or restored as soon as conveniently might be, unless Proof be adduced by the Party complained against that such painted Board did not contain a Copy of such Byelaws, or was not duly put up or continued as directed by this Act.

s.LII
repealed by
RCCA 1922
s.25(3)

Tolls.

LIII. And whereas it is necessary, in consequence of the Repeal of the said recited Acts, that the Power therein contained to take Tolls for the Use of the said Navigation should be continued, with such Alterations as are herein-after provided: Be it enacted, That it shall be lawful for the Conservators and they are hereby authorized and empowered, from Time to Time and at all Times hereafter, to ask, demand, take, recover, and receive, for the Purposes of this Act, any Tolls, not exceeding the several Sums herein-after mentioned, in respect of the several Goods, Wares, or Merchandise which shall be carried or conveyed up or down the said River or any Part thereof within the before-mentioned Limits; (that is to say,)

	Pence.
For every Tun of Wine, Cyder, Oil, or Vinegar	- 9
For every Ton of Pitch, Tar, Soap, Butter, or Cheese	- 9
For every Ton of Wheat, Rye, Mesledine, or Seeds	- 9
For every Ton of Oats, Barley, Malt, or Hay	- 6

Toll classifications and charges superseded by:
Canal Tolls and Charges No. 8 (River Cam &c.) Order 1894, (57 & 58 Vict.) c.cci
and then by RCCA 1922 s.20 and Schedule.

For

The River Cam Navigation Act, 1851.

	Pence.
For every Ton of Iron, Lead, Timber, Slate, Bricks, Tiles, or Lime - - - - -	6
For every Ton of Coals, Culm, Coke, Charcoal, or other Fuel, Road Materials, Stone, Pebbles, Sand, Clay, Manure, or Limestone - - - - -	3
For every 100 of Sedge Faggots or Billets - - - - -	2
For every 1,000 of Turf - - - - -	2
For every 100 Pales, Barrel, or Hogshead Staves - - - - -	1
And for every Ton Weight of other Goods, Wares, or Mer- chandise whatsoever not herein-before mentioned - - - - -	9

And so proportionably and *pro ratâ* for any greater or lesser Quantity of the several Goods, Wares, or Merchandise before mentioned or referred to.

LIV. That the following Provisions and Regulations shall be applicable to the fixing of the before-mentioned Tolls charged by the Ton; that is to say, Regulations as to Tolls.

For a Fraction of a Ton the Conservators may demand Toll 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, or Fifty Cubic Feet of any other Timber, shall be deemed One Ton Weight, and so in proportion for any smaller Quantity.

LV. Provided always, That all Materials whatsoever carried or conveyed on the said River to be made use of for the Purposes of the *Cambridge* Improvement Acts shall be exempt from Toll. Materials for Purposes of Cambridge Improvement Acts to pass free.

LVI. That it shall be lawful for the Conservators, at any Annual Meeting, or at any Special Meeting to be called for that Purpose, from Time to Time to alter or vary the Tolls by this Act authorized to be taken, either upon the whole or upon any particular Portion of the said Navigation, as they shall think fit, the Tolls so to be made payable not at any Time exceeding the Tolls authorized by this Act ; provided, that all such Tolls be at all Times charged equally to all Persons, and after the same Rate in respect of all Goods, Wares, and Merchandise of the same Description, carried or conveyed on the same Portion of the Navigation under the same Circumstances, and no Reduction or Advance shall be made, either directly or indirectly, in favour of or against any particular Company or Person using or carrying on the said Navigation.

[*Local.*]

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LVII. That

The River Cam Navigation Act, 1851.

Notice of
Intention to
vary Tolls.

LVII. That before any Reduction or Advance of the said Tolls shall be carried into effect the Conservators shall give One Calendar Month's Notice at least by Advertisement, which Notice shall specify what particular Tolls are to be reduced or advanced, and at what Period such Reduction or Advance is intended to be carried into effect.

When In-
come of Fund
sufficient to
maintain
Navigation,
Conservators
may abolish
Tolls.

LVIII. Provided always, That if the Income arising from the Fund for the Time being belonging to the Conservators under the Powers of this Act shall at any Time be sufficient to maintain and keep up the said Navigation, and to carry the several Powers of this Act into execution, and the Conservators shall deem it expedient to cease to demand and take Tolls for the Use of the said Navigation, or if for any other Reason the Conservators shall deem it expedient to discontinue the said Tolls for any Period of Time, it shall be lawful for the Conservators from Time to Time, when and so often as they shall think it expedient so to do, to cease to demand and take all or any of the Tolls by this Act authorized to be taken, for such Time or Period and under such Circumstances as they shall think proper, and at any Time after any such Abolition of Tolls again to demand and take the same Tolls or any of them, or any Part thereof, or any other Tolls which the Conservators shall think proper, not at any Time exceeding the Tolls authorized by this Act.

Tolls to be
paid as Con-
servators
shall appoint.

LIX. That the Tolls shall be paid to such Persons, and at such Places near to the said River, and in such Manner, and under such Regulations, as the Conservators shall by Notice to be annexed to the Account or List of Tolls appoint.

Navigation
to be free on
Payment of
Tolls.

LX. That it shall not be lawful for the Conservators at any Time to demand or take a greater Amount of Toll, or make any greater Charge in respect of Goods, Wares, or Merchandise carried or conveyed up or down the said River, than they are by this Act authorized to demand, and upon Payment of the Tolls from Time to Time demandable all Companies and Persons shall be entitled to use the said Navigation, subject nevertheless to the Regulations to be from Time to Time made by the Conservators by virtue of the Powers in that Behalf by this Act conferred upon them.

List of Tolls
to be exhi-
bited on
Boards.

LXI. That a List of all the Tolls by this Act authorized to be taken, and which shall be exacted by the Conservators, shall be published by the same being painted upon One Toll Board or more in distinct Black Letters on a White Ground or White Letters on a Black Ground, or by the same being printed in legible Characters on Paper affixed to such Board, and by such Board being exhibited in some conspicuous Place on the Toll Houses or Places where such Tolls shall be made payable.

LXII. That

The River Cam Navigation Act, 1851.

LXII. That if, on Demand, any Person fail to pay the Tolls due in respect of any Goods, Wares, or Merchandise, it shall be lawful for the Conservators to detain and sell the Barge or Vessel conveying such Goods, Wares, or Merchandise, and any Tackle, Apparel, or Furniture thereunto belonging, or any Part thereof, or any Part of such Goods, Wares, or Merchandise, or if the same shall have been removed from the said Navigation, then to detain and sell any other Barge or Vessel, or any other Goods, Wares, or Merchandise, belonging to the Party liable to pay such Tolls, and out of the Monies arising from such Sale to retain the Tolls payable as aforesaid, and all Charges and Expenses of such Detention and Sale, rendering the Overplus, if any, of the Monies arising by such Sale, and such of the Barges, or Goods, Wares, or Merchandise, as shall remain unsold, to the Person entitled thereto; or it shall be lawful for the Conservators to sue for and recover any such Tolls in any Court of competent Jurisdiction.

In default of Payment of Tolls, Vessel and Goods, &c. may be detained and sold for the same.

s.LXII
repealed by
RCCA 1922
s.4

LXIII. That every Person, being the Owner or having the Care of any Barge or other Vessel passing or being upon the said Navigation, shall, on Demand, give to the Collector of Tolls at the Places where he attends for the Purpose of receiving or of collecting Tolls for the Part of the Navigation on which such Barge or other Vessel may have passed or be about to pass, an exact Account in Writing signed by him of the Number or Quantity of Goods, Wares, and Merchandise conveyed by any such Barge or other Vessel, and of the Point on the Navigation from which such Barge or other Vessel, and the Goods, Wares, and Merchandise thereby conveyed, have set out, or is or are about to set out, and at what Point the same Goods, Wares, and Merchandise are intended to be landed and unloaded or taken off the Navigation; and if the Goods, Wares, and Merchandise conveyed by any such Barge or other Vessel, or brought for Conveyance as aforesaid, be liable to the Payment of different Tolls, then such Owner or other Person shall specify the respective Numbers and Quantities thereof liable to each and every of such Tolls.

Account of Lading, &c. to be given.

LXIV. That if any such Owner or other such Person fail to give such Account, or to produce his Waybill or Bill of Lading, to such Collector or other Officer or Servant of the Conservators demanding the same, or if he give a false Account, or if he unload or take out any Part of his Lading or Goods at any other Place than shall be mentioned in such Account, with Intent to avoid the Payment of any Tolls payable in respect thereof, he shall for every such Offence forfeit to the Conservators a Sum not exceeding Ten Pounds for every Ton of Goods, or for any Parcel not exceeding One Hundredweight, and so in proportion for any less Quantity of Goods than One Ton or for any Parcel exceeding One Hundredweight (as the Case

Penalty for not giving Account of Lading.

s.LXIV
repealed by
RCCA 1922
s.4

Case

The River Cam Navigation Act, 1851.

Case may be) which shall be in or upon any such Barge or Vessel, and such Penalty shall be in addition to the Toll to which such Goods, Wares, or Merchandise may be liable.

... repealed.

Disputes as to Amount of Tolls chargeable.

LXV. That if any Dispute arise concerning the Amount of the Tolls due to the Conservators, or concerning the Charges occasioned by any Detention or Sale thereof, or of any Barge or Vessel, under the Provisions herein contained, the same shall be settled by a Justice, and it shall be lawful for the Conservators in the meanwhile to detain the Barge or Vessel, or Goods, Wares, or Merchandise, or (if the Case so require) the Proceeds of the Sale thereof.

Differences as to Weights, &c.

LXVI. That if any Difference arise between any Toll Collector or other Officer or Servant of the Conservators, and any Owner of or Person having the Charge of any Barge or Vessel passing or being upon the Navigation, or of any Goods, Wares, or Merchandise conveyed or to be conveyed by such Barge or Vessel, respecting the Weight, Quantity, Quality, or Nature of such Goods, Wares, or Merchandise, such Collector or other Officer may lawfully detain such Barge or Vessel, and the Goods, Wares, or Merchandise therein, and may enter such Barge or other Vessel, and examine, weigh, gauge, or otherwise measure the same, and the Goods, Wares, and Merchandise therein; and if upon such measuring or Examination such Goods, Wares, or Merchandise appear to be of greater Weight or Quantity or of other Nature than shall have been stated in the Account given thereof, then the Person who shall have given such Account shall pay, and the Owner of such Barge or other Vessel, or the respective Owners of such Goods, Wares, or Merchandise, shall also, at the Option of the Conservators, be liable to pay, the Costs of such measuring and examining; but if such Goods, Wares, or Merchandise appear to be of the same or less Weight or Quantity than and of the same Nature as shall have been stated in such Account, then the Conservators shall pay such Costs, and they shall also pay to such Owner of or Person having charge of such Barge or other Vessel, and to the respective Owners of such Goods, Wares, or Merchandise, such Damage (if any) as shall appear to any Justice, on a summary Application to him for that Purpose, to have arisen from such Detention.

Toll Collector to be liable for wrongful Detention of Goods.

LXVII. That if at any Time it be made to appear to any Justice, upon the Complaint of the Conservators, that any such Detention of any Barge or other Vessel, or measuring or examining of any Goods, Wares, or Merchandise, as herein-before mentioned, was without reasonable Ground, or that it was vexatious on the Part of such Collector or other Officer, then the Collector or other Officer shall himself pay the Costs of such Detention and measuring, and the

Damage

The River Cam Navigation Act, 1851.

Damage occasioned thereby, and in default of immediate Payment of any such Costs or Damage the same may be recovered by Distress of the Goods of such Collector, and such Justice shall issue his Warrant accordingly.

LXVIII. That when and so often as any Collector or Sluicekeeper shall die, or neglect or refuse to perform or become incapable of performing his Duty, or shall abscond or absent himself, it shall be lawful for the Clerk to discharge such Collector or Sluicekeeper so neglecting or refusing to perform or becoming incapable of performing his Duty, or absconding or absenting himself, and to appoint some other Person to be a Collector or Sluicekeeper until the then next Meeting of the Conservators, in the Stead of such Collector or Sluicekeeper who shall so die or be discharged; and every such Person so appointed shall have the like Power and Authority, and be answerable and accountable in the like Manner, in all respects, as the Collector or Sluicekeeper who shall so die or be discharged would have had or been subject to.

Clerk may appoint temporary Collectors of Tolls or Sluicekeepers.

LXIX. That if any Collector or Sluicekeeper who shall be discharged from his said Office, or if the Wife or Widow or any of the Children, Family, or other Representatives of any Collector or Sluicekeeper who shall have died or been discharged, or any other Person who may have the Possession of any Toll House or Building, or anything appurtenant thereto, erected, set up, raised, or used by virtue or for the Purposes of this Act, shall neglect or refuse to deliver up the Possession thereof for the Space of Twenty-four Hours next after Demand thereof made by Notice in Writing for that Purpose given to such Collector or Sluicekeeper or other Person, or left at any such Toll House, Building, or Premises, then and in any of the said Cases it shall be lawful for any Justice, by Warrant under his Hand and Seal, to order a Constable or other Peace Officer, with such Assistance as shall be necessary, to enter such Toll House and Premises in the Daytime, and to remove the Persons who shall be found therein, together with their Goods, out of such House; and to put the Conservators or their newly-appointed Collector or Sluicekeeper into the Possession thereof.

Collectors, Sluicekeepers &c. refusing to deliver up Toll Houses may be removed by Order of Justices.

s.LXIX amended by RCCA 1922 s.4(2) (q.v.)

LXX. That if any Collector or Sluicekeeper or other Person authorized or appointed to collect the Tolls shall be guilty of any Misconduct in his Office, such Collector or Sluicekeeper or other Person so offending, and being thereof convicted before any Justice, shall forfeit any Sum not exceeding Forty Shillings for every such Offence.

For preventing Offences of Toll Collectors or Sluicekeepers.

s.LXX repealed by RCCA 1922 s.4

[*Local.*]

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LXXI. That

The River Cam Navigation Act, 1851.

Penalty on
Persons
practising
Fraud on
the Conser-
vators.

LXXI. That if any Person shall knowingly and wilfully refuse or neglect to pay his Toll or Fare in respect of any Passengers, Goods, Wares, or Merchandise carried or conveyed up or down the said River, when the same Tolls respectively shall be payable by virtue of this Act, every such Person shall for every such Offence forfeit a Sum not exceeding Forty Shillings.

s.LXXI
repealed by
RCCA 1922
s.4

Tolls to be
taken only
whilst Boards
exhibited.

LXXII. That no Tolls shall be demanded or taken by the Conservators for the Use of the said Navigation during any Time at which the Boards herein-before directed to be exhibited shall not be so exhibited; and if any Person wilfully pull down, deface, or destroy any such Board he shall forfeit a Sum not exceeding Five Pounds for every such Offence.

Regulations
as to Toll
Collectors
and Sluice-
keepers.

LXXIII. That every Collector and Sluicekeeper shall place in the Front or on some other conspicuous Part of the Toll House or other Building where he shall be on Duty his Christian and Surname in legible Characters, and each of the Letters of such Names shall be at least Two Inches in Height and of a Breadth in proportion, and painted either in White Letters on a Black Ground or in Black Letters on a White Ground, and he shall continue the same so placed during the whole Time he shall be upon Duty.

Penalties on
Toll Col-
lectors and
Sluice-
keepers.

LXXIV. That every such Collector or Sluicekeeper who shall commit any of the following Offences shall forfeit any Sum not exceeding Ten Pounds for each such Offence; (that is to say,)

If he do not place such Board and keep the same in its Place during the whole Time he is on Duty:

If he either refuse to permit any Person to read or in any way hinder any Person from reading the Inscription on such Board:

If he refuse to tell his Christian Name and Surname to any Person demanding the same who shall have paid or tendered the Tolls demanded of him, or if he give a false Name to any such Person:

If he demand or take a greater or less Toll from any Person than he shall be authorized to do by virtue of this Act and of the Orders of the Conservators made in pursuance thereof:

If upon the legal Toll being paid or tendered he do unnecessarily detain or wilfully hinder any Boat, Barge, Lighter, or other Vessel from passing up or down the said River:

If he make use of any scurrilous or abusive Language to any Person lawfully using the said River, or any of the Works or Towing-paths thereof.

Power to
lease the
Tolls.

LXXV. That it shall be lawful for the Conservators from Time to Time, by Lease, to take effect in possession within Three Months from

the

The River Cam Navigation Act, 1851.

the making thereof, to let the Tolls payable to them under this Act, or any Part thereof, and any Lands belonging to the Conservators, to any Parties, for any Period not exceeding Three Years from the Commencement of any such Lease: Provided always, that no such Letting shall take place unless public Notice of the Intention to let the Tolls, or the Lands intended to be let, shall have been given by the Conservators by Advertisement at least Twenty-one Days prior to the Meeting of the Conservators at which it shall be intended to let such Tolls.

LXXVI. That if any such Lease shall have become void or voidable, according to any Stipulations therein contained for that Purpose, by reason of the Failure on the Part of the Lessee to comply with any of the Terms of such Lease, or if all or any Part of the Rent thereby reserved shall be in arrear or unpaid for Twenty-one Days after the same shall have become payable, then, upon Application made by the Conservators to a Justice, it shall be lawful for such Justice to order any Constable, with proper Assistance, to enter upon any Toll House, Dwelling House, Office, or other Building, with the Appurtenances thereto, belonging to the Conservators, and remove from the same the Lessee or Collector or other Person found therein, together with his Goods, and to take possession thereof, and of all Property found therein belonging to the Conservators, and deliver the same to them or any Person appointed by them for that Purpose.

Lessees making default to be removed.

s.LXXVI repealed by RCCA 1922 s.4

LXXVII. That upon such Possession being obtained it shall be lawful for the Conservators to determine the Lease (if any) previously subsisting, and the same shall be accordingly utterly void, except as to the Remedies of the Lessors for Payment of the Rent due or owing in respect of unperformed or broken Obligations or Conditions on the Lessees Part, all which Remedies shall remain in full Force; and in every such Case, either during such Proceedings or on the Termination thereof, the Conservators may again let the Tolls to the same or any other Person, or cause them to be collected, in the same Manner as if no such former Lease had been made relative thereto.

Power of re-letting Tolls.

LXXVIII. That every Lessee of the Tolls for the Time being payable under this Act, and the Collectors appointed by such Lessees, shall respectively have and exercise all the same Powers and Authorities, and be subject to all the same Provisions, Byelaws, Restrictions, and Penalties, as if they had been appointed Collectors by the Conservators under the Powers of this Act.

Lessees of Tolls to have same Powers as Collectors.

LXXIX. That if at any Time hereafter any Damage or Mischief shall be done by any Boat, Barge, Lighter, or other Vessel, or any Horse or Horses haling the same, or by the whole or any Part of the

Masters of Boats accountable for Damage.

Crew

The River Cam Navigation Act, 1851.

Crew thereof, to any of the Sluices, Locks, Stanches, Turnpikes, Pens for Water, or any other of the Works or Engines of or belonging to the said River, or if any Damage shall be done to the Owner or Possessor of any Land near or adjoining to the said River, otherwise than is authorized by this Act, or contrary to the true Meaning thereof, then the Owner or Master of such Boat, Barge, Lighter, or other Vessel shall for every such Damage, upon Conviction of such Person or Persons before any Justice of the Peace for the said County or Town of *Cambridge*, either by the Confession of the Party or Parties offending, or upon the Oath or Oaths of One or more credible Witness or Witnesses (which Oath or Oaths such Justice is hereby empowered and required to administer), pay to the Person or Persons injured the Damages, to be ascertained by such Justice, provided such Damages do not exceed the Sum of Five Pounds.

Masters to recover from their Servants any Sum paid for their Defaults.

LXXX. That in case the Owner of any such Lighter, Barge, Boat, Float, Raft, or other Vessel shall be compelled to pay any Penalty or to make Satisfaction for any Damages by reason of any Neglect or Default done or committed by his Servants or any of them, such Servants and each and every of them shall be liable to pay such Penalty or Damage (with the Costs thereof) to such Owner; and in case of Nonpayment, upon Demand thereof, and Oath made by such Owner of the Payment made by him of such Penalty, Satisfaction, or Damages, and that the same and the Costs thereof have not been repaid to him by such Servants or any of them, although demanded, (such Oath to be made before any One Justice,) the Amount thereof, provided the same shall not exceed the Sum of Ten Pounds, shall be recovered in the same Manner as any Penalty is hereby directed to be recovered.

s.LXXX
repealed by
RCCA 1922 s.4

Penalty on assaulting Collectors, &c.

LXXXI. That in case any Person shall resist or make forcible Opposition against any Person employed in the due Execution of this Act, or shall assault any Surveyor, Engineer, or Agent, or any Collector of Tolls, Sluicekeeper, or other Officer acting under this Act, in the Execution of his Office, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

s.LXXXI
repealed by
RCCA 1922 s.4

Penalty for Injuries to Toll Houses.

LXXXII. That if any Person shall wilfully or maliciously break, throw down, deface, or damage any of the Toll Houses, Boxes, Benches, or Requisites to be provided by virtue of this Act, he shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, and shall also make Satisfaction to the Conservators, or to such Person as they shall appoint to receive the same, or to the Party injured, for the Damage so done as aforesaid, which Satisfaction shall be recovered as Part of and in the same Way

s.LXXXII
repealed by
RCCA 1922 s.4

as

The River Cam Navigation Act, 1851

as the said Penalty is by this Act authorized to be recovered; and if any such Injury as aforesaid shall be done negligently or by Accident, the Person doing or causing the same shall make Satisfaction to the Party injured, which shall and may be recovered in the same Manner as Damages to a small Amount are by this Act directed to be recovered.

... repealed.

LXXXIII. That if any Owner or other Person having charge of or employed in navigating any Boat, Barge, or other Vessel upon the said River shall on any Account or Pretence whatsoever (except for the Purpose of Repairs on the said River, or during such Repairs,) permit such Boat, Barge, or other Vessel to stop and remain or lie in any Part of the said River between the small Bridge which adjoins the South Side of *Queen's College* in the University of *Cambridge* and the North-west Buttress of the Library of *Saint John's College* in the said University, unless for the Purpose of taking on board or landing Passengers or Goods, and during such Time only as shall be necessary for those Purposes, or shall in any Manner damage, injure, or deface any Part of the Buildings, Walls, Bridges, Walks, Grounds, Trees, Hedges, Gates, Posts, Pales, Rails, or Fences, or trespass upon any of the Premises belonging to any of the Colleges or Halls in the said University abutting upon or adjoining to any Part of the said River, every such Owner or other Person so offending shall forfeit and pay for every such Offence a Sum not exceeding Five Pounds.

Penalty for Vessels or Boats lying or making fast between the small Bridge and North-west Buttress of the Library of Saint John's College.

See note on penalties on final page.

LXXXIV. That if any Person shall wilfully stop up, destroy, or injure any Drain, Ditch, Tunnel, Sluice, Door, Lock, Gate, Bridge, Bank, Towing-path, Haling-way, or other Works made or erected by or vested in the Conservators under the said recited Acts or either of them, or this Act, or shall commit any Nuisance or Annoyance on any such Towing-path or Haling-way, or shall do any Act which shall obstruct or interfere with or interrupt the Passage of Boats, Barges, or other Vessels along the said River, every Person so offending shall for every such Offence forfeit to the Conservators any Sum not exceeding Five Pounds.

Penalty for injuring Works.

s. LXXXIV repealed by RCCA 1922 s. 4

LXXXV. That if it shall be necessary at any Time hereafter to borrow any Sum of Money upon the Security of the Tolls payable to the Conservators, for the Purpose of restoring and continuing the Navigation of the said River within the before-mentioned Limits, it shall be lawful for the Conservators, at any Time and from Time to Time, as Occasion shall require, to borrow on Mortgage, for the Purposes of this Act, any Sum or Sums of Money not exceeding in the whole at any One Time the Sum of Three thousand Pounds, and to secure the Repayment of the Money so borrowed, with Interest, by Mortgage of the Tolls authorized by

Conservators may borrow 3,000£. on Mortgage.

[Local.]

15 Y

this

The River Cam Navigation Act, 1851.

this Act, in the Manner directed by the Commissioners Clauses Act, 1847, incorporated herewith.

Sum to be set apart as a Sinking Fund for the Payment of Mortgages.

LXXXVI. That the Sum to be set apart and appropriated out of the Tolls as a Sinking Fund, to be applied in paying off the Principal Sum which shall have been borrowed or secured on Mortgage of such Tolls, shall be in each Year One Twentieth Part of the Monies from Time to Time so borrowed or secured.

Mortgagees may appoint a Receiver.

LXXXVII. That if at any Time the Sum of Five hundred Pounds or upwards in the whole shall be owing to any Mortgagees of the Tolls of the Conservators, for Arrears of Principal and Interest, such Mortgagees shall be entitled to have and require a Receiver of such Tolls to be appointed.

Vice Chancellor invested with the Power of Chancellor during his Absence.

LXXXVIII. That it shall be lawful for the Vice Chancellor of the University of *Cambridge*, or his Deputy, at all Times hereafter, in the Absence of the Chancellor of the said University, to do, perform, and execute all and every such Acts, Powers, and Things as the said Chancellor is by this Act authorized and empowered to do in case he was present, anything in this Act to the contrary notwithstanding.

This Act not to lessen the Privileges of the University, or of the Mayor, &c. of *Cambridge*.

LXXXIX. That there shall always be reserved unto the Chancellor, Masters, and Scholars of the said University and their Successors, and also unto the Mayor, Aldermen, and Burgesses of the Borough of *Cambridge*, and all and every Person or Persons, all and singular Customs, Tolls, Duties, Privileges, Immunities, Dockage, Wharfage, and Right of Fishing in the said River within the Limits aforesaid which they or either of them might lawfully have and enjoy before the passing of this Act.

Penalty for Damages not to prevent Actions for Damages where the Damage exceeds the Amount of the Penalty.

XC. That in every Case in which under the Provisions of this Act any Person who shall have done any Damage or Injury to the Works belonging to or vested in the Conservators is subjected to a Penalty, and such Penalty shall be insufficient to make good the Damage or Injury so done, the Imposition of such Penalty shall not prevent the Conservators, if they shall think proper so to do, from bringing any Action or other legal Proceeding against the Person offending for the Recovery of the full Amount of such Damage or Injury, with Costs of Suit, instead of proceeding summarily for the Recovery of such Penalty.

s.XC
repealed by
RCCA 1922 s.4

As to Appeals to the Quarter Sessions.

XCI. That with respect to Matters referred to the Determination of Justices, all Appeals against the Acts or Determinations of Justices for the said County shall be to the Quarter Sessions of such County, and all Appeals against the Acts or Determinations of Justices for

The River Cam Navigation Act, 1851.

for the said Borough shall be to the Quarter Sessions of such Borough.

XCII. And with respect to the Recovery of Damages not specially provided for, and of Penalties, and to the Determination of any other Matter referred to Justices, be it enacted, That the Clauses of "The Railways Clauses Consolidation Act, 1845," with respect to the Recovery of Damages not specially provided for, and Penalties, and to the Determination of any other Matter referred to Justices, (except the Clauses directing the Application of Penalties,) shall be incorporated with this Act; and such Clauses shall apply to the Purposes of this Act, and shall be construed as if the Words "the Conservators" had been inserted therein instead of the Word "Company."

Recovery of Damages and Penalties.

ss.CXL - CLXI

s.CL, s.CLIX

XCIII. And with respect to the Application of any Penalties or Forfeitures recovered by virtue of this Act the Application of which is not herein otherwise provided for, be it enacted, That the Justices by whom any such Penalty or Forfeiture shall be imposed shall order the same to be paid to the Conservators for the Purposes of this Act.

Penalties how to be applied.

XCIV. That in citing this Act in any Act of Parliament, or in any Instrument or Document whatever, it shall be sufficient to use the Expression "The River *Cam* Navigation Act, 1851."

Short Title.

XCV. That the Costs, Charges, and Expenses of or incident to the applying for, obtaining, and passing of this Act shall be paid out of the Tolls, and the Interest of the Funds to be invested by the Conservators under this Act, and out of any Monies to be borrowed on the Credit of such Tolls and Interest, or out of any other Monies which shall come to the Hands of the Conservators or their Treasurer by virtue of this Act.

Expenses of Act to be paid out of Tolls, Interest of Monies invested, and out of other Monies in the Hands of the Conservators.

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Penalties or maximum penalties defined in this Act or its Byelaws were amended by the Criminal Law Act 1977 s.31 to:

- (a) £25 if the specified amount was less than £20; or
- (b) £50 if the specified amount was not less than £20.

Daily penalties for continuing offences were not changed.

Penalties of £25 or £50 then existing were amended by the Criminal Justice Act 1982 s.46 such that the defining legislation should be taken to read:

- (a) "Level 1 on the standard scale" if the penalty had been £25; or
 - (b) "Level 2 on the standard scale" if the penalty had been £50,
- the "standard scale" being defined in s.37 of that Act, and as subsequently amended.

By the Criminal Justice Act 1991 s.17:

- (a) Level 1 on the standard scale became £200; and (b) Level 2 became £500.