

CHAPTER cxiii.

An Act for conferring further powers on the Board of Police of Greenock; and for other purposes. [29th June 1875.] A.D. 1875.

WHEREAS by "The Greenock Police and Improvement Act, 1865," (in this Act referred to as the Act of 1865,) provisions relating to the police of the town of Greenock were consolidated and amended, and the Board of Police of Greenock (in this Act referred to as the Board) were constituted and incorporated, and certain improvements in the town were authorised, and various powers were conferred on the Board with reference to those improvements: 28 & 29 Vict. c. ccc.

And whereas by "The Greenock Police Improvement and Gas Act, 1871," (in this Act referred to as the Act of 1871,) the Act of 1865 was in various respects amended, and the then existing works for the supply of gas to Greenock and its neighbourhood were vested in the Board, and the Board was authorised to acquire further lands and thereon to erect new gasworks, and to supply the said town and neighbourhood with gas:

And whereas by the Greenock Street Tramways Act, 1871, the Board were authorised to construct and maintain certain tramways in the town of Greenock, and were (by section 33) authorised to enter into and carry into effect contracts or arrangements with any company incorporated or to be incorporated for constructing tramways in or near the town of Greenock, for the management, use, working, and maintenance of the tramways:

And whereas in the same session of Parliament in which the Greenock Street Tramways Act, 1871, was passed, another Bill was introduced to authorise a company, therein called the Vale of Clyde Tramways Company, to construct various tramways, and amongst other tramways, tramways from Port Glasgow on the east to Gourock on the west, passing through the town of Greenock; and the Board expressed their willingness, on the promoters of that Bill withdrawing that portion of their proposed scheme

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And whereas the Vale of Clyde Tramways Act, 1871, was passed, incorporating the Vale of Clyde Tramways Company, and authorising that company to construct and maintain tramways inter alia between Port Glasgow and Gourock, except in so far as the same were proposed to be constructed within the town of Greenock; and by the Greenock Street Tramways Act, 1871, the Board were authorised to construct the tramways within the town, uniting with those of the Vale of Clyde Tramways Company east and west of the said town :

And whereas the Board have constructed and opened for traffic a portion of the tramways which they were authorised to construct, and have entered into the agreement with the Vale of Clyde Tramways Company set out in the first schedule to this Act annexed; and it is expedient that the said agreement should be confirmed :

And whereas certain portions of the town of Greenock are so built, and the buildings therein are so densely inhabited, as to be highly injurious to the moral and physical welfare of the inhabitants, and it would be of public and local advantage if various houses and buildings were taken down and powers given to the Board to reconstitute and rearrange the sites thereof :

And whereas plans of the lands and houses to be taken for the purposes lastly before stated, and books of reference to the plans containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of such lands and houses, have been deposited with the principal sheriff clerk of the county of Renfrew, and those plans and books of reference are in this Act referred to as the deposited plans and books of reference :

And whereas it is expedient for the safety of life and property that the Board should be authorised to make byelaws to regulate the storage and conveyance of petroleum, paraffin, benzoline, and other inflammable or explosive oils or things, and to prohibit or regulate the shipment of such compositions, oils, and things in Greenock, and that the Board should be authorised to make byelaws for prohibiting or regulating the use of hoists or pulleys for

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loading or discharging goods from or into premises in public streets, and for regulating the loading or unloading of carts, cars, carriages, or other vehicles in such streets, and for the prevention of obstructions in the same, and for other purposes :

And whereas it is expedient that the provisions of the Act of 1865 as amended by the Act of 1871, with reference to the powers and jurisdiction of the dean of guild, should be further amended and enlarged :

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

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

1. This Act may be cited as "The Greenock Police and Improvement Act, 1875," and the Act of 1865 as amended by the Act of 1871 and this Act, and the Act of 1871 as amended by this Act, and this Act shall be taken and construed as one Act. Short title.

2. The following enactments (as far as they are applicable for the purposes of and not inconsistent with this Act) are hereby incorporated with this Act ; (namely,)

"The Lands Clauses Consolidation (Scotland) Act, 1845," and
"The Lands Clauses Consolidation Acts Amendment Act, 1860."

Provisions
of certain
general Acts
incorporated.

3. With respect to the interpretation of terms in this Act the following provisions shall have effect ; (namely,)

Interpreta-
tion of terms.

"The Board " means the Board of Police of Greenock :

"The corporation " means the provost, baillies, and town council of the town and burgh of Greenock :

"Greenock" for the purposes of this Act means and includes the limits as defined in section four of the Act of 1865, except so far as such limits extend into the River or Firth of Clyde beyond low-water mark :

"The sheriff " means the sheriff of Renfrew and Bute or any one of his substitutes :

"The dean of guild " means the dean of guild of Greenock, appointed and acting under the Act of 1865 and the Act of 1871 :

"Guild offence " means any offence consisting either of an act, or the culpable neglect or omission to do an act, to which a penalty is attached to be pursued for before the dean of guild,

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or which the dean of guild is authorised by the Act of 1865 to try :

Notwithstanding anything in sections two and twenty-nine of the Act of 1865, the word "street" in sections eighteen and nineteen of this Act shall have the same meaning as is assigned to that word in the General Police and Improvement (Scotland) Act, 1862, but that only for the purposes of exercising and executing the powers conferred by the two sections last mentioned.

Power to take lands referenced.

4. Subject to the provisions of this Act, and for the purposes thereof, the Board may enter on, purchase, take, and use the lands delineated and described in the deposited plans and books of reference.

Powers for compulsory purchases limited.

5. The powers of the Board for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of five years from the passing of this Act.

Omission or misstatement in plans, &c. may be corrected.

6. If there be any omission, misstatement, or wrong description of any lands or the buildings thereon, or of the owners, lessees, or occupiers of any lands or buildings thereon, shown on the deposited plans or specified in the deposited books of reference, the Board, after giving ten days notice to the owners, lessees, and occupiers affected by such proposed correction, may apply to the sheriff for the correction thereof; and if it appears to such sheriff that such omission, misstatement, or wrong description arose from accident or mistake, he shall certify the same accordingly, and shall in such certificate state the particulars of the omission, and in what respect any such matter is misstated or wrongly described.

Certificates to be deposited.

7. The certificate of the sheriff shall be deposited with the sheriff clerk of the county of Renfrew, and a duplicate thereof with the schoolmaster, or, if there be no schoolmaster, with the session clerk of the parish in which the lands in question lie, and the certificate and duplicate respectively shall be kept by the sheriff clerk, schoolmaster, or session clerk respectively with the other documents to which it relates, and thereupon the deposited plans and books of reference shall be deemed to be correct in accordance with the certificate; and the Board may purchase, take, and use for the purposes of this Act any lands or buildings in accordance with such certificate as if such omission, misstatement, or wrong description had not been made.

Power to take down buildings and lay out lands of new.

8. The Board may take down the whole or any part of the buildings situated on any part of the lands acquired by them under the authority of this or the recited Acts, and sell and dispose of the

materials thereof, and may lay out and use the said lands of new in such way and manner as they may deem best for the purposes of this and the recited Acts, or may sell or dispose of the ground or buildings, or any part or portion thereof, or lease or feu the same on such terms and subject to such conditions as they may fix on, or they may erect buildings thereon and dispose thereof or lease the same, and generally they may deal with the lands, houses, and heritages acquired by them under this Act as absolute proprietors thereof, subject only to the conditions and provisions of this Act and the Police Acts for Greenock for the time being.

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9. The Board may, on any lands acquired by them under this or the recited Acts, erect and maintain such dwelling-houses for mechanics, labourers, and other persons of the working and poorer classes as the Board from time to time think expedient, and let the same when so erected and fitted up to such mechanics, labourers, and other persons of the working and poorer classes, at such weekly or other rents, and upon such terms and conditions as they from time to time think fit, or the Board may sell and dispose of the said dwelling-houses.

Power to erect, fit up, and let houses, &c. for working classes.

10. The Board may take the titles to property acquired by them under this Act in the form and manner provided by "The Titles to Land (Scotland) Act, 1868," in name of "the Board of Police of Greenock," and may grant conveyances of property, and bonds, and other deeds and instruments, under the same name and in the same manner; and all such conveyances, bonds, deeds, and instruments granted by the Board shall be deemed to be sufficiently executed if sealed with the corporate seal of the Board and signed by three members of the Board and by their clerk, and witnessed according to the law of Scotland.

Form in which Board may take and grant conveyances, &c.

11. The Board shall not eject or displace any of the labouring classes from the lands or houses to be acquired by them under the powers of this Act without a certificate from the sheriff that other and suitable accommodation has been provided or exists within the town or in its immediate neighbourhood.

Provision as to ejection of labouring classes.

12. The Board shall, not less than eight weeks before they take in any parish fifteen houses or more occupied either wholly or partially by persons belonging to the labouring classes as tenants or lodgers, make known their intention to take the same by placards, handbills, or other general notice placed in public view upon or within a reasonable distance from such houses, and the Board shall not take any such houses until they have obtained the certificate of the sheriff that it has been proved to his satisfaction that the Board

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Agreement between the Board and the Vale of Clyde Tramways Company confirmed.

13. The agreement set forth in the first schedule to this Act annexed, made between the Board of the one part and the Vale of Clyde Tramways Company of the other part, is by this Act confirmed and made binding as between the Board and the Vale of Clyde Tramways Company: Provided that the twenty-first article of the said agreement shall be read and have effect as if it provided only that the Board of Police shall not be responsible to the Vale of Clyde Tramways Company for the loss and damage therein specified.

Decrees of dean of guild how to be enforced.

14. Subject to the provisions of this Act, all decrees made and pronounced by the dean of guild for the payment of sums of money expended by and payable to the Board for levelling, making, forming, causewaying, macadamising, or paving streets or foot-paths, or for making and forming sewers, culverts, and drains, may be extracted and enforced in the same form and manner and shall have the same effect as decrees for debts made and pronounced in the sheriff courts in Scotland are extracted and enforced and have effect.

Enforcement of decrees ad factum prestandum.

15. Subject to the provisions of this Act, all decrees or orders ad factum prestandum or of interdict made and pronounced by the dean of guild may also be extracted in the same form as similar decrees or orders made and pronounced in the sheriff courts in Scotland are extracted; and if the person or persons against whom any such decree or order or interdict has been pronounced shall fail to obey or to fulfil the charge to perform the same, it shall be in the power of the dean of guild, on the application of the procurator fiscal, to grant warrant to have such decree or order or interdict carried into effect at the expense of such person or persons, and such expense, including the expense of the proceedings, may be decerned for by the dean of guild and recovered by arrestment and attachment of the rents and profits of the subjects to which such decree or order or interdict shall apply, or by arrestment, or by poinding, distress, and sale of the goods and effects of such person or persons, but it shall not be lawful to insert in such decree, order, or interdict a warrant to imprison or to enforce the same by imprisonment.

Proceedings in absence before dean of guild.

16. In the event of any person lawfully cited to appear before the dean of guild court to answer to any proceedings against such person failing to appear, it shall be lawful to such court to hear and determine such proceedings in the absence of such person.

17. Except as in the three preceding sections mentioned, nothing in these sections contained shall confer upon the dean of guild any jurisdiction more extensive than that conferred upon him by the Act of 1865, nor extend or enlarge his jurisdiction to matters in regard to which it is by that Act excluded or declared not to extend or apply, nor authorise the apprehension, detention, or imprisonment of any person for not applying for or for failing to carry out a warrant by the dean of guild in terms of the Act of 1865, or for nonpayment of any penalty thereby incurred; but any decree for such penalty may be extracted, and such penalty may be recovered, in the same manner as the decrees and expense mentioned in section fifteen of this Act may be extracted and recovered: Provided always, that nothing herein contained shall be held to derogate from or limit the jurisdiction conferred upon the dean of guild by the Act of 1865.

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Jurisdiction
of dean of
guild.

18. The Board shall have full power and authority from time to time to make such byelaws, rules, orders, and regulations as to them shall seem right and proper with reference to all or any of the matters in this section enumerated; that is to say,

Power to
Board to
make bye-
laws, regula-
tions, &c.

- (1.) The prohibition of the use of hoists or pulleys, or other apparatus or means of elevating, raising, lifting or lowering, loading or discharging goods or other articles from, in, or over any street or streets within Greenock, or from or into any cart, car, carriage, or other vehicle in or upon such street or streets into or from premises fronting or abutting on such street or streets, where such hoists or pulleys, or other apparatus or means of elevating, raising, lifting or lowering, loading or discharging, are or shall be worked by horse or other animal haulage or power, and the regulation generally of the use of any hoist, pulley, apparatus, or means of elevating, raising, lifting or lowering, loading or discharging goods or other articles from, in, or over any such street or streets, or from or into any cart, car, carriage, or other vehicle in or upon any such street or streets into or from premises fronting or abutting on such street or streets, and the regulation of the time, mode, and manner in which carts, cars, carriages, or other vehicles shall be loaded or unloaded in any such street or streets, and otherwise to provide for the safety of the public using or passing along such street or streets; and
- (2.) The regulation of the traffic in streets within Greenock, and the prevention of obstructions in such streets:

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Provided that the sheriff in confirming any byelaws, rules, orders, or regulations under which the Board shall prohibit the use of any existing hoist, pulley, apparatus, or means of elevating, raising, lifting or lowering, loading or discharging as aforesaid, may make the enforcement of such prohibition subject to such conditions as regards the time the same shall come into operation as he thinks fair and reasonable in order to admit of the necessary alterations being made upon the premises for elevating, raising, lifting or lowering, loading or discharging by other means than horse or other animal haulage or power.

Compensation to certain warehouse keepers.

19. In the case of the Board prohibiting in virtue of the preceding section of this Act the use of any hoist, pulley, apparatus, or means of elevating, raising, lifting or lowering, loading or discharging goods or other articles from, in, or over any such street or streets into or from any particular warehouse now belonging to any of the parties named and designed in the second schedule to this Act annexed, the Board shall be bound to contribute the sum of fifty pounds towards the cost of fitting up in such warehouse an inside hydraulic or steam hoist, or such other hoist as may be approved by the Board; but such contribution shall only be payable when such inside hydraulic or steam hoist, or such other hoist as may be approved by the Board, has actually been fitted up in said warehouse: Provided always, that such sum shall be payable only in the cases of warehouses for which horse haulage was used for hoisting thereto at the date of the passing of the Act of 1865.

Board may make byelaws as to petroleum, &c.

20. Subject to the provisions in this Act contained, and in addition to the provisions contained in and powers conferred by the Act of 1865, and byelaws, rules, and regulations made by the Board thereunder, the Board may from time to time, for the purpose of guarding against accidents from the explosion of petroleum, paraffin, benzoline, and other inflammable or explosive oils and things (and which compositions, oils, and things are herein-after referred to as explosive substances), make byelaws for regulating the conveyance, loading, and unloading of explosive substances within Greenock, and in particular for declaring or regulating all or any of the following matters; namely,

The conditions, restrictions, and regulations under which explosive substances may be stored, kept, loaded, unloaded, conveyed, and carried within Greenock, and the control and regulation of the places in which the same may be stored, kept, or deposited;

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The restrictions and regulations to be observed in the receiving or delivering of explosive substances into or from any such places; and

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The circumstances under which the police of the town may without a warrant enter any place in which explosive substances may for the time being be or be reasonably supposed to be stored, kept, or deposited:

And the Board may impose in any such byelaw such pecuniary or other penalties and forfeitures on persons offending against any such byelaw not exceeding twenty pounds for the first offence and fifty pounds for the second or any subsequent offence, and every day's neglect to comply with the provisions of any such byelaw after a conviction thereunder shall be deemed to be a subsequent offence.

21. The Board may from time to time, as they shall think fit, repeal any byelaws which may be made in pursuance of this Act and make others in their stead.

Byelaws may be repealed.

22. All byelaws, rules, orders, and regulations which may be in force at the commencement of this Act with reference to any of the matters before specified shall continue in force and may be enforced by the Board until byelaws, rules, orders, and regulations shall have been made by the Board under the authority of this Act altering or amending the same; and nothing in this Act shall lessen or interfere with the authority already vested in the Board to make and enforce byelaws, rules, and regulations.

Existing byelaws, &c. to continue in force until altered.

23. Except as otherwise provided by this Act, all the provisions of the Act of 1865 with reference to the confirmation, publication, and evidencing of byelaws, rules, orders, and regulations made under its authority, and all the provisions with reference to the imposition, infliction, and recovery of penalties by the Board for the breach or non-performance of byelaws, rules, orders, and regulations to be made by the Board under that Act, shall apply to the confirmation, publication, and evidencing of the byelaws, rules, orders, and regulations to be made by the Board under this Act, and to the imposition, infliction, and recovery of penalties for the breach or non-performance of such byelaws, rules, orders, and regulations, to the same effect as if such last-mentioned byelaws, rules, orders, and regulations had been byelaws, rules, orders, and regulations made under the authority of that Act.

Provisions of Act of 1865 as to confirmation of byelaws to apply to byelaws under this Act.

24. The costs, charges, and expenses preliminary to and of and incidental to the preparing, applying for, obtaining, and passing of this Act shall be paid by the Board.

Expenses of Act.

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The SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

IT IS CONTRACTED AND AGREED between the Board of Police of Greenock, incorporated by "The Greenock Police and Improvement Act, 1865," and acting under the provisions contained in "The Greenock Street Tramways Act, 1871," (herein-after called the "Board of Police,") of the first part, and "The Vale of Clyde Tramways Company," incorporated by "The Vale of Clyde Tramways Act, 1871," (herein-after called "the Company,") of the second part, as follows; viz.,

WHEREAS the Board of Police have (subject to the provisions and restrictions of "The Greenock Street Tramways Act, 1871," and "The Tramways Act, 1870," so far as incorporated in "The Greenock Street Tramways Act, 1871," and to an obligation dated 19th September 1871, undertaken by the Board of Police to the trustees acting under the Act 3 and 4 William IV., chapter 116.), made and constructed the tramways Nos. 1, 1A, 2, 6, 7, 8, and 9 particularly defined and described in "The Greenock Street Tramways Act, 1871," with the short continuation and passing place at the eastern termination of tramway No. 2, being parts of tramways Nos. 3 and 3A, and 34 and 34A. It is hereby agreed on between the parties hereto in the manner following:

1. The Board of Police, in consideration of the payment and other prestations after specified, hereby grant the Company all the Board of Police's rights to use for the purposes, and in virtue of, and subject to the conditions of "The Greenock Street Tramways Act, 1871," and "The Tramways Act, 1870," so far as incorporated with "The Greenock Street Tramways Act, 1871," and said obligation, and that from the term of Martinmas 1873 to the term of Whitsunday 1893 (herein-after referred to as the currency of this agreement), the several tramways mentioned and constructed by the Board of Police.

2. The Company shall provide, and during the currency of this agreement maintain, the whole cars and horses and other plant for carrying on the traffic along the said tramways, and shall carry on the said traffic, during the currency of this agreement, in a satisfactory manner, with a sufficient staff of servants for the purpose, all at the Company's own expense, and shall be entitled to all the powers and privileges, except so far as inconsistent with these presents, conferred on lessees by the said "Greenock Street Tramways Act, 1871," and "The Tramways Act, 1870," so far as adopted thereby, and shall pay and be bound to free and relieve the Board of Police of liability for all charges, tolls, and assessments, including those which the trustees of the turnpike or other roads along or upon which the said tramways shall be laid shall be entitled to levy and recover under the said "Greenock Street Tramways Act, 1871," in respect of all traffic along or on the tramways the subject of this agreement.

3. The Company shall maintain and so far as necessary renew the tramways during the currency of this agreement, and shall hand over the same to the

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Board of Police on the 15th day of May 1893, the termination of this agreement, in as good condition as when given over to them.

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4. The Company shall, at their own expense, at all times during the currency of this agreement, maintain and keep in good condition and repair, with proper and suitable materials, so much of any road or street whereon the said tramways are laid as lies between the rails of the tramway, and (where two tramways are laid by the Board of Police in any road or street) also the portion of the road between the tramways, and in every case so much of the road or street as extends eighteen inches beyond the rails of and on each side of any such tramway or tramways.

5. The obligations referred to in articles 2, 3, and 4 shall be performed to the entire satisfaction of the master of works for the burgh of Greenock for the time being, or any other officer to be appointed by the Board of Police, and whose decision or orders shall be final and binding upon the parties.

6. The charges or tolls to be exacted or levied by the Company for passengers shall not exceed the charges or tolls specified in the said "Greenock Street Tramways Act, 1871," but when within the police boundaries of Greenock the distance travelled by the passenger is under two miles, the maximum charge shall not exceed twopence; for animals, goods, and parcels the maximum charges or tolls shall not exceed 75 per cent. of those specified in the said Greenock Street Tramways Act, with power to the parties hereto to frame from time to time tables of rates giving effect to or varying, as the case may be, the provisions of this clause.

7. The carriages to be used on the tramways shall be constructed and maintained in conformity with "The Greenock Street Tramways Act, 1871," and "The Tramways Act, 1870," so far as therein incorporated, to the satisfaction of the Board of Police or any person to be appointed by them, and shall be run at such times and at such speed as the Board of Police or an officer appointed by them may direct, and conform to such byelaws and regulations as the Board of Police may and are hereby authorised to make and enact, such byelaws to be always consistent with said Tramways Acts.

8. The Company shall run carriages for the working classes at half fares, at such hours in the morning and in the evening as the Board of Police may fix.

9. The Company shall have all the rights of the Board of Police up to and until the 15th day of May 1893, the termination of this agreement, to use for the purposes and in virtue of "The Greenock Street Tramways Act, 1871," carriages with flange wheels or other wheels specially adapted to run on a grooved rail on the said tramways, and in the management, use, working, and maintenance of the said tramways under this agreement the Company shall be subject to and be bound to comply with the terms thereof, and the whole conditions, restrictions, regulations, and provisions with respect to the management, use, working, and maintenance of the said tramways contained in the said "Greenock Street Tramways Act, 1871," and Acts thereby incorporated, so far as incorporated, in the same manner that the Board of Police would be subject to and bound to comply with such conditions, restrictions, regulations, and provisions had they not made this agreement and were they managing, working, using, or maintaining the said tramways themselves. Declaring that the Company shall be subject to the whole clauses of "The Tramways Act, 1870,"

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10. The Company shall pay to the Board of Police the interest on the total money that has been and may from time to time be expended on, or in connexion with, or the expenditure of which may be rendered necessary by, the construction of the tramways the subject of this agreement, as the amount of such total sum may be certified by the treasurer of the Board of Police, at the same rate as it costs the Board of Police, and the amount on which interest shall be payable shall not be affected by any payment made to the Board of Police through the operation of the sinking fund herein-after provided; and they shall also pay to the Board of Police all expenses of borrowing, management, &c., and keep the Board of Police free from all expenses connected therewith, including all rates and charges. Declaring that payment of the said interest and expenses shall commence at Whitsunday 1874 for the half-year preceding, and the next payment at the term of Martinmas following, and so on half-yearly thereafter.

11. The Company shall also half-yearly, beginning at the term of Whitsunday 1880 for the half-year preceding, and at each term of Martinmas and Whitsunday thereafter during the remainder of the currency of this agreement, pay to the Board of Police three per cent. per annum on the total money for the time being expended by the Board of Police, which shall be set aside and accumulated as a sinking fund, and applied by the Board of Police ultimately towards the reduction of the cost of constructing the tramways.

12. The expenses of "The Greenock Street Tramways Act, 1871," and interest thereon, amounting to £. shall be part of the money of which the aforesaid interest and three per cent. of sinking fund shall be paid: Provided that in the event of any portion of the tramways authorised by "The Greenock Street Tramways Act, 1871," being hereafter and during the currency of this agreement, leased to or worked by other parties under agreements with the Board of Police, the payments made in respect of a portion of such expenses, and interest proportionate to the lines so leased to or worked by other parties by the Board of Police, shall be repaid to the Company, and their payments in respect of such expenses and interest correspondingly diminished thereafter.

13. The Company shall further pay to the Board of Police a sum equal to the sum of one hundred and fifty pounds per annum for every mile of road or street in which the tramways shall be laid, and which has been or may hereafter be taken over, paved, and maintained in whole or in part by the Board of Police, and shall pay for any portion of a mile at same rate. Declaring that payment of said 150*l.* per mile under this agreement shall commence at Whitsunday 1874 for the half-year preceding, and thereafter at the terms of Martinmas and Whitsunday during the currency of this agreement.

14. The Company shall at the term of Whitsunday 1880 for the half-year preceding, and at each term of Martinmas and Whitsunday thereafter during the currency of this agreement, in security of their obligations of maintenance and renewal, set apart an amount equivalent to four pounds per centum on the total

money expended by the Board of Police, as specified in article 9 hereof, which shall be invested or deposited as may be agreed in the joint names of the Board of Police and the Company, and applied from time to time by the Company when requested by, and at the sight of, and to the entire satisfaction of the said master of works for the time being, or any other officer to be appointed by the Board of Police, in the renewal and maintenance of and keeping in good order and condition the said tramways so worked by them, and of the roadway between and within the tramways and for eighteen inches beyond the outside of the rails.

15. The interest accruing from time to time on the fund provided by the foregoing section for renewal shall, on fulfilment of articles third and fourth, belong to and be paid from time to time to the Company, and on the 15th May 1893 so much of the said fund provided for by the foregoing section as shall remain unexpended and not be required for implement of articles third and fourth hereof shall belong to and be the exclusive property of the Company.

16. On or before Whitsunday 1876 the Company shall invest a sum of not less than 12,000*l.* in the purchase of heritable property in the town of Greenock or elsewhere in Scotland, of the marketable value of that sum, to the satisfaction of the Board of Police, or on such other security as the Board of Police may approve; and when such property is purchased the Company shall grant to the Board of Police a first bond and disposition in security over the same to the said amount, or in their option two or more first bonds and dispositions in security in usual form for sums amounting in all to the said amount, in security of the fulfilment by them of the obligations herein contained, and of those contained in any working agreement or other contract, or other or further agreement which may be entered into, or which the parties may be bound to enter into. The principal sum or sums so secured by said bond or bonds shall not be payable, nor shall the interest thereon be payable, unless and until the Company shall have failed to fulfil all or any of articles 2nd, 3rd, 4th, 10th, 11th, 13th, and 14th hereof, and before such failure the said bonds and dispositions in security may from time to time be paid up or transferred, and the properties in question sold, provided others of equivalent value have been purchased and first bonds granted over them in like manner; but in the event of the Company failing to fulfil all or any of said articles, the Board of Police shall be entitled to exact and receive the said principal sum or sums and interest from the date of such failure, and to apply the same towards all or any of the purposes mentioned in said articles, so far as may be necessary.

17. Declaring that nothing herein contained shall affect or diminish the powers and jurisdiction of the Board of Police or of the dean of guild of Greenock over the streets or roads on which the said tramways have been laid by the Board of Police, or the power of the Board of Police or of the said dean of guild to make, lay, alter, or repair, or allow to be made, laid, altered, or repaired, therein sewers and drains, or pipes for water, gas, drainage, or any other purpose, and the due and proper exercise of such powers and jurisdiction shall not be regarded as the wilful act or default of the Board of Police.

18. And whereas the Board of Police may hereafter make all or a portion or portions of the other tramways described in the said "Greenock Street Tramways Act, 1871," and in the event of the same not being worked by the Company under agreement with the Board of Police, but leased to or worked

[Ch. cxiii.] *The Greenock Police and Improvement Act, 1875.* [38 & 39 VICT.]

A.D. 1875. — by other parties, it is necessary that running powers over all or any or any part of the tramways specially enumerated in this agreement should be reserved; such running powers are hereby reserved accordingly, and may be granted by the Board of Police and are consented to by the Company; the said other parties who may become the lessees or workers to pay to the Company such tolls as may be mutually agreed on between the parties hereto and said other parties, or failing such agreement as shall from time to time be fixed or determined by the sheriff of the county of Renfrew for the time being, upon the application of any of the said parties. Declaring that the Company shall have from time to time right to the first offer of a working agreement in respect to the said other tramways, or any of them, on the same terms as the Board of Police shall be willing to offer the same to other parties.

19. It shall be in the power of the Board of Police to authorise any railway company, having a terminus or station at Greenock, to use the tramways by the said "Greenock Street Tramways Act, 1871," authorised, or any part thereof, for the conveyance of goods, animals, or mineral traffic, with waggons or other vehicles in ordinary use on railways, and that upon payment to the Company, in respect of the tramways worked by the Company, of the same tolls, and under the same terms and conditions as any railway company or companies may, under the "Vale of Clyde Tramways Act, 1871," use the tramways thereby authorised or any part thereof.

20. If at any time it appears to the Board of Police that the Company are not maintaining the tramways the subject of this agreement, or the plant thereof, in terms of this agreement, or are not working the same with advantage to the public, it shall be competent to the Board of Police to apply to the sheriff of Renfrewshire or his substitute to remit to a qualified person to inquire into the truth of the facts stated in the application; and in the event of the said sheriff or his substitute being satisfied, from the report of such person, of the truth of the said facts so stated, it shall be competent to him, and after having allowed the Company an opportunity of being heard, to grant power to the Board of Police to re-let the said tramways, or such of them as may have been laid, to any other person or persons, and that on such terms and conditions as the said sheriff or his substitute shall approve; reserving to the Board of Police their whole claims against the Company for any loss and damage the Board of Police may have sustained, or may thereafter sustain, in consequence of the Company's failure duly to fulfil the terms and conditions of this agreement.

21. The Board of Police shall not be responsible for any loss or damage resulting from obstructions in the working of the tramways, unless such obstructions arise from their wilful act or default.

22. Any questions arising under this agreement between the parties hereto are hereby submitted to Adam Paterson, Esquire, the Dean of the Faculty of Procurators in Glasgow, whom failing, to Andrew Rutherford Clark, Esquire, advocate, or, whom failing, William Watson, Esquire, advocate, or, whom failing, John Blair Balfour, Esquire, advocate, whose decision shall be final and binding on the parties hereto.

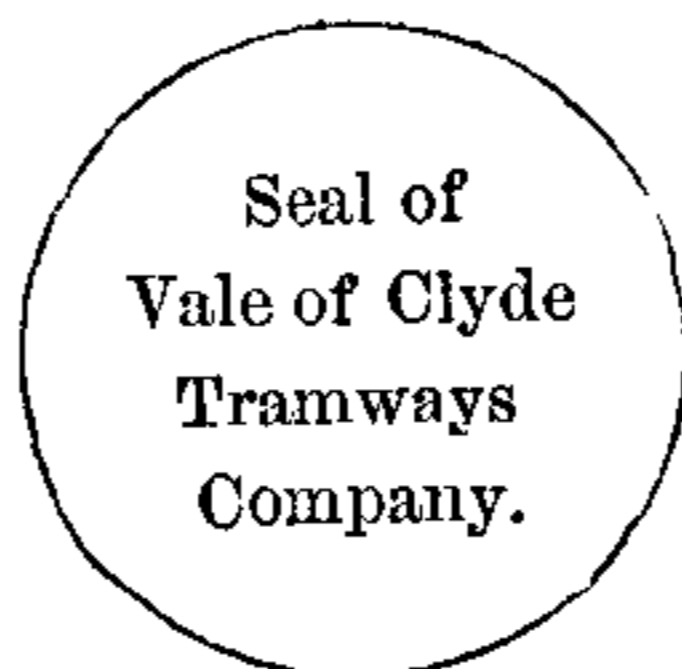
23. The parties hereto bind and oblige themselves respectively to implement and fulfil, the one party to the other, the present agreement, and the whole clauses and obligations therein contained; and both parties consent to the

[38 & 39 VICT.] *The Greenock Police and Improvement Act, 1875.* [Ch. cxiii.]

registration hereof for preservation and execution. In witness whereof these presents, consisting of this and the six preceding printed pages, together with this testing clause, which is written and filled in by William Blair, clerk to John Kerr Gray, town clerk of Greenock, are subscribed in duplicate as follows, videlicet, by Michael Miller Moore, merchant in Glasgow, one of the directors of the said Vale of Clyde Tramways Company, at Glasgow, upon the fourteenth day of December one thousand eight hundred and seventy-four years, before these witnesses, John Campbell Macnair and Francis James Cruikshank, both clerks to Messieurs W. B. Huggins and Company, merchants, Glasgow; by Robert Alexander Mair, secretary to the said Vale of Clyde Tramways Company, also at Glasgow, on the said last-mentioned date, before these witnesses, John Maxwell and William Bell Macubbin, both clerks to Messieurs Reid and Mair, accountants, Glasgow; by James Morton, also one of the directors of the said Vale of Clyde Tramways Company, at Greenock, on the date last-mentioned, before these witnesses, the said William Blair and William Gunion Hume Gunion, writer, Greenock; and are sealed with the seal of the said Vale of Clyde Tramways Company, at Glasgow, on the date last-mentioned; and are subscribed by Robert Neill, writer in Greenock, Edward Wilson, merchant there, and Dugald Shankland, shipowner there, members of the said Board of Police, and by the said John Kerr Gray, clerk to the said Board, all acting by authority and on behalf of the said Board, and are sealed with the seal of the said Board, all at Greenock, on the day, month, and year last-mentioned, before these witnesses, the said William Blair and William Gunion Hume Gunion.

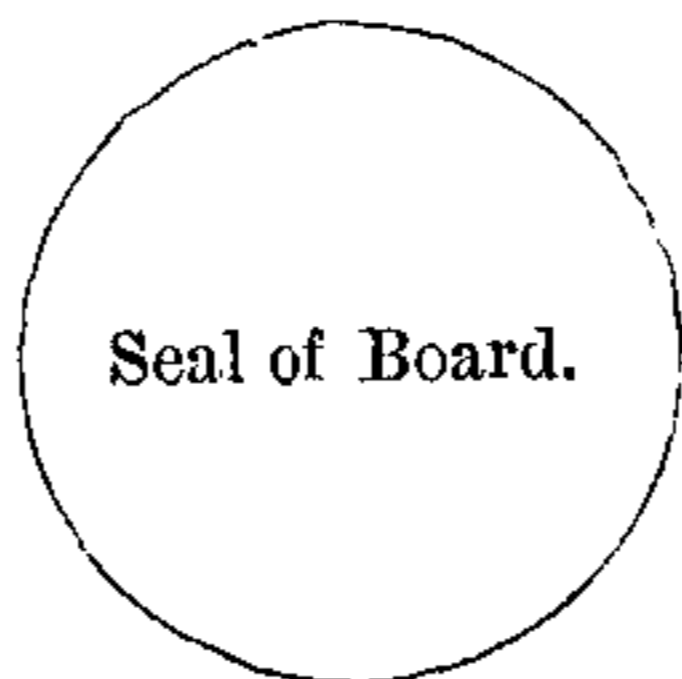
A.D. 1875.

(Signed) John C. Macnair, witness.
Francis J. Cruikshank, witness.
John Maxwell, witness.



(Signed) M. M. MOORE, Director.
JAMES MORTON, Director.
ROB. A. MAIR, Secy.

W. B. Macubbin, witness.
Wm. Blair, witness.
W. G. Hume Gunion, witness.



ROBERT NEILL, Comnr.
EDWARD WILSON, Comnr.
D. SHANKLAND, Comnr.
JOHN KERR GRAY,
Clerk of Board.

A.D. 1875.

THE SECOND SCHEDULE.

WAREHOUSE PROPRIETORS IN GREENOCK.

John Chatfield Macgregor.

Eliza Macgregor.

William McArthur.

William McArthur and Company.

James Richardson and Company.

Baine and Johnston.

Alexander Ewing.

Gray and Buchanan.

John C. Hunter.

McKenzie and Kelso, or the proprietor of warehouse rented by them.

Alexander Graham Dunlop and William Carstares Dunlop.

Archibald Patten and Company.