



CHAPTER cclxxxix.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Paisley District Tramways. A.D. 1901.  
[17th August 1901.]

**W**HEREAS His Majesty's Secretary for Scotland has after inquiry held before Commissioners made the Provisional Order set forth in the schedule hereunto annexed under the provisions of the Private Legislation Procedure (Scotland) Act 1899 and it is requisite that the said Order should be confirmed by Parliament: 62 & 63 Vict.  
c. 47.

Be it therefore enacted by the King'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:—

**1.** The Provisional Order contained in the schedule hereunto annexed shall be and the same is hereby confirmed. Confirmation  
of Order in  
schedule.

**2.** This Act may be cited as the Paisley District Tramways Order Confirmation Act 1901. Short title.

SCHEDULE.

PAISLEY DISTRICT TRAMWAYS.

A.D. 1901. *Provisional Order incorporating the Paisley District Tramways Company and empowering that Company to make and maintain Tramways and for other purposes.*

WHEREAS the making and maintaining of the tramways herein-after described and by this Order authorised would be of public and local advantage :

And whereas the persons in that behalf in this Order named with others are willing at their own expense to construct the tramways if authorised so to do and are desirous of being incorporated into a Company with adequate powers for the purpose and it is expedient that they be incorporated and empowered accordingly as by this Order provided :

And whereas it is expedient that the provisions of the Tramways Act 1870 as to the purchase of the undertaking of the Company should be modified as herein-after mentioned :

And whereas under the powers of the Paisley Tramways Order 1885 certain tramways with which the tramways by this Order authorised will connect have been constructed in the burgh of Paisley and are owned and worked by the Paisley Tramways Company Limited and it is expedient that the Company should be empowered to anticipate and exercise the right of purchase of the tramways or any part or parts of the tramways of the Paisley Tramways Company Limited secured to the local authority under the provisions of the Tramways Act 1870 and of the said Order :

And whereas plans and sections showing the lines and levels of the tramways by this Order authorised and also books of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Order were duly deposited with the principal sheriff clerk for the county of Renfrew and are herein-after referred to as the deposited plans sections and books of reference :

And whereas the purposes of this Order cannot be effected without an Order of the Secretary for Scotland confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Act 1899 :

Now therefore in pursuance of the powers contained in the last-mentioned Act the Secretary for Scotland orders as follows :—

Short title.

1. This Order may be cited as the Paisley District Tramways Order 1901.

[1 EDW. 7.] *Paisley District Tramways Order* [Ch. cclxxxix.]  
*Confirmation Act, 1901.*

2. The Companies Clauses Consolidation (Scotland) Act 1845 Part I. A.D. 1901.  
(relating to cancellation and surrender of shares) of the Companies Clauses  
Act 1863 as amended by subsequent Acts the Lands Clauses Acts and  
section 3 (Interpretation of terms) Part II. (Construction of tramways) and  
Part III. (General provisions) of the Tramways Act 1870 are (except where  
expressly varied by this Order) incorporated with and form part of this  
Order. Incorporation  
of general  
Acts.

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

“The Company” means the Company incorporated by this Order;

“The tramway” “the tramways” and “the undertaking” mean  
respectively the tramways and the undertaking by this Order  
authorised;

“Mechanical power” means electric power;

“Engine” includes motor;

The word “contingencies” in the Companies Clauses Consolidation  
(Scotland) Act 1845 section 125 shall with reference to the Company  
be construed to include the contingency of the undertaking being sold  
to the local authority or authorities at a sum less than the aggregate  
amount of the capital and debts of the Company.

4. William Martin Murphy Joseph Barber Glenn Arthur Joseph Salter  
and all other persons who have already subscribed to or shall hereafter become  
proprietors in the undertaking and their executors administrators successors  
and assigns respectively shall be and are hereby united into a company for  
the purpose of making and maintaining the tramways and for other the  
purposes of this Order and for those purposes shall be and are hereby incor-  
porated by the name of “The Paisley District Tramways Company” and by  
that name shall be a body corporate with perpetual succession and a common  
seal and with power to purchase take hold and dispose of lands and other  
property for the purposes of this Order. Company  
incorporated.

5. Subject to the provisions of this Order the Company may make form lay  
down work use and maintain the tramways herein-after described in the lines  
and according to the levels and within the limits of deviation shown on the  
deposited plans and sections and in all respects in accordance with those plans  
and sections with all proper rails plates posts tubes wires apparatus generating  
stations depôts works and conveniences connected therewith Provided that  
nothing in this Order shall authorise any interference with any electric lines  
and works of any undertakers under the Electric Lighting Acts 1882 and  
1888 to which the provisions of section 15 of the former Act apply except in  
accordance with and subject to the provisions of that section The tramways  
herein-before referred to and authorised by this Order are— Power to make  
tramways.

Tramway No. 1.—A tramway 2 miles 5 furlongs and 4·5 chains or there-  
abouts in length (double line) wholly situate in the parish of Paisley and  
county of Renfrew commencing in the burgh of Johnstone at a point in  
the centre of High Street immediately opposite the north-western corner

[Ch. cclxxxii.] *Paisley District Tramways Order* [1 EDW. 7.]  
*Confirmation Act, 1901.*

A.D. 1901.

of Houston Square at a point 10 yards or thereabouts therefrom and terminating in the burgh of Paisley at the western end of the present Paisley tramways at a point in the centre of the road 10 yards or thereabouts south of the south-easterly corner of Thomas Street and Ferguslie :

Tramway No. 2.—A tramway 1 mile 7 furlongs and 6·2 chains or thereabouts in length (double line) wholly situate in the burgh and parish of Paisley and county of Renfrew commencing by a junction with Tramway No. 1 at its termination and terminating in the Glasgow Road at the end of the authorised line of the Glasgow Corporation Tramways at a point 5 yards or thereabouts east to the east side of Hawkhead Road :

Tramway No. 3.—A tramway 1 mile 3 furlongs and 3·4 chains or thereabouts in length consisting of 1 mile 2 furlongs 1·4 chains or thereabouts of single line and 1 furlong 2 chains or thereabouts of double line commencing in the centre of the Inchinnan Road at Abbotsinch in the parish of Renfrew at a point 410 yards or thereabouts north by west of the point where the centre of the road is intersected by the boundary of the parishes of Renfrew and Paisley and terminating in the burgh of Paisley by a junction with Tramway No. 4 in St. James' Place at a point 32 yards or thereabouts south by east from the south-eastern corner of the County Buildings :

Tramway No. 4.—A tramway 3 miles 1 furlong and 6·1 chains or thereabouts in length consisting of 2 miles 6 furlongs ·1 chain or thereabouts of single line and 3 furlongs 6 chains or thereabouts of double line wholly situate in the parish of Paisley commencing in the centre of the Greenock Road 43 yards or thereabouts south-east of the entrance gate of the paddock of St. James' Park and terminating in the centre of the road opposite the Glenfield Scouring Works at a point thereon 66 yards or thereabouts west of the eastern face of the said works :

Tramway No. 5.—A tramway 3 furlongs 8·1 chains or thereabouts in length consisting of 3 furlongs 4 chains or thereabouts of single line and 4·1 chains or thereabouts of double line wholly situate in the parish and burgh of Renfrew commencing on the Ferry Quay of Renfrew at a point 27 yards or thereabouts north by east of the south-east corner of the house at the corner of London Street and the Quay and terminating by a junction with Tramway No. 6 at its commencement Provided that notwithstanding anything shown on the deposited plans the Company shall if required by the Corporation of Renfrew construct Tramway No. 5 as a double line :

Tramway No. 6.—A tramway 2 miles 6 furlongs and 1 chain or thereabouts in length consisting of 2 miles 4 furlongs ·5 chain or thereabouts of single line and 2 furlongs ·5 chain or thereabouts of double line commencing in the centre of Hairst Street in the burgh parish and county of Renfrew at a point 12 yards or thereabouts south-east of the eastern corner of the Town Hall and terminating by a junction with Tramway No. 4 under the archway of the railway bridge leading into the County Square in the burgh of Paisley at a point 8 yards or thereabouts

[1 EDW. 7.] *Paisley District Tramways Order* [Ch. cclxxxi.]  
*Confirmation Act, 1901.*

from the northern face of the said arch Provided that notwithstanding anything shown on the deposited plans the Company shall if required by the Corporation of Renfrew construct the portion of Tramway No. 6 between the commencement thereof and the junction of Porterfield Road with Paisley Road as a double line: A.D. 1901.

Tramway No. 7.—A tramway 3 furlongs and 9 chains or thereabouts in length consisting of 3 furlongs and 8 chains or thereabouts of single line and 1 chain or thereabouts of double line wholly situate in the parish of Paisley and burgh of Johnstone commencing notwithstanding anything shown on the deposited plans and sections at the south-west boundary of the burgh of Johnstone where that boundary crosses the Kilbarchan Road and terminating by a junction with Tramway No. 1 at the commencement thereof Provided that notwithstanding anything shown on the deposited plans the Company shall if required by the corporation of Johnstone construct Tramway No. 7 throughout as a double line :

Tramway No. 8.—A tramway 6 furlongs 7 chains or thereabouts in length consisting of 5 furlongs 5 chains or thereabouts of single line and 1 furlong 2 chains or thereabouts in length of double line wholly situate in the parish and burgh of Paisley and county of Renfrew commencing in the centre of the Corsebar Road at a point 10 yards or thereabouts north of the northern quoin of the abutment of the railway bridge carrying the Potterhill branch of the Glasgow and South Western Railway over the road and terminating by a junction with Tramway No. 2 at the end of Sandholes at a point 10 yards or thereabouts south-east of the south-eastern corner of the last house at the north side of Broomland Street :

Tramway No. 9.—A tramway 1.45 chains or thereabouts in length (single line) wholly situate in the burgh and parish of Paisley commencing by a junction with Tramway No. 2 at a point 17 yards or thereabouts south-west of the Cross and Gilmour Street and terminating by a junction with Tramway No. 4 at a point 10 yards or thereabouts north-east of the same point :

Tramway No. 10.—A tramway 1 furlong or thereabouts in length (single line) wholly situate in the parish of Paisley and county of Renfrew commencing at a point about 9 yards north-east of the south-western corner of the last house at the western end of Howe Street Millarstone and terminating by a junction with Tramway No. 1 at a point in the Paisley and Johnstone Road in the burgh of Paisley 30 feet or thereabouts east of the centre of the bridge carrying the said road over the Candren Burn.

The Company may enter upon take and use the lands described in the schedule to this Order and shown on the deposited plans and may on such lands but not under the powers of this Order elsewhere construct a station or stations for generating electric power and provide and use dynamos engines and other apparatus and things necessary or proper for the generation of electricity for the purposes of their undertaking.

6. No tramway shall be opened for public traffic until it has been inspected and certified to be fit for such traffic by the Board of Trade. Inspection by Board of Trade.

[Ch. cclxxxii.] *Paisley District Tramways Order* [1 EDW. 7.]  
*Confirmation Act, 1901.*

A.D. 1901.

Correction of errors &c. in deposited plans and books of reference.

7. If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited books of reference the Company after giving ten days' notice to the owners lessees and occupiers of the land in question may apply to the sheriff of the county in which such land is situate for the correction thereof and if it appear to the sheriff that the omission misstatement or wrong description arose from 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 and such certificate shall be deposited with the principal sheriff clerk for the said county and a duplicate thereof shall also be deposited with the town clerk of the burgh or as the case may be with the clerk of the parish council of the parish in which the lands affected thereby are situate and such certificate and duplicate respectively shall be kept by such principal sheriff clerk and clerks respectively with the other documents to which the same relate and thereupon the deposited plans and the books of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Company to take hold and use the lands in accordance with such certificate as if such omission misstatement or wrong description had not been made.

Agreements between the Company and road authorities.

8. The Company may subject to the provisions of this Order enter into agreements with any road authority with respect to the forming laying down maintaining renewing repairing working and using of the tramways and the rails plates sleepers posts wires apparatus and works connected therewith and for facilitating the passage of carriages and traffic over and along any roads or streets upon or along which any of the tramways are intended to be laid or any part thereof.

Temporary tramways to be made where necessary.

9. Where by reason of the execution of any work affecting the surface and soil of any road along which any of the tramways are laid it is in the opinion of the road authority necessary or expedient temporarily to remove or discontinue the use of such tramway or any part thereof the Company may with the consent in writing of the road authority and subject to such conditions and in accordance in all respects with such regulations as the road authority may make construct in the same or any adjacent road and subject to the like conditions and in accordance with the like regulations maintain so long as occasion may require a temporary tramway or temporary tramways in lieu of the tramway or part of a tramway so removed or discontinued.

If any difference arise between the Company and any road authority with respect to the reasonableness of any such conditions or regulations or with respect to the mode of constructing any temporary tramway or temporary tramways under the authority of this section the same shall be settled in the manner specified in section 33 of the Tramways Act 1870 for the settlement of the differences in that section mentioned.

Stoppage of roads during execution of works.

10. Subject to the provisions of this Order the Company may during the execution of the works with the consent in writing of the road authority in whose district any road or bridge shall be situate stop up temporarily the

[1 EDW. 7.] *Paisley District Tramways Order* [Ch. cclxxxi.]  
*Confirmation Act, 1901.*

carriageway or footway of any road or bridge as they think necessary and for that purpose may put up bars posts and other erections Provided that the Company shall before stopping up any footway provide a temporary substitute therefor. A.D. 1901

11. In addition to the other lands which the Company are by this Order authorised to purchase and acquire they may purchase take on lease or acquire by agreement for the purpose of their undertaking and may hold any lands not exceeding ten acres and they may on such lands and on any other lands purchased or acquired under the authority of this Order erect or construct and hold depôts yards offices buildings sidings works and other conveniences in connexion with their undertaking but nothing in this Order shall exonerate the Company from any action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them on any land purchased or acquired by agreement under the powers of this section or authorise the Company to construct any station for generating electric power elsewhere than on the lands described in the schedule to this Order. Purchase of  
lands by  
agreement.

12.—(1) The Company shall not under the powers of this Order purchase or acquire in any district within the meaning of the Public Health (Scotland) Act 1897 ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Secretary for Scotland ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied. Restriction  
on taking  
houses of  
labouring  
class.

(2) If the Company acquire or appropriate any house or houses for the purposes of this Order in contravention of the foregoing provisions of this section they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Secretary for Scotland by action in the Court of Session and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the Court may if it think fit reduce such penalty.

(3) For the purposes of this section—

The expression “house” means any house or part of a house occupied as a separate dwelling; and

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

13. For the protection of the local authority of the area in which any of the tramways may be situate the following provisions shall unless otherwise agreed between the local authority and the Company have effect:— For the pro-  
tection of the  
local autho-  
rity of the  
area affected.

(1) The tramways shall be laid down under the superintendence and to the reasonable satisfaction of the local authority:

[Ch. cclxxxi.] *Paisley District Tramways Order* [1 EDW. 7.]  
*Confirmation Act, 1901.*

A.D. 1901.

- (2) The tramways shall not be used for experimental purposes and shall be constructed so as to interfere as little as may be with the ordinary traffic on the roads on which the same are laid :
- (3) All standards poles wires and supports erected for the purpose of the electrical equipment of the tramways shall be of such design and shall be erected and placed in such manner and situation and according to such plans as shall have been previously submitted to and approved of by the local authority and the local authority shall have power upon giving to the Company one month's notice in writing of their desire so to do to make use of such standards or poles for the support of electric or gas lamps and all internal wires connexions and pipes or other fittings necessary for such electric or gas lamps belonging to or to be used by the local authority in such manner and so far as the same will not interfere with the electric system of the Company or prejudicially weaken or damage the said standards or poles Provided that the approval of the local authority shall not be withheld unreasonably and that if the local authority shall not within twenty-eight days after the submission of such designs or plans signify in writing to the Company their disapproval and their requirements in lieu thereof they shall be deemed to have approved thereof:
- (4) Every standard or pole shall be painted in such colours and manner and so often (not being more than once in every three years) as the local authority may require and if any standard or pole after it has been erected is in the opinion of the local authority an obstruction the Company shall alter the position thereof in such manner as the local authority in writing shall reasonably require :
- (5) The Company shall if required by the local authority light in so far as may be necessary to avoid danger to traffic such of the standards or poles placed on any roadway within the jurisdiction of the local authority as the local authority may select :
- (6) The Company shall lay all main feeder wires below the surface of the ground in such direction and position as shall be indicated upon a plan to be submitted to and approved of by the local authority :
- (7) Every carriage used on the tramways shall be kept in proper repair and condition and be painted by the Company to the reasonable satisfaction of the local authority who may prohibit the use of any carriage not in their opinion in proper repair and condition :
- The carriages used on the tramways shall be electrically lighted and shall be provided by the Company with all necessary lightning arresters :
- All electrical fittings used on the carriages of the Company shall be sufficiently protected so as to prevent injury to passengers :
- (8) When the Company open or break up any street roadway or footway for the purpose of erecting any pole the Company shall within three days after the same have been opened or broken up reinstate the same in as good condition as that in which it was before it was opened or broken up and in case the Company make any default in so doing the local authority may reinstate the same as aforesaid at the expense of the Company :



[1 EDW. 7.] *Paisley District Tramways Order* [Ch. cclxxxix.]  
*Confirmation Act, 1901.*

A.D. 1901.

- (9) The Company shall not without the consent of the local authority remove any public lamp and all lamps so removed under such consent shall be re-erected by the Company in such manner and position as the local authority may direct :
- (10) Whenever the Company desire to erect any pole which involves any alteration or removal of any sewer or drain or machinery or appliance connected therewith vested in or belonging to the local authority the local authority may at their option (but without prejudice to any protection afforded to them by the Tramways Act 1870) make such alteration or removal as the case may be and do all works incidental thereto and all the reasonable and necessary expenses which the local authority shall thereby incur shall be defrayed or repaid to them by the Company :
- (11) No advertisement other than a notice or advertisement relating to the undertaking of the Company shall without the consent of the local authority be affixed to or displayed upon any standard or pole of the Company :
- (12) Where any street or road on which the tramways are laid is widened by the local authority the Company shall alter the position of the rails on such street or road at their own expense if required to do so by the local authority and place them where the local authority may direct :
- (13) Sections 30 32 and 33 of the Tramways Act 1870 shall apply to the local authority with reference to the water and gas mains pipes and apparatus belonging to the local authority in like manner as the same apply to a company or person being the owner of water or gas pipes or mains :
- (14) The whole space between and for a distance of eighteen inches on each side beyond the outmost rails of the tramways shall be causewayed with granite setts five inches deep laid on a bed of cement concrete six inches thick The pavement of the existing tramways within the burgh of Paisley so far as such tramways are acquired by the Company shall be relaid by the Company :
- (15) No advertisement shall be placed on the windows of any carriage used on the tramways in such a position as to obstruct the view and the local authority may order the removal of any advertisements placed on the carriages of the Company which shall in their opinion be objectionable :
- (16) The Company shall remove all snow from the tramway track and shall place the same at the side of the track in such a way as shall inconvenience as little as may be the ordinary traffic of the road :
- (17) The use of salt for the removal of snow from the tramway track is hereby prohibited :
- (18) If any difference arise between the Company and the local authority with respect to the reasonableness of any act or requirement of the local authority the same shall be determined by the arbitration of an arbiter to be agreed upon between the local authority and the Company or failing

A.D. 1901.

agreement to be appointed by the Board of Trade on the application of either of them and the costs of such arbitration shall be borne and paid as such arbiter shall direct :

(19) If the Company shall subject to the provisions of the immediately preceding subsection fail to comply with any of the subsections of this section numbered four five six seven eight eleven fifteen sixteen and seventeen they shall be liable for every such default to a penalty not exceeding five pounds and to a further penalty not exceeding one pound for each day during which the offence is continued after conviction thereof and every such penalty shall be recoverable under the Summary Jurisdiction Acts :

(20) All money payable by the Company to the local authority under the provisions of this section shall be payable on demand in writing and in default thereof may be recovered by the local authority from the Company as a simple contract debt.

For the protection of the Renfrewshire county authorities.

14. For the protection of the county council of the county of Renfrew the county road board and the district committee of the first or upper district of said county (herein-after called "the county authorities") who are for their respective rights and interests the local and road authorities within the meaning of the provisions of this Order for so much of the county of Renfrew as is not within the boundaries of a burgh (herein-after called "the county area") the following provisions shall unless otherwise agreed between the Company and the county authorities have effect without prejudice to the protection otherwise provided by this Order :—

(1) The expression "the tramways" in provisions of this Order in so far as affecting the county authorities (except in so far as prescribing the extent of causeway) shall include not only the rails causeway and foundation but also all wires mains cables boxes poles supports connexions and generally the whole fixed equipment plant and appliances whether under ground or above ground of the undertaking in on or over any road or street including the footways thereof within the county area :

(2) All notices plans and specifications required to be given or submitted to the local or road authority shall so far as regards works or operations within the county area be sent by the Company to the clerk to the district committee within whose jurisdiction such works or operations are to be situated or carried out (in this section referred to as "the district committee") and any intimation in relation thereto or to any requirement of the county authorities signed by such district clerk shall be sufficient intimation on behalf of the local or road authority All requirements competent to the county authorities in connexion with the tramways may be enforced through the district committee :

(3) The tramways shall be of thoroughly good and substantial material and of the most approved type and construction and shall be laid down in such position and as regards all underground cables and wires at such levels as the district committee shall approve The tramways shall be constructed so as to interfere as little as possible with the ordinary traffic

[1 EDW. 7.] *Paisley District Tramways Order* [Ch. cclxxxi.]  
*Confirmation Act, 1901.*

A.D. 1901.

on the roads and under the supervision and to the satisfaction of the district committee and shall thereafter be maintained by the Company in good order and repair to the satisfaction of the district committee :

- (4) All poles standards boxes supports wires and other erections above ground shall be to the satisfaction of the district committee as regards dimensions design strength stability spacing protection and safety and shall not be placed in the carriageway of the roads without the consent of the district committee which they in their absolute discretion may withhold :
- (5) All underground cables wires and other electric apparatus shall be insulated and protected in a thoroughly safe and efficient manner to the reasonable satisfaction of the district committee :
- (6) The Company shall not cause any nuisance within the meaning of the Public Health (Scotland) Act 1897 in connexion with their undertaking nor shall they permit the emission of water steam or other matter so as to cause annoyance or danger to traffic on the roads within the county area :
- (7) The Company shall make good to the county authorities all damage caused to them by leakage of electricity from any of the cables wires or apparatus of the Company :
- (8) The roadway at each terminus of the tramway system within the county area shall for a distance of sixteen yards measured along the tramway from such terminus be causewayed and maintained by the Company throughout its entire width with granite setts five inches deep laid on a bed of cement concrete six inches thick :
- (9) Each tramway in the county area shall be completed within eight months after the construction of the same shall have been commenced :
- (10) Snow removed by the Company from the tramway track shall either be spread evenly over the remainder of the road not including the footways thereof or shall otherwise be placed on the side of the road in such way as the district committee shall consider will least interfere with the ordinary traffic and the Company shall relieve the county authorities of all liability and claims in connexion therewith :
- (11) The Company shall provide a through service of cars between each terminus of the tramway system and Paisley Cross at intervals suitable to the requirements of the districts served :
- (12) The Company shall pay to the county authorities the costs and expenses which they may reasonably incur or be put to in superintending the works authorised by this Order and shall also pay to the county authorities any extra expense they may at any time be put to by reason of the construction or existence of the tramways or other works authorised by this Order in respect of any constructions reconstructions alterations repairs connexions (whether with private property on behalf of the owners thereof or otherwise) conversions or other works or operations upon or connected with roads bridges culverts mains pipes tubes wires sewers manholes drains watercourses or apparatus and

[Ch. cclxxxix.] *Paisley District Tramways Order* [1 EDW. 7.]  
*Confirmation Act, 1901.*

A.D. 1901.

generally in carrying into effect any of the powers belonging to or that may hereafter be conferred upon or acquired by the county authorities :

(13) When any road including the footways thereof in which the tramways are laid is to be opened up by the county authorities or by any person acting under their authority the Company upon receiving twenty-four hours notice thereof at their head office or in cases of emergency such shorter notice as may be practicable shall at their own expense send and be represented at the time and place specified in the said notice by a qualified person who shall point out the position level and dimensions of the Company's works and give such information and assistance as may be necessary to enable the operations of the county authorities or person aforesaid to be carried out expeditiously and in safety and all such operations shall be executed with reasonable expedition and so as to cause as little damage or inconvenience to the Company as circumstances admit :

(14) The Company shall whenever reasonably required by the county authorities test and furnish a record of the testing of any of their main feeder wires within the county area and the county authorities shall be entitled to be represented by a qualified person at such testing In the event of the Company failing to make such test when required or in the event of the county authorities being dissatisfied with the efficiency of the tests made the county authorities may apply to the Board of Trade to appoint an electric inspector or other qualified person for the purpose of testing any such main feeder wire and the Board of Trade may if they see fit make such appointment and order such tests as they shall consider reasonable to be made The expense of testing shall be paid by the Company except where the county authorities have been dissatisfied with the tests made by the Company in which case the costs shall be borne as the Board of Trade shall direct In the event of any defects in the main feeder or other wires or apparatus of the Company being disclosed by such testing they shall forthwith make good the same :

(15) Any dispute or difference which may arise between the Company and the county authorities with reference to the reasonableness of any act or requirement of either party under this section shall be settled by an arbiter to be agreed upon or failing agreement to be nominated by the Board of Trade on the application of either party and the costs of such arbitration shall be borne and paid as such arbiter shall direct.

For the protection of the burghs of Paisley Renfrew and Johnstone.

15. The provisions of subsections (1) (3) (5) (6) (7) (10) (11) (12) (13) (14) and (15) of the section of this Order of which the marginal note is "For the protection of the Renfrewshire county authorities" shall apply to the tramways authorised by this Order within the burgh of Paisley and to the tramways authorised by this Order within the Royal burgh of Renfrew and to the tramways authorised by this Order within the burgh of Johnstone and the expression "county authorities" shall apply to the town councils of the burgh of Paisley the Royal burgh of Renfrew and the burgh of Johnstone so far as regards the said tramways respectively.

[1 EDW. 7.] *Paisley District Tramways Order* [Ch. cclxxxii.]  
*Confirmation Act, 1901.*

16. Whereas the Tramways Nos. 1 2 and 4 are laid out so as to cross over or under the railways and works of the Paisley and Barrhead District Railway Company (in this section called "the Paisley and Barrhead Company") the following provisions shall unless otherwise agreed upon between the Company and the Paisley and Barrhead Company have effect and be binding on the Company notwithstanding anything contained in this Order or shown upon the deposited plans and sections to the contrary (that is to say) :—

A.D. 1901.  
For the protection of the Paisley and Barrhead District Railway Company.

- (1) If in the construction of Tramway No. 1 the Company require to interfere with the road known as Beith Road authorised to be diverted by the Paisley and Barrhead Company in terms of the Paisley and Barrhead District Railway Act 1899 so as to necessitate operations underneath the formation level thereof or so as to lower the surface of the road beyond the lowering carried out by the Paisley and Barrhead Company the Company shall carry out the obligations imposed upon the Paisley and Barrhead Company by section 7 subsection (2) of the Paisley and Barrhead District Railway Act 1899 for the effective drainage of that road and shall free and relieve the Paisley and Barrhead Company from those obligations Provided that nothing in this section shall relieve the Paisley and Barrhead Company in any question between them and the county council of the county of Renfrew and the district committee of the first or upper district of that county from the obligations imposed upon them by the said section of the said Act:
- (2) In constructing Tramway No. 4 over the bridge carrying Glenfield Road over the railways and works of the Paisley and Barrhead Company the Company shall be bound to make adequate provision for the protection of the water drainage or other pipes or works situated in the roadway of the bridge and they shall relieve the Paisley and Barrhead Company in any question with the owners or other parties interested in the protection of such pipes or works of all expense or damage which may be caused by the operations of the Company and the Company shall in all time coming maintain the roadway over the bridge and shall also maintain the structure of the bridge so far as the same may be affected by the construction and working or use of the tramways all to the satisfaction of the engineer for the time of the Paisley and Barrhead Company The Company in the event of Tramway No. 4 being constructed and without prejudice to any obligations incumbent on them to maintain the said roadway over the bridge and the approaches thereto so far as necessary for the maintenance of the said tramway shall also in all time coming after the expiration of five years from the date of the passing of the Act confirming this Order maintain the approaches to the said bridge provided always that the said approaches shall then be handed over to them in a stable condition and good order to the reasonable satisfaction of the engineer of the Company :
- (3) In constructing maintaining and using Tramway No. 4 where the sidings of the Paisley and Barrhead Company are intended to cross the public road leading past the works of William Fulton and Sons Limited Glenfield on the level the Company shall so carry out their works as not

[Ch. cclxxxii.] *Paisley District Tramways Order* [1 EDW. 7.]  
*Confirmation Act, 1901.*

A.D. 1901.  
—

to injure or interfere with the use of such sidings for railway traffic either during or after the construction of the tramway and shall at their own expense make all necessary alterations in the rails and permanent way of the railway at such level crossing as may be necessary to enable the tramway to cross the same on the level :

- (4) The Company shall not bring their cars engines or other vehicles to a stop on the aforesaid level crossing but shall keep the same free from obstruction at all times except in the act of crossing :
- (5) If on application made to the Board of Trade by the Company or the Paisley and Barrhead Company or if in consequence of the action of any public authority or person the Board of Trade or other public authority entitled to interfere shall be of opinion that it is necessary in consequence of the construction and use of Tramway No. 4 to make any provision for the regulation and protection of the traffic on the railway or tramway at the said level crossing beyond that which at present exists or which would require to be provided for the Paisley and Barrhead Company's intended sidings alone all works necessary for that purpose shall be provided by and at the expense of the Company who shall also repay to the Paisley and Barrhead Company any additional costs or expenses to which they may be put in connexion with the working and regulation of the traffic at the said level crossing in consequence of any requirement of the Board of Trade or other public authority aforesaid under this section or otherwise and if any difference shall arise between the Company and the Paisley and Barrhead Company with respect to the conduct of the traffic on the tramway and the siding respectively such difference shall be determined by the Board of Trade :
- (6) The Company shall not in the construction maintenance or use of the tramways alter interfere with or injure the structure masonry iron steel or brick work of the bridges carrying the railways and works of the Paisley and Barrhead Company over any road or street in which the tramways are or may be laid or carrying any such road or street over the railways and works of the Paisley and Barrhead Company or the approaches thereto or any of the works thereof or cause any interruption to the traffic on the said railways but the Company may attach insulator brackets to the undersides of the bridges of the Paisley and Barrhead Company in such manner as not injuriously to affect the structure of any bridge Before commencing any works or operations over or under such bridges or works or any of them or affecting the aforesaid level crossing the Company shall submit plans and sections of their intended works to the engineer for the time being of the Paisley and Barrhead Company and shall obtain his approval thereof and the said works and operations shall be constructed in conformity with the plans and sections so approved at the sight and to the reasonable satisfaction of such engineer and shall thereafter be maintained and repaired under his superintendence :
- (7) If any injury to or interference with the said bridges or approaches or works thereof or interruption to the traffic on the said railways shall

arise or be occasioned at any time by the work or operations of the Company in connexion with such tramways and not by reason of any fault or neglect of the Paisley and Barrhead Company or their servants or any persons lawfully using their railways whether such injury occur either during or after the construction of or in maintaining or working the tramways the Company shall forthwith make good or remove such injury interference or interruption at their own expense or in default of their doing so the Paisley and Barrhead Company may do the necessary work for the purpose at the expense of the Company and the Company shall repay to the Paisley and Barrhead Company all costs and expenses incurred by them in so doing and all loss or damage sustained by the Paisley and Barrhead Company in consequence of such injury interference or interruption :

A.D. 1901.  
—

(8) Should it be necessary in consequence of the construction of any of the works of the Company for the Paisley and Barrhead Company permanently or temporarily to alter or remove the signalling apparatus telegraph posts or wires or any of them on or connected with their said railways at or near to the said crossings or to take additional precautions for the protection of any such signalling apparatus or telegraph wires in consequence of the use of electrical power by the Company the Company shall bear and on demand pay to the Paisley and Barrhead Company the expenses of and connected with such alterations and removals and of restoring the same and substituting other signalling apparatus telegraph wires and poles therefor and of providing such protective arrangements for such signalling apparatus and telegraph wires as may be necessary :

(9) Nothing contained in this Order or which may be done in pursuance thereof shall prevent the Paisley and Barrhead Company as far as they have power to do so from maintaining and repairing and when necessary altering or reconstructing the said bridges or other works or any of them or any of the works thereof or widening the lines of railway under or over the said roads or bridges without interference on the part of the Company and without incurring any liability to the Company or to the lessees of the tramways or to any other parties working or using the same for any loss injury damage expense or interruption of traffic which may arise from such maintenance repair alteration widening or reconstruction and any extra expense which the Paisley and Barrhead Company may incur in such maintenance repair alteration widening or reconstruction by reason of the formation maintenance working or use of the tramways shall be paid by the Company Provided that all such operations shall be executed by the Paisley and Barrhead Company in such a manner as to cause as little interruption or inconvenience as practicable to the traffic on the tramways and that the Paisley and Barrhead Company shall give fourteen days' notice in writing to the Company before commencing any of such operations and that the same so far as interfering with the tramways shall be conducted at the sight and to the reasonable satisfaction of the engineer of the Company :

A.D. 1901.

(10) If any difference shall arise between the Company and the Paisley and Barrhead Company respecting the matters and provisions aforesaid or any of them or as to the sums which may be payable to the Paisley and Barrhead Company such difference shall be settled by an arbiter to be agreed upon between the parties or in case of difference to be appointed on the application of either party by the Board of Trade and the costs of such reference shall be determined by and shall be borne and paid as such arbiter shall direct.

For protection of the Glasgow and South Western Railway Company the Caledonian Railway Company the Glasgow and Paisley Joint Line Committee and the Glasgow and Renfrew District Railway Company.

17. Whereas certain of the tramways will be laid along streets or roads which are carried over or pass under bridges belonging to the Glasgow and South Western Railway Company the Caledonian Railway Company the Glasgow and Paisley Joint Line Committee and the Glasgow and Renfrew District Railway Company (herein-after called for their respective interests "the Companies") Therefore the following provisions shall unless otherwise agreed upon between the Company and the Companies apply for the protection of the Companies :—

- (1) The Company shall not in the construction maintenance or use of the tramways injure alter or interfere with the structure or masonry iron steel or brick work of any bridge of the Companies or any of the works of such bridge or cause any interruption to the traffic on the railways of the Companies but the Company may attach insulator brackets to the undersides of the bridges of the Companies in such manner as not injuriously to affect the structure of any bridge Before commencing any works or operations affecting such bridges the Company shall submit plans and sections of their intended works to the engineer for the time being of the Companies and shall obtain his approval thereof and the said works and operations shall be constructed and carried out in conformity with the plans and sections so approved at the sight and to the reasonable satisfaction of such engineer and shall thereafter be maintained and repaired under his superintendence :
- (2) If any injury to or any interference with any such bridges or works thereof or interruption to the traffic on the railways of the Companies shall arise or be occasioned at any time by the works or operations of the Company in connexion with the tramways and not by reason of any fault or neglect of the Companies or their servants or any person using their railways the Company shall forthwith make good or remove such injury interference or interruption at their own expense or in default of their doing so the Companies may execute the necessary works for that purpose at the expense of the Company and the Company shall repay to the Companies all costs and expenses incurred by them in so doing and all loss or damage sustained by the Companies in consequence of such injury interference or interruption :
- (3) Nothing contained in this Act or which may be done in pursuance thereof shall prevent the Companies so far as they have power to do so from maintaining and repairing and when necessary altering or reconstructing such bridges or any of the works thereof or widening the lines of railway under their bridges without interference on the part of



the Company in respect of the tramways and without incurring any liability to the Company or any lessees of the tramways or other parties working or using the same for any loss injury damage expense or interruption of traffic on the tramways which may arise from such maintenance repair alteration reconstruction or widening and any extra expense which the companies may incur in such maintenance repair alteration reconstruction or widening by reason of the formation maintenance working or user of the tramways shall be paid by the Company Provided that all operations in connexion with such maintenance repair alteration reconstruction or widening shall be executed by the Companies in such manner as to cause as little interruption or inconvenience as practicable to the traffic on the tramways and that the Companies shall if necessary lay at their own expense temporary tramways to maintain the continuity of the tramway traffic and that the Companies shall give fourteen days' notice in writing to the Company before commencing any such operations and that the same so far as interfering with the tramways shall be conducted at the sight and to the reasonable satisfaction of the engineer of the Company :

A.D. 1901.

(4) In the event of the telegraphic telephonic or electrical signal communications of any of the Companies being at any time injuriously affected by induction or otherwise from the electric lines of the Company the Company shall be at the expense of such remedial works as may be necessary for the protection of the Companies and in the event of any difference between the Company and the Companies regarding the remedial works so to be adopted such difference shall be determined by an arbiter to be appointed by the Board of Trade as herein-after mentioned :

(5) If any difference shall at any time arise between the Company and the Companies or their engineers with respect to any of the matters referred to in this section such difference shall be referred to and determined by an arbiter to be agreed on or failing agreement to be appointed by the Board of Trade on the application of either the Company or of the company with which such difference shall have arisen and such arbiter shall have power to determine the matter in difference and the costs of the reference shall be borne and paid as such arbiter shall direct.

18.—(1) The corporation of the city of Glasgow shall be empowered to run over and use with tramway cars belonging to them and moved by electric traction that portion of Tramway No. 2 authorised by this Order which lies between Hawkhead Road and such point at or near the Cross of Paisley (on the west side of Gilmour Street if practicable) as may be most convenient for constructing a siding for the accommodation of their tramway cars so that they may not obstruct the tramway cars of the Company which siding shall be made by the Company and in the event of any difference as to the proper situation of such point or the extent and arrangement of such siding the same shall be referred to an arbiter to be appointed by the Board of Trade and the costs of such arbitration shall be borne and paid as such arbiter may direct

Running powers to Glasgow Corporation over portion of Tramway No. 2.

[Ch. cclxxxi.] *Paisley District Tramways Order* [1 EDW. 7.]  
*Confirmation Act, 1901.*

A.D. 1901. Provided that the corporation of the city of Glasgow shall only be entitled to run over and use such portion of the Company's line with tramway cars running through from Glasgow to Paisley but such power to the corporation of Glasgow shall be subject to such payments by them to the Company in respect of such running powers and for electric energy and to such conditions and regulations as shall failing agreement between the Company and the corporation of the city of Glasgow be determined by an arbiter to be nominated by the Board of Trade and the costs of such arbitration shall be borne and paid as such arbiter shall direct. Provided that the said corporation shall charge passengers who shall enter and leave their cars within the burgh of Paisley the same fares as are charged by the Company.

(2) The corporation of the city of Glasgow in running over and using the portion of Tramway No. 2 before-mentioned shall at all times observe the regulations and byelaws applicable to said portion of tramways and shall be liable for their own acts and defaults.

As to use of tramways by local authority for certain purposes.

19. The Company shall permit the local authority at all times between the hours of midnight and six in the morning to use free of toll the rails of the tramways for the conveyance of night soil and road materials in carriages provided by the local authority.

Period for compulsory purchase of lands by Company.

20. The powers granted by this Order to the Company for the compulsory purchase of lands shall cease after the expiration of three years from the passing of the Act confirming this Order.

Power to grant servitudes &c. by agreement.

21. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Order grant to the Company any servitude right or privilege (not being a servitude right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Order in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants servitudes rights and privileges as aforesaid respectively.

Period for completion of tramways.

22. If the tramways are not completed within three years from the passing of the Act confirming this Order then on the expiration of that period the powers by this Order granted for making or completing the same or otherwise in relation thereto respectively shall cease except as to so much thereof as shall then be completed.

Capital.

23. The share capital of the Company shall be three hundred thousand pounds in thirty thousand shares of ten pounds each.

Shares not to be issued until one-fifth paid.

24. The Company shall not issue any share created under the authority of this Order nor shall any such share vest in the person accepting the same unless and until a sum not being less than one-fifth of the amount of such share is paid in respect thereof.

Receipt in case of persons not sui juris.

25. If any money is payable to a shareholder or mortgagee being a minor idiot or lunatic the receipt of the guardian or committee of his estate or of his tutor or curator or curator bonis shall be a sufficient discharge to the Company.

[1 EDW. 7.] *Paisley District Tramways Order* [Ch. cclxxxii.]  
*Confirmation Act, 1901.*

26. The Company may in respect of the share capital of three hundred thousand pounds which they are by this Order authorised to raise borrow on mortgage of the undertaking any sum or sums not exceeding in the whole one hundred thousand pounds. Provided that in respect of each sixty thousand pounds of such capital issued and accepted and one-half whereof shall have been paid up the Company may borrow a sum or sums not exceeding in the whole twenty thousand pounds but no part of any of the before-mentioned sums of twenty thousand pounds shall be borrowed until shares for the portion of the capital in respect of which the borrowing powers are to be exercised are issued and accepted and one-half thereof is paid up and the Company have proved to the sheriff who is to certify under the forty-second section of the Companies Clauses Consolidation (Scotland) Act 1845 before he so certifies that shares for the whole of such portion of capital have been issued and accepted and that one-half of such portion has been paid up and that not less than one-fifth part of the amount of each separate share in such portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that such shares were issued bonâ fide and are held by the persons to whom the same were issued or their executors administrators successors or assigns and that such persons or their executors administrators successors or assigns are legally liable for the same and upon production to such sheriff of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

A.D. 1901.

Power to borrow.

27. Every mortgage of the undertaking of the Company shall be deemed to comprise all purchase money which may be paid to the Company in the event of a sale to the local authority and also all or any moneys carried to the contingency fund according to the terms of the mortgage.

Rights of mortgagees on sale of tramways.

28. Every mortgage deed granted by the Company under this Order shall be endorsed with notice that such mortgage will not remain a charge upon the tramways or the undertaking or any part thereof in the event of purchase by the local authority.

Endorsement of power of future purchase by local authority.

29. The mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a judicial factor. In order to authorise the appointment of a judicial factor in respect of arrears of principal the amount owing to the mortgagees by whom the application for a judicial factor is made shall not be less than ten thousand pounds in the whole.

For appointment of a judicial factor.

30. The Company shall not create debenture stock.

Company not to create debenture stock.

31. The provisions of the Tramways Act 1870 with respect to the acquisition of the undertaking by the local authority shall be modified as follows (that is to say):—

Purchase of undertaking by local authorities.

(1) The local authorities in whose districts the tramways are situate (if by resolution passed at a special meeting of the members constituting each of such local authorities they so decide) may within six months after the

A.D. 1901.

expiration of a period of twenty-five years from the passing of the Act confirming this Order and within six months after the expiration of every subsequent period of five years (till the immediately succeeding subsection comes into operation) with the approval of the Board of Trade which approval the Board of Trade are hereby authorised to give by notice in writing jointly require the Company to sell and thereupon the Company shall sell to them the whole of the tramways situate within such districts as one undertaking upon the terms of paying the fair market value of such tramways as a going concern and all lands buildings works materials and plant of the Company suitable to and used by the Company exclusively for the purposes of such tramways such value to be in case of difference determined by an arbiter to be appointed by the Board of Trade on the application of either party and the costs of such arbitration shall be borne and paid as the arbiter may direct :

- (2) If the powers conferred upon the local authorities aforesaid by the immediately preceding subsection have not been exercised the local authorities aforesaid (if by resolution passed at a special meeting of the members constituting each of such local authorities they so decide) may within six months after the expiration of a period of forty years from the date of the passing of the Act confirming this Order and within six months after the expiration of every subsequent period of five years with the approval of the Board of Trade which approval the Board of Trade are hereby authorised to give by notice in writing require the Company to sell and thereupon the Company shall sell to them the whole of the tramways and undertaking upon terms of paying the then value (exclusive of any allowance for past or future profits of the undertaking or any compensation for compulsory sale or other consideration whatsoever) and all lands buildings works materials and plant of the Company used by them for the purposes of their undertaking such value to be in case of difference determined by an arbiter appointed by the Board of Trade on the application of either party The expenses of the reference shall be borne and paid as the arbiter directs :
- (3) If any of the local authorities aforesaid be unwilling to join in such purchase under either of the two preceding subsections the remaining local authorities or authority may exercise the powers of purchasing the whole of the tramways Provided that the provisions of the Tramways Act 1870 with respect to the purchase of the undertaking by a local authority shall from the date of such purchase apply and be exerciseable in respect of such portion of the tramway as is situate within the district of any local authority not being a party to such joint purchase by such local authority except that the period of forty years shall be deemed to be substituted for the period of twenty-one years in section 43 of that Act mentioned :
- (4) No such resolution shall be valid unless one month's previous notice of the meeting and of the purpose thereof has been given in the manner in which notices of meetings of the local authority are usually given nor unless two-thirds of the members constituting the local authority are

[1 EDW. 7.] *Paisley District Tramways Order* [Ch. cclxxxii.]  
*Confirmation Act, 1901.*

present and vote at the meeting and a majority of those present and voting concur in the resolution and it shall be lawful for the chairman of any such meeting with the consent of a majority of the members present to adjourn the same from time to time : A.D. 1901.

(5) When any such sale shall have been made all the rights powers and authorities of the Company in respect to the undertaking so purchased shall be transferred to vested in and may be exercised by the local authorities in like manner as if such tramways were constructed by the local authorities under powers conferred upon them by a Provisional Order under the Tramways Act 1870 and in reference to the same they shall be deemed to be the promoters :

(6) The local authorities may subject to the approval of the Board of Trade enter into such agreements and arrangements inter se as may be necessary or convenient for giving effect to the purposes of this section.

32. All moneys raised under this Order whether by shares or borrowing shall be applied only to the purposes of this Order to which capital is properly applicable. Application of moneys.

33. All moneys to be borrowed on mortgage under this Order from the time when the same shall be advanced and the interest for the time being due thereon shall have priority against the Company and all the property from time to time of the Company over all other claims on account of any debts incurred or to be incurred or engagements entered into or to be entered into by them but nothing in this section shall affect any claim in respect of land acquired by the Company for the purposes of this Order or injuriously affected by the construction of the tramways or by the exercise of any of the powers conferred upon the Company. Money borrowed on mortgage to have priority.

34. The first ordinary meeting of the Company shall be held within six months after the passing of the Act confirming this Order. First ordinary meeting.

35. The number of directors shall until the first ordinary meeting of the Company be three but the Company may at that or any subsequent ordinary meeting vary the number provided that the number be not less than three nor more than seven. Number of directors.

36. The qualification of a director shall be the possession in his own right of not less than thirty shares. Qualification of directors.

37. The quorum of a meeting of directors shall be three and of a general meeting whether ordinary or extraordinary of the Company shall be shareholders present in person or by proxy holding together not less than five thousand pounds in the capital of the Company. Quorum of meetings.

38. William Martin Murphy Joseph Barber Glenn and Arthur Joseph Salter shall be the first directors of the Company and shall continue in office until the first ordinary meeting held after the passing of the Act confirming this Order At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Order or any First directors.  
Election of directors.

[Ch. cclxxxi.] *Paisley District Tramways Order* [1 EDW. 7.]  
*Confirmation Act, 1901.*

A.D. 1901. of them or may elect a new body of directors or directors to supply the place of those not continued in office the directors appointed by this Order being (if they continue qualified) eligible for re-election and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power hereinbefore contained for varying the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation (Scotland) Act 1845 and the several persons elected at any such meeting being neither removed nor disqualified nor having died or resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Auditor to be appointed.

39. The Company shall at the first ordinary meeting after the passing of the Act confirming this Order elect an auditor and it shall not be necessary for such auditor to hold shares in the Company.

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

40. Whereas pursuant to the General Orders under the Private Legislation Procedure (Scotland) Act 1899 and to the Parliamentary Deposits Act 1846 as applied in such General Orders a sum of six thousand three hundred and eighty-four pounds two shillings and ninepence being five per centum upon the amount of the estimate in respect of the tramways authorised by this Order has been deposited with the King's and Lord Treasurer's Remembrancer on behalf of the Court of Exchequer in Scotland in respect of the application for this Order (which sum is referred to in this Order as "the deposit fund") Be it enacted that notwithstanding anything contained in the said recited Act the deposit fund shall not be paid or transferred to or on the application of the person or persons or the majority of the persons named in the warrant or order issued in pursuance of the said Act or the survivors or survivor of them (which persons survivors or survivor are or is in this Order referred to as "the depositors") unless the Company shall previously to the expiration of the period limited by this Order for completion of the tramways open the same for the public conveyance of passengers And if the Company shall make default in so opening the tramways the deposit fund shall be applicable and shall be applied as provided by the next following section Provided that if within such period as aforesaid the Company open any portion of the tramways for the public conveyance of passengers then on the production of a certificate of the Board of Trade specifying the length of the portion of the tramways opened as aforesaid and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length of the tramways so opened bears to the entire length of the tramways the court shall on the application of the depositors or the majority of them order the portion of the deposit fund specified in the certificate to be paid or transferred to them or as they shall direct and the certificate of the Board of Trade shall if signed by the Secretary or by an Assistant Secretary of the said Board be sufficient evidence of the facts therein certified and it shall not be necessary to produce any certificate of the Act confirming this Order having passed anything in the recited Act to the contrary notwithstanding.

41. If the Company do not previously to the expiration of the period limited for the completion of the tramways complete the same and open them for the public conveyance of passengers then and in every such case the deposit fund or so much thereof as shall not have been paid to the depositors shall be applicable and after due notice in the Edinburgh Gazette shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the tramways or any portion thereof or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Order and also in compensating all road authorities for the expense incurred by them in taking up any tramway or materials connected therewith placed by the Company in or on any road vested in or maintainable by such road authorities respectively and in making good all damage caused to such roads by the construction or abandonment of such tramways and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Court of Exchequer in Scotland may seem fit and if no such compensation is payable or if a portion of the deposit fund has been found sufficient to satisfy all just claims in respect of such compensation then the deposit fund or such portion thereof as may not be required as aforesaid shall if a judicial factor has been appointed or the Company is insolvent and has been ordered to be wound up or the undertaking has been abandoned be paid or transferred to such factor or to the liquidator or liquidators of the Company or be applied in the discretion of the Court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid or re-transferred to the depositors. Provided that until the deposit fund has been repaid or re-transferred to the depositors or has become otherwise applicable as herein-before mentioned any interest or dividends accruing thereon shall from time to time and as often as the same shall become payable be paid to or on the application of the depositors.

A.D. 1901.

Application of  
deposit fund.

42. Subject to the application thereof towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable or who have been subjected to injury or loss and also in compensating any road authority and to the application thereof for the benefit of the creditors of the Company in terms of the immediately preceding section the said William Martin Murphy Joseph Barber Glenn and Arthur Joseph Salter and the Company shall allow the deposit lodged in the Exchequer of Scotland to remain to the full extent of six thousand three hundred and eighty-four pounds two shillings and ninepence until the whole of the undertaking is finished. In the event of the Company failing to construct the said tramways or any of them within three years from the passing of the Act confirming this Order the said sum of six thousand three hundred and eighty-four pounds two shillings and ninepence subject as above mentioned shall be forfeited to the local authorities through whose areas the portions of said tramways which the Company shall so fail to construct run and shall be divided among said last-mentioned local authorities in proportion to the mileage of said tramways calculated according to the mileage of single lines.

Further pro-  
visions as to  
application of  
deposit fund.

[Ch. cclxxxix.] *Paisley District Tramways Order* [1 EDW. 7.]  
*Confirmation Act, 1901.*

A.D. 1901. — within the respective areas which the Company shall so fail to construct and the Court of Exchequer in Scotland may order payment accordingly.

Gauge of tramways.

43. The tramways shall be constructed on a gauge of four feet seven and three-quarter inches. Provided always that so much of section thirty-four of the Tramways Act 1870 as limits the extent of the carriage used on any tramway beyond the outer edge of the wheels of such carriage shall not apply to carriages used on the tramways but no engine or carriage used on the tramways shall exceed six feet ten and three-quarter inches in width.

As to position in road of tramways.

44. Notwithstanding anything shown on the deposited plans the tramways shall be constructed and maintained in such position in the road as the road authority and the Company may agree or as in case of difference between them may be determined by the Board of Trade. Provided that if before commencing to construct the tramway in the district of any road authority the Company deliver to the authority a plan showing the proposed position in the road of the tramway and the authority do not within fourteen days give notice to the Company of any objection such authority shall be taken to have agreed to the position in the road of the tramway as shown by the said plan. Provided also that in the construction of any such tramway in a position other than that shown on the deposited plans no rail shall be so laid that a less space than nine feet six inches shall intervene between it and the outside of the footpath on either side of the road if one-third of the owners or one-third of the occupiers of the premises abutting on the place where such less space shall intervene shall by writing under their hands addressed and delivered to the Company within three weeks after receiving from the Company notice in writing of their intention express their objection thereto. If any such objection be made the Company may construct the tramway in the position shown on the deposited plans.

Alteration of levels of roads.

45. If by reason of the construction of the tramways or any portion thereof any alteration is rendered necessary in the level of any road the reasonable expense of making such alteration shall be borne and paid by the Company and if any difference shall arise between the Company and any road authority as to the reasonableness of such expenses or as to any other matter under this section the matter in difference shall be settled by arbitration in terms of the Tramways Act 1870.

Tramways to be kept on level of surface of road.

46. If and whenever after the passing of the Act confirming this Order any road authority alters the level of any road along or across which any part of the tramway is laid or authorised to be laid the Company may and shall alter or (as the case may be) lay their rails so that the uppermost surface thereof shall be on a level with the surface of the road as altered.

Plan of proposed mode of construction.

47. In addition to the requirements of section twenty-six of the Tramways Act 1870 the Company shall at the same time as they give notice to the road authority of their intention to open or break up any road for the purpose of constructing laying down maintaining and renewing any of the tramways lay before the Board of Trade a plan showing the proposed mode of constructing laying down maintaining and renewing such tramways and a statement of the



[1 EDW. 7.] *Paisley District Tramways Order* [Ch. cclxxxii.]  
*Confirmation Act, 1901.*

materials intended to be used therein and the Company shall not commence the construction laying down maintenance and renewal of any of the tramways or part of any of the tramways respectively except for the purpose of necessary repairs until such plan and statement have been approved by the Board of Trade and after such approval the works shall be executed in accordance in all respects with such plan and statement and under the superintendence and to the reasonable satisfaction of the surveyor of the road authority as provided by section twenty-six of the said Act Provided that the word "materials" in this section does not include materials used for paving any part of any street or road under the provisions of the Tramways Act 1870 or this Order.

A.D. 1901.

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

As to rails of tramways.

49. The Company shall at all times maintain and keep in good condition and repair and so as not to be a danger or annoyance to the ordinary traffic the rails of the tramways and the substructure upon which the same rest and if the Company at any time fail to comply with this provision or with the provisions of section twenty-eight of the Tramways Act 1870 they shall be subject to a penalty not exceeding five pounds for every day on which such non-compliance continues.

Penalty for not maintaining rails and roads.

50. In case it is represented in writing to the Board of Trade by the road authority of any district in which the tramways or any portion thereof are or is situate or by twenty inhabitant ratepayers of such district that the Company have made default in complying with the provisions in the immediately preceding section contained or with any of the requirements of section twenty-eight of the Tramways Act 1870 the Board of Trade may if they think fit direct an inspection by an officer to be appointed by the said Board and if such officer reports that the default mentioned in such representation has been proved to his satisfaction then and in every such case a copy of such report certified by a Secretary or an Assistant Secretary of the Board of Trade may be adduced as evidence of such default and of the liability of the Company to such penalty or penalties in respect thereof as is or are by the immediately preceding section imposed.

Board of Trade may on complaint inspect tramways.

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

Local &c. authorities to have access to sewers.

52. The Company may subject to the provisions of this Order with the consent of the local authority and road authority lay down double lines in lieu of single or interlacing lines or single lines in lieu of double or interlacing lines or interlacing lines for double or single lines on any of the tramways and if at any time after the construction of any of the tramways the road in

Power to make additional crossings &c.

A.D. 1901. — which the same or any part thereof is laid has been or shall be altered or widened the Company may take up and remove such tramway or part thereof and reconstruct the same in such position as the local and road authority may approve and the Company may with the like consent make maintain alter and remove such crossings crossovers passing places sidings junctions and other works in addition to those particularly specified in and authorised by this Order as they find necessary or convenient for the efficient working of the tramways or for providing access to any generating stations stationary engine works stables carriage houses warehouse depôts buildings or works of the Company Provided that in the construction of any such works no rail shall be so laid that a less space than nine feet six inches shall intervene between it and the outside of the footpath on either side of the road if one-third of the owners or one-third of the occupiers of the premises abutting on the place where such less space shall intervene shall by writing under their hands addressed and delivered to the Company within three weeks after receiving from the Company notice in writing of their intention express their objection thereto.

Application of road materials excavated in construction of works.

53. Any paving metalling or material excavated by the Company in the construction of the tramways or works from any road or bridge under the jurisdiction or control of any road authority may be applied by the Company so far as may be necessary in or towards the reinstating of the road or bridge and the maintenance for six months after completion of any of the tramways within the district of such road authority of so much of the roadway on either side of such tramways as the Company are by section twenty-eight of the Tramways Act 1870 required to maintain and the Company shall if so required deliver the surplus paving metalling or material not used or required to be retained for the purposes aforesaid to the surveyor of the road authority or to such person or persons as he may appoint to receive the same Provided that if within seven days after the setting aside of the surplus arising from the excavation of any such paving metalling or material and notice duly given such surplus is not removed by such surveyor or by some other person named by him for that purpose such surplus paving metalling or material shall absolutely vest in and belong to the Company and may be dealt with removed and disposed of by them in such manner as they may think fit Any difference between the Company and any road authority or surveyor or other person with reference to any of the matters aforesaid shall be settled by a referee to be nominated by the Board of Trade on the application of either party.

Rates for passengers.

54.—(1) The Company shall fix stages to be uniform so far as practicable of not less than one-half mile each along the lines of the tramways.

(2) The Company may demand and take for every passenger travelling upon the tramways or any part thereof including every expense incidental to such conveyance rates or charges not exceeding one half-penny for each half-mile stage or for any part thereof.

(3) The rates or charges for passengers shall be uniform throughout the tramway system.

[1 EDW. 7.] *Paisley District Tramways Order* [Ch. cclxxxii.]  
*Confirmation Act, 1901.*

55. Every passenger travelling upon the tramways may take with him his personal luggage not exceeding twenty-eight pounds in weight without any charge being made for the carriage thereof all such luggage to be carried by hand and not to occupy any part of a seat nor to be of a form or description to annoy or inconvenience other passengers.

A.D. 1901.

Passengers' luggage.

56. The Company may demand and take in respect of any parcels conveyed by them on the tramways including every expense incidental to the conveyance any rates or charges not exceeding the following :—

Parcels.

For any parcel not exceeding seven pounds in weight threepence ;

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

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

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

57. The Company shall not carry luggage or parcels exceeding the weight in this Order in that behalf mentioned nor any goods. No carriages shall except with the consent of the local authority be run for the conveyance of luggage and parcels only provided that carriages may be run for the conveyance of mails.

Company not to carry goods.

58.—(1) The Company at all times after the opening of the tramways for public traffic shall and they are hereby required to run at least two carriages each way every morning in the week and every evening in the week (Sundays Christmas Day New Year's Day and general holidays always excepted) at such hours not being later than seven in the morning or earlier except on Saturdays than five in the evening respectively as the Company think most convenient for artisans mechanics factory operatives and daily labourers at fares not exceeding for any distance embraced in two consecutive half-mile stages as specified in the section of this Order of which the marginal note is " Rates for passengers " one halfpenny (the Company nevertheless not being required to take any fare less than one halfpenny) On Saturdays the Company in lieu of running such carriages after five o'clock in the evening shall run the same at such hours between noon and two o'clock in the afternoon as may be most convenient for the said purposes.

Cheap fares for labouring classes.

(2) If complaint is made to the Board of Trade that a proper and sufficient service is not provided under this section the Board after considering the circumstances of the locality may by order direct the Company to provide such service as may appear to the Board to be reasonable.

(3) The Company shall be liable to a penalty not exceeding five pounds for every day during which they fail to comply with any order under this section.

59. The Company shall run the carriages on the tramways at intervals suitable to the requirements of the district served and if in the opinion of the local authority of the district the Company are not providing a sufficient service the Board of Trade may on the representation of the local authority

Service of carriages.

[Ch. cclxxxi.] *Paisley District Tramways Order* [1 EDW. 7.]  
*Confirmation Act, 1901.*

A.D. 1901. — and after considering all the circumstances order the Company to provide and the Company shall forthwith provide such additional service of carriages as the Board may in their discretion think reasonable and prescribe.

As to fares on Sundays and holidays.

60. It shall not be lawful for the Company or any other company or person working or using the tramways to take or demand on Sundays Christmas Day and New Year's Day or other public holiday any higher tolls or charges than those levied by them on ordinary week days.

Periodical revision of rates and charges.

61. If at any time after three years from the opening for public traffic of the tramways or any portion thereof or after three years from the date of any order made in pursuance of this section in respect of the tramways or any portion thereof it is represented in writing to the Board of Trade by the local authority of any district in which the tramways or such portion are or is wholly or partly situate or by twenty inhabitant ratepayers of that district or by the Company that under the circumstances then existing all or any of the fares or other charges demanded and taken in respect of the traffic on the tramways or on such portion should be revised the Board of Trade may (if they think fit) direct an inquiry by a referee to be appointed by the said Board in accordance with the provisions of the Tramways Act 1870 and if the referee reports that it has been proved to his satisfaction that all or any of the fares or charges should be revised the said Board may subject to the maximum fares and charges authorised by this Order by order in writing alter modify reduce or increase all or any of the fares or charges to be taken in respect of the tramways or on any portion thereof and thenceforth such order shall be observed until the same is revoked or modified by an order of the Board of Trade made in pursuance of this section.

Provisions as to motive power.

62. The carriages used on the tramways shall subject to the following provisions be moved by mechanical power (that is to say) :—

- (1) The mechanical power shall not be used except with the consent of and according to a system approved by the Board of Trade :
- (2) The Board of Trade shall make regulations (in this Order referred to as "the Board of Trade regulations") for securing to the public all reasonable protection against danger arising from the use under this Order of mechanical power on the tramways and for regulating the use of electrical power :
- (3) The Company or any other company or person using any mechanical power on the tramways contrary to the provisions of this Order or of the Board of Trade regulations shall for every such offence be liable to a penalty not exceeding ten pounds and also in the case of a continuing offence to a further penalty not exceeding five pounds for every day during which such offence is continued after conviction thereof :
- (4) The Board of Trade if they are of opinion—
  - (a) That the Company or such other company or person have or has made default in complying with the provisions of this Order or of the Board of Trade regulations whether a penalty in respect of such non-compliance has or has not been recovered ; or

[1 EDW. 7.] *Paisley District Tramways Order* [Ch. cclxxxii.]  
*Confirmation Act, 1901.*

(b) That the use of mechanical power as authorised under this Order A.D. 1901.  
is a danger to the passengers or the public ;

may by order either direct the Company or such other company or person to cease to use such mechanical power or permit the same to be continued only subject to such conditions as the Board of Trade may impose and the Company or such other company or person shall comply with every such order. In every such case the Board of Trade shall make a special report to Parliament notifying the making of such order :

(5) In cases of emergency or of temporary failure of mechanical power the carriages used on the tramways may be moved by animal power.

63. The following provisions shall apply to the use of electrical power under this Order unless such power is entirely contained in and carried along with the carriages :— Special provisions as to use of electrical power.

(1) The Company shall employ either insulated returns or uninsulated metallic returns of low resistance :

(2) The Company shall take all reasonable precautions in constructing placing and maintaining their electric lines and circuits and other works of all descriptions and also in working their undertaking so as not injuriously to affect by fusion or electrolytic action any gas or water pipes or other metallic pipes structures or substances or to interfere with the working of any wire line or apparatus from time to time used for the purpose of transmitting electrical power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus :

(3) The electrical power shall be used only in accordance with the Board of Trade regulations and in such regulations provision shall be made for preventing fusion or injurious electrolytic action of or on gas or water pipes or other metallic pipes structures or substances and for minimising as far as is reasonably practicable injurious interference with the electric wires lines and apparatus of other parties and the currents therein whether such lines do or do not use the earth as a return :

(4) The Company shall be deemed to take all reasonable precautions against interference with the working of any wire line or apparatus if and so long as they adopt and employ at the option of the Company either such insulated returns or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with the electric wires lines and apparatus of other parties and the currents therein as may be prescribed by the Board of Trade regulations and in prescribing such means the Board shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking :

(5) At the expiration of two years from the passing of the Act confirming this Order the provisions of this section shall not operate to give any right of action in respect of injurious interference with any electric wire line or apparatus or the currents therein unless in the construction erection maintaining and working of such wire line and apparatus all

[Ch. cclxxxi.] Paisley District Tramways Order [1 EDW. 7.]  
Confirmation Act, 1901.

A.D. 1901.

reasonable precautions including the use of an insulated return have been taken to prevent injurious interference therewith and with the currents therein by or from other electric currents :

(6) If any difference arises between the Company and any other party with respect to anything herein-before in this section contained such difference shall unless the parties otherwise agree be determined by the Board of Trade or at the option of the Board by an arbiter to be appointed by the Board and the costs of such determination shall be in the discretion of the Board or of the arbiter as the case may be :

(7) The expression "Company" in this section shall include licencees and any person owning working or running carriages over any tramway of the Company.

Apparatus used for mechanical power to be deemed part of tramway.

64. The provisions of sections 26 to 33 of the Tramways Act 1870 (except so much of section 28 as relates to the repair of the road between and on each side of the rails of a tramway) shall apply as if all posts tubes pipes wires and other apparatus used or to be used by the Company for the purposes of mechanical power were parts of the tramway.

Byelaws.

65. Subject to the provisions of this Order the Board of Trade may make byelaws with regard to any of the tramways upon which mechanical power may be used for all or any of the following purposes (that is to say) :—

For regulating the use of any bell whistle or other warning apparatus fixed to the engine or carriages ;

For regulating the emission of smoke or steam from engines used on the tramways ;

For providing that engines and carriages shall be brought to a stand at the intersection of cross streets and at such places and in such cases of horses being frightened or of impending danger as the Board of Trade may deem proper for securing safety ;

For regulating the entrance to exit from and accommodation in the carriages used on the tramways and the protection of passengers from the machinery of any engine used for drawing or propelling such carriages ;

For providing for the due publicity of all byelaws and Board of Trade regulations in force for the time being in relation to the tramways by exhibition of the same in conspicuous places on the carriages and elsewhere.

Any person offending against or committing a breach of any of the byelaws made by the Board of Trade under the authority of this Order shall be liable to a penalty not exceeding forty shillings.

Power to lay and maintain pipes and make openings in streets.

66. The Company may subject to the provisions of this Order lay and maintain pipes and make openings or ways in or under the surface of any road or street including the footways thereof footpath canal or place in order to lay use and maintain cables ropes conduits electric conductors wires and other apparatus for transmitting motive power for the carriages running on the tramways and the Company may use electric wires and all machinery and apparatus necessary for such motive power.

[1 EDW. 7.] *Paisley District Tramways Order* [Ch. cclxxxii.]  
*Confirmation Act, 1901.*

A.D. 1901.

67. Any penalty under this Order or under any byelaws or regulations made under this Order may be recovered in manner provided by the Summary Jurisdiction (Scotland) Acts.

Recovery of penalties.

68. The provisions of the Tramways Act 1870 relating to the making of byelaws by the local authority with respect to the rate of speed to be observed in travelling on the tramways shall not authorise the local authority to make any byelaws sanctioning a higher rate of speed than that authorised by the Board of Trade regulations at which carriages are to be driven or propelled on the tramways under the authority of this Order.

Amendment of the Tramways Act 1870 as to byelaws by local authority.

69. If any person wilfully does or causes to be done with respect to any apparatus used for or in connexion with the working of any tramway of the Company anything which is calculated to obstruct or interfere with the working of such tramway or to cause injury to any person he shall (without prejudice to any proceedings by way of indictment or otherwise to which he may be subject) be guilty of an offence punishable on summary conviction and every person convicted of such offence or of any offence under section 50 of the Tramways Act 1870 with respect to any tramway of the Company shall be liable to a penalty not exceeding twenty pounds.

Penalty for malicious damage.

70. All orders regulations and byelaws made by the Board of Trade under the authority of this Order shall be signed by a Secretary or an Assistant Secretary of the Board.

Orders &c. of the Board of Trade.

71.—(1) Subject to the provisions of this Order the Company may place and maintain in under or over any road or street including the footways thereof footpath or place in which the tramways or any of them are or is laid such posts and overhead and other electric wires as they may consider necessary and proper for working the same by electrical power.

Power to place posts wires &c. in streets.

(2) The provisions of sections 26 and 27 of the Tramways Act 1870 and of any statutory enactment in amendment thereof or in substitution therefor shall extend to any works executed by the Company under this section and where any portion of any footway footpath or place is vested in or kept in repair by any person other than the road authority the provisions aforesaid shall operate for the benefit of such person in like manner as though such person in respect of such portion were a road authority.

72. The Company may with the consent of the owner of any building attach to that building such brackets wires and apparatus as may be required for the working of the tramways by mechanical power :

Attachment of wires &c. to buildings.

Provided that—

(a) Where in the opinion of the Company any consent under this section is unreasonably refused they may appeal to the sheriff who shall have power to allow the attachment subject to such terms as to compensation or rent and otherwise as he may think reasonable in the circumstances or to disallow the same and may determine by which of the parties the costs of the appeal are to be paid ;

(b) Any consent of an owner and any order of the sheriff under this section shall not have effect after that owner ceases to be in possession of the building but any attachments fixed under the provisions of this section

[Ch. cclxxxi.] *Paisley District Tramways Order* [1 EDW. 7.]  
*Confirmation Act, 1901.*

A.D. 1901.

shall not be removed until the expiration of three months after any subsequent owner shall have given to the Company notice in writing requiring the attachments to be removed. Where such notice is given the preceding provisions of this section shall apply and the sheriff shall have the same powers as under proviso (1);

(c) The owner may require the Company to temporarily remove the attachments where necessary during any reconstruction or repair of the building.

For the purpose of this section any occupier of a building whose tenancy exceeds one year unexpired and in the case of any other tenancy the person receiving the rent shall be deemed to be the owner.

Posts &c. to  
be removed if  
user discon-  
tinued.

73. If the Company shall discontinue the use of any posts brackets or overhead electric wires placed or maintained in or over any building street or road for supplying electrical motive power to the carriages used upon the tramways or if the right of the Company to use electrical motive power supplied by means of any such posts brackets or wires shall cease and determine the Company shall forthwith at their own cost remove such posts brackets and wires and shall restore and make good such building street and road to the satisfaction of the road authority and in case of default such road authority may do all things necessary for that purpose and recover the costs and expenses thereof in any court of competent jurisdiction.

Lease &c. of  
tramways.

74. Subject to the provisions of the section of this Order of which the marginal note is "Purchase of undertaking by local authorities" the Company may subject to the approval of the Board of Trade and after the completion of the tramways or any portion thereof lease to any company body or person the whole or any part of the tramways or the right of user of the same and the right of levying tolls rates fares and charges in respect thereof and for such period and generally upon such terms and conditions as may be agreed on between the contracting parties.

Corporation of  
Paisley may  
supply Com-  
pany with  
electrical  
energy.

75.—(1) If the provost magistrates and councillors of the burgh of Paisley (in this section called "the Corporation") shall by resolution passed within four months from the date of the passing of the Act confirming this Order by a majority of the Corporation so resolve they may supply and the Company shall take and in the event of their so resolving the Corporation shall from the time when the tramways or any of them are completed supply and until the exercise by the local authorities referred to in the section of this Order of which the marginal note is "Purchase of undertaking by local authorities" or any of them of the powers on them by that section conferred shall continue to supply and the Company shall continue to take the electrical energy required for working the tramways from the Corporation.

(2) In the event of the Corporation so resolving they shall supply the energy of suitable voltage and character necessary for the proper working of the tramways at their generating station delivered into main feeder cables which shall be brought by the Company to the Corporation premises:

The number of units supplied shall be ascertained at the said generating station by meters to be supplied at the cost of the Corporation which meters



[1 EDW. 7.] *Paisley District Tramways Order* [Ch. cclxxxi.]  
*Confirmation Act, 1901.*

shall be open to inspection by the Company at reasonable times and after due notice to the Corporation and the Company shall if they so desire have power to erect meters at the said generating station for the purpose of checking the number of units supplied. A.D. 1901.

(3) The annual rates to be paid by the Company to the Corporation for electrical energy so supplied shall be twopence per unit for the first two hundred thousand units one penny and three farthings per unit for the next one hundred thousand units one penny and a halfpenny per unit for the next one hundred thousand units and one penny and one farthing per unit for each additional unit :

Provided that on the expiry of seven years from the date of the Act confirming this Order either the Company or the Corporation may require an alteration of the said rates and in the event of their failing to agree such rates may be fixed for a further period not exceeding seven years by the arbitration of an arbiter to be agreed upon between them or failing agreement to be appointed by the Board of Trade on the application of either of them and the costs of such arbitration shall be borne and paid as such arbiter shall direct.

(4) If the Corporation resolve as aforesaid to supply electrical energy to the Company the Company shall not be bound to erect and shall not except with the consent of the Corporation use any of the generating stations of the Company for the production of electrical energy for working the tramways unless and until the Corporation fail to supply the Company with sufficient electrical energy for the working of the tramways.

(5) The Company shall upon any alleged failure on the part of the Corporation to supply such energy forthwith give notice thereof in writing to the Corporation and on such failure occurring and after such intimation thereof the Corporation shall make full compensation to the Company for any loss sustained by the Company through such failure. Provided that any failure to supply such energy which shall not be permanent but shall arise from some unforeseen accident or cause beyond the control of the Corporation shall not be deemed to be such a failure as to justify the Company in erecting or using any of their generating stations for the purposes aforesaid and shall not render the Corporation liable to make compensation to the Company therefor.

(6) In the event of the powers by this Order granted to the Company for the erection of any generating station being exercised the Company shall not without the consent of the Corporation sell or otherwise dispose of to third parties within the burgh of Paisley any of the electrical energy generated by the Company.

(7) All questions relating in any way to the supply of energy by the Corporation to the Company (including the failure to supply such energy and the compensation for such failure and the right of the Company in consequence of such failure to generate and use their own electricity and to cease to take a supply of electrical energy from the Corporation) shall be determined failing agreement by an arbiter to be appointed by the Board of

A.D. 1901.

—  
Agreements  
with local  
authority &c.  
for the supply  
of electrical  
energy.

Trade on the application of either party and the costs of such arbitration shall be borne and paid as the arbiter shall direct.

76. The Company may subject to the provisions of the immediately preceding section enter into and carry into effect agreements with any local authority company body or person for the supply by the local authority or such company body or person of electrical power for the purposes of this Order or with the consent of the Board of Trade for the supply by the Company to any local authority company body or person authorised to supply electrical energy in any district in which any of the tramways are situate of electrical energy in bulk Provided that any supply of electrical energy under this and the last preceding section and any works constructed for that purpose shall be subject to all provisions for the protection of the telegraphic lines of the Postmaster-General and his rights in respect thereof which are contained in the Act or Order by which the supplying Corporation local authority company or person is authorised to generate or supply electricity for the purposes of its own undertaking.

Agreements as  
to working &c.  
of tramways.

77. The Company and any local or road authority may with the consent of the Board of Trade and subject to the provisions of this Order enter into agreements with respect to the working maintenance repair and management of the tramways or any portion thereof and to the placing by any local or road authority or by the Company on such terms and conditions as may be agreed upon of electric mains wires tubes and pipes belonging to the local or road authority or to the Company in any conduit channel or trench constructed by the local or road authority or the Company.

For protec-  
tion of the  
Postmaster-  
General.

78.—(A) Notwithstanding anything in this Order contained if any of the works authorised to be executed by this Order involves or is likely to involve any alteration of any telegraphic line belonging to or used by the Postmaster-General the provisions of section 7 of the Telegraph Act 1878 shall apply (instead of the provisions of section 30 of the Tramways Act 1870) to any such alteration.

(B) In the event of any of the tramways being worked by electricity the following provisions shall have effect :—

- (1) The Company shall construct their electric lines and other works of all descriptions and shall work their undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by His Majesty's Postmaster-General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of their undertaking to prevent injurious affection whether by induction or otherwise to such telegraph lines or the currents therein If any question arises as to whether the Company have constructed their electric lines or other works or work their undertaking in contravention of this subsection such question shall be determined by arbitration and the Company shall be bound to make any alterations in or additions to their system which may be directed by the arbiter :
- (2) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Company of their electric lines and works or

[1 EDW. 7.] *Paisley District Tramways Order* [Ch. cclxxxii.]  
*Confirmation Act, 1901.*

A.D. 1901.

--

by the working of the undertaking of the Company the Company shall pay the expense of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection :

(3) (A) Before any electric line is laid down or any act or work for working the tramways by electricity is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs or the laying of lines crossing the line of the Postmaster-General at right angles at the point of shortest distance and so continuing for a distance of six feet on each side of such point) the Company or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Company and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work ;

(B) Any difference which arises between the Postmaster-General and the Company or their agents with respect to any requirements so made shall be determined by arbitration :

(4) In the event of any contravention of or wilful non-compliance with this section by the Company or their agents the Company shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues :

(5) Provided that nothing in this section shall subject the Company or their agents to a fine under this section if they satisfy the court having cognisance of the case that the immediate doing of the act or execution of the work was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice :

(6) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work :

(7) For the purposes of this section and subject as therein provided sections 2 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Order :

(8) The expression " electric line " has the same meaning in this section as in the Electric Lighting Act 1882 :

[Ch. cclxxxii.] *Paisley District Tramways Order* [1 EDW. 7.]  
*Confirmation Act, 1901.*

A.D. 1901.

- (9) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbiter appointed by the Board of Trade on the application of either party whose decision shall be final and sections 30 to 32 both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Company or their agents were a company within the meaning of that Act:
- (10) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against the Company by indictment action or otherwise in relation to any of the matters aforesaid:
- (11) In this section the expression "the Company" includes their lessees and any person owning working or running carriages on any of the tramways.

Purchase of  
the under-  
taking of the  
Paisley Tram-  
ways Company  
Limited.

79. And whereas by section 55 of the Paisley Tramways Order 1885 the provisions of the forty-third section of the Tramways Act 1870 with respect to the purchase of the undertaking of the Paisley Tramways Company Limited (herein-after in this section called "the Paisley Company") by the provost magistrates and councillors of the burgh of Paisley (herein-after in this section called "the Corporation") were amended and the Corporation empowered to purchase the undertaking of the Paisley Company at any of the several periods prescribed in the said section 55 and in the manner and on the terms and conditions therein and in the Tramways Act 1870 set forth And whereas one of the periods aforesaid will expire in the year one thousand nine hundred and two and it is expedient that the Company should be authorised to exercise instead of the Corporation and at an earlier date the power of purchase conferred on the Corporation by the Tramways Act 1870 as amended and extended by the said section Be it enacted as follows:—

- (1) The Company shall as soon after the passing of the Act confirming this Order as the price shall be ascertained by arbitration as herein-after provided for purchase from the Paisley Company the undertaking of the Paisley Company and the Paisley Company shall sell to the Company their said undertaking on the terms and upon the conditions and in the manner provided by the Tramways Act 1870 as amended by said section 55 of the Paisley Tramways Order 1885 in the same way as if the said period expiring in the year one thousand nine hundred and two had already expired the price to be so ascertained by reference to James More Junior Civil Engineer Edinburgh as sole arbiter (or him failing to a sole arbiter to be appointed by the Board of Trade) and to be paid to the Paisley Company with the addition of an amount equal to seven-and-a-half per centum on the amount thereof and with interest at five per centum per annum on the total sum payable from the date of the arbiter's final award or from the expiry of six months from the passing of the Act confirming this Order whichever of such dates is the earlier and provided that possession of the said undertaking of the Paisley Company shall only be given to the Company on payment of

[1 EDW. 7.] *Paisley District Tramways Order* [Ch. cclxxxii.]  
*Confirmation Act, 1901.*

the price so ascertained with percentage and interest as aforesaid and the costs of and connected with the said arbitration shall be borne or paid by the Company :

A.D. 1901.

- (2) On the completion of the purchase the tramways and undertaking so acquired shall for all purposes including the purposes of the section of this Order of which the marginal note is "Purchase of undertaking by local authorities" form part of the tramways and undertaking of the Company and with all the powers rights and privileges of the Paisley Company under the Paisley Tramways Order 1885 be transferred to and vested in the Company and thenceforth the Company shall subject to the provisions of this Order have and hold the same freed and relieved from any right of purchase by the Corporation save and except the right of purchase conferred on them by this Order and may exercise and enjoy all the powers rights and privileges aforesaid Provided that from and after the vesting of the undertaking of the Paisley Company in the Company the rates and charges by this Order authorised shall be substituted for those authorised by the Paisley Tramways Order 1885 and that section 42 of that Order shall not apply to the Company.

80. The Company shall deliver to the Registrar of Joint Stock Companies in Scotland a printed copy of the Act confirming this Order and he shall retain and register the same and if such copy is not so delivered within four months from the passing of the Act confirming this Order the Company shall incur a penalty not exceeding two pounds for every day after the expiration of those four months during which the default continues and any director or manager of the Company who knowingly and wilfully authorises such default shall incur the like penalty Every penalty under this section shall be recoverable summarily There shall be paid to the Registrar by the Company on such copy being registered the like fee as is for the time being payable under the Companies Acts 1862 to 1898 on registration of any document other than a memorandum of association.

Copy of Order to be registered.

81. Notwithstanding anything in this Order or in any Act or Acts incorporated herewith contained the Company may out of any money by this Order authorised to be raised pay interest at such rate not exceeding three pounds per centum per annum as the directors may determine to any shareholder on the amount from time to time paid up on the shares held by him from the respective times of such payments until the expiration of the time by this Order limited for the completion of the works by this Order authorised or such less period as the directors may determine but subject to the following conditions herein-after stated (that is to say) :—

As to payment of interest out of capital during construction.

- (A) No such interest shall begin to accrue until the Company shall have obtained a certificate from the Board of Trade that two-thirds at least of the share capital by this Order authorised in respect of which such interest may be paid has been actually issued and accepted and is held by shareholders who or whose executors administrators or assigns are legally liable for the same :
- (B) No such interest shall accrue in favour of any shareholder for any time during which any call on any of his shares is in arrear ;

A.D. 1901.

- (C) The aggregate amount to be so paid for interest shall not exceed twenty-five thousand pounds and the amount so paid shall not be deemed share capital in respect of which the borrowing powers of the Company may be exercised but such borrowing powers shall be reduced to the extent of one-third of the amount paid for interest as aforesaid :
- (D) Notice that the Company has power so to pay interest out of capital shall be given in every prospectus advertisement or other document of the Company inviting subscriptions for shares and in every certificate of shares :
- (E) The accounts of the Company shall show the amount of capital on which and the rate at which interest has been paid in pursuance of this section :

Save as herein-before set forth no interest or dividend shall be paid out of any share or loan capital which the Company are by this or any other Order or Act authorised to raise to any shareholder on the amount of the calls made in respect of the shares held by him but nothing in this Order shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation (Scotland) Act 1845.

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

82. The Company shall not out of any money by this Order authorised to be raised pay or deposit any sum which by any Standing Order of either House of Parliament or any General Order made under the Private Legislation Procedure (Scotland) Act 1899 now or hereafter in force may be required to be deposited in respect of any application to the Secretary for Scotland for the purpose of obtaining an Order authorising the Company to construct any other tramway or to execute any other work or undertaking.

Provision as to general Tramway Acts.

83. Nothing in this Order contained shall exempt the Company or the tramways of the Company from the provisions of any general Act relating to tramways passed before or after the passing of the Act confirming this Order or from any future revision or alteration under the authority of Parliament of the maximum rates of rates or charges authorised by this Order.

Costs of Order.

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

---

The SCHEDULE referred to in the foregoing Order.

---

LANDS FOR THE GENERATION OF ELECTRICITY.

(1) Lands situated in the parish of Paisley and county of Renfrew being part of the field or enclosure numbered 2333 on the Ordnance survey parish maps of the county of Renfrew sheet XII. 1 (second edition 1897) lying between Paisley and Barrhead District Railway (in course of construction) on the west and the east side of the Candren Burn on the east and bounded

[1 EDW. 7.]      *Paisley District Tramways Order*    [Ch. cclxxxix.]  
*Confirmation Act, 1901.*

on the south by the back premises of the houses situated on the north side of Howe Street Millerstone and on the north by the footpath leading from Beltrees to the Candren Burn. A.D. 1901.

(2) Lands situated in the parish of Paisley and county of Renfrew being the fields at the east side of the public road from Potterhill to Barrhead at each side of Tod Bridge and lying between it and Stonybrae and including Tod Burn and numbered 690 and 707 on the parish map of the Ordnance survey of Renfrewshire (second edition 1897) sheet No. XII. 10.

(3) Lands situated in the burgh and parish of Paisley and county of Renfrew being part of the field at Laigh Park to the west of the road from Paisley to Renfrew and between it and Renfrew branch of the Glasgow and South Western Railway and immediately adjoining both the same and numbered 2570 on the parish maps of the Ordnance survey of Renfrewshire (second edition 1897) sheet XII. 2.

---

Printed by EYRE and SPOTTISWOODE,

FOR

T. DIGBY FIGOTT, Esq., C.B., the King's Printer of Acts of Parliament.

---

And to be purchased, either directly or through any Bookseller, from  
EYRE AND SPOTTISWOODE, EAST HARDING STREET, FLEET STREET, E.C.; or  
OLIVER AND BOYD, EDINBURGH; or  
E. PONSONBY, 116, GRAFTON STREET, DUBLIN.