

**CHAPTER cliii.**

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to the Lanarkshire Tramways. A.D. 1903.
[11th August 1903.]

WHEREAS 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 Lanarkshire Tramways Order Confirmation Act 1903. Short title.

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SCHEDULE.

LANARKSHIRE TRAMWAYS.

Provisional Order for conferring further powers upon the Hamilton Motherwell and Wishaw Tramways Company with respect to the construction of tramways for changing the name of the Company and for other purposes.

WHEREAS the Hamilton Motherwell and Wishaw Tramways Company (in this Order called “the Company”) were incorporated by the Hamilton Motherwell and Wishaw Tramways Act 1900 (in this Order referred to as “the Act of 1900”) and were thereby authorised to construct the tramway in the county of Lanark in that Act described :

And whereas it is expedient that the Company should be authorised to construct the additional tramways and to execute the works in this Order described :

And whereas by section 57 of the Act of 1900 the Company were authorised to construct generating stations on certain lands therein described and by section 70 of the same Act they were authorised (inter alia) to enter into agreements for the supply of electrical power to certain local authorities companies and persons :

And whereas plans and sections showing the lines and levels of the tramways and works authorised by this Order and plans of the lands by this Order authorised to be acquired and a book of reference containing the names of the owners and lessces or reputed owners and lessees and of the occupiers of the said lands were duly deposited with the principal sheriff-clerk of the county of Lanark and are hereinafter respectively referred to as the deposited plans sections and book of reference :

And whereas the purposes aforesaid 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 Lanarkshire Tramways Order 1903 and shall come into operation on the passing of the

Act confirming this Order which date is in this Order referred to as “the commencement of this Order.” A.D. 1903.

2. The following Acts and parts of Acts (that is to say):—

The Lands Clauses Acts;

Section 3 (Interpretation of terms) Section 19 (Local authority may lease or take tolls) and Parts II. and III. (except section 43) of the Tramways Act 1870;

The provisions of the Companies Clauses Consolidation (Scotland) Act 1845 with respect to the following matters (that is to say):—

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

The payment of subscriptions and the means of enforcing the payment of calls;

The forfeiture of shares for non-payment of calls;

The remedies of creditors of the Company against the shareholders;

The borrowing of money on mortgage or bond;

The conversion of the borrowed money into capital;

The consolidation of the shares into stock;

The general meetings of the Company and the exercise of the right of voting by the shareholders;

The making of dividends;

The giving of notices; and

The provision to be made for affording access to the special Act by all parties interested;

And Part I. (relating to cancellation and surrender of shares) and Part II. (relating to additional capital) of the Companies Clauses Act 1863 as amended by subsequent Acts;

so far as they are applicable to and are not varied by or inconsistent with the provisions of this Order are incorporated with this Order:

Provided that 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 alteration of or interference with any telegraphic line belonging to or used by the Postmaster-General and in case of any such alteration or interference a telegraphic line of the Postmaster-General shall not be altogether removed from any highway (including the unmetalled or waste land by the side of the highway) without his consent.

The expression “telegraphic line” in this Order has the same meaning as in the Telegraph Act 1878.

Incorporation of general Acts.

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Interpreta-
tion.

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

The expression “ the tramways ” means the tramways by this Order authorised :

The expression “ the undertaking ” means the undertaking of the Company authorised by this Order :

The expression “ the county council ” means the county council of the county of Lanark :

The expression “ the district committee ” means the Middle Ward District Committee of the county council of Lanark :

The expression “ the county road board ” means the county road board of the county council of Lanark :

The expression “ the burghs ” means the burghs of Hamilton Motherwell and Wishaw :

The word “ contingencies ” in section 125 of the Companies Clauses Consolidation (Scotland) Act 1845 shall with reference to the Company be construed to include the contingency of the undertaking or any part thereof being sold to a local authority under the sections of this Order of which the marginal notes are “ Purchase by the burghs and county council ” and “ Purchase by county council of tramways outside burghs ” at a sum less than the aggregate amount of the capital and debts of the Company :

The word “ engine ” includes motor :

The definition of the word “ contingencies ” contained in section 3 of the Act of 1900 shall be read as if section 125 of the Companies Clauses Consolidation (Scotland) Act 1845 had been mentioned therein in lieu of section 122.

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

4. 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 book of reference the Company after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to the sheriff of the county of Lanark 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 his 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 or clerk to the commissioners of any burgh or with the clerk of the parish council of any parish outside a burgh in which the lands affected thereby are situate and such certificate and duplicate respectively shall be kept by such clerks respectively with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Company to take the lands and execute the works in accordance with such certificate. A.D. 1903.

5. Subject to the provisions of this Order and of Parts II. and III. of the Tramways Act 1870 as incorporated with this Order the Company may make form lay down work use and maintain the tramways hereinafter described in the lines and according to the levels shown on the deposited plans and sections and in all respects in accordance with those plans and sections with all proper rails plates works and conveniences connected therewith and the Company may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for the purposes of the said tramways The tramways hereinbefore referred to and authorised by this Order are situate in the county of Lanark and are—

Power to
make tram-
ways.

Tramway No. 1 (2 miles 4 furlongs and 4·0 chains in length of which 1 mile 3 furlongs and 7·1 chains will be single line and 1 mile 0 furlongs and 6·9 chains will be double line) to be wholly situate in the parish of Cambuslang commencing in the Glasgow and Hamilton Highway otherwise Main Street Cambuslang at a point about fifty yards measured in an easterly direction from the south-east corner of Colebrooke Street Highway at its junction with the Glasgow and Hamilton Highway passing thence in an easterly and south-easterly direction along the Glasgow and Hamilton Highway and terminating on Prior Bridge in that highway at the boundary between the parishes of Cambuslang and Blantyre :

Tramway No. 2 (5 furlongs and 7·7 chains in length of which 4 furlongs and 1·2 chains will be single line and 1 furlong and 6·5 chains will be double line) to be wholly situate in the parish of Blantyre commencing by a junction with Tramway No. 1 at its termination at Prior Bridge passing

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thence in a south-easterly direction along the Glasgow and Hamilton Highway and the diversion thereof authorised by this Order to and terminating by a junction with the Company's authorised tramway at a point about seventy-five yards measured in a north-westerly direction from the centre of Stonefield Highway otherwise Stonefield Road at its junction with the Glasgow and Hamilton Highway :

Tramway No. 3A (1 mile 0 furlongs and 8·5 chains in length of which 6 furlongs and 2·2 chains will be single line and 2 furlongs and 6·3 chains will be double line) to be wholly situate in the parish of Bothwell commencing in the Bothwell Highway otherwise Uddingston and Bothwell Road at a point about seventeen yards measured in a south-easterly direction from the centre of Uddingston Cross passing thence in an easterly and north-easterly direction along the highway leading from Uddingston Cross past Fallside to the Edinburgh Highway otherwise Glasgow and Bellshill Highway (in this Order referred to as "the Uddingston Coal Highway") to and terminating in the Edinburgh Highway otherwise Glasgow and Bellshill Highway at a point about fifteen yards measured in an easterly direction from the centre of the Uddingston Coal Highway at its junction with the Edinburgh Highway otherwise Glasgow and Bellshill Highway :

Tramway No. 3B (1 mile 6 furlongs and 9·8 chains in length of which 9 furlongs and 9·6 chains will be single line and 5 furlongs and 0·2 chain will be double line) to be wholly situate in the parish of Bothwell commencing in the Bothwell Highway by a junction with Tramway No. 3A at its commencement near Uddingston Cross in that highway passing thence in a south-easterly direction along the Bothwell Highway to and terminating on Bothwell Bridge at the boundary between the parishes of Bothwell and Hamilton :

Tramway No. 4 (1 mile 2 furlongs and 1·0 chain in length of which 3 furlongs and 0·6 chain will be single line and 7 furlongs and 0·4 chain will be double line) to be situate in the parish of Hamilton and in the burgh of Hamilton commencing by a junction with Tramway No. 3B at its termination on Bothwell Bridge passing thence in a south-easterly direction along the Bothwell Highway otherwise Hamilton and Bothwell Road to and terminating in

Bothwell Highway by a junction with the Company's existing tramway at a point about twenty yards measured in a south-easterly direction from the centre of Almada Street at its junction with Bothwell Road:

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- Tramway No. 5A (1 mile 7 furlongs and 4·6 chains in length of which 1 mile 3 furlongs and 3·5 chains will be single line and 4 furlongs and 1·1 chains will be double line) to be wholly situate in the parish of Bothwell commencing in the Edinburgh Highway otherwise Glasgow and Bellshill Road by a junction with Tramway No. 3A at a point about fifteen yards measured in an easterly direction from the centre of the Uddingston Coal Highway at its junction with the Edinburgh Highway otherwise Glasgow and Bellshill Road passing thence in an easterly direction along the Edinburgh Highway otherwise Glasgow and Bellshill Road to and terminating in that highway near Mossend at a point about sixteen yards measured in a westerly direction from the centre of Brig Brae Mill Highway otherwise Calder Road at its junction with the Edinburgh Highway near Mossend:
- Tramway No. 6 (1 mile 1 furlong and 3·6 chains in length of which 7 furlongs and 4·5 chains will be single line and 1 furlong and 9·1 chains will be double line) to be wholly situate in the parish of Bothwell commencing by a junction with Tramway No. 5A in the Edinburgh Highway near Mossend at a point about sixteen yards measured in a westerly direction from the centre of Brig Brae Mill Highway otherwise Calder Road Mossend at its junction with the Edinburgh Highway near Mossend passing thence in an easterly direction along the Edinburgh Highway near Mossend to and along that highway and terminating in that highway at the centre of the Cleekhimin Highway at its junction with the Edinburgh Highway near Mossend:
- Tramway No. 7 (1 mile 3 furlongs and 2·3 chains in length of which 6 furlongs and 4·8 chains will be single line and 4 furlongs and 7·5 chains will be double line) to be wholly situate in the parish of Bothwell commencing in the Edinburgh Highway near Mossend by a junction with Tramway No. 5A at its termination in that highway passing thence in a south-easterly direction into Brig Brae Mill Highway otherwise Calder Road then in a southerly direction along that road to and in an easterly direction along the Fullwood Highway otherwise Milnwood and Clydesdale

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Road into and terminating in the Cleekhimin Highway at a point about sixteen yards measured in a southerly direction from the centre of the Fullwood Highway otherwise Milnwood and Clydesdale Road at its junction with the Cleekhimin Highway :

Tramway No. 8 (2 miles 0 furlongs and 4 chains in length of which 1 mile 3 furlongs and 9·5 chains will be single line and 4 furlongs and 4·5 chains will be double line) to be situate in the burgh of Motherwell in the parish of Dalziel and in the parish of Bothwell commencing by a junction with the Company's existing tramway at Motherwell Cross Motherwell passing thence in a north-easterly direction along Merry Street into and along the Motherwell Highway otherwise Cleekhimin and Carfin Road to and in a northerly direction along the Cleekhimin Highway to and terminating in that highway by a junction with Tramway No. 7 at a point about sixteen yards measured in a southerly direction from the centre of the Fullwood Highway at its junction with the Cleekhimin Highway :

Tramway No. 9 (1 mile 6 furlongs and 8·7 chains in length of which 1 mile 2 furlongs and 3·1 chains will be single line and 4 furlongs and 5·6 chains will be double line) to be situate in the burgh of Wishaw and in the parish of Cambusnethan commencing by a junction with the Company's authorised tramway in Carluke Highway otherwise Main Street Wishaw at a point about twenty yards measured in a north-westerly direction from the centre of the Wishaw and Newmains Highway otherwise Kirk Road at its junction with Carluke Highway passing thence in a south-easterly direction along Carluke Highway to the Wishaw and Newmains Highway otherwise Kirk Road and thence in a north-easterly direction along the Wishaw and Newmains Highway to and terminating in the Morningside and Chapel Highway otherwise Manse Road at its junction with North and South Highway otherwise Bellside Road :

Tramway No. 10 (3 miles 3 furlongs and 3·8 chains in length of which 1 mile 6 furlongs and 9·2 chains will be single line and 1 mile 4 furlongs and 4·6 chains will be double line) to be situate in the burgh of Hamilton the parish of Hamilton and the parish of Dalserf commencing by a junction with the Company's authorised tramway in Cadzow Street at a point about seventeen yards measured

in a north-westerly direction from the junction of Quarry Street with Cadzow Street passing thence in a south-easterly direction along Cadzow Street and Townhead Street Hamilton and the Glasgow and Carlisle Highway otherwise Larkhall Road and London Street Larkhall terminating in that highway at a point about twenty-eight yards measured in a north-westerly direction from the junction of the Millheugh and Highlees Highway otherwise Wellgate Street and the Glasgow and Carlisle Highway otherwise London Street :

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Tramway No. 11 (4 furlongs in length of which 3 furlongs and 2·8 chains will be single line and 7·2 chains will be double line) situate wholly in the parish of Dalserf commencing by a junction with Tramway No. 10 in the Glasgow and Carlisle Highway otherwise London Street Larkhall at a point about twenty-eight yards measured in a north-westerly direction from the junction of the Millheugh and Highlees Highway otherwise Wellgate Street and the Glasgow and Carlisle Highway otherwise London Street passing thence in a south-easterly direction into and along the Glasgow and Carlisle Highway and terminating in that highway at the junction of Machan Highway and Glasgow and Carlisle Highway.

6. Subject to the provisions of this Order the Company may make in the lines shown upon the deposited plans relating thereto and if and so far as the same are shown upon the deposited sections according to the levels shown on those sections the widenings and alterations of highways hereinafter described and may enter upon take and use such of the lands shown on the said plans and described in the deposited book of reference as they may require for those purposes (that is to say) :—

Power to
make road
widenings
&c.

Tramway No. 1—

- (1) A widening at the south-west corner of the Glasgow and Hamilton Highway opposite Clydeford Road Highway in Cambuslang commencing in that highway at a point about fifteen yards measured in a westerly direction from the said corner and terminating in the Glasgow and Hamilton Highway at a point about ninety yards measured in a south-easterly direction from the said corner ;
- (2) A widening of the Glasgow and Hamilton Highway on the south-west side of the highway between points

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respectively about seven yards and about one hundred and seventeen yards measured in a south-easterly direction from the junction with the Glasgow and Hamilton Highway of the private road leading in a north-westerly direction to Bardykes Colliery :

Tramway No. 2—

A diversion in a southerly direction of the Hamilton approach of the Prior Bridge in the parish of Blantyre between a point eighteen yards or thereabouts measured in a north-easterly direction and a point one hundred and seventy-six yards or thereabouts measured in a straight line in an easterly direction from the centre of the bridge and a lowering of the levels of the Glasgow and Hamilton Highway in the parish of Blantyre from the last-mentioned point for a distance of about seventy yards in a south-easterly direction :

Tramway No. 3A—

- (1) A widening at the south-east corner of the junction of the Uddingston Coal Highway with the Bothwell Highway commencing in the Bothwell Highway at a point about sixteen yards measured in a southerly direction from the said junction and terminating in the Uddingston Coal Highway at a point about thirty yards measured in an easterly direction from the said junction ;
- (2) A widening of the Uddingston Coal Highway on the north side of the highway between points respectively thirteen yards or thereabouts and two hundred and fifty yards or thereabouts measured in a north-easterly direction from the centre of the bridge carrying the said highway over the Hamilton and Bothwell section of the North British Railway and between points respectively two hundred and thirty yards or thereabouts and sixteen yards or thereabouts measured in a westerly direction from the centre of the bridge carrying the said highway over the Clydesdale branch of the Caledonian Railway ;
- (3) A lowering of the levels of the Uddingston Coal Highway where the said highway passes under the bridge carrying the main line of the Caledonian Railway Company between points respectively twenty-seven yards or thereabouts measured in a south-westerly direction and fifty-four yards or thereabouts measured in a north-easterly direction from the centre of the said bridge ;

- (4) A widening of Uddingston Coal Highway for a distance of two hundred and fifty yards measured in a northerly direction from the north side of the bridge carrying the Caledonian main line over the said highway ;
- (5) A widening at the south-east corner of the Uddingston Coal Highway and the Edinburgh Highway commencing in the Uddingston Coal Highway at a point about fourteen yards measured in a southerly direction from the said corner and terminating in the Edinburgh Highway at a point about sixteen yards measured in an easterly direction from the said corner :

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Tramway No. 7—

- (1) A lowering of the levels of Brig Brae Mill Highway between points respectively fifty-four yards or thereabouts measured in a northerly direction and sixty yards or thereabouts measured in a southerly direction from the centre of the bridge carrying the main line of the Caledonian Railway over the said highway ;
- (2) A widening of the Fullwood Highway between points respectively one hundred and eighty yards or thereabouts and three hundred and ninety-three yards or thereabouts measured in an easterly direction from the centre of Brig Brae Mill Highway at its junction with the Fullwood Highway and between points respectively one hundred and forty yards or thereabouts and two hundred and seventy yards or thereabouts measured in an easterly direction from the western boundary of the Milnwood Steel Works and between points respectively thirteen yards or thereabouts and forty-three yards or thereabouts measured in an easterly direction from the Western Road leading to High Biggins and between points respectively two hundred and ten yards or thereabouts and two hundred and sixty yards or thereabouts measured in an easterly direction from the Western Road leading to High Biggins and between points respectively three hundred and eighty yards or thereabouts and two hundred yards or thereabouts measured in a westerly direction from the centre of the Cleekhimin Highway and between points respectively two hundred and sixty-four yards or thereabouts and two hundred and forty-seven yards or thereabouts measured in a westerly direction from the centre of the Cleekhimin Highway ;

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- (3) A widening at the north-west corner of the Fullwood Highway and the Cleekhimin Highway commencing in the Fullwood Highway at a point about forty yards measured in a westerly direction from the junction of the above two highways and terminating in the Cleekhimin Highway at a point about sixteen yards measured in a northerly direction from the aforesaid junction :

Tramway No. 8—

- (1) A strengthening of Coursington Bridge and a widening of the northern approach thereof for a distance of about one hundred yards measured in a northerly direction from the north abutment of the aforesaid bridge and the construction (if necessary) of a temporary bridge during such strengthening and widening ;
- (2) A widening at the west corner of the Motherwell Highway and the Cleekhimin Highway commencing in the former highway at a point about sixteen yards measured in a south-westerly direction from the junction of the said two highways and terminating in the latter highway at a point about sixteen yards measured in a northerly direction from the said junction :

Tramway No. 10—

A widening of Townhead Street between points respectively two hundred and fifty-seven yards or thereabouts and three hundred and fifty-six yards or thereabouts measured in a south-easterly direction from the junction of Quarry Street and Cadzow Street.

For pro-
tection of
Glasgow
Corporation.

7. The provisions of this Order with reference to the part of Tramway No. 1 to be laid in the Glasgow and Hamilton Highway otherwise Main Street Cambuslang shall only come into operation with the consent of the Corporation of the City of Glasgow (in this section called “the Corporation”) and on the following conditions (that is to say):—

- (1) That compensation be made to the Corporation by the Company for the making of the portion of their lines authorised by this Order to be taken over by the Company and extending to fifty-seven feet measuring westwards from the terminus of the Corporation’s Tramway at Cambuslang as authorised by the Glasgow Corporation (Tramways and General) Order 1901 therein described as Tramway No. 8 and delineated on the plans relative to the Tramway No. 1 by this Order authorised :

- (2) That the Company undertake that no physical junction be made between the Corporation's Tramways and the said Tramway No. 1 authorised by this Order without the consent in writing of the Corporation : A.D. 1903.

Provided that the Corporation shall give their consent to the construction of the said part of Tramway No. 1 whenever the widening of the Glasgow and Hamilton Highway opposite Clydeford Highway Cambuslang (which is the widening referred to in the subsection headed "Tramway No. 1 (1)" of the section of this Order of which the marginal note is "Power to make road widenings &c.") has been completed or substantially commenced.

8. For the protection of the county council the county road board and the district committee who for their respective rights jurisdictions and interests under and in virtue of the Local Government (Scotland) Acts the Roads and Bridges (Scotland) Acts the Public Health (Scotland) Acts and the Tramways Act 1870 are in this Order referred to as "the county authorities" the following provisions shall have effect unless otherwise agreed between the county authorities and the Company (that is to say) :—

For protection of county authorities in respect of tramways.

- (1) In all portions of highways within the jurisdiction of the county authorities on which a double line of tramway is laid by the Company under the authority of this Order the Company shall where the macadamised portion of the roadway is less than thirty feet widen the same so as to make the width thereof at least thirty feet Provided that such widening does not necessitate the acquisition of any land or interference with any bridge or wall or footpath but can be carried out by taking in the existing grass strip or soft portion of the road and where there is on any such portion of highway a less width than thirty feet between the fences or footpaths the Company shall macadamise the full width of the roadway :
- (2) The Company shall pave the whole width of so much of the carriage-way of the Bothwell Highway along which Tramway No. 3B is laid between Bothwell Station on the Caledonian Railway and the Bothwell Public School as is less than thirty feet in width :
- (3) The paving to be laid down by the Company shall at all passing-places within the jurisdiction of the county

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authorities be of a uniform width throughout the whole length of the passing-place equal to that required in the case of a double line :

- (4) Notwithstanding anything contained in this Order or shown upon the deposited plans the passing-place at Dalton on Tramway No. 1 at a distance of one mile seven furlongs or thereabouts from the commencement of the tramway shall be continued westward to a point in line with the western side of the road leading to Flemington Farm :
- (5) If at any time after the opening of Tramway No. 1 for public traffic it shall appear to the county authorities that the Company cannot by means of the single line and passing-places shown on the deposited plans and as provided for by the immediately preceding subsection run a sufficient service of cars to meet the requirements of the public using that tramway they shall upon being required so to do by the county authorities lay down in conformity with plans and sections to be submitted to and approved by the county authorities an additional line of rails where necessary to form a continuous double line between Cambuslang and the passing-place at Dalton Provided that if the Company object to comply with any such requirement of the county authorities they may appeal to the Board of Trade whose decision shall be final :
- (6) The Company shall pave throughout the whole width thereof the portion of the roadway of Calder Road (otherwise Brig Brac Mill Highway) Mossend the levels of which shall be lowered by them under the powers of this Order :
- (7) The Company shall widen and macadamise the roadway carrying Tramway No. 10 over Covan Burn Bridge on the Glasgow and Carlisle Highway at the boundary between the burgh of Hamilton and the parish of Hamilton throughout the whole width of the highway between the existing kerb and opposite parapet :
- (8) Wherever the Company are by this Order authorised to widen any highway within the jurisdiction of the county authorities and acquire lands for that purpose they shall if and so far as their compulsory powers of acquiring lands enable them to do so construct a macadamised carriage-way thirty feet in width and where their compulsory powers do not enable them to do so they shall macadamise the carriage-way throughout the whole extent of the widening :

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(9) If and so far as they can do so under the powers conferred upon them by this Order the Company shall lay the tramways in such positions in the highways within the jurisdiction of the county authorities as the county authorities shall direct. Provided that in giving such directions in the case of a single line of tramway regard shall be had to the expediency of the line being subsequently converted into a double line :

(10) Where under this Order any tramway is intended to be laid upon or under any bridge vested in or repairable by the county authorities the Company shall lay down the same in accordance with plans and sections to be previously submitted to and approved by the county authorities and under their superintendence if such superintendence shall be given. Provided that such approval shall not be unreasonably withheld and that if for a period of twenty-eight days after the submission of the said plans and sections the county authorities fail to give notice to the Company that they disapprove thereof they shall be deemed to have approved of the same :

(11)—(A) All work in any way affecting the bridges known as Avon Bridge in the parish of Hamilton numbered three on the deposited plans carrying Tramway No. 10 over the Glasgow and Carlisle Highway Bothwell Bridge carrying the Bothwell Highway over the River Clyde at the junction between Tramway No. 3B in the parish of Bothwell and Tramway No. 4 in the parish of Hamilton and Prior Bridge carrying the Glasgow and Hamilton Highway over the Rotten Calder Water at the junction between Tramway No. 1 in the parish of Cambuslang and Tramway No. 2 in the parish of Blantyre and the approaches thereto (in this section called “the said bridges”) shall be carried out under the superintendence and to the reasonable satisfaction of the county authorities and in accordance with plans to be previously submitted to and agreed with them or in default of agreement to be settled by arbitration as hereinafter provided ;

(B) In the event of any injury or damage being caused to any of the said bridges by the construction maintenance or working of any of the tramways and works by this Order authorised the Company shall make good the same and restore the bridge or the part or parts thereof which may be

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injured or damaged to as good a state and condition as they were in before such injury or damage was occasioned ;

(c) If in the opinion of the arbiter hereinafter mentioned the injury or damage shall be such as to necessitate the rebuilding of the bridge the Company shall at their own expense rebuild the bridge in accordance with plans designs and specifications to be previously submitted to and agreed with the county authorities or in default of agreement to be settled by the said arbiter ;

(d) If for any reason the county authorities should at any time prior to the purchase of the tramways as by this Order provided consider it desirable to reconstruct any of the said bridges the Company shall contribute one fourth of the cost of such reconstruction Provided that such contribution shall not in the case of any one of the said bridges exceed the sum of five thousand pounds ;

(E) The Company shall pave and maintain the whole of the carriage-way of the said bridges :

(12) If on account of subsidence caused by mineral workings or otherwise or for any other reason whatever the Company shall desire to alter the level of the rails of any part of the tramways in any highway within the jurisdiction of the county authorities such alterations shall only be carried out with the consent of and in conformity with plans to be previously submitted to and approved of by the county authorities and if by reason of any such work it shall in the opinion of the county authorities be necessary to alter the level of the roadway on either side of the rails the Company shall at their own expense make such alteration together with such corresponding alteration and reconstruction of footpaths kerbs channels fences walls and relative works as to the county authorities may seem necessary and to their satisfaction :

(13) The Company shall not encroach upon or interfere with the footpaths at the sides of the highways and streets within the jurisdiction of the county authorities except for the purpose of the laying of the cables and the erection of the standards by this Order authorised and in carrying out such works the Company shall so conduct their operations that they shall be carried through with the greatest possible speed and so as to cause as little inconvenience as possible to the public and they shall at once restore to the

satisfaction of the county authorities such portions of the footpaths with corresponding kerb and channel as may have been disturbed by their operations: A.D. 1903.

- (14) 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 or with reference to any of the matters therein contained and shall also pay to the county authorities any extra expense they may at any time be put to by reason of the construction of the tramways or other works by this Order authorised in respect of any constructions reconstructions alterations repairs connections conversions or otherwise upon or connected with bridges culverts mains pipes tubes wires drains watercourses or apparatus and generally in carrying into effect any of the powers vested in or conferred on the county authorities by any Act of Parliament existing at the date of the passing of this Order or which may be subsequently passed:
- (15) If under the provisions of section 53 of the Act of 1900 as incorporated with this Order the Company shall require to construct a passing-place in any highway within the jurisdiction of the county authorities such passing-place shall only be constructed in such position as shall be approved by the county authorities:
- (16) The Company shall not under the powers of section 54 of the Act of 1900 as incorporated with this Order construct a double line in any highway within the jurisdiction of the county authorities the macadamised carriage-way whereof is less than thirty feet in width without the previous consent in writing of the county authorities:
- (17) In all cases where double lines of tramway are laid in any highway within the jurisdiction of the county authorities the Company shall pave and maintain the portion of the carriage-way between the two lines of tramway and in all cases either of double or single lines where there is less than three feet six inches between the outside of the footpath on either side of the highway and the nearest rail of the tramway the Company shall pave and maintain the whole of the carriage-way between the tramway and the footpath on the side on which such less space occurs:
- (18) If the Company at any time find it necessary or desirable to remove snow or other matter impeding the traffic on

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the tramways on any highway within the jurisdiction of the county authorities the Company shall at their own cost remove such snow or other matter to the side of the roadway as the county authorities' surveyor may direct. Provided that any such snow and any dirt or other matter removed by the Company from the grooves of the rails of the tramways shall not be allowed to remain on the highway but shall be at once taken away by the Company :

- (19) The Company shall not without the consent of the county authorities use salt or any other material for thawing the ice or snow on any highway within the jurisdiction of the county authorities :
- (20) Notwithstanding anything in this Order or the Tramways Act 1870 contained all notices and plans which are required to be served by the Company upon the county authorities previously to commencing any work shall be so served not less than twenty-eight days previously to the commencement of the work and the time within which the county authorities shall signify their approval or otherwise of any plans submitted by the Company shall be extended to twenty-eight days. Any notice requiring to be served under the provisions of this subsection shall be deemed sufficiently served if the same be served on the clerk to the district committee at his office in Hamilton on behalf of the county authorities :
- (21) It shall be obligatory upon the Company in constructing the tramways to complete the widenings diversions and alterations of the highways and bridges within the jurisdiction of the county authorities mentioned in the section of this Order the marginal note of which is "Power to make road widenings &c." in conformity with the provisions of that section and as shown on the deposited plans and if in any of such cases a portion of the footpath shall be taken for the purpose of such widenings diversions and alterations the Company shall provide a new footpath of the same width as that previously existing :
- (22) Notwithstanding anything contained in section 30 of the Tramways Act 1870 or in this Order the Company shall not in making forming laying down maintaining repairing or renewing the tramways or any part thereof themselves alter or interfere with the existing lines or levels of the mains aqueducts conduits or lines of pipes and apparatus connected therewith or any of them belonging to the county authorities

including consumers' pipes or injuriously affect or interrupt the supply of water conveyed by the same but any alterations in or interference with the mains aqueducts conduits or lines of pipes and apparatus connected therewith of the county authorities including consumers' pipes which may at any time be necessary in consequence of the construction of the tramways authorised by this Order shall on the requisition of the Company be executed by the county authorities at the expense of the Company and the county authorities shall at all times have a right of access to such mains aqueducts conduits or lines of pipes and apparatus connected therewith including consumers' pipes for the renewal repair enlargement alteration and maintenance of the same and for making new connections and laying additional pipes when and wherever they shall see fit and any additional cost of such alteration or repairs (caused by the works of the Company) of any such mains aqueducts conduits or lines of pipes and apparatus connected therewith including consumers' pipes laid before the construction of the said tramways shall be borne by the Company and in all cases where works are to be executed by the county authorities and to be paid for by the Company the county authorities shall use every means in their power to have the works executed as economically as possible and with all reasonable despatch In all cases where accesses to manholes flushing tanks valves hydrants and fire plugs in any highway under the jurisdiction of the county authorities are on or between the lines of tramway or within eighteen inches of the tramway rails they shall be moved by the Company to the satisfaction of the county authorities and in accordance with plans approved by them so as to be at least two feet clear of the rails and the Company shall provide brick chambers for and place strong cast iron covers over such valves hydrants and fire plugs Where the Company in laying down maintaining altering or renewing the tramways across or under any bridge interfere with any pipes or sewers they shall to the reasonable satisfaction of the county authorities relay the same of such larger size as may be required providing all necessary accommodation for the same and for any additional pipes which may be required :

- (23) The Company shall in every case where highways foot-paths or bridges under the jurisdiction of the county

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authorities are altered in level widened or diverted under this Order provide efficient means of disposing of surface water and in the case of alteration of levels shall maintain the same :

- (24) The Company shall also provide and maintain to the reasonable satisfaction of the county authorities efficient means for the disposal of the surface drainage at the bridge where the said Brig Brae Mill Highway carrying Tramway No. 7 is lowered under the Caledonian Railway and shall relay all sewers water pipes or other pipes works or apparatus interfered with or removed by them in lowering the said highway in accordance with plans sections and specifications previously submitted to and approved by the county authorities and shall bear and repay to the county authorities any extra expenses incurred by them consequent on the operations of the Company at the place :
- (25) The Company shall to the reasonable satisfaction of the county authorities provide a good and sufficient means of access to the site of the Bothwell Purification Works from the Uddingston Coal Highway numbered 3 on the deposited plans in the parish of Bothwell carrying Tramway No. 3A together with all necessary gates fences and relative works :
- (26) The Company shall submit for the approval of the county authorities plans showing the position of all standards and poles which they propose to erect in the highways or footpaths under the jurisdiction of the county authorities and they shall not without the consent in writing of the county authorities erect any standards or poles in the carriage-way of any highway under their jurisdiction :
- (27) All paving to be laid down by the Company under this section shall if so required by the county authorities be of granite of a satisfactory quality :
- (28) If the county authorities shall desire to lay down sidings from their Dunduff or other metal quarries and to connect the same with the tramways the Company so far as they lawfully may shall afford to the county authorities all reasonable facilities for that purpose and shall allow the county authorities to run waggons on the tramways for the carriage of materials to and from the said quarries on such terms and conditions as may be agreed upon between the Company and the county authorities :

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Provided that except with the consent of the Caledonian Railway Company no sidings shall be laid down to connect Dunduff Quarry with the tramways so long as a provisional agreement dated thirty-first August and seventh September one thousand eight hundred and ninety-two entered into between James Thompson manager to and as representing the Caledonian Railway Company on the one part and James Forbes Mackenzie clerk to and as representing the district committee of the Middle Ward of the county of Lanark on the other part and ratified and approved by the Caledonian Railway Company and the district committee of the district of the Middle Ward of the county of Lanark by minute dated thirty-first March and fifth April one thousand eight hundred and ninety-three shall be in force :

(29) If at any time after the commencement of this Order any highway within the jurisdiction of the county authorities on which the tramways are authorised to be constructed shall be diverted by the county authorities or a new highway constructed or adopted by them in substitution of a highway ceasing to be such in terms of the Roads and Bridges (Scotland) Act 1878 the Company shall at their own expense if so required by the county authorities lay or as the case may be divert the tramway to such position on the diverted or new highway as may be reasonably required by the county authorities Provided that this subsection shall not apply where the centre line of the roadway is diverted by reason merely of the roadway being widened on one side :

(30) If any difference shall arise between the county authorities or any of them on the one hand and the Company on the other hand under any of the provisions in this section hereinbefore contained the same shall unless otherwise agreed be determined by an arbiter (who shall be an independent engineer of high standing) to be appointed on the application of either party by the sheriff of the county of Lanark.

9. And whereas in the course of negotiation with the county authorities as to the tramways shown on the deposited plans the county authorities in order to safeguard the public interests and improve the route of the tramways and facilitate the working thereof required the Company to acquire the necessary property for and

Provisions
as to diver-
sion of road
&c.

A.D. 1903. — to make a widening or diversion of the Glasgow and Hamilton Highway in the parish of Cambuslang numbered 1 2 3 and 4 on the deposited plans and to widen the bridges known as Prior Bridge at the junction of Tramway No. 1 and Tramway No. 2 Spittal Bridge on the said Glasgow and Hamilton Highway in the said parish of Cambuslang carrying Tramway No. 1 over the Spittal Burn and Myres Bridge on the Uddingston Coal Highway in the parish of Bothwell carrying Tramway No. 3A over the Myres Burn and execute other works but the Company were unwilling to undertake obligations which would involve them in so large an expenditure as would thereby be necessitated and for which they had no statutory powers under this Order and in lieu thereof agreed to make contributions to the execution of those or other works by the county authorities as hereinafter provided Therefore be it enacted as follows (that is to say) :—

(1) The Company shall pay to the county authorities within twelve months after the passing of this Order the sum of seven thousand five hundred pounds in respect of and towards the cost of the execution by the county authorities of the after-mentioned works or any of them (that is to say) :—

(A) A widening or diversion of such nature and in such manner as they shall consider desirable of the Glasgow and Hamilton Highway in the parish of Cambuslang on which the Company propose as shown on the deposited plans to construct Tramway No. 1 ;

(B) Widening Prior Bridge Spittal Bridge Myres Bridge and the cutting at Dalton in the parish of Cambuslang westwards from the road leading to Flemington Farm where Tramway No. 1 passes over the Glasgow and Hamilton Highway ;

(c) Any other or further improvement widening or diversion of highways or bridges adjacent to the tramways which the county authorities may consider necessary :

Provided always that if the county authorities fail to carry out the said diversion of the Glasgow and Hamilton Highway Cambuslang within six months of the expiry of the period limited by this Order for the completion of the tramways they shall repay to the Company the sum of one thousand five hundred pounds Provided further that the said sums of seven thousand five hundred pounds or six thousand

pounds respectively shall be placed to a special account in the county fund and be applied solely to the purposes in this subsection mentioned: A.D. 1903.
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- (2) If Tramway No. 1 shall be constructed the Company shall either contemporaneously with the said diversion by the county authorities of the Glasgow and Hamilton Highway or at any time within one year after the completion thereof lay down and maintain a double line of tramway along the said diversion which tramway shall terminate at its eastern end by a junction with Tramway No. 1 by this Order authorised and may work and use the same as part of the said Tramway No. 1 by this Order authorised and thereupon the Company shall abandon the construction or discontinue the use of so much of the aforesaid Tramway No. 1 as will lie to the westward of the said point of termination of the tramway along the said diversion :
- (3) The said tramway shall be laid in such a situation in the said diversion as shall be approved by the county authorities and in accordance with plans and sections submitted to and approved by them Any difference under this section shall be determined by arbitration in the manner prescribed by the section of this Order the marginal note whereof is "For protection of county authorities in respect of tramways" :
- (4) The said tramway if constructed shall be deemed to be for all purposes part of the aforesaid Tramway No. 1 authorised by this Order :
- (5) In the event of the county authorities not electing to proceed with the said diversion within the period aforesaid the Company shall construct Tramway No. 1 in accordance with the deposited plans and shall widen the existing Glasgow and Hamilton Highway as shown on those plans so as to make the roadway not less than forty feet in width :
- (6) In the event of the county authorities electing to proceed with and carry out the said widening or diversion the Company shall without any consideration being paid therefor convey to them so much of the lands delineated on the deposited plans and described in the deposited book of reference to the full extent of the limits of deviation shown thereon as would be necessary for the construction of Tramway No. 1 and the widening or diversion of the said Glasgow and Hamilton Highway if carried out in accordance

A.D. 1903.

with the deposited plans and for the purpose of enabling the county authorities to carry out the further widening or diversion of the said highway referred to in subsection (1) hereof the Company shall also if required and on terms approved by the county authorities purchase and convey to the county authorities at the price at which they have acquired the same so much more of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for the purpose of such widening or diversion.

Power to
county au-
thorities to
use Com-
pany's posts
&c.

10. The county authorities shall upon giving not less than fourteen days' notice to the Company of their desire to do so have the right to use any posts standards and brackets erected by the Company in any highway within the jurisdiction of the county authorities for the support of any gas electric or other lamps Provided that in the exercise of the powers of this section no such lamps shall be so placed as that any part thereof shall be within the minimum distance required by the regulations of the Board of Trade for the time being in force between the cars and any part of such posts standards or brackets and any additional cost which may thereby be imposed upon the Company shall be from time to time repaid to the Company by the county authorities The county authorities shall make good any damage done by them or their workmen servants or agents to any such posts standards and brackets or to the Company's wires and fittings suspended therefrom and shall indemnify and save harmless the Company from all claims and demands actions costs and expenses which the Company may incur to third parties by reason or arising out of such user The Company shall at the request of the county authorities and subject to the approval of the Board of Trade supply to the county authorities electricity for the purpose of lighting any lamps attached to the Company's posts standards or brackets under the provisions of this section upon such terms and conditions and at such price as may be agreed between the Company and the county authorities Any difference which may arise between the Company and the county authorities in regard to the matters in this section mentioned shall be determined by arbitration in the manner prescribed by the section of this Order the marginal note whereof is " For protection of county authorities in respect of tramways."

For pro-
tection of
corporation
of Hamilton.

11. The following provisions shall apply for the protection of the provost magistrates and town council (in this section called

“the corporation”) of the burgh of Hamilton (in this section called “the burgh”) unless otherwise agreed between the corporation and the Company and shall be in addition to all other provisions for the protection of the corporation and the burgh contained in the Act of 1900 or this Order :—

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- (1) It shall be obligatory upon the Company to complete the widening of Townhead Street Hamilton between the points described in the section of this Order whereof the marginal note is “Power to make road widenings &c.” and shown on the deposited plans before any portion of Tramway No. 10 is opened for public traffic and in carrying out such widening or in the construction of the said tramway the Company shall not without the consent of the corporation remove or interfere with the trees now standing on any ground acquired by the Company for the said widening :
- (2) The Company shall upon the passing of the resolution of the corporation hereinafter referred to either—
 - (A) Remove the posts or standards of the Company now standing in the centre of the streets of the burgh ; or
 - (B) Light such posts or standards during such period of each twenty-four hours as the corporation may reasonably require by means of eight-candle power incandescent lamps affixed to such posts or standards ; or
 - (C) Pay to the corporation the sum of one hundred and fifty pounds per annum to be applied by the corporation towards the cost of lighting the said posts or standards as they may be required by a resolution of the corporation to be passed within one month after the commencement of this Order and such resolution when passed shall be final and binding on the corporation and the Company and shall not be open to revision :

Provided that in the event of such resolution requiring the Company to pay to the corporation the said sum of one hundred and fifty pounds per annum the corporation shall from and after such payment be liable as between the Company and the corporation for any accident which may be proved to have been caused by the insufficient lighting of the said posts or standards and shall indemnify the Company against all claims and demands actions costs charges and expenses in respect of any such accident :

A.D. 1903.

- (3) The provisions of section 10 of the Act of 1900 shall apply to the posts standards or brackets to be erected by the Company in the streets within the burgh under the authority of this Order.

For pro-
tection of
burgh of
Wishaw.

12.—(1) In addition to any other provisions for the protection of the burgh of Wishaw contained in the Act of 1900 and in this Order the Company shall on their breaking ground for the construction of Tramway No. 9 so far as the said tramway is situate within the burgh of Wishaw pay to the provost magistrates and councillors of the said burgh (in this section called “the town council”) the sum of five hundred pounds which shall be applied by the town council in or towards the payment of the costs and charges to which the town council may be put in widening and improving the Kirk Road within the said burgh.

(2) The town council shall upon their giving not less than fourteen days’ notice to the Company of their desire to do so be entitled free of charge to the use of all or any posts and standards erected by the Company in any highway within the jurisdiction of the town council for fixing or placing thereon brackets or other apparatus and appliances for lighting purposes of the said burgh and any brackets apparatus or appliances shall be so fixed and placed to the reasonable satisfaction of the Company. Provided that in the exercise of the powers of this sub-section no such brackets apparatus or appliances shall be so placed as that any part thereof shall be within the minimum distance required by the regulations of the Board of Trade for the time being in force between the cars and any part of such posts or standards. And any additional cost which may thereby be imposed upon the Company shall be from time to time repaid to the Company by the town council. The town council shall make good any damage done by them or their workmen servants or agents to any such posts and standards or to the Company’s wires and fittings suspended therefrom and shall indemnify and save harmless the Company from all claims and demands actions costs and expenses which the Company may incur to third parties by reason or arising out of such user.

For pro-
tection of
burgh of
Motherwell.

13. The following provisions shall apply for the protection of the provost magistrates and councillors (in this section called “the corporation”) of the burgh of Motherwell (in this section called “the burgh”) unless otherwise agreed between the corporation and the Company and shall be in addition to all other provisions for the

protection of the corporation and the burgh contained in the Act of A.D. 1903.
1900 and this Order :—

- (1) The Company shall reconstruct and widen Coursington Bridge (but not the approaches thereto) to a clear width of at least forty feet six inches between the parapet walls :
- (2) The Company shall light all the centre poles in Windmillhill Street with eight-candle power incandescent lamps from one hour after sunset till one hour before sunrise and if centre poles are placed in Merry Street shall similarly light such centre poles Centre poles shall not be placed in Merry Street without the written consent of the corporation The corporation shall upon their giving not less than fourteen days' notice to the Company of their desire so to do have a right to use all poles erected by the Company in any highway within the corporation's jurisdiction for lighting purposes free of charge Provided that any brackets or other apparatus and appliances for that purpose shall be fixed and placed to the reasonable satisfaction of the Company and so that no part thereof shall be within the minimum distance required by the regulations of the Board of Trade for the time being in force between the cars and any part of such poles and that any additional cost which may thereby be imposed upon the Company shall be from time to time repaid to the Company by the corporation and that the corporation shall make good any damage done by them or their workmen servants or agents to any such poles or to the Company's wires and fittings suspended therefrom and shall indemnify and save harmless the Company from all claims and demands actions costs charges and expenses which the Company may incur to third parties by reason or arising out of such user :
- (3) The Company shall at their own expense when constructing Tramway No. 8 raise the level of the carriageway and footways of Merry Street so as to remove the hollow in that street at the part thereof between Leslie Street and Draffan Bank to the satisfaction of the corporation Provided that the Company shall not be required to make any alteration which will involve the payment of compensation to the owner lessee or occupier or any proprietor whose lands or premises abut on the said street :
- (4) If any question or difference shall arise between the Company and the corporation in respect of any matters in

A.D. 1903.
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this section referred to such question or difference shall failing agreement between the parties be referred to the decision of an arbiter to be named by the sheriff of the county of Lanark on the application of the Company or the corporation.

For pro-
tection of
burghs.

14. The provisions of section 7 of the Act of 1900 and of the section of this Order whereof the marginal note is “For protection of county authorities in respect of tramways” shall in respect of the tramways authorised by that Act and this Order so far as situate within the burghs extend and apply mutatis mutandis so far as applicable for the protection of the provost magistrates and councillors (in this section called “the corporation”) of each of the burghs and the roads streets highways sewers mains pipes aqueducts electrical apparatus and other works of the corporation of each of the burghs and shall be in addition to any other provisions contained in the Act of 1900 or this Order for the protection of the burghs and in construing the said sections the expression “county authorities” shall for the purposes of this section mean the corporation of such one of the burghs as the case may require.

Repeal of
section 79 of Act
of 1900.

15. Section 79 of the Act of 1900 is hereby repealed.

Payments to
county autho-
rities in cer-
tain events.

16. If in any year ending on the thirty-first day of December the net profits of the undertaking of the Company authorised by the Act of 1900 and this Order available for payment of dividends on the share capital of the Company shall be sufficient to pay a dividend at the rate of five per centum on such share capital the Company shall pay to the county authorities a sum calculated at the rate of fifty pounds for every mile of highway road or street on which any part of the tramways by this Order authorised is laid within the jurisdiction of the county authorities and after every additional one pound per centum of dividend beyond five per centum on the said share capital an additional sum of fifty pounds per mile calculated as aforesaid. Provided that the county authorities shall from time to time be entitled to be satisfied in regard to the ascertainment of profits available for dividends that the Company has not placed to reserve or laid aside for depreciation sums larger than are reasonable for these purposes and that in the event of a difference of opinion between the county authorities and the Company the matter shall be determined by a member of the Institute of Accountants and Actuaries in Glasgow to be appointed

by the president of that institute and that in case of it being at any time determined as in this section provided that the net profits of the Company were sufficient for payment of a dividend on such share capital of five per centum per annum or over the Company shall be bound to pay to the county authorities the sum or sums hereinbefore mentioned whether such dividend has in fact been paid or not. A.D. 1903.
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17. The Company shall on the first day of January after the commencement of this Order and on the same date in every year thereafter pay to the corporation of each of the burghs and to the county authorities in whose respective districts any part of the tramways authorised by the Act of 1900 is situate a sum calculated at the rate of fifty pounds for every mile of street highway or road on which a tramway authorised by the Act of 1900 is laid within the district of such corporation or county authorities as aforesaid and if in any year ending on the thirty-first day of December the net profits of the undertaking of the Company authorised by the Act of 1900 and this Order available for payment of dividends on the Company's share capital shall be sufficient to pay a dividend at the rate of five per centum on such share capital the Company shall pay to the corporation of each of the burghs and the county authorities an additional sum calculated at the rate of fifty pounds for every mile of street highway or road on which any part of such tramway is laid within the district of such corporation or county authorities and after every additional one pound per centum of dividend beyond five per centum on the said share capital a further sum of fifty pounds per mile calculated as aforesaid. Payments to
burghs and
county autho-
rities.

The Company shall on the first day of January next after the construction of any of the tramways authorised by this Order and on the same date in every year thereafter pay to the corporation of each of the burghs a sum calculated at the rate of fifty pounds for every mile of street highway or road on which a tramway authorised by this Order is laid within the district of such corporation and if in any year ending on the thirty-first day of December the net profits of the Company's undertaking authorised by the Act of 1900 and this Order available for payment of dividends on the Company's share capital shall be sufficient to pay a dividend at the rate of five per centum on such share capital the Company shall pay to the corporation of each of the burghs an additional sum calculated at the rate of fifty pounds for every mile of street highway or road on which any part of such tramways is laid within the district of such corporation and after every additional one pound per centum of

A.D. 1903. dividend beyond five per centum on the said share capital a further sum of fifty pounds per mile calculated as aforesaid :

Provided that the corporations of each of the burghs and the county authorities shall from time to time be entitled to be satisfied in regard to the ascertainment of profits available for dividend that the Company has not placed to reserve or laid aside for depreciation sums larger than are reasonable for these purposes and that in the event of a difference of opinion between any such corporation or the county authorities and the Company the matter shall be determined by a member of the Institute of Accountants and Actuaries in Glasgow to be appointed by the president of that institute and that in case of it being at any time determined as in this section provided that the net profits of the Company were sufficient for payment of a dividend on such share capital of five per centum per annum or over the Company shall be bound to pay to the corporations of each of the burghs and the said county authorities the additional sum or sums hereinbefore mentioned whether such dividend has in fact been paid or not :

Provided that the payments agreed to be made by this section in respect of any part of a highway road or street situated within the burgh of Wishaw shall be made to the county authorities but so long only as such county authorities continue to maintain and manage the said highways roads or streets or any part thereof and when and so soon as the said highways roads or streets within the said burgh are taken over by the corporation of the said burgh the payments in respect thereof shall be made to the said corporation.

For protection of
North British Railway
Company.

18. For the protection of the North British Railway Company (in this section called "the railway company") the following provisions shall have effect (that is to say) The works including widenings and alterations of roads connected with (1) the laying of Tramway No. 3A over the bridge carrying the public road known as the Uddingston Coal Road across the Hamilton and Bothwell Branch Railway of the railway company (2) the laying of Tramway No. 3B over the bridge carrying the Uddingston and Bothwell Road across the said branch railway and (3) the laying of Tramway No. 5A over the bridge carrying the said Uddingston and Bellshill Road over the Bothwell and Coatbridge Branch Railway of the railway company shall be carried out under the supervision and to the reasonable satisfaction of the engineer of the railway company and according to working plans sections and specifications to be submitted to and approved by him previous to the commencement of the work but the Company may proceed with the said works unless within

fourteen days after the plans are so submitted the railway company shall state any objections to such plans and any such objections shall failing agreement be settled by an arbiter to be agreed on or failing agreement to be appointed by the sheriff of the county of Lanark and such works shall be thereafter maintained by and at the cost of the Company and in case in consequence of additional weight having to be put on the said bridges owing to or for any other reason arising from the laying or existence of the said Tramways No. 3A No. 3B and No. 5A it may be necessary to alter or strengthen their structure the Company shall bear the whole expense of such alteration or strengthening and the work thereof shall be carried out by the Company in accordance with plans and sections and specifications to be submitted to and approved of by the engineer of the railway company in the manner and subject to the decision of the arbiter to be appointed as hereinbefore provided and shall thereafter be maintained by and at the cost of the Company.

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19.—(1) Before commencing any works or operations affecting any railway or bridge of the Caledonian Railway Company (in this section called “the railway company”) or works connected therewith or the roadway thereon or thereunder or the approaches thereto the Company shall submit plans sections working drawings and specifications of such works or operations to the railway company for their approval and the said works and operations shall be constructed and carried on in conformity only with said plans sections working drawings and specifications at the sight and to the reasonable satisfaction of the railway company’s engineer and such works shall thereafter be maintained and repaired by the Company under his superintendence Provided that the approval of the railway company as aforesaid shall not be unreasonably withheld and that it shall be deemed to have been given unless the railway company signify their disapproval within fourteen days after submission of the said plans sections working drawings and specifications.

For protection of
Caledonian
Railway
Company.

(2) The Company shall not in the construction maintenance or use of the tramways over or under any railway of the railway company injure alter or interfere with the structure of any bridge of the railway company or of any of the works of the railway company or cause any interruption to or interference with the traffic on the railways.

(3) If in constructing any of the tramways by this Order authorised the Company lower the level of any road where such

A.D. 1903. — road passes under any railway of the railway company the Company shall underpin or otherwise strengthen the bridge carrying the railway over such road and such underpinning or strengthening of any such bridge shall be executed at the sole cost of the Company and at the sight and to the satisfaction of the railway company's engineer for the time being and the Company shall pay to the railway company all expenses incurred by the railway company in connection with such underpinning or strengthening of such bridge including the expense of inspectors signalmen watchmen and others and all extra precautions for the safety and working of traffic necessitated by the Company's works or operations.

(4) The Company in constructing Tramway No. 3B shall not construct any passing-place stopping-place or siding nearer than twenty yards to the entrance to the railway company's passenger and goods stations at Bothwell.

(5) If in consequence of additional weight being put on any bridge of the railway company or if for any other reason arising from the construction or existence of any of the said tramways it may be necessary to reconstruct or alter or strengthen the structure of any such bridge the Company shall bear the whole expense of such reconstruction alteration or strengthening and the work thereof shall be carried out by the Company at the sight and to the satisfaction of the railway company's engineer and the work of such reconstruction alteration or strengthening shall thereafter be maintained by and at the cost of the Company and at the sight and to the satisfaction of the railway company's engineer.

(6) In the event of the railway company consenting to the electric wires of the Company being attached to the underside of any bridge of the railway company such attachment shall be made to the satisfaction of the engineer of the railway company and so as not to injure the said bridge.

(7) If any injury to or interference with any bridge or works of the railway company or any interruption to the traffic on the railways shall arise or be occasioned at any time by the works or operations of the Company they shall forthwith make good or remove such injury interference or interruption at their own expense or the railway company may execute the necessary works for that purpose at the expense of the Company and the Company shall repay to the railway company all costs and expenses incurred by them in so doing and all loss or damage sustained by the railway company in consequence of such injury interference or interruption.

A.D. 1903.

(8) Nothing in this Order contained or which may be done in pursuance thereof shall prevent the railway company from maintaining and repairing and when necessary altering or reconstructing any bridge or other works of the railway company without interference on the part of the Company and without incurring any liability to the Company or to any party working or using the tramways for any loss injury damage expense or interruption of traffic which may arise from such maintenance repair alteration or reconstruction and any extra expense which the railway company may incur in such maintenance repair alteration or reconstruction by reason of the construction or existence of the tramway shall be paid by the Company. Provided that all such operations shall be executed by the railway company in such manner as to cause as little interruption or inconvenience as practicable to the traffic on the tramway and the railway company shall give fourteen days' notice in writing to the Company before commencing any such operations and 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. Provided also that if required by the railway company for the purpose of maintaining repairing altering or reconstructing any bridge the Company shall deviate so much of the tramway as may be necessary for that purpose on receiving fourteen days' notice in writing from the railway company and in the event of the Company failing to deviate such portion of the tramway within such period the railway company shall be entitled without further notice to deviate the same and all expense incurred in doing so shall be paid by the Company.

(9) If any difference shall arise between the Company and the railway company or their engineer under any of the preceding subsections as to any plans sections working drawings and specifications or as to any works or the method of executing the same or as to any costs or expenses referred to in this section the same shall be determined by an engineer to be agreed upon between the Company and the railway company or failing agreement to be nominated by the Board of Trade on the application of either party and the costs of the reference shall be borne and paid as such engineer shall direct.

20. Nothing in this Order shall extend to or authorise any interference with electric lines conduits or works of the Clyde Valley Electrical Power Company except in accordance with and subject to the provisions of sections 15 and 17 of the Electric

For protection of Clyde Valley Electrical Power Company.

A.D. 1903. Lighting Act 1882 and sections 17 18 and 77 of the Schedule to the Electric Lighting (Clauses) Act 1899.

Agreements
as to contri-
butions by
Company to
road widen-
ings &c.

21. The Company may enter into and carry into effect agreements with any local or road authority with reference to the contribution by the Company towards the cost of carrying out the diversion widening and improvement of streets or highways and other public works and the execution of works affecting streets or highways within the district of such local or road authority in which any part of the tramways may be situate.

Deposit fund
not to be
repaid until
tramways
opened.

22. 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 ten thousand nine hundred and sixteen pounds being five per centum on the amount of the estimate in respect of the tramways and the tramroad originally proposed to be authorised by this Order has been deposited with the King's and Lord Treasurer's Remembrancer of the Court of Exchequer in Scotland in respect of the application for this Order And whereas the sum of eight thousand nine hundred and forty-six pounds part of the said sum of ten thousand nine hundred and sixteen pounds is equal to five per centum on the amount of the estimate in respect of the tramways described in the section of this Order of which the marginal note is "Power to make tramways" (which tramways are in this section and the next succeeding section referred to as "the tramways") and the sum of one thousand nine hundred and seventy pounds the remainder thereof is equal to five per centum on the amount of the estimate in respect of certain tramways and the said tramroad which were struck out of the Order during its progress Be it enacted that notwithstanding anything contained in the Parliamentary Deposits Act 1846 the said sum of eight thousand nine hundred and forty-six pounds (which sum is in this Order referred to as "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 tramways 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 : A.D. 1903.

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 said portion of the deposit fund so specified in such certificate as aforesaid 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 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 Parliamentary Deposits Act 1816 to the contrary notwithstanding.

23. If the Company do not previously to the expiration of the period limited by this Order 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 may have 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 part of the tramways or any 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 shall be 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

Application
of deposit.

A.D. 1903. — 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 judicial 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 hereinbefore mentioned any interest or dividends accruing thereon shall as and when the same become payable be paid to or on the application of the depositors.

Release of
deposit in
respect of
tramroad.

24. On the application of the depositors at any time after the commencement of this Order the Court of Exchequer in Scotland may order that the said sum of one thousand nine hundred and seventy pounds the remainder of the said sum of ten thousand nine hundred and sixteen pounds so deposited as aforesaid over and above the deposit fund shall be transferred or paid to the depositors or as they shall direct.

Period for
completion
of tramways.

25. The Company shall within one year after the commencement of this Order substantially commence the works authorised by this Order and the tramways described in the section of this Order of which the marginal note is "Power to make tramways" shall be completed within five years from the commencement of this Order and on the expiration of that period the powers by this Order granted to the Company for executing the same or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

Mode of
formation of
tramways.

26. Subject to the provisions of this Order every tramway to be made or laid down under this Order shall be constructed with two rails on a gauge of four feet seven and three-quarters inches and shall be laid and maintained in such a manner that the uppermost surface of the rails shall be on a level with the surface of the street or highway.

Company
may reduce
footpath.

27. The Company may with the consent of the road authority increase the roadway of any street or highway in which any of the tramways are to be laid to such extent as may be necessary to leave a space of nine feet and six inches between the outside of the footpath on each or either side of such street or highway and the nearest rail of the tramway by reducing the width of the footpath on each or either side of such street or highway provided that no

footpath be so reduced in width as to be less than six feet wide and upon any such alteration being made as provided by this section the Company shall kerb channel and pave the footpath so reduced and causeway and complete the roadway with such materials as the road authority may require and to their satisfaction.

A.D. 1903.

28. The aforesaid streets highways and bridge as so widened and altered shall (subject to the provisions of the Tramways Act 1870 and of this Order as to the repair by the Company of part of highways in which tramways are laid) be and continue vested in and repairable by and under the control and management in all respects of the authority having now the control and management of such streets highways and bridge.

As to repair
of widened
and altered
streets and
bridge.

29. Subject to the provisions of this Order and within the limits defined on the deposited plans the Company in connection with the widenings or alterations of streets and highways by this Order authorised and as part and for the purposes thereof may make junctions and communications with any existing streets which may be intersected or interfered with by or contiguous to the widenings or alterations of streets and highways by this Order authorised and may make diversions or alterations of the lines or levels of any existing streets for the purpose of connecting the same with the altered street or highway or of crossing under or over the same or otherwise but full compensation shall be made to the owners and occupiers (if any) whose property shall be injuriously affected by the exercise of the powers of this section :

Power to
make subsi-
diary works
in connection
with street
works.

Provided that nothing in this section shall extend to authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Acts 1882 and 1888 to which the provisions of section 15 of the former Act apply.

30. The Company may for any purpose in connection with the widenings or alterations of streets and highways by this Order authorised upon any lands acquired by them under the powers of this Order and also in any street within the limits of deviation shown on the deposited plans raise sink or otherwise alter the position of any sewer drain channel water pipe gas pipe or hydraulic pipe belonging to or connected with any house or building adjoining or near to such works and also any main or other pipe laid down or used by any company for carrying a supply of gas or for hydraulic purposes or any pipe tube wire or apparatus laid down or used for telegraphic telephonic or electric purposes and may remove any other obstruction making proper substituted works during any

Power to
alter drains
pipes &c.

A.D. 1903. alteration and causing as little detriment and inconvenience as circumstances admit and making reasonable compensation to any company or person who suffers damage by such alteration :

Provided that the Company shall not raise sink or otherwise alter or interfere with any pipe tube wire or other apparatus laid down or used for telegraphic or telephonic purposes by His Majesty's Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878 Provided also that nothing in this section shall extend to authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Acts 1882 and 1883 to which the provisions of section 15 of the former Act apply.

As to
stopping up
diverted
portions of
road.

31. When and so soon as the diversion of the Hamilton approach of the Prior Bridge in the parish of Blantyre by this Order authorised is made to the reasonable satisfaction of the county authorities and is open for public use the Company may stop up and cause to be discontinued as a road so much of the existing approach as will be rendered unnecessary by the said diversion and when and so soon as such portion of the existing approach is so stopped up all rights of way over the same shall cease and the Company may appropriate and use for the purposes of their undertaking the site of the portion of the approach so stopped up.

Company
may lop
trees over-
hanging
public high-
way.

32. The Company may cut and lop any trees planted in or near any highway along which the tramways or the tramway authorised by the Act of 1900 are laid which may in any way interfere with the construction or working of such tramways or the trolley wires or the clear and safe passage of carriages and passengers thereon doing no unnecessary damage to the trees and making compensation to any persons who may sustain damage by the exercise of the powers conferred by this section :

Provided that except in cases of emergency the Company shall give written notice to the owners or reputed owners or their known agents or factors eight days before exercising the said powers.

Penalty for
malicious
damage.

33. If any person wilfully does or causes to be done with respect to any apparatus used for or in connection with the working of any of the tramways by this Order authorised or the tramway authorised by the Act of 1900 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 such tramway shall be liable to a penalty not exceeding twenty pounds. A.D. 1903.

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

35. The powers of the Company for the compulsory purchase of lands for the purposes of this Order shall cease after the expiration of five years from the commencement of this Order. Period for
compulsory
purchase of
lands.

36. In addition to the lands which the Company may acquire compulsorily under this Order the Company may purchase and acquire by agreement any lands not exceeding in the whole ten acres and may erect and hold offices buildings and other conveniences on any such lands and may from time to time by agreement take servitudes over lands. Provided always that nothing in this Order contained shall exempt the Company from any action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any land taken under the powers of this section. Lands by
agreement.

37. And whereas in the construction of the works hereby authorised or otherwise in exercise of the powers of this Order it may happen that portions only of the properties shown on the deposited plans may be sufficient for the purposes of the same and that such portions may be severed from the remainder of the said properties without material detriment thereto. Therefore notwithstanding section 90 of the Lands Clauses Consolidation (Scotland) Act 1845 the owners of and other persons interested in the properties described in the Schedule to this Order and whereof parts only are required for the purposes of this Order may if such portions can in the opinion of the jury arbiter or other authority to whom the question of disputed compensation shall be submitted be severed from the remainder of such properties without material detriment thereto be required to sell and convey to the Company the portions only of the premises so required without the Company being obliged or compellable to purchase the whole or any greater portion thereof the Company paying for the portions required by them and making compensation for any damage sustained by the owners thereof and other parties interested therein by severance or otherwise. Owners may
be required
to sell parts
only of cer-
tain proper-
ties.

A.D. 1903.

—
Restrictions
on displacing
persons of
labouring
class.

38.—(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 or have been since that day or shall hereafter be occupied either wholly or partly by persons belonging to the labouring class as tenants or lodgers unless and until—

(A) They shall have obtained the approval of the Secretary for Scotland to a scheme for providing new dwellings for such number of persons as were residing in such houses on the said fifteenth day of December or for such number of persons as the Secretary for Scotland shall after inquiry deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the circumstances of the case; and

(B) They shall have given security to the satisfaction of the Secretary for Scotland for the carrying out of the scheme.

(2) The approval of the Secretary for Scotland to any scheme under this section may be given either absolutely or conditionally and after the Secretary for Scotland has approved of any such scheme he may approve either absolutely or conditionally of any modifications in the scheme.

(3) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out and shall require the new dwellings proposed to be provided under the scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced :

Provided that the Secretary for Scotland may dispense with the last-mentioned requirement subject to such conditions (if any) as he may see fit.

(4) Any provisions of any scheme under this section or any conditions subject to which the Secretary for Scotland may have approved of any scheme or of any modifications of any scheme or subject to which he may have dispensed with the above-mentioned requirement shall be enforceable by an order of the Court of Session to be obtained by the Secretary for Scotland.

(5) If the Company acquire or appropriate any house or houses for the purposes of this Order in contravention of the foregoing provisions or displace or cause to be displaced the persons residing

in any house or houses in contravention of the requirements of the scheme 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. A.D. 1903.
—

(6) For the purposes of carrying out any scheme under this section the Company may appropriate any lands for the time being belonging to them or which they have power to acquire and may purchase such further lands as they may require and for the purposes of any such purchase section 145 of the Public Health (Scotland) Act 1897 shall be incorporated with this Order and shall apply to the purchase of lands by the Company for the purposes of any scheme under this section in the same manner in all respects as if the Company were a local authority within the meaning of that Act and the scheme were one of the purposes of that Act.

(7) The Company may on any lands belonging to them or purchased or acquired under this section or under any Provisional Order issued in pursuance of this section erect such dwellings for persons of the labouring class as may be necessary for the purpose of any scheme under this section and may sell demise or let or otherwise dispose of such dwellings and any lands purchased or acquired as aforesaid and may apply for the purposes of this section to which capital is properly applicable or any of such purposes any moneys which they may be authorised to raise or apply for the general purposes of their undertaking :

Provided that all lands on which any buildings have been erected or provided in pursuance of any scheme under this section shall for the period of twenty-five years from the date of the scheme be appropriated for the purpose of such dwellings and every conveyance demise or lease of such lands and buildings shall contain proper restrictions to secure during such period of twenty-five years the use of the buildings on such lands for the purpose of such dwellings and shall be endorsed with notice of this enactment :

Provided that the Secretary for Scotland may at any time dispense with all or any of the requirements of this subsection subject to such conditions (if any) as he may see fit.

(8) The Secretary for Scotland may direct any inquiries to be held which he may deem necessary in relation to any scheme under this section and he and any person appointed by him to hold inquiry shall have and may exercise for any purpose in connection with any

A.D. 1903. — scheme under this section all or any of the powers vested in them respectively under the Public Health (Scotland) Act 1897 in the same manner in every respect as if the preparation and carrying into effect of such scheme were one of the general purposes of that Act.

(9) The Company shall pay to the Secretary for Scotland any expenses incurred by him in relation to any inquiries under this section including the expenses of any witnesses summoned by the person appointed to hold any such inquiry and a sum to be fixed by the Secretary for Scotland not exceeding three guineas a day for the services of the person so appointed.

(10) Any houses purchased or acquired by the Company for or in connection with any of the purposes of this Order whether purchased or acquired in exercise of the powers conferred by this Order or otherwise and whether before or after the passing of this Order which may have been occupied by persons of the labouring class within five years before the passing of this Order and for which houses no substitutes have been or are directed to be provided by any scheme approved by the Secretary for Scotland under the powers of any previous Act shall for the purposes of this section be deemed to have been acquired under the powers of this Order and to have been occupied on the fifteenth day of December last by the same number of persons belonging to the labouring class as were occupying the said houses at the date of their acquisition. Provided that if the Secretary for Scotland is unable to ascertain the number of such persons who were then occupying the said houses the said houses shall be deemed to have been occupied by such number of such persons as in the opinion of the Secretary for Scotland they might have been sufficient to accommodate.

(11) 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.

Power to use
electrical
energy and

39. Subject to the provisions of this Order the Company may use electrical energy supplied from any generating station belonging

to them for the working of the tramways thereby and the Company may lay down construct erect and maintain on in under or over the surface of any street highway road or public place such posts conductors wires tubes mains plates cables ropes and apparatus and may make and maintain such openings and ways in on or under any such surface as may be necessary or convenient either for the working of the tramways or for connecting any portions of any such tramways or for providing access to or forming connections with any generating stations engines machinery or apparatus and shall restore to the reasonable satisfaction of the local or road authorities such street highway road or public place.

A.D. 1903.

erect
electrical
apparatus on
tramways.

40. The provisions of sections 26 to 33 and 41 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 electrical power were parts of the tramway.

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

41. The Company may with the consent of the owner of any building and of the local authority attach to that building such brackets wires and apparatus as may be required for the working of the tramways by electrical power Provided that—

Attachment
of brackets
to buildings.

(1) 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 having regard to the character of the building and to the other circumstances of the case to allow the attachment subject to such terms as to compensation or rent and otherwise as he may think reasonable or to disallow the same and may determine by which of the parties the costs of the appeal are to be paid :

(2) 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 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) :

A.D. 1903.
—

(3) 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.

Certain provisions of Act of 1900 incorporated.

42. Subject to the provisions of this Order the provisions contained in the following sections of the Act of 1900 are incorporated with this Order and shall apply to the tramways as if those provisions had been expressly re-enacted in this Order with reference thereto and in construing those provisions for the purposes of this Order the expression “the tramways” or “the tramway” shall mean the tramways and the expression “this Act” shall mean this Order (that is to say):—

- Section 48 Tramways to be kept on level of surface of road ;
- Section 49 Plan of proposed mode of construction ;
- Section 50 As to rails of tramways ;
- Section 51 Penalty for not maintaining rails and roads ;
- Section 52 Local authority to have access to sewers ;
- Section 53 Passing-places to be constructed where less than a certain width left between footway and tramway ;
- Section 54 Power to make additional crossings &c.—Power to lay double in place of single line and vice versâ ;
- Section 55 Temporary tramways to be made where necessary ;
- Section 56 Application of road materials excavated in construction of works ;
- Section 63 As to posts standards and brackets ;
- Section 65 Provisions as to motive power ;
- Section 66 Special provisions as to use of electrical power as motive power ;
- Section 67 Regulations by Board of Trade ;
- Section 68 Power of local authority and Company to make byelaws ;
- Section 69 For protection of Postmaster-General ;
- Section 70 Agreements as to supply of electrical power ;
- Section 71 Tolls for passengers ;
- Section 72 As to fares on Sundays and holidays ;
- Section 73 Passengers' luggage ;

Section 75	Cheap fares for labouring classes ;	A.D. 1903.
Section 77	Payment of rates and charges ;	—
Section 78	Periodical revision of rates and charges ;	
Section 81	Amendment of Tramways Act 1870 as to byelaws by local authority ;	
Section 82	Orders and byelaws ;	
Section 83	Recovery of penalties ;	
Section 84	Provisions as to arbitration ;	
Section 85	Form and delivery of notices :	

Provided always that from and after the commencement of this Order section 84 of the Act of 1900 shall be read and construed as if the Arbitration (Scotland) Act 1894 had been referred to therein instead of the Arbitration Act 1889.

43. Section 69 (For protection of Postmaster-General) of the Act of 1900 shall be and is hereby amended as follows :—

For further
protection of
Postmaster-
General.

(A) Subsection (3) thereof shall be read as if the words within brackets “or the laying of lines crossing the lines 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 ” were omitted and such words shall be deemed to be omitted from the said subsection :

(B) The following provision shall have effect in addition to and shall be read with the provisions contained in the said section :—

If any telegraphic line of the Postmaster-General situate within one mile of any portion of the works of the Company is injuriously affected and he is of opinion that such injurious affection is or may be due to the construction of the Company’s works or to the working of their undertaking the Engineer-in-Chief of the Post Office or any person appointed in writing by him may at all times when electrical energy is being generated by the Company enter any of the Company’s works for the purpose of inspecting the Company’s plant and the working of the same and the Company shall in the presence of such Engineer-in-Chief or such appointed person aforesaid make any electrical tests required by the Postmaster-General and shall produce for the inspection of the Postmaster-General the records kept by the Company pursuant to the Board of Trade regulations.

A.D. 1903.

Agreements
for working
tramways
&c.

44. The Company on the one hand and any local authority company or person owning or working any tramways tramroads or light railways which can be worked or used in connection with the tramways on the other hand may enter into and carry into effect agreements with respect to the use maintenance management repair working and leasing of their respective tramways tramroads and light railways and the placing and running by the working party under and during the continuance of any agreement for the working of the respective tramways tramroads and light railways of the contracting parties of carriages thereon necessary for the purposes of such agreement and with respect to the conveyance and interchange of traffic and the payment collection division and apportionment of the tolls rates and charges in respect thereof.

Foregoing
charges not
to apply to
special
carriages.

45. The Company may enter into agreements with other parties for the use of special carriages on extraordinary occasions and in such case the restrictions as to the charges to be made for passengers contained in sections 71 and 72 of the Act of 1900 shall not apply.

Company
not to carry
goods &c.

46. The Company shall not carry on the tramways any goods animals or things other than passengers and passengers' luggage not exceeding the weight mentioned in section 74 of the Act of 1900 and small parcels not exceeding fifty-six pounds. Notwithstanding anything in section 74 of the Act of 1900 to the contrary the Company may carry on the tramway authorised by that Act small parcels not exceeding fifty-six pounds in weight.

Small
parcels.

47. Section 76 of the Act of 1900 is hereby repealed and in lieu thereof the following provisions shall have effect (that is to say) The Company may demand and take in respect of every small parcel conveyed by them on the tramways or on the tramway authorised by the Act of 1900 including every expense incidental to the conveyance (except a reasonable sum for collection and delivery of such parcels and any other service incidental to the business of a carrier when such service is performed by the Company) any rates or charges not exceeding the following:—

For any parcel not exceeding seven pounds in weight three-pence :

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 : A.D. 1903.

Provided that if the Company run special cars for the carriage of parcels there shall be no collection or delivery on the journey but such special cars shall only be run from one depôt to another.

48. Section 80 of the Act of 1900 is hereby repealed.

Repeal of
section 80 of
Act of 1900.

49.—(1) As regards the tramways authorised by the Act of 1900 whether within the areas under the jurisdiction of the burghs or the county council respectively and so much of the tramways authorised by this Order as are situate in the burghs (all which tramways are in this section referred to as “the said undertaking”) if each of the local authorities in whose districts the said undertaking is situate by resolution passed in manner prescribed by section 43 of the Tramways Act 1870 so decide the said authorities may within six months after the expiration of a period of twenty-five years from the date of the commencement of this Order or within six months after the expiration of a further period of seven years with the approval of the Board of Trade by notice in writing require the Company to sell to such local authorities acting jointly and thereupon the Company shall sell to them the said undertaking upon terms of their paying the fair market value thereof as a going concern but without any allowance for compulsory purchase such value to be in case of difference determined by an engineer or other fit person nominated as referee by the Board of Trade on the application of the local authorities acting jointly as aforesaid or by the Company and the expenses of the reference shall be borne and paid as the referee directs.

Purchase by
the burghs
and county
council.

(2) If each of the said local authorities by resolution passed as aforesaid so decide the said authorities may within six months after the expiration of a period of thirty-five years after the commencement of this Order or within six months after the expiration of every subsequent period of seven years with the approval of the Board of Trade by notice in writing require the Company to sell and thereupon the Company shall sell to such local authorities acting jointly the said undertaking upon terms of their paying a sum equal to the then value of the said undertaking such value to be determined upon the basis and in the manner prescribed for the purchase of a tramway by a local authority by section 43 of the Tramways Act 1870.

(3) Provided always that if the said local authorities acting jointly do not within the said period of six months after any of

A.D. 1903. — the afore-mentioned periods respectively exercise their option of purchasing the said undertaking any one or more of such local authorities who shall in terms of this section elect to purchase may within three months after the expiration of any such period of six months with the consent of the Board of Trade and subject to the passing of such resolutions or resolution (as the case may be) as aforesaid either jointly with the other local authorities so electing or by themselves if they are the only local authority so electing by notice in writing require the Company to sell to them and thereupon the Company shall sell to them the said undertaking subject to the provisions of and on the terms set forth in this section with respect to joint purchase.

(4) Such local authorities or local authority may pay the purchase-money and all expenses incurred by them in the purchase of the said undertaking out of the like rate and shall have the like powers to borrow on the security of the same as if such expenses were incurred in applying for obtaining and carrying into effect a Provisional Order obtained by them under the Tramways Act 1870 Where any local rate is limited by law to a certain amount and is by reason of such limitation insufficient for the payment of such purchase-money and expenses the Board of Trade may extend the limit of such local rate to such amount as they shall think fit and prescribe for the payment of such purchase-money and expenses.

(5) When any sale has been made to any local authorities or local authority under the provisions of this section all the rights powers and authorities of the Company in respect to the said undertaking sold shall be transferred to vested in and may be exercised by the authorities or authority to whom the same has been sold in like manner as if the tramways were constructed by such authorities or authority under the 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 Company Provided that section 19 of the Tramways Act 1870 in so far as it relates to any local authority placing or running carriages upon the tramways and demanding and taking tolls and charges in respect of the use of such carriages shall not apply in the case of any such sale or transfer.

(6) Nothing in this Order contained shall make it obligatory upon the Company to sell any part of the tramways to any local authority or local authorities unless at the same time the whole

of the said undertaking is purchased by a local authority or local authorities as hereinbefore provided. A.D. 1903.

50.—(1) As regards so much of the tramways authorised by this Order as are situate outside the burghs of Hamilton Motherwell and Wishaw (all which tramways are in this section referred to as “the said undertaking”) if the county council in manner prescribed by section 43 of the Tramways Act 1870 so decide the said council may within six months after the expiration of a period of thirty-five years from the date of the commencement of this Order or within six months after the expiration of a further period of seven years with the approval of the Board of Trade by notice in writing require the Company to sell to the said council and thereupon the Company shall sell to the said council the said undertaking upon terms of their paying the fair market value thereof as a going concern but without any allowance for compulsory purchase such value to be in case of difference determined by an engineer or other fit person nominated as referee by the Board of Trade on the application of the said council or of the Company and the expenses of the reference shall be borne and paid as the referee directs.

Purchase
by county
council of
tramways
outside
burghs.

(2) If the said council by resolution passed as aforesaid so decide they may within six months after the expiration of a period of forty-nine years from the commencement of this Order or within six months after the expiration of every subsequent period of seven years with the approval of the Board of Trade by notice in writing require the Company to sell and thereupon the Company shall sell to the said council the said undertaking upon terms of their paying a sum equal to the then value of the said undertaking such value to be determined upon the basis and in the manner prescribed for the purchase of a tramway by a local authority by section 43 of the Tramways Act 1870.

(3) The said council may pay the purchase money and all expenses incurred by them in the purchase of the said undertaking out of the like rate and shall have the like powers to borrow on the security of the same as if such expenses were incurred in applying for obtaining and carrying into effect a Provisional Order obtained by them under the Tramways Act 1870 Where any local rate is limited by law to a certain amount and is by reason of such limitation insufficient for the payment of such purchase money and expenses the Board of Trade may extend the limit of such local rate to such amount as they shall think fit and prescribe for the payment of such purchase money and expenses.

A.D. 1903.

(4) When any sale has been made to the said council under the provisions of this section all the rights powers and authorities of the Company in respect to the said undertaking shall be transferred to vested in and may be exercised by the said council in like manner as if the tramways were constructed by the said council under the 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 Company. Provided that section 19 of the Tramways Act 1870 in so far as it relates to any local authority placing or running carriages upon the tramways and demanding and taking tolls and charges in respect of the use of such carriages shall not apply in the case of any such sale or transfer.

Arrange-
ments to be
made for
interchange
of traffic.

51. No purchase under either of the preceding two sections shall take effect until such arrangements shall be made as may be approved by the Board of Trade for a scheme or schemes for working the tramways so purchased and for the interchange of traffic between such tramways and any other tramways tramroads or light railways owned leased or run over by the Company at the time of such purchase and an instrument has been properly executed in a form approved by the Board of Trade for carrying into effect such arrangements.

Provision for
mutual facili-
ties over
tramways of
Company
and other
bodies.

52. If at any time hereafter any junction shall be formed between the tramways of the Company and the tramways tramroads or light railways of any other company authority corporation or person the Company shall if so required by such other company authority corporation or person afford facilities for the running of through cars over their tramways and over the tramways tramroads or light railways of such other company authority corporation or person. The terms and conditions upon which such facilities shall be afforded and the portions of the undertakings of the respective parties over which they are to be exercised shall unless otherwise agreed be determined on the application of either party by the Board of Trade.

Power to
apply exist-
ing funds.

53. The Company may from time to time apply towards any of the purposes of this Order to which capital is properly applicable any moneys which they have raised or may hereafter raise under the Act of 1900 and which may not be required for the purposes of that Act.

Power to
raise addi-
tional capital.

54. The Company may subject to the provisions of Part II of the Companies Clauses Act 1863 raise any additional capital not exceeding in the whole two hundred and sixteen thousand pounds

by the creation and issue at their option of new ordinary shares or stock or preference shares or stock or wholly or partially by any one or more of those modes respectively but the Company shall not issue any share of less nominal value than ten pounds nor shall any share vest in the person accepting the same unless and until a sum not being less than one fifth of the amount of such share shall have been paid in respect thereof Any such preference shares or stock may be issued with such rights as between such preference shares or stock and any ordinary shares or stock of the Company to priority in distribution of assets as may be fixed by the meeting of the Company at which it shall be determined to issue any portion of such additional capital as preference capital Provided always that the terms and conditions on which such preference shares or stock are or is issued shall be stated on the certificates thereof.

A.D. 1903.

55. The capital in new shares or stock created by the Company under this Order and the new shares or stock therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that capital were part of the now existing capital of the Company of the same class or description and the new shares or stock were shares or stock in that capital.

As to new
shares or
stock.

56. Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any new shares or stock to which a preferential dividend shall be assigned.

Restriction
as to votes in
respect of
preferential
shares or
stock.

57. The provisions contained in sections 20 to 27 of the Act of 1900 with reference to the division of the shares in the capital by that Act authorised into half-shares shall extend and apply to the shares in the additional capital by this Order authorised issued as ordinary shares as if the same had been re-enacted in this Order with reference thereto.

Extending
to additional
capital pro-
visions of
Act of 1900
as to dividing
shares.

58. The Company may in respect of the additional capital of two hundred and sixteen thousand pounds which they are by this Order authorised to raise borrow on mortgage of the undertaking any sums not exceeding in the whole seventy-two thousand pounds and of that sum they may borrow from time to time not exceeding eighteen thousand pounds in respect of each fifty-four thousand pounds of the said additional capital but no part of any of the said sums of eighteen thousand pounds shall be borrowed until shares for so much of the respective portion of the said additional capital as is to be raised by means of shares are issued and accepted and

Power to
borrow.

A.D. 1903. — one half of such portion of capital 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 of capital 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 until stock for one half of so much of the said portion of additional capital as is to be raised by means of stock is fully paid up and the Company have proved to such sheriff as aforesaid before he so certifies that such shares or stock as the case may be were issued and accepted and to the extent aforesaid paid up bonâ fide and are held by the persons to whom the same were issued or their executors administrators successors or assigns and also that so far as the portion of additional capital is raised by shares 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.

For appoint-
ment of a
judicial
factor.

59. Section 34 of the Act of 1900 with reference to the appointment of a judicial factor is hereby repealed (without prejudice to any appointment theretofore made or proceedings then pending) and 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 five thousand pounds in the whole.

Company not to
create debenture
stock.

60. The Company shall not create debenture stock.

Receipt in
case of per-
sons not sui
juris.

61. 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 curator or curator bonis shall be a sufficient discharge to the Company.

Mortgage
to comprise
purchase-
money paid
on compul-
sory sale.

62. Every mortgage granted under this Order shall be deemed to comprise all purchase-money which may be paid to the Company in the event of a compulsory sale to a local authority under either of the sections of this Order of which the respective marginal notes

are “Purchase by the burghs and county council” and “Purchase by county council of tramways outside burghs” and may comprise all or any moneys carried to the contingency fund according to the terms of the mortgage and every such mortgage shall be endorsed with notice that the mortgage will not be a charge upon the tramways or the undertaking in the event of such sale. A.D. 1903.
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63. All mortgages granted by the Company before the commencement of this Order in pursuance of the powers of the Act of 1900 and which shall be subsisting at the time of the commencement of this Order shall during the continuance of such mortgages and subject to the provisions of the Act of 1900 have priority over any mortgages to be granted by virtue of this Order. Existing mortgages to have priority.

64. 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. Moneys borrowed on mortgage to have priority.

65. All moneys raised under this Order whether by shares stock or borrowing shall be applied only to the purposes of this Order and other the general purposes of the Company being in all cases purposes to which capital is properly applicable. Application of moneys.

66. From and after the commencement of this Order the name of the Company shall be the Lanarkshire Tramways Company instead of their present name of the Hamilton Motherwell and Wishaw Tramways Company. Change of name of Company.

The provisions of Part IV (relating to change of name) of the Companies Clauses Act 1863 are incorporated with and form part this Order.

67. Notwithstanding anything in this Order or any Act or Acts incorporated herewith contained it shall be lawful for the Company to pay out of any money by this Order authorised to be raised interest at such rate not exceeding three pounds per centum per annum as the directors of the Company may determine to any holder of any shares or stock in the additional capital of the Company on the amount from time to time paid up on such shares Power to pay interest out of capital during construction.

A.D. 1903. — or stock held by him from the respective times of such payments until the expiration of five years from the commencement of this Order or such less period as the said directors may determine but subject always to the conditions hereinafter stated (that is to say) :—

- (A) No such interest shall begin to accrue until the Company shall have deposited with the Board of Trade a statutory declaration by two of the directors and the secretary of the Company that two thirds at least of the share capital authorised by this Order in respect of which such interest may be paid has been actually issued and accepted and is held by shareholders or stockholders who or whose executors administrators or assigns are legally liable for the same :
- (B) No such interest shall accrue in favour of any shareholder or stockholder for any time during which any call on any of his shares or stock is in arrear :
- (C) The aggregate amount to be so paid for interest shall not exceed eleven 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 or stock and on every certificate of such shares or stock which may be issued by or on behalf of the Company prior to the expiration of the period for which the directors of the Company may have determined that such interest shall be paid :
- (E) The half yearly 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 hereinbefore set forth no interest or dividend shall be paid out of any share or loan capital which the Company are by this Order or by the Act of 1900 authorised to raise to any shareholder or stockholder on the amount of the calls made in respect of the shares or stock 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. A.D. 1903.

68. The Company shall not out of any money by this Order authorised to be raised pay or deposit any sum which by any Statute or General or Standing Order now or hereafter in force may be required to be deposited in respect of any application for the purpose of obtaining an Act or Order authorising the Company to construct any other tramway or to execute any other work or undertaking.

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

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

Provision as to general Tramway Acts.

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

Costs of Order.

The SCHEDULE referred to in the foregoing Order.

DESCRIBING PROPERTIES OF WHICH PORTIONS ONLY MAY BE TAKEN.

Parish or other Area.	Numbers on deposited Plans.
Parish of Cambuslang - - -	2 3.
Parish of Bothwell - - -	4 5 6 7 8 12 13 15 16 17 18 19 20 21 22 23 27.
Burgh of Hamilton - - -	3 4.
Parish of Dalserf - - -	3 4 5 6 7 8 9 11 12 16 21 37.

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