



## CHAPTER cxcii.

An Act to authorise the construction of Tramways from Glasgow to Ibrox ; and for other purposes. A.D. 1877.

[2d August 1877.]

**W**HEREAS the construction of tramways from Glasgow to Ibrox, in the counties of Lanark and Renfrew, would be of local and public advantage :

And whereas it is expedient that the persons herein-after named, with others, should be incorporated into a Company, and should be empowered to lay down, use, work, and maintain such tramways :

And whereas plans and sections of the intended tramways showing the lines and levels thereof, and books of reference to those plans, have been deposited with the principal sheriff clerks for the counties of Lanark and Renfrew, and those plans, sections, and books of reference are in this Act referred to as the deposited plans, sections, and books of reference :

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

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

1. This Act may be cited for all purposes as "The Glasgow and Ibrox Tramway Act, 1877." Short title.

2. "The Companies Clauses Consolidation (Scotland) Act, 1845," Part I. (relating to cancellation and surrender of shares) of "The Companies Clauses Act, 1863," "The Companies Clauses Act, 1869," "The Lands Clauses Consolidation (Scotland) Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," (except the provisions of those Acts with respect to the entry upon, purchase, and taking of lands otherwise than by agree-

Certain provisions of general Acts herein named incorporated.

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A.D. 1877. ment,) and Parts II. and III. of "The Tramways Act, 1870," are  
— (except where expressly varied by this Act) incorporated with and  
form part of this Act.

Interpreta-  
tion of terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or in part incorporated herewith shall have the same respective meanings, unless there be something in the subject or context repugnant to such construction, or unless herein otherwise expressly provided; the expression "the Company" means the Company incorporated by this Act; the expression "the tramways," "the tramway," or "the undertaking" means the tramways and works by this Act authorised or any part thereof; the word "street" or "road" means the carriageway of the road, bridge, thoroughfare, or place along or across which the tramways are intended to be laid, and includes the surface, pavement, soil, and subsoil of a street, and any bridge forming part of or leading to the same, and being under the control of the road authority; the expression "road authority" means the trustees acting under "The Glasgow, Renfrew, and Three Mile House Turnpike Roads Act, 1872;" the expression "local authority" in this Act and in "The Tramways Act, 1870," so far as relates to the respective burghs of Govan and Kinning Park, means the magistrates and police commissioners of those burghs respectively; and the word "contingencies" in section 125 of "The Companies Clauses Consolidation (Scotland) Act, 1845," shall include the contingency of the undertaking being sold to the local authority under section 43 of "The Tramways Act, 1870," at a sum less than the aggregate amount of the capital and debts of the Company.

Alterations  
on Tram-  
ways Act as  
applied to  
this Act in  
certain in-  
stances.

4. Parts II. and III. of "The Tramways Act, 1870," incorporated with this Act, shall for the purposes of this Act have effect subject and according to the provisions following; viz.,

Section 26 shall have effect as if fourteen days were therein mentioned instead of seven days;

Section 27 shall have effect as if it were therein provided that any penalty therein mentioned shall belong to and be paid over to the road authority;

Section 28 shall have effect as if five feet were therein mentioned instead of four feet, and as if twenty-one inches were therein mentioned instead of eighteen inches, and as if it were therein provided, that if the Company abandon their undertaking or any part of the same, and take up any tramway or any part of any tramway belonging to them, the portion of the road upon which such tramway is laid shall be restored by them in manner therein mentioned to as good a condition as that

in which it was before the tramway was laid thereon, or at the time of abandonment, as the road authority shall direct; A.D. 1877.

Sections 33, 46, and 58 shall have effect as if the sheriff of the county in which the subject of the matter in difference is situate, or to which the byelaws relate, or in which the turnpike road is situate, as the case may be, were therein mentioned instead of the Board of Trade;

Section 41 shall have effect as if it were therein provided that the materials of any tramway or part of tramway removed may be used by the road authority themselves, and that the road authority may, out of the proceeds of any sale of such materials or of the value of the materials so used, pay and reimburse themselves the amount of cost certified as therein provided and of the cost of sale, and the balance, if any, of the proceeds of the sale or of such value shall be paid over by the road authority to the Company;

Section 46 shall have effect as if the local authority, in addition to the powers therein conferred, were empowered in manner therein mentioned to make and enforce the observance of the regulations therein specified, and in addition to make and enforce the observance of regulations as to the lighting of carriages when used on the tramways during the night.

5. George Forbes, John Lang, Henry Lamond, David Scott Moncrieff, William Dundas Scott Moncrieff, and William Whyte, and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking, and their executors, administrators, successors, and assigns respectively, shall be united into a Company for the purpose of making and maintaining the tramway, and for other the purposes of this Act, and for those purposes shall be incorporated by the name of "The Glasgow and Ibrox Tramway Company," and by that name shall be a body corporate, with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of lands and other property for the purposes of this Act. Company incorporated.

6. Subject to the provisions of this Act, the Company may make, form, lay down, work, use, and maintain, in the lines and according to the levels shown on the deposited plans and sections, the tramways herein-after described, with all proper rails, plates, engines, pipes, pumping stations, and other works and conveniences connected therewith respectively. The tramways herein-before referred to and authorised by this Act are,— Power to make tramways.

A tramway, No. 1, one mile four furlongs 1·17 chains in length, and a tramway, No. 1 $\alpha$ , one mile four furlongs 0·17 chains in

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length, forming together a double line of tramways, both wholly situate on the turnpike road from Glasgow to Paisley, in the parish of Govan and counties of Lanark and Renfrew; tramway No. 1 commencing by a junction with the tramway No. 2 authorised by the Vale of Clyde Tramways Act, 1871, at a point twenty-five yards or thereabouts, measuring along the said turnpike road in an easterly direction, from the south-east corner of the toll-house situate at the junction of the said turnpike road with the Govan Road, and terminating at a point in the said turnpike road forty-seven yards or thereabouts north-eastward from the north-east corner of the lodge at the entrance gate of the avenue leading to Bellahouston House; and tramway No. 1 $\alpha$  commencing by a junction with tramway No. 2 $\alpha$  authorised by the said Act, at a point twenty-six yards or thereabouts, measuring along the said turnpike road in an easterly direction, from the south-east corner of the said toll-house, and terminating by a junction with the tramway No. 1, at a point sixty-eight yards or thereabouts north-eastward from the north-east corner of the said lodge:

A tramway or crossing, No. 2, a single line, 1.38 chains in length, wholly situate on the said turnpike road, in the parish of Govan and county of Renfrew, commencing by a junction with the tramway No. 1, at a point thirty-three yards or thereabouts, measuring along the said turnpike road in a westerly direction, from the point herein-before described as the commencement of that tramway, and terminating by a junction with the tramway No. 1 $\alpha$ , at a point sixty-three yards or thereabouts, measuring along the said turnpike road in a westerly direction, from the point herein-before described as the commencement of that tramway:

A tramway or crossing, No. 3, a single line, 1.38 chains in length, wholly situate on the said turnpike road, in the parish of Govan and county of Lanark, commencing by a junction with the tramway No. 1 $\alpha$ , at a point seven and a half yards or thereabouts northward from the north-west corner of Gower Street, at the junction of that street with the said turnpike road, and terminating by a junction with the tramway No. 1, at a point thirty-two yards or thereabouts north-westward from the said north-west corner of Gower Street.

Mode of  
formation of  
tramways.

7. Every tramway to be made, formed, or laid under this Act shall be laid and maintained in such manner that the uppermost surface of the rail shall be on a level with the surface of the road,

and so that the groove in the rail shall in no case exceed one inch and a quarter in width. A.D. 1877.

8. If the road authority shall hereafter alter the line or level of the road along or across which any tramway of the Company is laid or authorised to be laid, the Company may and shall from time to time, at their own expense, alter or (as the case may be) lay their rails so that the same may be in the same position with respect to the centre line of the altered road as that authorised by this Act with respect to the centre line of the existing road, and so that the uppermost surface of the rails shall be on a level with the surface of the road as altered. Tramways to be kept on level with surface of road.

9. Notwithstanding anything in this Act contained, the Company shall not lay down more than one tramway, consisting of two rails, along or across the road or part of a road where the trustees of such road shall require only one such tramway to be laid down, and in all such cases such tramway shall be laid down on such road or part of a road in the line or position which such trustees may direct, not being further from the centre of the road than the line or position of one of the tramways authorised to be laid thereon, as shown on the deposited plans: Provided also, that no siding, works, or other convenience in connexion with the said tramway which is not delineated on the deposited plans, except as herein-after provided, shall be made on such road or part of a road without the previous consent of the trustees of such road; provided, nevertheless, that in the event of the said trustees requiring only one tramway to be laid, such passing places may be constructed by the Company as may be necessary for efficiently working the traffic, and as shall, in case of difference, be determined by the sheriff of the county, whose decision shall be final. Only one tramway to be laid on road in certain cases.

10. The Company shall and they are hereby required, on the requisition of the trustees of the road upon which the tramways are laid, or of the local authority, to construct a passing place or passing places connecting the lines of tramway with each other, at such points as shall be required by the trustees of the road or the local authority so requiring, and by means of such passing place or places the traffic shall, when necessary, be diverted from the one tramway to the other: Provided always, that if the Company think fit they may appeal to the sheriff of the county against any requisition so made, and the decision of the sheriff on such appeal shall be final. Company to make passing places on requisition of road or local authority.

11. Subject to the provisions of this Act, the Company may, with the consent of the road authority, from time to time make, Power to make ad-

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A.D. 1877. maintain, alter, and remove such crossings, passing places, sidings, junctions, and other works, in addition to those particularly specified in and authorised by this Act, as may be necessary or convenient for the efficient working of the tramways, or for providing access to any warehouses, engine houses, pumping stations, stables, or carriage houses, or works of the Company: Provided that in the construction of any such works no rail shall be so laid that a less space than nine feet six inches shall intervene between it and the outside of the footpath on either side of the road, if the owner or occupier of the premises abutting on the place where such rail is proposed to be laid shall, by writing under his hand addressed to and left at the offices of the Company, express his objection thereto.

ditional  
crossings,  
passing  
places, &c.  
where neces-  
sary.

Temporary  
tramways.

**12.** Where by reason of the execution of any work affecting the surface or soil of the road along which any tramway is laid it shall, in the opinion of the road authority, be necessary or expedient temporarily to remove or discontinue the use of such tramway or any part thereof, the Company shall, within fourteen days of receiving an order in writing from the road authority under the hand of their clerk, discontinue or take up such tramway for such term as may be necessary for the execution of the said work: Provided that the Company may, with the sanction of the road authority, and subject to such conditions and in accordance in all respects with such regulations as the road authority may from time to time make or prescribe, construct on the same or any adjacent road, and, with the like consent, subject to the like conditions, and in accordance with the like regulations, maintain a temporary tramway or temporary tramways in lieu of the tramways or part of a tramway so removed or discontinued.

Penalty for  
not main-  
taining rails  
and roads.

**13.** The Company shall at all times maintain and keep in good condition and repair, and to the satisfaction of the road authority, and so as not to be a danger or annoyance to the ordinary traffic, the rails of the tramways and the sub-structure upon which the same rests, and such portion of the roadway as they are bound to maintain between and on either side of the rails, and if the Company at any time fail to comply with this provision, or with the provisions of section twenty-eight of the Tramways Act, 1870, they shall be subject to a penalty not exceeding five pounds for every day on which such non-compliance continues, and such penalty shall be a penalty within the meaning of section fifty-six of the said Act.

Sewer autho-  
rity to have

**14.** Every sewer authority shall at all times have the same access to and communications with all their sewers and drains, and power

to lay lateral and private drains to communicate therewith, without the consent or concurrence of the Company, as such sewer authority has at present, and the provisions contained in sections thirty-two and thirty-three of the Tramways Act, 1870, shall be applicable in the case of any sewer or private drain of or under the control of the sewer authority, as if the same were a pipe for the supply of gas or water.

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access to  
sewers.

15. Whereas part of the tramways may be laid upon the existing bridge by which the turnpike road leading from Glasgow to Three Mile House and Paisley is carried over the railway between Glasgow and Paisley, belonging jointly to the Caledonian Railway Company and the Glasgow and South-western Railway Company (herein-after called "the two Companies"), or upon a new bridge which may be made by the two Companies in lieu of the said existing bridge, pursuant to the provisions of the Caledonian and Glasgow and South-western Railway Companies (Joint Lines) Act, 1874 (herein-after called the Act of 1874); and whereas by the Act of 1874 provision is made for the execution of the works necessary for widening that railway where it passes under the said existing bridge; and it is necessary to make provision in this Act that the construction and use of the tramways shall not injure the said existing bridge or the said new bridge, or interfere with the execution of the said works: Therefore, notwithstanding anything in this Act contained, the Company shall not in constructing the tramways alter or interfere with the structure of the said existing bridge or the said new bridge, so as to injure the stability thereof, and, notwithstanding the formation of the tramways, the two Companies may execute the said works in the manner provided by the Act of 1874, and the Company shall bear the expense of any alteration, removal, or reconstruction of the tramways rendered necessary by the execution of the said works of the two Companies, and the two Companies shall not be liable for any loss, damage, or expenses which may be occasioned to the Company, or to any company, person, or corporation working or using the tramways, by such alteration, removal, or reconstruction, or by any of the said works of the two Companies, or which may arise from any interruption of the traffic on the tramways consequent thereon: Provided always, that in the event of the surface of the said turnpike road not being restored in manner provided in the Act of 1874 within the period of fifteen months from the passing of this Act, the two Companies shall pay to the Company one half of the cost of restoring the tramways, if and in so far as the same shall have been laid on the said existing bridge, and of laying down and afterwards removing any

Providing as  
to bridge  
over Glas-  
gow and  
Paisley joint  
line of rail-  
way.

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Protecting  
Glasgow  
water and  
gas pipes.

**16.** Whereas certain of the mains and pipes of the commissioners acting under "The Glasgow Corporation Waterworks Act, 1855," (in this Act called "the water commissioners,") and the mains and pipes of the Lord Provost, magistrates, and council of the city of Glasgow, acting under "The Glasgow Corporation Gas Act, 1869," (in this Act called "the corporation,") are laid in, under, or across certain of the roads along or across which the tramways are proposed to be laid; and whereas it is expedient that provision be made for preventing any interruption of the supply of water by the water commissioners and the supply of gas by the corporation to the inhabitants of the said city and the suburbs thereof, and with respect to laying additional mains and pipes in, under, or across the roads along or across which the tramways are proposed to be laid: Therefore the following provisions in that behalf shall be binding on the Company, and have full effect; (that is to say,)

(a.) At least fourteen days before the Company commence any works the execution of which would in any way interfere with or affect any part of the said mains or pipes, they shall give to the water commissioners and to the corporation notice thereof in writing, accompanied by plans and sections, working drawings, and specifications showing the manner in which such works are to be executed, which shall include all beams, girders, troughs, culverts, and masonry which may be necessary for conveying, supporting, and protecting the existing mains and pipes of the water commissioners or of the corporation, and any additional mains and pipes which may be laid by the water commissioners or the corporation under the powers of their existing Acts, together with all scour pipes and air or other valves which may be rendered necessary by the operations of the Company, and also the means, where any are required, of supporting, diverting, or protecting the mains and pipes during the operations of the Company, which plans and sections shall be approved of by the engineers of the commissioners and corporation previous to the works of the Company being commenced, or in the



event of any difference of opinion between the said engineers and the engineer of the Company, such difference shall be settled by George Cunningham, Civil Engineer, Edinburgh, whom failing, by an arbitrator to be appointed by the sheriff of the county of Renfrew, and the expense of such arbitration shall be paid by the Company :

- (b.) Before any mains or pipes are in any way interfered with to the effect of interrupting the supply of water or gas through the then existing mains or pipes, there shall be laid down mains or pipes of dimensions not less than the mains or pipes, which are to be so interfered with, and having junctions at each end thereof with the then existing mains or pipes, so as to provide for the uninterrupted supply of water or gas for all purposes during the execution of the works as fully and freely, or as nearly so as practicable, as if the then existing mains or pipes were not interfered with :
- (c.) When the mains or pipes so interfered with are replaced and the roadways over the same are made good, any temporary mains or pipes which may have been inserted shall be disconnected from the then existing mains or pipes, and when the full and free flow of water or gas for all purposes through the mains or pipes so replaced shall be restored such temporary mains or pipes may be removed :
- (d.) The works approved of by the engineers of the water commissioners and of the corporation, or such arbitrator, so far as they interfere with or affect any of the works or water supply of the water commissioners or the works and gas supply of the corporation, shall be executed by the water commissioners or the corporation, or by such persons as they shall think fit, and under the direction of their engineers respectively and of an engineer to be appointed by the road authority, and during the progress of those works the said engineers may, if they think fit, execute any incidental works which they deem requisite for the protection of the water commissioners or the corporation in accordance with this section ; and in regard to the execution of the works referred to in this section, the provisions of sections 26 and 27 of the Tramways Act, 1870, shall apply to the Company as the promoters, and as if such works were executed by them :
- (e.) If the water commissioners or the corporation for ten days next after the day named in the notice served by the

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Company for the commencement of any works which may interfere with or affect the said mains and pipes, or any of them, or for ten days after such later day as the Company by notice in writing to the water commissioners or the corporation may have named for commencing the works, fail to commence, or at any time thereafter fail to proceed with reasonable despatch in the execution of the works, the Company, at their own expense, may remove, alter, or otherwise interfere with the said mains and pipes, or any of them, in such manner and to such extent as they deem necessary, and may execute all such other works as they deem requisite for preventing any interruption to the supply of water by the water commissioners or to the supply of gas by the corporation.

Water commissioners or corporation not to be liable for damage arising from accidents.

17. The water commissioners or the corporation shall not be liable for any loss or damage which may happen to the tramways or works connected therewith, or to the rolling stock used or to the passengers conveyed upon the tramways, by reason of any accident which may at any time happen to the said mains or pipes at, under, or near the tramways, nor for any loss or damage to the Company arising from the stoppage or loss of traffic on the tramways during the repair of the said mains or pipes which may be necessary in consequence of such accident, unless such loss or damage shall have been occasioned by the default or neglect of the water commissioners or the corporation, or of their agents, officers, workmen, or servants.

Water commissioners or corporation may lay additional pipes.

18. Nothing in this Act shall prevent the water commissioners or the corporation from laying, at their own expense, from time to time as they think proper, additional mains or pipes, with all scour pipes and air and other valves, for supplying water or gas at, under, across, or near the tramways, and the water commissioners or corporation shall not be liable for any damage to the tramways or works connected therewith, or for any stoppage of the tramways or loss of traffic thereon, that may be caused by the laying of such additional mains or pipes and appurtenances at, under, across, or near the tramways, nor for the expense of lifting and relaying the tramways, which shall be done at the expense of the Company: Provided that the operations of the water commissioners or the corporation shall be carried on so as to interfere as little as possible with the traffic on the tramways, and according to the directions and under the superintendence of the engineer for the time being of the Company and the engineer of the water commissioners or of the corporation and the engineer of the road authority, or, in the

event of their differing in opinion, according to the direction and under the superintendence of the said George Cunningham, whom failing, a neutral engineer to be appointed by the Sheriff of Renfrew on the application of the Company, or of the water commissioners or the corporation, or of the road authority.

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**19.** The water commissioners or the corporation shall not be liable for any damage or injury done to the tramways by reason of any of the works executed under this Act or consequent on the execution thereof, unless such damage or injury shall have been occasioned by the default or neglect of the water commissioners or the corporation, or of their agents, officers, workmen, or servants.

Water commissioners or corporation not liable for damage arising from alterations of mains, &c.

**20.** In all cases in which it may be found that any existing main or pipe of the water commissioners or of the corporation is within three feet from the surface of any road where the tramways are or may be laid, the water commissioners or the corporation respectively shall, at the expense of the Company, lower the said main or pipe so as to secure that there shall be not less than three feet of covering between the said main or pipe and the surface of the tramway works.

Further provisions as to interference with pipes.

**21.** The special provisions herein contained for the protection of the water commissioners and the corporation, and the waterworks and the gasworks, shall not be deemed to supersede or dispense with the provisions of sections 26 to 33, both inclusive, of "The Tramways Act, 1870," but those provisions respectively, except in so far as they may be inconsistent with any of the special provisions herein contained, shall be and remain in full force and effect.

Reserving certain provisions of 33 & 34 Vict. c. 78.

**22.** The Company shall pay to the water commissioners and to the corporation respectively the amount of all reasonable costs, charges, and expenses incurred by the commissioners or the corporation in or about or in any way relating to the works authorised by and to be executed by them under the powers of this Act, including a reasonable sum as remuneration to their officers for their services in that behalf.

Company to pay expenses of water commissioners and corporation and their officers.

**23.** 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.

**24.** Every carriage used upon the tramways shall be constructed with sufficient break power, and shall be propelled by animal power.

Construction and propelling of carriages, &c.

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Tramways  
to be part of  
road.

25. Except as by this Act otherwise specially provided, any tramway laid under the authority of this Act shall for all purposes be and remain a part of the road along which the same is laid.

Tolls leviable  
by road trustees.

26. Notwithstanding anything in this Act contained, the trustees of the road on which the tramways are laid may, if the carriages used upon the tramways are drawn by animal power, levy and recover, in respect of horses or other beasts of draught drawing such carriages, the same tolls that such trustees are or may be entitled by law to levy and recover in respect of horses or other beasts of draught drawing carriages used in the conveyance of passenger traffic upon such road: Provided always, that such tolls to be so levied by such trustees in respect of passenger traffic upon the tramways shall not at any time be higher than those which such trustees shall be actually levying at the time in respect of traffic of a similar description passing upon the road along which the tramways are laid; but where two or more carriages conveying passenger traffic are drawn on the tramways in the same train, the horse or horses or other beast or beasts of draught drawing such train shall be chargeable with toll as if each such carriage were separately drawn by such horse or horses or other beast or beasts of draught. If the carriages used upon the tramways are, under the provisions of any Act of Parliament which may be passed during the present or any future session, drawn or propelled by mechanical power, the trustees of the road may levy and recover in respect of each time that a passenger carriage drawn or propelled by mechanical power shall pass along the whole or any part of the tramways a toll not exceeding fourpence, if such carriage be constructed for carrying forty passengers, or any less number; and if such carriage be constructed for carrying or shall actually carry a greater number of passengers than forty, a toll not exceeding fourpence for the first forty passengers, and an additional toll not exceeding twopence for each additional twenty passengers or any less number above forty which such carriage may be constructed for carrying or shall actually carry: Provided that no toll, in addition to those herein-before mentioned, shall be leviable by the trustees in respect of the use of such mechanical power.

Power to  
make agree-  
ments as to  
tolls.

27. The Company, or any other company, bodies, and persons or person lawfully using the tramways, on the one part, and the trustees of the road along which the tramways are laid under the authority of this Act, on the other part, may from time to time enter into agreements with each other for the payment of a composition to such trustees in respect of the user of such road for the

tramways, or in respect of the tolls, rates, or assessments payable for the conveyance of traffic thereon. A.D. 1877.

**28.** The capital of the Company shall be fifteen thousand pounds, in fifteen hundred shares of ten pounds each. Capital.

**29.** The Company shall not issue any share created under the authority of this Act, nor shall any such share vest in the person or corporation accepting the same, unless and until a sum not being less than one fifth of the amount of such share is paid in respect thereof. Shares not to be issued until one fifth paid up.

**30.** One fifth of the amount of a share shall be the greatest amount of a call, and two months at least shall be the interval between successive calls, and three fourths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share. Calls.

**31.** If any money is payable to a shareholder being a minor, idiot, or lunatic, the receipt of his tutor or curator bonis shall be a sufficient discharge to the Company. Receipt clause in case of persons not sui juris.

**32.** The Company may from time to time borrow on mortgage any sum not exceeding in the whole three thousand seven hundred and fifty pounds; but no part thereof shall be borrowed until the whole capital of fifteen thousand pounds is issued and accepted, and one half thereof is paid up, and the Company have proved to the sheriff who is to certify under the forty-second section of "The Companies Clauses Consolidation (Scotland) Act, 1845," before he so certifies, that the whole of such capital has been issued and accepted, and that one half thereof has been paid up, and that not less than one-fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such capital was issued bonâ fide, and is held by the persons or corporations to whom the same was issued, or their executors, administrators, successors, or assigns, and that such persons or corporations, 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 shall be sufficient evidence thereof. Power to borrow.

**33.** The mortgagees of the Company 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 For appointment of a judicial factor.

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A.D. 1877. arrears of principal, the amount owing to the mortgagees by whom the application for a judicial factor is made shall not be less than four hundred pounds in the whole.

Mortgages to comprise purchase money paid on compulsory sale.

**34.** Every mortgage of the undertaking shall be deemed to comprise all purchase money which may be paid to the Company in the event of a compulsory sale to the local authority under section 43 of "The Tramways Act, 1870," and may comprise all or any moneys carried to the contingency fund according to the terms of the mortgage.

Priority of mortgages over debts.

**35.** All money to be raised by the Company on mortgage under the provisions of this Act shall have priority against the Company, and the property from time to time of the Company, over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act: Provided always, that this priority shall not affect any claim against the Company or their property in respect of any rentcharge to be granted by them in pursuance of the Lands Clauses Consolidation (Scotland) Act, 1845, or the Lands Clauses Consolidation Acts Amendment Act, 1860, or in respect of any rent or sum reserved by or payable under any lease granted or made to the Company, in pursuance of any Act relating to the Company, which is entitled to rank in priority to or *pari passu* with the interest on their mortgages.

Indorsement of notice of power of future purchase by the local authority.

**36.** Every mortgage deed granted by the Company under this Act shall be indorsed with a notice that such mortgage will not be a charge upon the tramways in the event of their being purchased by the local authority under the 43rd section of "The Tramways Act, 1870."

Company not to create debenture stock.

**37.** The Company shall not create or issue debenture stock.

Application of moneys.

**38.** All moneys raised under this Act, whether by shares or borrowing, shall be applied for the purposes of this Act only.

First ordinary meeting.

**39.** The first ordinary meeting of the Company shall be held within six months after the passing of this Act.

Number of directors.

**40.** The number of directors shall be five, but the Company may from time to time reduce the number of directors, so that the number be not less than three.

Qualification of directors.

**41.** The qualification of a director shall be the possession in his own right of not less than twenty-five shares.

Quorum.

**42.** The quorum of a meeting of directors shall be three, unless the number of directors is reduced to three, in which case two shall form a quorum.

43. George Forbes, John Lang, Henry Lamond, David Scott Moncrieff, and William Whyte shall be the first directors of the Company, and shall continue in office until the first ordinary meeting held after the passing of this Act. At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act, or any of them, or may elect a new body of directors to supply the place of those not continued in office, the directors appointed by this Act being, if qualified, eligible for re-election, and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall, subject to the powers herein-before contained for reducing the number of directors, elect persons to supply the places of the directors then retiring from office, agreeably to the provisions of "The Companies Clauses Consolidation (Scotland) Act, 1845," and the several persons elected at any such meeting, being neither removed nor disqualified, nor having died or resigned, shall continue to be directors until others are elected in their stead in manner provided by the same Act.

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 First directors.  
 Election of directors.

44. The number of shareholders on whose requisition an extraordinary meeting of the Company may be required to be convened shall not be less than five shareholders holding in the aggregate not less than two thousand pounds in the capital of the Company.

Number of shareholders to convene an extraordinary meeting.

45. The Company may from time to time purchase and acquire by agreement such land as they may require for their undertaking, not exceeding in the whole one acre.

Purchase of land by agreement.

46. The tramways shall be completed within two years from the passing of this Act, and on the expiration of that period the powers by this Act granted to the Company for executing the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Period for completion of works.

47. The Company may demand and take for every passenger travelling upon the tramways or any part or parts thereof, including tolls for the use of the tramways, and of carriages, and for motive power, and every other expense incidental to such conveyance, any tolls or charges not exceeding one penny per mile, and in computing the said tolls and charges the fraction of a mile shall be deemed a mile.

Tolls for passengers.

48. Every passenger travelling upon the tramways may take with him his personal luggage, not exceeding twenty-eight pounds in weight, without any charge being made for the carriage thereof.

Passengers luggage.

49. It shall not be lawful for the Company, or any other company, person, or corporation using the tramways, to carry on the

Company not to carry

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A.D. 1877. tramways any goods, animals, or other things other than passengers  
animals and and passengers luggage, not exceeding the weight in this Act in  
goods. that behalf mentioned, and small parcels.

As to pay- 50. The tolls and charges by this Act authorised to be demanded  
ment of tolls. and taken by the Company shall be paid to such persons, and at  
such places upon or near to the tramways, and in such manner and  
under such regulations, as the Company may by notice appoint.

Deposit 51. Whereas, pursuant to the standing orders of both Houses of  
money not Parliament, and to an Act of the ninth year of the reign of Her  
to be repaid present Majesty, chapter twenty, a sum of five hundred and  
until tram- seventy-five pounds, being five per cent. upon the amount of the  
ways opened, estimate in respect of the tramways, has been deposited in the Court  
or half the of Exchequer in Scotland in respect of the application to Parliament  
capital paid for this Act: Be it enacted, that, notwithstanding anything con-  
up and tained in the said Act, the said sum so deposited as aforesaid in  
expended. respect of the application for this Act shall not be paid 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, unless the Company shall,  
previously to the expiration of the period limited by this Act for  
completion of the tramways, either open the tramways for the public  
conveyance of passengers, or prove to the satisfaction of the Board  
of Trade that the Company have paid up one half of the amount of  
the capital by this Act authorised to be raised by means of shares,  
and have expended for the purposes of this Act a sum equal in  
amount to such one half of the said capital; and if the said period  
shall expire before the Company shall either have opened the tram-  
ways for the public conveyance of passengers, or have given such  
proof as aforesaid to the satisfaction of the Board of Trade, the said  
sum of money shall be applied in the manner herein-after specified,  
and the certificate of the Board of Trade that such proof has been  
given to their satisfaction as aforesaid shall be sufficient evidence  
of the fact as certified, and it shall not be necessary to produce any  
certificate of this Act having passed, anything in the above-men-  
tioned Act to the contrary notwithstanding.

Application 52. The said sum paid as aforesaid shall be applicable, and after  
of deposit. 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, and also in compensating all road authorities  
for the expense incurred by them in taking up any tramways or  
materials connected therewith placed by the Company in or on any



road vested in or maintainable by such road authorities respectively, and in making good all damages 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 said sum of money shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said sum of money, or such portion thereof as may not be required as aforesaid, shall either be forfeited to Her Majesty, and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the Court of Exchequer in Scotland thinks fit to order, on the application of the Solicitor of Her Majesty's Treasury, and shall be carried to and form part of the Consolidated Fund of the United Kingdom, or, in the discretion of the Court, if the Company is insolvent and has been ordered to be wound up, or a judicial factor has been appointed, shall wholly or in part be paid or transferred to such judicial factor, or to the liquidator or liquidators of the Company, or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof: Provided that, until the said sum of money has been repaid to the depositors, or has become otherwise applicable as herein-before mentioned, any interest or dividends accruing thereon shall from time to time, and as often as the same shall become payable, be paid to or on the application of the person or persons, or the majority of the persons, named in such warrant or order as aforesaid, or the survivors or survivor of them.

53. Nothing in this Act contained, or which may be done in pursuance of this Act, shall prejudice or affect the powers, rights, or privileges of the commissioners of police of the burgh of Govan, or the magistrates of the said burgh, over or with respect to the roads and streets of the said burgh, and the regulation of the traffic thereon under the General Police and Improvement (Scotland) Act, 1862, nor any of the powers, rights, or privileges of the said commissioners or magistrates, or of the police commissioners or magistrates of the burgh of Kinning Park, or of the trustees for carrying into execution the Glasgow, Renfrew, and Three Mile House Turnpike Roads Act, 1872, respectively, under the Tramways Act, 1870.

Saving rights  
of local  
and road  
authorities.

54. With respect to the Post Office telegraph system the following provisions shall take effect:

(A.) The Company shall not by any work or thing interfere with any telegraph post, wire, tube, apparatus, or work of Her

Restriction  
on works

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—  
affecting  
Post Office  
telegraph  
system.

Majesty's Postmaster General, or execute or do any work or thing causing or likely to cause any interruption of or impediment to postal telegraphic communication, unless and until the Company have given to the Postmaster General one calendar month's previous notice in writing of their intention to execute or do the proposed work or thing, specifying all necessary and proper particulars relating thereto, and unless and until the Postmaster General has approved of the proposed work or thing by writing delivered to the Company, or has failed to approve or to disapprove of the same for one calendar month after service of such notice and particulars on him: Provided always, that this section shall not be deemed to prevent the Company executing any repairs or other works or things which shall be necessary to prevent accidents, and in any such case the Company shall forthwith give notice to the Postmaster General of any such interference and the reason for the same:

Power for  
Postmaster  
General to  
annex con-  
ditions.

(B.) Her Majesty's Postmaster General may annex to his approval under this Act of any work or thing such reasonable terms and conditions as to the time and mode of execution of any such work or thing as he thinks fit, and the Company shall observe and perform the same:

Power of  
entry for  
Postmaster  
General.

(C.) The engineer and other officers and servants and workmen of Her Majesty's Postmaster General may, at and for all reasonable times, enter on and into and remain on any of the tramways, lands, and works of the Company for the purpose of examining, repairing, altering, or removing any telegraph post, wire, tube, apparatus, or work the property of the Postmaster General being thereon:

Compensa-  
tion by  
Company to  
Postmaster  
General, and  
penalty.

(D.) The Company shall from time to time make full compensation to Her Majesty's Postmaster General for any expense, loss, or damage which he is put to or sustains by reason of the Company, by any work or thing executed or done by them, interfering with any telegraph post, wire, tube, apparatus, or work of the Postmaster General; and if at any time any such work or thing causes an interruption of or impediment to postal telegraphic communication, the Company shall, in addition to making compensation as aforesaid, be liable to forfeit a sum not exceeding twenty pounds for every twenty-four hours during which that interruption or impediment continues; and the amount of any such expense, loss, damage, or forfeiture shall be a

debt due from the Company to the Crown, and be recoverable accordingly with costs, or the same may be recovered with costs on behalf of the Postmaster General as a penalty is recoverable from the Company :

A.D. 1877.

(E.) Inasmuch as it is contemplated to introduce a general measure for the better protection of the national telegraphs, and to enlarge the powers of the Postmaster General in relation thereto, this section shall only remain in force for one year from the date of the passing of this Act, and to the end of the then next session of Parliament.

Provisions only to remain in force till the end of session 1879.

**55.** The Company shall not, out of any money by this Act authorised to be raised, pay interest or dividends to any shareholder on the amount of the calls made in respect of the shares held by him, except such interest on money advanced by any shareholder beyond the amount of the calls actually made as is in conformity with "The Companies Clauses Consolidation (Scotland) Act, 1845."

Interest not to be paid on calls paid up.

**56.** The Company shall not, out of any money by this Act authorised to be raised, pay or deposit any sum which, by any standing order of either House of Parliament now or hereafter in force, may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any other tramways, or to execute any other work or undertaking.

Deposits for future Bills.

**57.** Nothing in this Act contained shall exempt the Company or the tramways from the provisions of any general Act relating to tramways now in force or which may hereafter pass during this or any future session of Parliament, or from any future revision or alteration, under the authority of Parliament, of the maximum rates of tolls or charges authorised by this Act.

Company not exempt from provisions of present and future general Acts.

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

Expenses of Act.