



CHAPTER clxiv.

An Act to confer further powers on the Vale of Clyde
Tramways Company; and for other purposes.

A.D. 1888.

[7th August 1888.]

WHEREAS, by the Vale of Clyde Tramways Act, 1871 (herein-
after called "the Act of 1871"), the Vale of Clyde Tramways
Company (herein-after called "the Company") were incorporated
and authorised to lay down tramways in the streets and roads in
that Act mentioned, in the counties of Lanark and Renfrew, to be
worked by animal power only; and for those purposes to raise
two hundred and fifty thousand pounds by shares, and sixty thousand
pounds by borrowing:

And whereas twenty-three thousand three hundred and forty-nine
shares of the nominal value of ten pounds each have been subscribed
for, issued and accepted; and ten pounds per share have been paid
on eighty of those shares; six pounds on twenty-one thousand
eight hundred and fourteen shares; and one thousand four hundred
and fifty-five shares have been issued, carrying six pounds paid, at
a discount of one pound per share:

And whereas a further call of ten shillings per share has been
made on twenty-three thousand two hundred and sixty-nine shares,
and is now in course of payment:

And whereas the Company were authorised by the said Act to
borrow as therein mentioned, but they have not exercised their
borrowing powers:

And whereas the Company completed, and have for many years
worked the Tramways Nos. 14, 14A, 15, 15A, 15B, 16 and 16A,
authorised by the Act of 1871:

And whereas, by virtue of the provisions of the Act of 1871,
the powers of the Company to construct Tramways Nos. 1 and 1A
were transferred to and have been exercised by the corporation of
Glasgow; and the powers of the Company for the construction of
tramways other than the Tramways Nos. 14, 14A, 15, 15A, 15B, 16,
and 16A, have expired:

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And whereas, by reason of the non-construction of the tramways before mentioned, the authorised capital of the Company is greatly in excess of their requirements :

And whereas, under powers conferred by the Greenock Street Tramways Act, 1871 (herein-after called "the Greenock Act of 1871"), and the Greenock Police and Improvement Act, 1875, the Company are lessees, for a term (which will expire on the thirty-first day of May, one thousand eight hundred and ninety-three), of the tramways authorised by the Greenock Act of 1871, Nos. 1, 1A, 2, 6, 7, 8, 9, 34, 34A, and of the short continuation and passing place at the eastern termination of Tramway No. 2, being part of Tramways Nos. 3 and 3A authorised by that Act :

And whereas, by the Vale of Clyde Tramways Act, 1876 (herein-after called "the Act of 1876"), the Company, and all other corporations, companies, bodies and persons entitled to use the Tramways Nos. 16 and 16A authorised by the Act of 1871, by animal power, were authorised to work and use the same by mechanical power ; and those tramways are at present worked by locomotive engines under and in pursuance of rules and regulations prescribed by the Board of Trade :

And whereas the value of the undertaking of the Company has become deteriorated by diminished traffic arising from competition by river steamboats and other causes :

And whereas, by a deed of ratification and obligation, executed in favour of the Company by the trustees of the Clyde Navigation, dated the ninth day of October, one thousand eight hundred and eighty-three, those trustees became bound to pay to the Company the sum of ten thousand pounds on the date of the commencement of the diversion authorised by the Clyde Navigation Act, 1883, of the existing tramways of the Company on the Renfrew Road, for the purpose of the construction of the docks and other works authorised by the same Act :

And whereas it was in contemplation by the Company that such sum of ten thousand pounds, under deduction of the costs incurred in opposing the Bill for the said Act, should be set apart and applied towards the renewal of the Tramways Nos. 16 and 16A, other than the portion thereof to be renewed by the trustees of the Clyde Navigation under the conditions imposed on them by the same Act :

And whereas the Company, in anticipation of the immediate payment of that sum, and the renewal by the trustees of such portion of the tramways, made provision for the repair and renewal of the tramways of such sums only as, in their opinion, would be required in excess of the moneys payable by the trustees of the Clyde Navigation and the renewal by the trustees as aforesaid :

And whereas the trustees have not yet constructed the said docks, and have not yet commenced the diversion of the Renfrew Road, but, on the contrary, have obtained from Parliament an extension of the time for completing those works; and, in consequence, the said sum of ten thousand pounds has not yet been paid, nor has the said renewal been carried out by the trustees, and it is uncertain when the obligations undertaken by the trustees will be fulfilled:

And whereas the Company has been required by the local authority of Govan to renew, and they have renewed to the extent required, the Tramways Nos. 16 and 16A (being the tramways on the Renfrew Road) wholly at their own cost, which cost greatly exceeds the provision therefor made by them as aforesaid, and a large balance now stands at the debit of revenue in respect thereof:

And whereas the Caledonian Railway Company, in virtue of the powers contained in the Caledonian Railway (No. 2) Act, 1884, is in course of constructing a railway to Gourock, which may diminish the future receipts from the Company's Greenock and Gourock Tramways, and loss may thence arise to the Company:

And whereas, with the before-mentioned contingencies in prospect, it is expedient, in the interest of the shareholders, that the arrangements in this Act mentioned should be given effect to:

And whereas the shareholders of the Company are willing and desirous, in order to meet the altered circumstances of the Company as above set forth, that the nominal capital and the paid-up capital of the Company should be respectively reduced to the extent after mentioned, subject and according to the provisions of this Act:

And whereas all the creditors of the Company, known to the Company at the passing of this Act (except creditors for current expenses of working and management), have been paid or satisfied:

And whereas it is expedient that provision should be made for authorising all or any of the carriages used on the tramways, now worked and used by the Company, to be moved at all times, or at any time or times, either by animal power or by means of steam power, compressed air, electricity, or any power other than animal power:

And whereas it is expedient that, subject to the provisions of this Act, the Company on the one part, and the corporation of Glasgow and the board of police of Greenock, or one of those bodies, on the other part, should be authorised to enter into working and traffic agreements:

And whereas it is expedient that the Company should be authorised to sell or lease their undertaking, in whole or in part, to the corporations or bodies in this Act mentioned, or some or one of them:

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And whereas it is expedient that the Company be authorised to enter into agreements with the board of police of Greenock for modifications and amendments of the existing lease of the portion of the tramways authorised by the Greenock Act of 1871, presently leased to them :

And whereas the Bill for this Act, as proposed to be amended in the House of Lords, has been assented to, in writing, by three fourths in value of the shareholders of the Company :

And whereas the purposes aforesaid cannot be effected without the authority of Parliament :

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

Short title.

1. This Act may be cited as the Vale of Clyde Tramways Act, 1888.

Incorporation of part of Companies Clauses Act.

2. 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 by the Company on mortgage or bond ;

The conversion of borrowed money into capital ;

The consolidation of the shares into stock ;

The making of dividends ; and

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

are (except where varied by this Act) incorporated with and form part of this Act.

Interpretation clause.

3. In this Act :—

The expression "the Company" means the Vale of Clyde Tramways Company ;

The expression "the corporation of Glasgow" means the lord provost, magistrates, and town council of the city and royal burgh of Glasgow ;

The expression "the purchasing corporations" means the corporation of Glasgow, the board of police of Greenock, and the local authority having the duty of directing the repair or having the control or management of the streets, roads or places in which any of the tramways are laid, or any one or more of those bodies;

The expression "the working corporations" means the corporation of Glasgow and the board of police of Greenock, or one of those bodies;

The expression "the tramways" means Tramways Nos. 14, 14A, 15, 15A, 15B, 16 and 16A authorised by the Act of 1871, and Tramways Nos. 1, 1A, 2, 6, 7, 8, 9, 34 and 34A, and the afore-said short continuation and passing place authorised by the Greenock Act of 1871, or any one or more of them;

The word "person" includes corporation.

4. From and after the passing of this Act, the capital of the Company shall be reduced, and in lieu of the sum of two hundred and fifty thousand pounds, being the amount of capital authorised by the Act of 1871, the capital of the Company shall be one hundred and forty thousand two hundred and ninety pounds, which shall be divided as follows (that is to say) :—

Reducing
and defining
capital of
Company.

(1.) Into twenty-three thousand four hundred and five (A.) preferred shares of the nominal value of three pounds ten shillings each, upon twenty-three thousand two hundred and sixty-nine of which two pounds ten shillings per share shall be deemed to have been paid, and one pound shall be payable thereon when called up by the directors, according to the provisions of the Companies Clauses Consolidation (Scotland) Act, 1845, and of which one hundred and thirty-six (A.) preferred shares shall be deemed to be fully paid up;

(2.) Into twenty-three thousand three hundred and forty-nine (B.) deferred shares of the nominal value of two pounds ten shillings each, which shall likewise be deemed to be fully paid up:

Provided that out of the first proceeds of the call made, or any call to be made on the shareholders of the Company after the passing of this Act, the Company shall pay to Messieurs A. & J. Faill, contractors in Glasgow, the sum stipulated to be paid to them by article first of the agreement contained in Schedule (B.) to this Act.

The Company may cancel and extinguish the sum of thirteen thousand and seventy pounds seventeen shillings and one penny standing in their books at the debit of revenue account as on the

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Dividends on shares.

5. The profits of the Company applicable to the payment of dividends shall be applied, in the first instance, in payment of dividends up to the rate of four pounds ten shillings per centum per annum on the amount paid, or deemed to have been paid, on the (A.) preferred shares, and the remainder, if any, in payment of dividends on the (B.) deferred shares.

Dividend on preferred shares to be paid out of the profits of the year only.

6. Each (A.) preferred share shall be entitled, out of the profits of each year, to the dividend attached to it as aforesaid, in priority to the (B.) deferred shares; but if, in any year ending the thirty-first day of December, there shall not be profits available for the payment of the full amount of dividend on any (A.) preferred share for that year, no part of the deficiency shall be made good out of the profits of any subsequent year, or out of any other funds of the Company.

Rights of holders of preferred and deferred shares in case of winding up.

7. In the event of a winding up of the Company, subject to the rights of creditors, the funds available shall be applied as follows:—
(A.) In payment to the holders of (A.) preferred shares of the amount paid or deemed to have been paid thereon respectively;
(B.) Subject thereto, the surplus shall belong wholly to the holders of (B.) deferred shares.

Certificates of shares.

8. As soon as may be after the passing of this Act, the directors shall require the shareholders to send in the existing certificates of shares in the Company, and they shall issue (subject to the provisions of this Act) to the respective shareholders, in lieu thereof, certificates for shares of the amount prescribed by this Act, so that each holder of an existing share with six pounds ten shillings paid or deemed to have been paid thereon shall receive in lieu thereof one (A.) preferred share and one (B.) deferred share of the respective nominal amounts and values by this Act prescribed, and so that each holder of twenty existing shares with the full amount of ten pounds paid thereon, shall receive in lieu thereof thirty-four of such (A.) preferred shares, which shall be deemed to be fully paid up, and twenty such (B.) deferred shares, and one pound in cash, and the certificates of the existing shares so called in and delivered up shall be cancelled by the directors.

New shares to be registered.

9. The directors shall cause proper entries to be made in the books of the Company of the conversion in pursuance of this Act of the existing shares into (A.) preferred shares and (B.) deferred shares, but the directors shall not be bound to issue certificates of any new shares in lieu of existing shares until the certificates of the existing

shares be delivered to them to be cancelled, unless it be shown to their satisfaction that any such certificate has been lost or destroyed or cannot be found.

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10. The (A.) preferred shares and the (B.) deferred shares created and issued under this Act shall be shares in the capital of the Company as fixed and determined by this Act; and the scale of voting by the shareholders shall be as follows:—For every (A.) preferred share the holder shall be entitled to two votes, and for every (B.) deferred share the holder shall be entitled to one vote.

Shares to be
shares in
capital.

11. Sections twenty-one to twenty-nine, both inclusive, and sections thirty-one and thirty-seven of the Act of 1871, are hereby repealed.

Repeal of
certain
sections of
Act of 1871.

12. On and after the passing of this Act the Company may, from time to time, borrow on mortgage of the undertaking, any sum not exceeding in the whole twenty thousand pounds, but no part thereof shall be borrowed until 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 the capital of the Company under this Act has been issued, or that notice of the issue thereof has been given to the shareholders, in accordance with the provisions in this Act contained, 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: Provided that in exercising the borrowing powers herein conferred, the Company shall grant to the board of police of Greenock a first mortgage of the undertaking (to be called Vale of Clyde Tramways Undertaking First Mortgage A.) for six thousand pounds in conformity with the terms of article second of the agreement contained in Schedule (B.) to this Act, and to Messrs. A. & J. Faill, contractors, Glasgow, a second mortgage of the undertaking (to be called Vale of Clyde Tramways Undertaking Second Mortgage B.) for four thousand pounds, in conformity with the terms of article third of the aforesaid agreement, which respective mortgages A. and B. shall take precedence respectively of all other mortgages of the Company, and the Company shall give notice to all subsequent mortgagees of the existence of such first and second mortgages respectively.

Borrowing
powers.

13. The Company on the one hand, and the working corporations, or either of them, on the other hand, may, from time to time, enter into and carry into effect, agreements for the following purposes, or any of them (that is to say):—

Power to
agree for
working of
the tram-
ways.

The management, use, working and maintenance of the tramways now worked and used by the Company within or directly

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connected with tramways within the district for which the working corporation is the road authority, or of any part of them ;

The supply during the continuance of any agreement for the tramways now worked and used by the Company being worked and used by the working corporations, or either of them, of any rolling or working stock necessary for the purpose of such agreement, and of officers and servants for the conduct of the traffic on those tramways, or any of them ;

The payments to be made and the conditions to be performed with respect to the matters aforesaid ;

The modification or alteration of any provisions and obligations contained in any existing lease of such tramways, and the substitution of provisions and obligations in lieu thereof ;

The interchange, accommodation, conveyance and delivery of traffic coming from or destined for the tramways of the Company and the tramways of the working corporations, or either of them, and the fixing and division between the contracting parties of the receipts arising therefrom ;

Generally, all matters incident to or consequent on the making or carrying into effect of any such agreement as aforesaid :
Provided that no such agreement shall have any effect until approved by the Board of Trade.

Company
may sell the
tramways.

14. At any time after the passing of this Act the Company may, subject always to the consent of the Board of Trade, sell to the purchasing corporations, or one or more of them, the tramways belonging to the Company within the district for which the purchasing corporation is the road authority, or any part thereof, and the rolling stock, property, estate and effects, or any part thereof, belonging thereto or connected therewith, for such consideration, and on such terms and conditions as may be agreed upon ; and part or the whole of the consideration for such sale may consist of the debentures, stock, or other securities of the purchasing corporations, or any of them ; and the sale shall be carried into effect by a deed, duly stamped, and truly stating the consideration ; and thereupon by virtue of the deed and of this Act the tramways and property sold shall be transferred to and shall vest in the purchasing corporation ; and when such sale has been made, all the rights, powers, authorities, obligations and liabilities of the Company, in respect of the tramways and undertaking sold, shall be transferred to and vested in, and may be exercised by, and shall attach to the purchasing corporation in like manner as if such tramways had been constructed by such corporation instead of the Company, under the powers conferred upon them by the Act of 1871 and the Act of 1876 : Provided always

that within three months from the execution of any deed of conveyance as aforesaid it shall be produced to the Commissioners of Inland Revenue, and in default of such production, the ad valorem stamp duty, together with interest at the rate of five pounds per centum per annum, shall be recoverable from the purchasing corporation, with full costs of suit and all costs and charges attending the same.

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15. In the event of the Company exercising the powers of sale conferred under the Tramways Act, 1870, or under any Act conferring on them power of sale of the whole or part of their undertaking, and in the event of the consideration for the sale of the tramways, or any part of them, consisting wholly or in part of debentures, stock, or other securities of the purchasing corporation, the value of such debentures, stock, or other securities shall, in any question arising between the holders of the (A.) preferred shares and the (B.) deferred shares, failing agreement, be fixed by an arbitrator to be appointed by the sheriff of Lanarkshire, for the time being, on the application of any holder of such (A.) preferred or (B.) deferred shares.

Arbitrator to be appointed to decide questions between shareholders as to value of securities of purchasing corporations taken on sale of tramways.

16. Subject to existing leases, the Company from time to time may grant, and the purchasing corporations may take a lease of the right of the user of the tramways, or any part of the tramways worked or used by the Company within the district for which the purchasing corporation is the road authority, and of demanding and taking the tolls and charges authorised to be demanded and taken by the Company; and the Company and such corporations may from time to time agree for and with respect to the maintenance and repair by either of the parties of the tramways during the continuance of any such lease. Every such lease shall be made for a term not exceeding twenty-one years, and shall imply a condition of re-entry if, at any time after the making of the same, the lessees discontinue the working of the tramways leased, or of any part thereof, for the space of one month, such discontinuance not being occasioned by circumstances beyond the control of such corporations, for which purpose the want of sufficient funds shall not be considered a circumstance beyond their control. During the continuance of any such lease the tramways, or the part thereof leased to the purchasing corporations, shall not be worked or used by any other company, corporation or persons, except those mentioned in section seventeen of the Act of 1871, without the previous consent of, or by agreement between the Company and such corporations.

Company may lease their tramways.

17. Every agreement, deed of sale or transfer, and lease, which may be entered into or granted by the Company under the authority

Agreements, &c., subject to provisions

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of Act of
1871 and
Act of 1876.

Tolls on
traffic con-
veyed partly
on the
tramways
and partly
on tramways
leased.

of this Act shall, except in so far as otherwise expressly provided by this Act, be subject to all the provisions of the Act of 1871 and of the Act of 1876.

18. During the continuance of any such working agreement or lease, the tramways of the Company, and the tramways of the working or purchasing corporations shall, for purposes of tolls and charges, be considered as one tramway; and in estimating the amount of tolls and charges, in respect of passengers conveyed partly on the tramways of the Company, and partly on tramways of the working or purchasing corporations, for a less distance than two miles, tolls and charges may only be charged as for two miles, and for every mile or fraction of a mile beyond two miles, tolls and charges as for one mile only, and no other short distance charge shall be made for the conveyance of passengers partly on the tramways of the Company and partly on the tramways of the working or purchasing corporations.

Saving
existing
leases and
agreements.

19. Except as in this Act otherwise expressly provided, nothing herein contained shall prejudice or affect the rights, powers and privileges of the provost, magistrates and town council of Greenock or the board of police of Greenock, or the lease or any agreements made between the board of police of Greenock and the Company, and the provisions of this Act shall in no way prejudice or affect any conveyance or conveyances granted by the Company to the board of police of Greenock in security of the fulfilment of the conditions of the lease, or leases, or agreements, or of any existing bond and disposition in security granted by the Company to the board of police of Greenock, or any security for any money belonging to the Company held by the board of police of Greenock.

Authorising
use of
mechanical
power.

20. All or any of the carriages used on the Tramways Nos. 14, 14A, 15, 15A, 15B, authorised by the Act of 1871, and the Tramways Nos. 1, 1A, 2, 6, 7, 8, 9, 34, and 34A authorised by the Greenock Act of 1871, and the short continuation and passing place at the eastern termination of the said Tramway No. 2, being part of Tramways Nos. 3 and 3A authorised by the last-mentioned Act, may, subject to the provisions of this Act, during a period of seven years after the passing of this Act, and with the consent of the Board of Trade, during such further periods of seven years, as the said Board may from time to time specify in any order to be signed by a secretary or an assistant secretary of the said Board, be worked by steam power or electricity, or by any other mechanical power:

Provided always that the exercise of the powers hereby and by the Act of 1876 conferred, with respect to the use of steam, electricity, or any other mechanical power, shall be subject to the

regulations set forth in the Schedule (A.) to this Act, and to any regulations which may be added thereto, or substituted therefor respectively by any order which the Board of Trade may, and which they are hereby empowered to make from time to time as and when they may think fit for securing to the public all reasonable protection against danger in the exercise of the powers by this Act conferred with respect to the use of steam, electricity, or any other mechanical power on the said tramways.

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21. The Company, or any other company or person using steam, electricity, or any other mechanical power on any of the tramways, including Tramways 16 and 16A, contrary to the provisions of this Act, or to any of the regulations set forth in the Schedule (A.) to this Act, or to any regulation added thereto or substituted therefor by any order made by the Board of Trade under the authority of this Act, shall, for every such offence, be subject to a penalty not exceeding ten pounds, and also, in the case of a continuing offence, a further penalty not exceeding five pounds for every day during which such offence continues after conviction thereof: Provided always, that whether any such penalty has been recovered or not, the Board of Trade, in case, in their opinion, the Company, or any other company or person using steam, electricity, or any other mechanical power on the tramways under the authority of this Act, have or has made default in complying with the provisions of this Act, or with any of the regulations set forth in the Schedule (A.) to this Act, or with any regulation which may have been added thereto, or substituted therefor as aforesaid, may, by order, direct the Company, or such other company or person, to cease to exercise the powers aforesaid, and thereupon the Company, or such other company or person, shall cease to exercise the powers aforesaid, and shall not again exercise the same, or any of the same, unless with the authority of the Board of Trade; and in every such case the Board of Trade shall make a special report to Parliament notifying the making of such order.

Penalty for using mechanical power contrary to Act or regulations.

22. Subject to the provisions of this Act, the Board of Trade may from time to time make, and when made may rescind, annul, or add to, byelaws with regard to any of the tramways upon which steam, electricity, or any other mechanical power may be used under the authority of this Act, for all or any of the following purposes (that is to say):—

Byelaws.

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

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

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

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

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

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

As to recovery of penalties.

23. The provisions of the Tramways Act, 1870, with respect to the recovery of penalties, shall apply to any penalty under this Act, and to any penalty for non-observance of any byelaw made by the Board of Trade under the authority of this Act.

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

24. The provisions of the Tramways Act, 1870, relating to the making of byelaws by the local authority, with respect to the rate of speed to be observed in travelling on the tramways shall not authorise the local authority to make any byelaw sanctioning a higher rate of speed than that authorised by this Act, or by any regulation or byelaw made by the Board of Trade under the authority of this Act, at which engines are to be driven or propelled on the tramways under the authority of this Act; but the local authority may, if they think fit, make byelaws under the provisions of the Tramways Act, 1870, for restricting the rate of speed to a lower rate than that so prescribed.

Orders and byelaws.

25. All orders and byelaws made by the Board of Trade, under the authority of this Act, shall be signed by a secretary, or an assistant secretary of that Board.

As to contracts with road authorities where mechanical power is to be used.

26. Where the Company, or any other company or person, intend to use steam or any other mechanical power, under the authority of this Act, on the tramways, or any part thereof, they or he shall give two months previous notice of such intention to every road authority within whose district the tramways, or any part thereof, upon which they or he intend to use such power, are or is situate.

Where, at the time of the giving of any such notice, any contract, agreement, or arrangement is in force with respect to the user by the Company, or such other company or person, or the paving and

keeping in repair of the whole or any part of the roadway of any road within the district of such road authority upon which such tramways, or such part of such tramways, are or is laid, or with respect to the payment by the Company, or such other company or person, to such road authority of any annual or other sum in relation to such user, paving and keeping in repair of such road, then, and in every such case, with the consent of the Board of Trade, it shall be lawful for the Company, or such other company or person, by such notice, or for such road authority, by notice to be served upon the Company, or such other company or person, not later than forty days after the receipt by such road authority of such first-mentioned notice, to determine such contract, agreement, or arrangement, and thereupon such contract, agreement, or arrangement shall, from and after the commencement of the use of steam, electricity, or any other mechanical power upon such tramways, or such part thereof, be determined and of no effect.

Before using steam, electricity, or any other mechanical power on the tramways, or any part thereof, and thereafter, from time to time, the Company, or such other company or person, and every such road authority, may enter into or renew, with or without modification, any contract, agreement, or arrangement with respect to the user by the Company, or such other company or person, or the paving and keeping in repair of the whole or any part of the roadway of any road within the district of such road authority upon which such tramways, or such part of such tramways, are or is laid; or with respect to the payment by the Company, or such other company or person, to such road authority of any annual or other sum in relation to such user, paving and keeping in repair of such road which they may think fit, and the Board of Trade may approve.

In case any difference arises between any such road authority and the Company, or such other company or person, as to the determination of any such contract, agreement, or arrangement, or in case any such road authority, after request in writing by the Company, or such other company or person, or the Company, or such other company or person, after request in writing by any such road authority, during a period of one month after such request, refuse, or fail to enter into any such contract, agreement, or arrangement, or to renew the same, with or without modification, or to make a new contract instead thereof, or in case of any difference as to the terms of any such contract, agreement, or arrangement, or any renewal thereof, with or without modification, or any new contract instead thereof, then, and in every such case, the difference with respect to such determination, or the reasonableness of such refusal or failure, or the terms of such contract, agreement, or arrangement, or any renewal thereof, with or without modification, or any

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No steam, electricity, or other mechanical power shall be used on the tramways, or any portion of the tramways, unless there is in force, in relation to the tramways, or such portion of the tramways, a contract, agreement, or arrangement in accordance with the provisions of this section.

Any moneys which may from time to time be received by such road authority, under any contract, agreement or arrangement, in accordance with the provisions of this section, shall be applied by them towards the expenses of repairing, improving and maintaining the highways within their district, having regard, in the first instance, to the requirements of the roads upon which the tramways are laid.

Where mechanical power is used, contract with road authority not to be for longer than two years at a time.

27. Where steam, electricity, or any other mechanical power is used by the Company, or any other company or person, on the tramways, or any part thereof, no contract, agreement, or arrangement made before or after the commencement of the use of steam, electricity, or other mechanical power, as aforesaid, with respect to the user by the Company, or such other company or person, or the paving and keeping in repair of the whole or any part of the roadway of any road within the district of any road authority upon which such tramways, or such part of such tramways, are or is laid, or with respect to the payment by the Company, or such other company or person, to such road authority of any annual or other sum in relation to such user, paving and keeping in repair of such road, shall continue in force for any period exceeding two years at any one time after the commencement of the use of steam, electricity, or other mechanical power, as aforesaid, or the making of such contract, agreement, or arrangement: Provided always that any such contract, agreement, or arrangement may from time to time be renewed, with or without modification, or a new contract, agreement or arrangement may be made instead thereof.

For protection of board of police of Greenock.

28. The Company shall, before they apply for the consent of the Board of Trade to use steam or other mechanical power on the tramways within the burgh of Greenock, obtain the consent in writing of the board of police of Greenock, in so far as that board

has jurisdiction over the portion of the tramway in respect of which such application is made; and the said board of police may, without prejudice to their other powers, by such consent—

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1. Specify the tramways or portions of tramways within their jurisdiction upon which such steam or other mechanical power may be so used;
2. Limit the number of carriages to be drawn or moved by any one engine on the tramways or parts of the tramways within their jurisdiction: Provided, that no more than two carriages shall be attached to one engine.

No consent of the board of police shall be given, authorising the use of steam or other mechanical power on any tramway or portion of tramway of the Company within the burgh of Greenock, otherwise than by resolution of a majority of the board of police present at a special meeting, to be called with four weeks notice specifying the object of the meeting, and the board of police, notwithstanding the concession of a right to use steam or other mechanical power authorised on any tramway or portion of tramway within the burgh of Greenock, may, by resolution of a majority at a special meeting to be called with like notice, on giving six months previous notice in writing to the Company, withdraw such consent should the use of steam or other mechanical power be in their opinion dangerous to the inhabitants of the burgh, or should the Company fail to carry out the requirements of the board of police; but the decision of the board of police withdrawing such consent shall be subject to an appeal by the Company to the Board of Trade, and the Board of Trade decision shall be final.

29. The Company shall, before they apply for the consent of the Board of Trade to use steam or other mechanical power on the tramways within the burgh of Gourock, obtain the consent in writing of the commissioners of Gourock, in so far as the said commissioners have jurisdiction over the portion of the tramway in respect of which such application is made; and the said commissioners may, without prejudice to their other powers, by such consent—

For protection of the burgh of Gourock.

1. Specify the tramways or portions of tramways within their jurisdiction upon which such steam or other mechanical power may be so used;
2. Limit the number of carriages to be drawn or moved by any one engine on the tramways or parts of the tramways within their jurisdiction: Provided that no more than two carriages shall be attached to one engine.

No consent of the commissioners shall be given, authorising the use of steam or other mechanical power on any tramway or portion

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of tramway of the Company within the burgh of Gourock, otherwise than by resolution of a majority of the commissioners present at a special meeting, to be called with four weeks notice specifying the object of the meeting, and the commissioners, notwithstanding the concession of a right to use steam or other mechanical power authorised on any tramway or portion of tramway within the burgh of Gourock, may, by resolution of a majority at a special meeting to be called with like notice, on giving six months previous notice in writing to the Company, withdraw such consent, should the use of steam or other mechanical power be in their opinion dangerous to the inhabitants of the burgh, or should the Company fail to carry out the requirements of the commissioners; but the decision of the commissioners withdrawing such consent shall be subject to an appeal by the Company to the Board of Trade, and the Board of Trade decision shall be final.

For the protection of the commissioners of police of the burgh of Govan.

30. For the protection of the commissioners of police of the burgh of Govan (herein-after referred to as "the commissioners") the following provisions shall, unless otherwise agreed between the Company and the commissioners, have effect (that is to say):—

- (1.) The Company shall not, without the permission of the local authority, attach to or draw by one locomotive more than one passenger carriage at one time, and in no case shall more than two such carriages be so attached. When two such carriages are attached and drawn at one time each carriage shall be placed under the charge of a separate properly licensed guard or conductor, who shall wear a distinctive uniform or badge, and be provided with a sufficient and independent means of signalling the driver of the locomotive or the man in charge of the motive machinery of whatever kind;
- (2.) No engine, carriage or car of the Company differing in construction, size or weight from any engine, carriage or car previously sanctioned or in use on any tramway in the burgh of Govan shall be used in the burgh unless the same shall have been first approved of by the commissioners. If any difference arises between the commissioners and the Company, the same shall, on the application of either party, be determined by the Board of Trade, whose decision shall be final and conclusive. Every contravention of any of the provisions of this section shall be punishable by a penalty not exceeding ten pounds to be imposed on the Company;
- (3.) The carriage on the tramways of all articles dangerous to life or offensive or injurious to health, shall be regulated within such hours as the Commissioners may prescribe;

- (4.) The commissioners may use the tramways for the conveyance of street and other refuse, or other materials or plant, at any time between the hours of half-past twelve o'clock and half-past four o'clock in the morning, or between such hours as may be agreed upon, on paying such tolls as may be agreed upon between the Company and the commissioners, or, as in the case of difference, may from time to time be fixed by the Board of Trade, on the application of either party ;
- (5.) The powers of the commissioners, as the local authority, under the Tramways Act, 1870, with respect to regulations and byelaws as to the matters and for the purposes therein mentioned, and with respect to the repeal and alteration of such byelaws, and the making of new byelaws shall, subject to the provisions of this Act, extend and apply to the following matters and purposes (that is to say) :—
- Prohibiting the stopping of tramway carriages to take up and set down passengers, or for any purpose, in any place which the commissioners, having regard to the protection, safety or convenience of the public, may from time to time deem necessary, and the entering or leaving of any carriage in any such place ;
 - Empowering the commissioners to cause to be removed from the tramways any engine, carriage or horse which in their opinion is unfit for use on the tramways ;
 - Enforcing good conduct, attention and civility from the drivers and conductors of the tramway engines and carriages ;
 - The numbering of the tramway engines and carriages ;
 - The wearing by drivers and conductors of tramway engines and carriages of some conspicuous badge or distinguishing mark ;
 - In the event of any difference of opinion between the commissioners and the Company as to the making, carrying out or enforcing such byelaws, the same shall be determined by the sheriff of Lanarkshire on the application of either party ;
- (6.) 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 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, or the Roads and Bridges (Scotland) Act, 1878, nor any of the powers, rights or privileges of the said commissioners or magistrates, under the Tramways Act, 1870 ;

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- (7.) The rights, powers, limitations and obligations contained in sections 32 and 33 of the Tramways Act, 1870, shall apply to any sewer belonging to or under the charge of the commissioners in like manner as if such sewer had been a pipe for the supply of gas or water;
- (8.) In the event of it being necessary or expedient temporarily to remove or discontinue the use of Tramways 16 and 16A, or any part thereof, 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;
- (9.) 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 substructure upon which the same rest, 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 these provisions, or with the provisions of section 28 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 56 of the said Act;
- (10.) Subject to the provisions of this Act the Company may, with the consent of the road authority, and on the requisition of such road authority shall from time to time make, 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 or of the commissioners: 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. In the event of difference of opinion between the road authority and the Company as to what works may be necessary under

this sub-section, or as to the mode of carrying them out, the same shall be determined by the sheriff of Lanarkshire, on the application of either party ;

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(11.) In addition to the requirements of section 26 of the Tramways Act, 1870, the Company, at the same time as they give notice to any road authority of their intention to open or break up any road under the control of such road authority for the purpose of constructing, laying down, renewing or doing extraordinary repairs on any of the tramways, may, and shall if required by such road authority, lay before the Board of Trade a plan showing the proposed mode of constructing, laying down, maintaining or renewing such tramways, and a statement of the materials intended to be used therein, and the Company shall not commence the construction, laying down, renewal or doing extraordinary repairs on any of the tramways, or part of any of the tramways, until such plan and statement have been approved by the Board of Trade or the road authority, and after such approval the works shall be executed in accordance in all respects with such plan and statement, and under the superintendence and to the reasonable satisfaction of the surveyor for the time being of the respective road authorities, as provided by section 26 of the said Act ;

(12.) The Company on the one hand, and any road authority on the other hand, may, subject to the provisions of this Act, from time to time enter into any agreement with respect to the construction, maintaining, removing, renewing, repairing and using of the tramways situate within the district of such road authority, and the rails, plates, chairs, sleepers and works connected therewith, and the facilitating of the traffic over the same ;

(13.) The Company shall, and they are hereby required at all times to run upon the tramways within the burgh of Govan cars or carriages at least once each way every morning in the week and every evening in the week (Sundays and public holidays always excepted), at such hours, not being later than seven o'clock in the morning or earlier than five o'clock in the evening, except on Saturdays, when such cars shall be run not later than seven o'clock in the morning or earlier than twelve o'clock noon, as may be found most convenient for artisans, mechanics and daily labourers, at tolls or charges not exceeding one halfpenny per mile (and for this purpose a fraction of a mile shall be deemed a mile), but the Company shall not be required to take any toll or charge less than one penny : Provided always, that any complaint by the commissioners or by

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the inhabitants of the burgh as to the number of such cars, or as to the hours appointed by the Company for the running of such cars, or any dispute as to what days are to be deemed public holidays, shall from time to time be determined by the Board of Trade on the application of either party. The cars or carriages used for the special runs specified in this sub-section shall have a painted sign board on each side, with the words workmen's car painted distinctly thereon.

For the protection of the commissioners of Kinning Park.

31. For the protection of the commissioners of Kinning Park (in this section referred to as "the commissioners") the following provisions shall, unless otherwise agreed between the Company and the commissioners, have effect (that is to say):—

- (1.) The Company shall not, without the permission of the local authority, attach to or draw by one locomotive more than one passenger carriage at one time, and in no case shall more than two such carriages be so attached. When two such carriages are attached and drawn at one time each carriage shall be placed under the charge of a separate properly licensed guard or conductor, who shall wear a distinctive uniform or badge, and be provided with a sufficient and independent means of signalling the driver of the locomotive or the man in charge of the motive machinery of whatever kind ;
- (2.) No engine, carriage or car of the Company differing in construction, size or weight from any engine, carriage or car previously sanctioned or in use on any tramway in the burgh of Kinning Park shall be used in the burgh unless the same shall have been first approved of by the commissioners. If any difference arises between the commissioners and the Company, the same shall, on the application of either party, be determined by the Board of Trade, whose decision shall be final and conclusive. Every contravention of any of the provisions of this section shall be punishable by a penalty not exceeding ten pounds to be imposed on the Company ;
- (3.) The carriage on the tramways of all articles dangerous to life or offensive or injurious to health shall be regulated within such hours as the commissioners may prescribe ;
- (4.) The commissioners may use the tramways for the conveyance of street and other refuse, or other materials or plant, at any time between the hours of half-past twelve o'clock and half-past four o'clock in the morning, or between such hours as may be agreed upon, on paying such tolls as may be agreed upon between the Company and the commissioners, or, as in the case of difference, may from time to time be fixed by the Board of Trade, on the application of either party ;

(5.) The powers of the commissioners, as the local authority, under the Tramways Act, 1870, with respect to regulations and byelaws as to the matters and for the purposes therein mentioned, and with respect to the repeal and alteration of such byelaws, and the making of new byelaws shall, subject to the provisions of this Act, extend and apply to the following matters and purposes (that is to say):—

Prohibiting the stopping of tramway carriages to take up and set down passengers, or for any purpose, in any place which the commissioners, having regard to the protection, safety or convenience of the public, may from time to time deem necessary, and the entering or leaving of any carriage in any such place ;

Empowering the commissioners to cause to be removed from the tramways any engine, carriage or horse which in their opinion is unfit for use on the tramways ;

Enforcing good conduct, attention and civility from the drivers and conductors of the tramway engines and carriages ;

The numbering of the tramway engines and carriages ;

The wearing by drivers and conductors of tramway engines and carriages of some conspicuous badge or distinguishing mark ;

In the event of any difference of opinion between the commissioners and the Company as to the making, carrying out or enforcing such byelaws, the same shall be determined by the sheriff of Lanarkshire on the application of either party ;

(6.) 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 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, or the Roads and Bridges (Scotland) Act, 1878, nor any of the powers, rights or privileges of the said commissioners or magistrates, under the Tramways Act, 1870 ;

(7.) The rights, powers, limitations and obligations contained in sections 32 and 33 of the Tramways Act, 1870, shall apply to any sewer belonging to or under the charge of the commissioners in like manner as if such sewer had been a pipe for the supply of gas or water ;

(8.) In the event of it being necessary or expedient temporarily to remove or discontinue the use of Tramways 16 and 16A, or

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any part thereof, 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;

(9.) 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 substructure upon which the same rest, 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 these provisions, or with the provisions of section 28 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 56 of the said Act;

(10.) Subject to the provisions of this Act the Company may, with the consent of the road authority, and on the requisition of such road authority shall from time to time make, 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 or of the commissioners: 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. In the event of difference of opinion between the road authority and the Company as to what works may be necessary under this sub-section, or as to the mode of carrying them out, the same shall be determined by the sheriff of Lanarkshire, on the application of either party;

(11.) In addition to the requirements of section 26 of the Tramways Act, 1870, the Company, at the same time as they give notice to any road authority of their intention to open or break

up any road under the control of such road authority for the purpose of constructing, laying down, renewing or doing extraordinary repairs on any of the tramways, may and shall if required by such road authority, lay before the Board of Trade a plan showing the proposed mode of constructing, laying down, maintaining or renewing such tramways, and a statement of the materials intended to be used therein, and the Company shall not commence the construction, laying down, renewal or doing extraordinary repairs on any of the tramways, or part of any of the tramways, until such plan and statement have been approved by the Board of Trade or the road authority, and after such approval the works shall be executed in accordance in all respects with such plan and statement, and under the superintendence and to the reasonable satisfaction of the surveyor for the time being of the respective road authorities, as provided by section 26 of the said Act;

(12.) The Company on the one hand, and any road authority on the other hand, may, subject to the provisions of this Act, from time to time enter into any agreement with respect to the construction, maintaining, removing, renewing, repairing and using of the tramways situate within the district of such road authority, and the rails, plates, chairs, sleepers and works connected therewith, and the facilitating of the traffic over the same;

(13.) The Company shall, and they are hereby required at all times to run upon the tramways within the burgh of Kinning Park cars or carriages at least once each way every morning in the week and every evening in the week (Sundays and public holidays always excepted), at such hours, not being later than seven o'clock in the morning or earlier than five o'clock in the evening, except on Saturdays, when such cars shall be run not later than seven o'clock in the morning or earlier than twelve o'clock noon, as may be found most convenient for artisans, mechanics and daily labourers, at tolls or charges not exceeding one halfpenny per mile (and for this purpose a fraction of a mile shall be deemed a mile), but the Company shall not be required to take any toll or charge less than one penny: Provided always, that any complaint by the commissioners or by the inhabitants of the burgh as to the number of such cars, or as to the hours appointed by the Company for the running of such cars, or any dispute as to what days are to be deemed public holidays, shall from time to time be determined by the Board of Trade on the application of either party. The cars or carriages used for the special runs specified in this

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sub-section shall have a painted sign board on each side, with the words workmen's car painted distinctly thereon.

Agreement with board of police of Greenock and Messrs. A. and J. Fail confirmed.

32. The agreement in the terms contained in the Schedule (B.) to this Act, made between the Company of the first part, the board of police of Greenock of the second part, and Messieurs A. and J. Fail, contractors in Glasgow, of the third part, is hereby confirmed, and full effect may and shall be given thereto.

Inasmuch as the securities already held by the board of police of Greenock or to be granted to them under the said agreement are held and granted for the security of that board, the Company shall, subject to the sanction of the said board of police from time to time, so far as necessary, satisfy and pay by means of such securities or out of the proceeds thereof, the liabilities incurred or to be incurred by them to the board of police of Greenock.

Carrying of mails by Company.

33. The Company, or any other company or person owning or working the tramways, or any of them herein-after in this section included in the expression "the Company," if required by the Postmaster-General, shall perform, with respect to any tramway owned or worked by them, all such reasonable services in regard to the conveyance of mails as Her Majesty's Postmaster-General from time to time requires, provided as follows:—

(A.) Nothing in this section shall authorise the Postmaster-General to require mails in excess of the following weights to be carried by the Company in or upon any carriage (that is to say):—

(1.) If the carriage is conveying, or intended to convey, passengers and not goods or parcels, then in excess of the maximum weight, for the time being, fixed for the luggage of ordinary passengers; and

(2.) If the carriage is conveying, or intended to convey, parcels only, then in excess of such maximum weight as is for the time being fixed for ordinary parcels, or if that maximum appears to the Postmaster-General to be so low as to exclude him from availing himself of the use of any such carriage, then as is, for the time being, fixed by agreement, or in default of agreement, by a referee to be appointed, at the request of either party, by the sheriff-principal of Lanarkshire; and

(3.) If the carriage is conveying, or intended to convey, both parcels and passengers, but not goods, then in excess of the maximum weight, for the time being, fixed for ordinary parcels, or for the luggage of ordinary passengers, whichever is the greater;

(b.) Mails when carried in or upon a carriage conveying passengers shall be so carried as not to inconvenience the passengers, but so, nevertheless, that the custody of the mails by any officer of the Post Office in charge thereof shall not be interfered with :

(c.) Nothing in this section shall authorise the Postmaster-General to require any mails to be carried by the Company in or upon a carriage conveying, or intended to convey passengers, but not goods or parcels, except in charge of an officer of the Post Office travelling as a passenger :

(d.) If the Company carry goods as well as passengers and parcels, the enactments relating to the conveyance of mails by railway shall, subject to the provisions of this section, apply in like manner as if the Company were a railway company and the tramway were a railway :

The remuneration for any services which have been performed by the Company in pursuance of this section shall be such as may be from time to time determined by agreement between Her Majesty's Postmaster-General and the Company, or in default of agreement, by a referee to be appointed by the sheriff-principal of Lanarkshire at the request of either party ; and this provision shall have effect in lieu of any provisions respecting remuneration contained in the enactments relating to the conveyance of mails by railway which are applied by this section :

For the purposes of this section the expression "mails" has the same meaning as in the Regulation of Railways Act, 1873, and includes parcels within the meaning of the Post Office (Parcels) Act, 1882 :

For the purposes of this section, a requisition by Her Majesty's Postmaster-General may be signified by writing under the hand of any person who is at the time either such Postmaster-General or a secretary or assistant secretary of the Post Office, or the Inspector-General of Mails ; and any document purporting to be signed by any such person as aforesaid shall, until the contrary is proved, be deemed, without proof of the official character of such person, to have been duly signed as required by this section.

34. In the event of the tramways of the Company being worked by electricity, the following provisions shall have effect :—

Provision for protection of Postmaster-General.

(1.) It shall not be lawful for the Company or any other company or person owning or working the tramways, or any of them herein-after in this section included in the expression "the Company," to lay down any line or rail, or to do any act or work for working the tramways by electricity, whereby any telegraphic line of the Postmaster-General is, or may be,

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

- (2.) Any difference which arises between the Postmaster-General and the Company or their agents with respect to any requirements so made shall be determined by the Board of Trade, whose decision shall be final, and sections thirty to thirty-two, both inclusive, of the Regulation of Railways Act, 1868, shall apply in like manner as if the Company or their agents were a company within the meaning of that Act;
- (3.) In the event of any contravention of, or wilful non-compliance with this section by the Company or their agents, the Company shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues, or if the telegraphic communication is wilfully interrupted, not exceeding fifty pounds for every day on which such interruption continues;
- (4.) Provided that nothing in this section shall subject the Company or their agents to a fine under this section, if they satisfy the court, having cognisance of the case, that the immediate doing of the act or execution of the work was required to avoid an accident or otherwise was a work of emergency, and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done, a notice of the execution thereof, stating the reason for doing or executing the same without previous notice;
- (5.) For the purposes of this section, a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is, whether through induction or otherwise, in any

manner affected by such act or work, or by any use made of such work ;

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(6.) For the purposes of this section, and subject as therein provided, sections 2, 8, 9, 10, 11, and 12 of the Telegraph Act, 1878, shall be deemed to be incorporated with this Act, as if the Company were undertakers within the meaning of those sections, without prejudice, nevertheless, to any operation which the other sections of the said Act would have had if this section had not been enacted.

35. The expression "mechanical power," contained in the Vale of Clyde Tramways Act, 1876, shall include electricity.

Amendment of Vale of Clyde Tramways Act, 1876.

36. No interest or dividend shall be paid out of any share or loan capital which the Company are, by this or any other Act, authorised to raise, to any shareholder on the amount of the calls made in respect of the shares held by him ; but nothing in this Act 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.

Interest not to be paid on calls paid up.

37. The Company shall not, out of any money by this Act or any other 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 tramway, or to execute any other work or undertaking.

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

38. 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 fares or charges authorised to be taken by the Company.

Provision as to general Tramway Acts.

39. 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.

Costs of Act.

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SCHEDULES referred to in foregoing Act.

SCHEDULE (A.)

Brake power
of engines.

Every engine used on the tramways shall be fitted with such mechanical appliances for preventing the motive power of such engine from operating and for bringing such engine and any carriage drawn or propelled by such engine to a stand, as the Board of Trade may from time to time think sufficient.

As to fittings
of engines, &c.

Every engine used on the tramways shall have its number shown in some conspicuous part thereof, and shall be fitted—

With an indicator, by means of which the speed shall be shown ;

With a suitable fender to push aside obstructions ;

With a special bell, whistle, or other apparatus, to be sounded as a warning when necessary ; and

With a seat for the driver of such engine, so placed in front of such engine as to command the fullest possible view of the road before him ;

Every such engine shall be free from noise produced by blast or clatter of machinery, and the machinery shall be concealed from view at all points above four inches from the level of the rails, and all fire used on such engine shall be concealed from view.

As to car-
riages.

Every carriage used on the tramways shall be so constructed as to provide for the safety of passengers, and for their safe entrance to, exit from, and accommodation in such carriage, and their protection from the machinery of any engine used for drawing or propelling such carriage.

Inspection of
engines and
carriages.

The Board of Trade shall, on the application of the local authority, and may, on complaint made by any person from time to time, inspect any engine or carriage used on the tramways, and the machinery therein, and may, whenever they think fit, prohibit the use on the tramways of any such engine or carriage which, in their opinion, may not be safe for use on the tramways.

As to speed.

The speed at which engines and carriages may be driven or propelled along the tramways shall not exceed the rate of eight miles an hour.

The speed at which engines and carriages may pass through movable facing points shall not exceed the rate of four miles an hour.

SCHEDULE (B.)

A.D. 1888.

THIS MINUTE OF AGREEMENT made between the VALE OF CLYDE TRAMWAYS COMPANY incorporated by Act of Parliament of the first part, the BOARD OF POLICE OF GREENOCK incorporated by Act of Parliament of the second part, and Messrs. A. and J. FAILL, contractors in Glasgow, of the third part, WITNESSETH that whereas the first party are under obligations to the second party by virtue of an agreement dated fourteenth December, one thousand eight hundred and seventy-four, and confirmed by the Greenock Police and Improvement Act, 1875: And whereas the first party are due and owing to the third party the sum of twelve thousand pounds one shilling and sevenpence incurred in the construction and repair of certain portions of their tramways: And whereas the first party are promoting in the present session of Parliament a Bill to confer further powers on them and other companies and bodies, and for other purposes, by which Bill it is inter alia sought to re-arrange the capital of the Company, and to reduce the liability of the shareholders: And whereas the Agreement herein-after set forth has been made between the parties hereto: Therefore—

First.—The first party agrees forthwith to make a call on the shareholders of ten shillings per share, payable within two months from the first date hereof, and when the proceeds thereof have been received, and not later than three months from the first date hereof, to pay to the third party the sum of eight thousand pounds one shilling and sevenpence to account of their said debt, with interest at the rate of four and one half per centum on the full amount of twelve thousand pounds one shilling and sevenpence from fifth November, one thousand eight hundred and eighty-seven, the date when payment thereof was due, till the date of payment of the sum to be paid as aforesaid to account of the principal debt.

Second.—The first party agrees, as soon as practicable, and not later than two months from the passing of the Act, to grant to the second party a statutory mortgage of the Company's undertaking for six thousand pounds, in further security of the provisions and obligations undertaken by and binding upon them in terms of the said agreement of fourteenth December, one thousand eight hundred and seventy-four, such mortgage to endure for the period from the date thereof to Whitsunday, one thousand eight hundred and ninety-three, the date of the expiration of the lease of the Greenock tramways under that agreement: Provided that such mortgage shall not carry interest, and shall be held solely in security of the due fulfilment of the provisions and obligations above referred to, and shall be preferable to any other mortgages granted by the first party.

A.D. 1888.

Third.—The first party agrees, as soon as practicable, and not later than two months from the passing of the Act, to grant to the third party a statutory mortgage of the Company's undertaking for four thousand pounds, bearing interest, payable half-yearly, at the rate of four and a half per centum per annum, repayable on the expiration of three years from the date thereof, or at the date of call-letters being issued for any call made on the unpaid capital other than that provided in article first hereof, in the event of such call being made before the expiry of three years from the date hereof; declaring that the interest on such sum of four thousand pounds shall be paid by the first party as from the date of the said sum of eight thousand pounds one shilling and sevenpence, being paid to account of the principal debt: Provided, that before granting the said mortgages the first party shall obtain a certificate from the sheriff, under the forty-second section of the Companies Clauses Consolidation (Scotland) Act, 1845.

Fourth.—Any mortgages to be granted by the first party, other than those specified in the immediately preceding paragraphs, shall be postponed to the mortgages therein provided to be granted to the second and third parties.

Fifth.—In consideration of the said undertakings, the second and third parties agree not to oppose the passing of the said Bill now before Parliament, subject to the condition that the same shall be amended so as to provide that the A. preferred shares of the Company on which two pounds per share shall be deemed to have been paid up shall not be reduced in number below twenty-three thousand two hundred and sixty-nine, nor shall the liability thereon be reduced below ten shillings per share over and above the liability to meet the said call of ten shillings per share agreed to be made under clause one of this agreement.

Sixth.—The parties consent to registration hereof for preservation and execution.

Seventh.—This agreement is subject to such modifications and alterations as Parliament may make thereon, and shall, if Parliament approve, be scheduled to the Act, and is conditional on such Act receiving the sanction of Parliament: Provided, that if the committee to whom the Bill is referred make any material alteration therein, any of the parties hereto may withdraw from the same.

Eighth.—The costs and expenses incurred by the second and third parties in connexion with this agreement and the confirmation of the same by the Bill and of the mortgages to be granted to the second and third parties shall be paid by the first party, subject to taxation thereof by the auditor of the Court of Session in Scotland, if required by the first party. In witness whereof these presents, written on this and the two preceding pages by Bernard McNulty, clerk to McGrigor, Donald and Company, writers in Glasgow, are (under the declaration that the word "seven" in the thirty-sixth line of page first is written partly on erasure, and that the words "per annum" are interlined to be read between the words "centum" and "repayable" in the thirteenth line of page second) executed by the parties hereto in triplicate, as follows, viz.: they are subscribed by William Hair, John Black, Alexander Cameron, and David Ritchie, four of the members of the board of police of Greenock aforesaid, authorised to sign for the said board, and sealed with the corporate seal of the said board, all at Greenock, on the twenty-eighth day of March, in the year one thousand eight hundred and eighty-eight, before these witnesses, Colin MacCulloch, town clerk of Greenock, and Hugh Boyd Crawford, his clerk; they are subscribed by the said A. and J.

Fail (the signature of said firm being adhibited by Alexander Fail, one of the partners thereof), at Glasgow, on the thirtieth day of March, in the year last mentioned, before these witnesses, Robert Love, writer, Glasgow, and Thomas Oliphant, junior, clerk to J. and J. Boyd and Miller, writers, there; and they are subscribed by James Hunter Dickson and James Barras, two of the directors, and Robert Alexander Mair, secretary, all of and for and on behalf of the Vale of Clyde Tramways Company aforesaid, and sealed with the corporate seal of that Company, all at Glasgow, on the thirtieth day of March, in the year last-mentioned, before these witnesses, William Bell Macubbin and Percy Stewart, both clerks to Reid and Mair, chartered accountants in Glasgow.

A.D. 1888.

W. B. MACUBBIN, witness.
PERCY STEWART, witness.

{ JAMES H. DICKSON, director.
JAMES BARRAS, director.
ROB. A. MAIR, secretary. }

L.S.

COLIN MACCULLOCH, witness.
H. B. CRAWFORD, witness.

{ WILLIAM HAIR.
JNO. BLACK.
A. CAMERON.
DAV. RITCHIE. }

L.S.

ROBERT LOVE, witness.
THOS. OLIPHANT, jr., witness.

} A. & J. FAILL.

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