

**CHAPTER cciv.**

An Act to authorise the Edinburgh Street Tramways Company to extend their Tramways and for other purposes. A.D. 1896.
[7th August 1896.]

WHEREAS by the Edinburgh Tramways Act 1871 (in this Act called "the Act of 1871") the Edinburgh Street Tramways Company (in this Act called "the Company") were incorporated and were authorised to make and maintain various tramways in Edinburgh Leith and Portobello :

And whereas various Acts have since from time to time been passed conferring further powers upon the Company :

And whereas it is expedient that the Company be authorised to extend their tramways by means of the additional tramways by this Act authorised :

And whereas it is expedient to make provision with respect to the leasing by the Company of their tramways and for enabling the Company and the local authorities herein-after in that behalf mentioned to enter into and carry into effect agreements for the sale and purchase of the tramways of the Company as herein-after provided :

And whereas by an agreement dated the twenty-first day of June one thousand eight hundred and ninety-two made between the provost magistrates and council of the burgh of Leith (herein-after called "the corporation of Leith") of the first part and the Company of the second part (which agreement is scheduled to and confirmed by the Edinburgh Street Tramways Act 1892 herein-after called "the Act of 1892") it was agreed amongst other things that the corporation of Leith should not exercise their power of acquiring the tramways of the Company in the burgh of Leith in accordance with the provisions of the Tramways Act 1870 for the periods mentioned in that agreement and that the Company should extend their tramways :

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And whereas by the Edinburgh Street Tramways Act 1893 (herein-after called "the Act of 1893") the Company obtained power to extend their tramways in manner provided by the said agreement and have since constructed such extensions and the tramways authorised by this Act (other than Tramway No. 1) are connected with such tramways and it is expedient that provision be made as herein-after contained for the purchase by the corporation of Leith of all such tramways simultaneously with the existing tramways of the Company situate in the burgh of Leith :

And whereas the existing tramways of the Company in the burgh of Portobello and the Tramway No. 1 by this Act authorised and the existing tramways of the Company between the eastern boundary of the city of Edinburgh and the western boundary of the burgh of Portobello (which are situate within the county of Edinburgh) form part of one continuous line of communication and the different sections thereof cannot with advantage to the public or the Company be held in separate ownerships and under separate control and it is expedient that provision be made as herein-after contained with respect to the purchase thereof by the local authorities of the districts in which the same are respectively situate :

And whereas plans and sections showing the lines and levels of the tramways authorised by this Act and amended plans and sections showing the lines and levels of the Tramway No. 2 authorised by this Act and books of reference to such plans respectively have been deposited with the principal sheriff clerk of the county of Edinburgh and are herein-after respectively referred to as the deposited plans sections and books of reference and the amended plans sections and books of reference :

And whereas the purposes of this Act 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 Edinburgh Street Tramways Act 1896.

Incorporation of general Acts.

2. The Lands Clauses Acts (except the provisions thereof with respect to the purchase of lands otherwise than by agreement) and section 3 (interpretation of terms) section 19 (local authority may lease or take tolls) and Part II. (construction of tramways) and Part III. (general provisions) of the Tramways Act 1870 are

(except where expressly varied by this Act) incorporated with and form part of this Act. A.D. 1896.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction and the expression "the Portobello section" means and includes the existing tramways of the Company in the burgh of Portobello and the existing tramways of the Company between the eastern boundary of the city of Edinburgh and the western boundary of that burgh as such boundaries respectively existed on the 1st day of January 1896 and the Tramway No. 1 by this Act authorised if and so far as the same shall be constructed. Interpretation.

4. Subject to the provisions of this Act the Company may make form lay down work use and maintain the tramways herein-after described in the lines and according to the levels shown on the deposited plans and sections as altered in the case of Tramway No. 2 by the amended plans and sections and in all respects in accordance with those plans and sections as so altered with all proper rails plates tubes and apparatus chains cables and wires engines stages machinery works and conveniences connected therewith The tramways and works herein-before referred to and authorised by this Act will be situate in the county of Edinburgh and are— Power to make tramways.

A Tramway (No. 1) 4 furlongs and 8·32 chains or thereabouts in length (of which 4 furlongs and 7·92 chains are double and 0·40 chains are single line) commencing by a junction or junctions with the existing line of tramway of the Company in the High Street of Portobello and terminating in the road leading from Edinburgh by Portobello to Musselburgh opposite the wall forming the eastern boundary of Brighton Terrace Joppa Portobello :

A Tramway (No. 2) 1 furlong and 6·5 chains or thereabouts in length (of which 1 furlong and 2·3 chains are double and 4·2 chains are single line) commencing by a junction or junctions with the existing tramway of the Company near the eastern terminus thereof in Commercial Street Leith and terminating by a junction or junctions with the existing tramways of the Company in Bernard Street at or about the western terminus of those tramways :

A Tramway (No. 3) 7 furlongs and 7·25 chains or thereabouts in length (of which 4 furlongs 1·19 chains are double and

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3 furlongs 6·06 chains are single line) commencing by a junction with the existing tramway of the Company in Stanley Road Newhaven and terminating by a junction or junctions with the existing tramways of the Company in Commercial Street Provided that the Company shall endeavour to arrange with the owner of the Well House Tower situate in Parliament Square Newhaven for its removal at the expense of the Company to another site and shall subject to the assent of such owner deviate the centre line of Tramway No. 3 as delineated on the deposited plans so as to provide an improved curve of that tramway at its entrance to Parliament Square :

A Tramway (No. 4) (double line) 2·85 chains or thereabouts in length commencing by a junction or junctions with Tramway No. 3 herein-before described and authorised by this Act in Lindsay Road or Portland Place and terminating by a junction or junctions with the Company's existing tramways in North Junction Street.

For protec-
tion of War
Office.

5. Notwithstanding anything in this Act the passing place shown on the deposited plans between the letters F.F. shall not be constructed as shown thereon but may be constructed so as not to extend eastward of a line drawn at right angles across Lindsay Road from the westernmost corner of the grounds of Leith Fort nor shall any other passing place or loop be laid down or constructed in Lindsay Road in front of or opposite to the said grounds.

For the
protection
of the
Caledonian
Railway
Company.

6. Whereas Tramway No. 3 will be laid along the roadway of the bridge carrying the road from Newhaven to Leith over the railway of the Caledonian Railway Company (herein-after called "the Caledonian Company") at the west end of their passenger and goods station at Leith Therefore the following provisions shall (unless otherwise agreed between the Company and the Caledonian Company) apply for the protection of the Caledonian Company (that is to say) :—

(1) The Company shall not in the construction maintenance and use of Tramway No. 3 alter or interfere with the structure of the said bridge below the road formation and shall so construct and maintain such tramway as not injuriously to affect such structure :

(2) If any injury to the said bridge be occasioned at any time by the works or operations of the Company in connexion with such tramway the Company shall forthwith make good such injury at their own expense or if the Company fail to do so the Caledonian Company may do the necessary works for that

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purpose at the expense of the Company and the Company shall repay to the Caledonian Company all costs and expenses incurred by them in so doing :

(3) Nothing contained in this Act or which may be done in pursuance thereof shall prevent the Caledonian Company from widening their railway beneath the said bridge or repairing altering or reconstructing the said bridge without interference on the part of the Company and without incurring any liability to the Company or to the lessees of the said tramway or to any other parties working or using the same for any loss injury damage expense or interruption of traffic which may arise from such widening repair alteration or reconstruction and any extra expense which the Caledonian Company may incur in the repair of the structure of such bridge or the alteration or reconstruction thereof by reason of the existence and user of the said tramway shall be paid by the Company provided that all such operations shall be executed by the Caledonian Company in such manner as to cause as little interruption or inconvenience as practicable to the traffic on the said tramway and that the Caledonian Company shall give fourteen days' notice in writing to the Company before commencing any such operations and that such operations so far as the same interfere with the said tramway or the passage of traffic along the same shall be conducted at the sight and to the reasonable satisfaction of the engineer of the Company :

(4) If any difference shall arise between the Company and the Caledonian Company or their respective engineers with respect to any matter referred to in this section such difference shall be determined by an engineer or other fit person to be agreed upon by the Company and the Caledonian Company or failing agreement to be appointed by the sheriff of Midlothian on the application of either party and the costs of the reference shall be borne and paid as such referee shall direct.

7. In the event of the Company constructing the tramways authorised by this Act to be worked by cable power the following provisions shall have effect (that is to say) :—

(1) Notwithstanding anything contained in the Tramways Act 1870 the Company shall not themselves alter or interfere with the existing lines or levels of the mains aqueducts conduits or lines of pipes and apparatus connected therewith or any of them belonging to the Edinburgh and District Water Trustees (herein-after called "the water trustees") including consumers' pipes nor injuriously affect or interrupt the supply of water

For the
protection
of water and
gas pipes.

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conveyed by the same but any duplication of alterations on or interference with the mains aqueducts conduits or lines of pipes and apparatus connected therewith of the water trustees including consumers' pipes as may be necessary in consequence of the construction of the tramways authorised by this Act as cable tramways shall on the requisition of the Company and unless decided by an arbitrator to be unnecessary be executed by the water trustees at the expense of the Company and the water trustees shall at all times have a right of access to such mains aqueducts conduits or lines of pipes and apparatus connected therewith including consumers' pipes for the renewal repair enlargement alteration and maintenance of the same and for making new connexions and laying additional pipes when and where they shall see fit and any additional cost of such alterations or repairs caused by the works of the Company of any such mains aqueducts conduits or lines of pipes and apparatus connected therewith including consumers' pipes laid before the construction of such tramways shall be borne by the Company And in all cases where works are to be executed by the water trustees to be paid for by the Company the water trustees shall use every means in their power to have the works executed as economically as possible and with all reasonable despatch but should any dispute arise between the parties as to the cost thereof the same shall be decided by arbitration in the manner herein-after provided and all payments for work executed by the water trustees shall be made by the Company within three months after the cost of the work has been certified by the water trustees' engineer with interest till paid :

- (2) Notwithstanding anything contained in the Tramways Act 1870 the Company shall not themselves alter or interfere with the existing lines or levels of the mains or lines of pipes and apparatus connected therewith or any of them belonging to the Edinburgh and Leith Corporations Gas Commissioners (herein-after called "the gas commissioners") including consumers' pipes nor injuriously affect or interrupt the supply of gas conveyed by the same but any duplication of alterations on or interference with the mains or pipes and apparatus connected therewith of the gas commissioners including consumers' pipes as may be necessary in consequence of the construction of the tramways authorised by this Act as cable tramways shall be executed by the gas commissioners at the expense of the Company and the gas commissioners shall at

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all times have a right of access to such mains and pipes and apparatus connected therewith including consumers' pipes for the renewal repair enlargement alteration and maintenance of the same and for making new connexions and laying additional pipes when and wherever they shall see fit and any additional cost of such alterations or repairs caused by the works of the Company of any such mains and pipes and apparatus connected therewith including consumers' pipes laid before the construction of such tramways shall be borne by the Company And in all cases where works are to be executed by the gas commissioners to be paid for by the Company the gas commissioners shall use every means in their power to have the works executed as economically as possible and with all reasonable despatch but should any dispute arise between the parties as to the cost thereof the same shall be decided by arbitration in the manner herein-after provided and all payments for work executed by the gas commissioners shall be made by the Company within three months after the cost of the work has been certified by the engineer of the gas commissioners with interest till paid :

- (3) If any difference shall at any time arise between the Company and the water trustees or the gas commissioners or their respective engineers with respect to any of the matters referred to in the two next preceding subsections or in the Tramways Act 1870 such difference shall be referred to an engineer to be mutually agreed on or failing agreement to an engineer to be appointed by the sheriff of the Lothians and Peebles on the application of either the Company or the water trustees or the gas commissioners as the case may be.

8. If the Company fail within the period limited by this Act to complete the tramways authorised to be made by this Act and open the same for public conveyance of passengers the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the said tramways are completed and opened for public conveyance of passengers or until the sum received in respect of such penalty shall amount to five per centum on the estimated cost of the tramways so uncompleted and the said penalty may be applied for by any landowner or other person or road authority claiming to be compensated in accordance with the provisions of the next following section of this Act and in the same manner as the penalty provided in the 3rd section of the Railway and Canal Traffic Act 1854 and every sum of money recovered by way of such penalty as aforesaid shall be paid under

Penalty
imposed
unless the
line opened
within the
time limited.

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the warrant or order of such court or judge as is specified in that section to an account opened or to be opened in the name and with the privity of the Queen's and Lord Treasurer's Remembrancer for and on behalf of the Court of Exchequer in Scotland in the bank and to the credit named in such warrant or order and shall not be paid thereout except as herein-after provided but no penalty shall accrue in respect of any time during which it shall appear by a certificate to be obtained from the Board of Trade that the Company were prevented from completing or opening such line by unforeseen accident or circumstances beyond their control provided that the want of sufficient funds shall not be held to be a circumstance beyond their control.

Application
of penalties.

9. Every sum of money so recovered by way of penalty as aforesaid shall be applicable and after due notice in the Edinburgh Gazette shall be applied towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the said tramways or any portion thereof in compensating all road authorities for the expenses incurred by them in taking up any tramway or materials connected therewith placed by the Company in or on any road vested in or maintainable by such road authorities respectively and in making good all damage caused to such roads by the construction or abandonment of such tramway and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the said Court may seem fit and if no such compensation shall be payable or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid shall have been found sufficient to satisfy all just claims in respect of such compensation then the said sum or sums of money recovered by way of penalty or such portion thereof as may not be required as aforesaid shall if a judicial factor has been appointed or the Company is insolvent or has been ordered to be wound up be paid to such judicial factor or to the liquidator or liquidators of the Company or be otherwise applied in the discretion of the Court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid to the Company.

Extension of
provisions of
former Acts.

10. The provisions of section 7 of the Act of 1871 sections 11 to 22 of the Edinburgh Street Tramways Act 1881 except the proviso to section 13 and section 14 of the Edinburgh Street Tramways Act 1893 shall so far as the same are applicable extend and apply to the tramways by this Act authorised and to the

Company in respect thereto in as full and complete a manner as if the said sections except as aforesaid were re-enacted in this Act with reference thereto.

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11. The Company may from time to time purchase by agreement any lands not exceeding in the whole four acres which they may require for any of the purposes of their undertaking in addition to any land they are authorised to acquire by any other Act relating to their undertaking. But nothing in this section shall exempt the Company from any action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them on any land acquired under the powers of this section.

Power to purchase lands by agreement.

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

Power to take easements &c. by agreement.

13. The Company shall not under the powers of this Act purchase or acquire in any district within the meaning of the Public Health (Scotland) Act 1867 ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or without the consent of the Secretary for Scotland ten or more such houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

Restriction on taking houses of labouring class.

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

14. The tramways by this Act authorised shall be completed as regards Tramway No. 1 on or before the first day of September 1897 and as regards Tramways Nos. 2 3 and 4 within three years from the completion of the reconstruction of the drawbridge over the

Period for completion of works.

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Tolls. **15.** The Company may from time to time demand and take in respect of the tramways authorised by this Act rates and charges not exceeding those which they are authorised to take and for the time being may lawfully take in respect of their authorised tramways under or by virtue of the Acts of the Company and the agreement set forth in the Third Schedule to the Act of 1871 as amended by the agreement scheduled to the Edinburgh Street Tramways Act 1892 and in the said Act and agreements the word "tolls" shall be deemed to include or to mean "rates."

Fares on
Sundays
or public
holidays not
to be raised.

16. It shall not be lawful for the Company or any other company or person working or using the tramways to take or demand on Sundays or any bank or other public holiday any higher tolls or charges than those levied by them on ordinary week days.

As to work-
men's cars.

17. The provisions of section 40 of the Act of 1871 shall extend and apply to the Tramway No. 1 authorised by this Act and such provisions and the relative provision (article sixth) of the agreement set forth in the Third Schedule to that Act shall extend and apply to the Tramways Nos. 2 3 and 4 authorised by this Act.

Extending
provisions of
Act of 1882.

18. The provisions of the Edinburgh Street Tramways (Mechanical Power) Act 1882 shall extend and apply to the tramways by this Act authorised as if such tramways had been authorised prior to the passing of that Act but nothing in that Act or this Act shall authorise the Company to construct any station for generating electric power.

As to use of
electric
power.

19. Section 23 of the Act of 1892 is hereby repealed and the following provisions shall apply to the use of electric power on any of the tramways of the Company unless such power is entirely contained in and carried along with the carriages :—

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

(2) The Company shall take all reasonable precautions in constructing placing and maintaining their electric lines and circuits and other works of all descriptions and also in working their undertaking so as not injuriously to affect by fusion or electrolytic action any gas or water pipes or other metallic pipes structures or substances :

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(3) The powers conferred upon the Company by the Edinburgh Street Tramways (Mechanical Power) Act 1882 with respect to the use of electric power shall be exercised only in accordance with regulations to be prescribed by the Board of Trade (herein-after referred to as "the prescribed regulations") and with 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 or when they may think fit for regulating the employment of insulated returns or of uninsulated metallic returns of low resistance for preventing fusion or injurious electrolytic action of or on gas or water pipes or other metallic pipes structures or substances and for minimising as far as is reasonably practicable injurious interference with the electric wires lines and apparatus of other parties and the currents therein whether such lines do or do not use the earth as a return :

(4) The Company using electric power contrary to the provisions of this section or to any of the prescribed regulations or to any regulation added thereto or substituted therefor by any order made by the Board of Trade under the authority of this section shall for every such offence be subject to a penalty not exceeding ten pounds and also in the case of a continuing offence to a further penalty not exceeding five pounds for every day during which such offence continues after conviction thereof Provided always that whether any such penalty has been recovered or not the Board of Trade if in their opinion the Company in the use of electric power under authority of the aforesaid Act of 1882 have made default in complying with the provisions of this section or with any of the prescribed regulations or with any regulation which may have been added thereto or substituted therefor as aforesaid may by order direct the Company to cease to use electric power and thereupon the Company shall cease to use electric power and shall not again use 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 :

(5) The Company shall take all reasonable and proper precautions in constructing placing and maintaining their electric lines circuits and other works of any description and in using their electric lines circuits and other works so as not injuriously to interfere with the working of any wire line or apparatus from time to time used for the purpose of trans-

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mitting electric power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus Provided always that the Company shall be deemed to take all such reasonable and proper precautions as aforesaid if and so long as they adopt and employ at the option of the Company either such insulated returns or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with the electric wires lines and apparatus of other parties and the currents therein as the Board of Trade shall direct and in giving such directions the Board shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking Provided also that nothing in this subsection shall operate to give any right of action in respect of or to protect any electric wires lines or apparatus or the currents therein unless in the construction erection maintaining and working of such wires lines and apparatus all reasonable and proper precautions including the use of an insulated return have been taken to prevent injurious interference therewith and with the currents therein by or from other electric currents If any difference arises between the Company and any other party with respect to anything in this subsection contained such difference shall unless the parties otherwise agree be determined by the Board of Trade or at the option of the Board by an arbitrator to be appointed by the Board and the costs of such determination shall be in the discretion of the Board or of the arbitrator as the case may be:

- (6) Electric lines circuits or works of any company corporation or person authorised by Act of Parliament or Provisional Order confirmed by Parliament to supply energy for electric lighting purposes so far as the use thereof is limited to such purposes shall not be deemed to be electric wires lines and apparatus or wires lines or apparatus used for the purpose of transmitting electric power within the meaning of this section:
- (7) The expression "the Company" in this section shall include their lessees and any company or body working the tramways of the Company.

20. In the event of any tramways of the Company being worked by electricity other than electrical power carried along with the carriages the following provisions shall have effect:—

- (1) The Company shall construct their electric lines and other works of all descriptions and shall work their undertaking

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

- (2) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Company of their electric lines and works or by the working of the undertaking of the Company the Company shall pay the expense of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection :
- (3) (a) Before any electric line is laid down or any act or work for working the tramways by electricity is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs or the laying of lines crossing the line of the Postmaster-General at right angles at the point of shortest distance and so continuing for a distance of six feet on each side of such point) the Company or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Company and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work ;
- (b) Any difference which arises between the Postmaster-General and the Company or their agents with respect to any requirements so made shall be determined by arbitration :
- (4) In the event of any contravention of or wilful non-compliance with this section by the Company or their agents the Company shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues

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or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues :

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

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

(7) For the purposes of this section and subject as therein provided sections two eight nine ten eleven and twelve 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 and in particular nothing in this section shall be deemed to exclude the provisions of section seven of the Telegraph Act 1878 in relation to the matters mentioned in that section :

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

(9) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party 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 :

(10) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against the Company by indictment action or otherwise in relation to any of the matters aforesaid :

(11) In this section the expression "the Company" includes their lessees and any person owning working or running carriages on any of the tramways of the Company :

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(12) Section 24 of the Edinburgh Street Tramways Act 1892 and section 6 of the Edinburgh Street Tramways Act 1893 (both being provisions for the protection of the Postmaster-General) are hereby repealed and the foregoing provisions shall apply in lieu thereof.

21. The Company shall contribute and pay to the Commissioners for the Harbour and Docks of Leith (herein-after called "the commissioners") the sum of one thousand five hundred pounds towards the expense of the reconstruction of the drawbridge belonging to the commissioners across the River or Water of Leith in the line of Tramway No. 2 and the commissioners shall thereafter forthwith proceed to reconstruct the said bridge and shall complete the same within eighteen months from the date of such payment and when and so soon as the same shall be completed the Company shall on demand pay to the commissioners a further sum of one thousand five hundred pounds towards such expense Such reconstructed bridge shall be a hydraulic swing bridge of not less than thirty-six feet in width of roadway and footpaths over all and with not less width of waterway under it than that under the present drawbridge and shall be constructed with a double line of tramway according to a plan to be prepared by the engineer or superintendent of the harbour and docks and all the relative apparatus and fittings shall be designed or arranged by him but in concert with the engineer of the Tramway Company in regard to all matters relating to its fitness for tramway traffic.

As to draw-
bridge over
the Water of
Leith.

The maintenance of the bridge after erection shall be incumbent on the commissioners and the working of it and the relative machinery and apparatus shall be under their exclusive management and control and the bridge shall be worked when and in such manner as the superintendent of the harbour and docks shall deem proper with a view to general convenience for road tramway and water traffic The Tramway No. 2 shall not be laid or constructed until the conditions under which the bridge is to be constructed are fulfilled.

The commissioners shall forward plans of the said bridge as proposed to be reconstructed to the corporation of Leith in sufficient time to enable the same to be considered by that corporation and any representations thereon shall be forwarded by the Leith corporation to the engineer of the commissioners before the works are finally decided on by him.

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Corporation
of Leith may
contribute
and apply
funds.

22. When the reconstruction of the said bridge is completed and the tramways within the burgh of Leith by this Act authorised are completed and opened for traffic the corporation of Leith shall on demand pay to the Company the sum of one thousand five hundred pounds which shall be a debt due from the corporation to the Company and may be recovered by them in any court of competent jurisdiction and the corporation of Leith may apply their funds and revenues or in their option any rates applicable to road purposes in or towards such payment.

Power to
apply exist-
ing funds.

23. The Company may from time to time apply towards any of the purposes of this Act to which capital is properly applicable any moneys which they have raised or may hereafter raise under any former Act and which may not be required for the purposes (if any) to which by such Act such moneys are made specially applicable.

Power to
Company to
grant leases
of tramways.

24.—(1) The Company may subject to the provisions of this Act from time to time demise or lease all or any portions of any tramway or tramways for the time being belonging to them or which they are for the time being authorised to construct to any company corporation body or person holding or working any tramway or tramways with which such tramways or portion of tramway are connected (which company corporation body or person are hereinafter referred to as and included in the expression "lessees") together with all lands buildings property and plant connected or suitable for use in connexion therewith and all or any of the rights powers and privileges of the Company for or connected with the working and maintenance of such tramways or any part or parts thereof and of taking demanding levying and recovering tolls fares and charges thereon for such period and upon such terms (pecuniary or otherwise) and conditions as may be agreed upon between the Company and the lessees.

(2) In accordance with the terms agreed on the lessees and their officers and servants respectively shall be entitled during the continuance of the lease and to the extent and in the manner therein mentioned to the management regulation maintenance user working and enjoyment of the tramways and undertaking comprised in such lease and to the conduct of traffic thereon and to regulate and take tolls rates and charges in respect thereof and all rights powers and privileges of the Company and their directors officers and servants which by virtue of any Act of Parliament relating to the Company might be exercised and enjoyed by the Company with respect to the tramways or undertaking included in such lease and which in accordance with the terms of the lease or this Act are to be

exercised and enjoyed by the lessees their directors officers and servants respectively may be exercised and enjoyed accordingly under and with the same regulations restrictions conditions obligations penalties and immunities in accordance with those Acts as by the Company and their directors officers and servants.

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(3) In accordance with the terms and conditions of any lease entered into under this section the premises included in and forming the subject matter of such lease and the rights powers privileges and authorities to be in accordance with this section and the terms of such lease exercised and enjoyed by the lessees with respect to the same shall during the continuance of the said lease be by this Act and subject to the provisions thereof and subject also to any other provisions of any such lease transferred to and vested in the lessees absolutely.

(4) No such lease shall take effect until it is approved by the Board of Trade nor shall anything in this section or in any such lease transfer to any local authority any powers of placing or running carriages upon tramways or demanding or taking tolls and charges in respect of the use of such carriages.

25.—(1) The Company on the one hand and the corporation of Edinburgh the corporation of Leith and the provost magistrates and council of the burgh of Portobello and the county council of Midlothian or any of them or the successors of them or any of them as local authorities within the meaning of the Tramways Act 1870 (which bodies are in this section referred to as and included in the expression “the local authorities”) on the other hand may subject to the provisions of this Act from time to time enter into and carry into effect agreements with respect to the purchase by or transfer to such local authorities or any of them whether jointly or solely of all or any portion of the tramways (existing or to be in future constructed) works and property and undertaking of the Company whether situate within the respective districts of the authorities parties to such agreements or not and of all powers privileges authorities obligations and duties of the Company in connexion therewith Provided that no such agreement shall be entered into as regards tramways not situate within the districts of the authorities parties to such agreement without the previous consent in writing of the authority or authorities in whose districts such tramways are situate.

Agreements
with local
authorities
as to purchase of
tramways.

(2) When any such sale has been made the tramways and undertaking sold and all the rights powers authorities obligations and liabilities of the Company in respect to the tramways and undertaking sold shall be transferred to and vest in and may be exercised

A.D. 1896. by and shall attach to the local authority or authorities to whom the same have been sold in like manner as if such tramways or portions of tramways had been constructed by such authority or authorities under the powers of the respective Acts of Parliament relating thereto and in reference thereto such authority or authorities shall for the purposes of the Tramways Act 1870 be deemed to be the promoters and the provisions of section 44 of the Tramways Act 1870 with respect to the resolutions to be passed by local authorities in regard to the purchase of tramways under that section and the payment of the purchase money and expenses of such purchase shall mutatis mutandis apply to any purchase of any tramways or portions of tramways of the Company under this section and to the local authorities parties to any agreement entered into under this section.

(3) The provisions of the Tramways Act 1870 with respect to tramways acquired by a local authority under the provisions of that Act shall mutatis mutandis extend and apply to the tramways and undertaking sold in accordance with any such agreement and to the local authority or authorities purchasing the same.

(4) Any such agreement may provide for the appointment by the several local authorities parties thereto of a committee of members of their respective bodies for the management control and regulation of the tramways and undertaking purchased by them in accordance with the terms of any such agreement and for the apportionment among such authorities of the expenses of carrying any such agreement into effect.

(5) No such agreement shall take effect without the sanction of three-fourths of the votes of the shareholders of the Company present in person or by proxy and entitled to vote and voting at a general meeting of the Company convened with notice of the objects of the meeting nor shall any such agreement have any operation until it is approved by the Board of Trade who shall not approve the same without being satisfied of its having received the sanction of the shareholders of the Company as herein-before required.

(6) In the event of any such agreement being entered into with respect to the purchase by or transfer to any local authority or authorities of any portion of the tramways of the Company which may be situate in the district of any local authority other than the local authority or authorities so purchasing the same (herein-after called "the purchasers") the local authority of the district in which such portion of tramways is situate if by resolution passed at a special meeting of the members constituting such local authority they so decide may within six months after the expiration of a period of

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seven years from the date agreed on for the transfer to take effect and within six months after the expiration of every subsequent period of three years with the approval of the Board of Trade by notice in writing require the purchasers to sell and thereupon the purchasers shall sell to them so much of the undertaking so purchased as is within such district upon terms of paying the then value (exclusive of any allowance for past or future profits of such portion of the undertaking or any compensation for compulsory sale or other consideration whatsoever) of such portion of the tramway and all lands buildings works materials and plant of the purchasers suitable to and used by them for the purposes of the undertaking within such district such value to be in case of difference determined by an engineer or other fit person nominated as referee by the Board of Trade on the application of either party and the expenses of the reference shall be borne and paid as the referee directs and when any such sale has been made all the rights powers and authorities of the purchasers in respect to the portion of the undertaking sold shall be transferred to vested in and may be exercised by the local authority requiring the same to be sold in like manner as if such tramway had been constructed by such authority under the powers of the Acts of Parliament relating thereto and in reference to the same such authority shall for the purposes of the Tramways Act 1870 be deemed to be the promoters and the provisions of the Tramways Act 1870 with respect to the resolutions to be passed by local authorities in regard to the purchase of tramways under that section and the payment of the purchase money and expenses of such purchase shall mutatis mutandis apply to such purchase.

26. No lease nor purchase of any tramways of the Company or any portion thereof within the burgh of Leith shall be entered into or effected under the powers of this Act without the prior consent of the corporation of Leith given in pursuance of a resolution to be passed by the said corporation in accordance mutatis mutandis with the requirements of and in the manner prescribed by section 43 of the Tramways Act 1870.

Consent of corporation of Leith required to lease or purchase.

27. In the event of a sale under the powers of this Act or of the Tramways Act 1870 of the whole of the tramways and undertaking of the Company then forthwith after the sale the Company shall proceed to wind up their affairs and in order thereto may sell and convey and otherwise dispose of such parts (if any) of their lands property and effects as are not so sold and subject to the payment satisfaction or discharge of all debts and liabilities (if any) of the Company the Company shall distribute and pay their

As to winding up of affairs of the Company.

A.D. 1896.

net moneys to and among the several persons who at the time agreed on for the sale to take effect are the registered shareholders of the Company in proportion to their respective shares in the capital of the Company or their respective executors administrators successors or assigns and when all debts and liabilities of the Company (if any) are paid satisfied or discharged and their net moneys are distributed and their affairs are wound up the Company shall be dissolved and wholly cease to exist and where for six months after any such sale any part of the purchase money assets dividends or other moneys to be distributed as aforesaid is still unclaimed or where any part thereof is payable to a person who cannot give an effectual receipt for the same the directors of the Company may after notice by advertisement in a daily newspaper published in the city of Edinburgh of their intention so to do consign the same in the name of the accountant-general of the court of session for behalf of the party entitled thereto and such consignment shall be a sufficient discharge of all liability of the Company or the directors of the Company for the payment of such sum.

As to purchase of tramways in Leith.

28. Any tramways of the Company within the burgh of Leith authorised since 1871 and the tramways (other than Tramway No. 1) authorised by this Act being wholly situate within the burgh of Leith shall for the purposes of section 43 of the Tramways Act 1870 be deemed to be part of the tramways authorised by the Act of 1871 and the provisions of the agreement between the corporation of Leith and the Company scheduled to and confirmed by the Act of 1892 with respect to the exercise by the corporation of Leith of their powers of acquiring the tramways of the Company shall extend and apply to such tramways respectively.

Tramways in Portobello and county to be purchased simultaneously.

29.—(1) All the tramways forming the Portobello section shall subject as herein-after provided for the purposes of section 43 of the Tramways Act 1870 be deemed to be part of the tramways authorised by the Act of 1871 but notwithstanding anything in the Act of 1871 or in the Tramways Act 1870 contained it shall not be lawful for the local authority as defined by the Tramways Act 1870 of any district within which any portion of the Portobello section is situate to exercise or enforce the powers by section 43 of the Tramways Act of 1870 conferred upon them with respect to any or any part of the tramways within their district forming part of the Portobello section being less than the whole thereof or unless the local authorities of every other district within which any part of the Portobello section is situate shall at the same time put such

powers in force as regards the whole of the tramways forming part of the Portobello section situate in their respective districts. A.D. 1896.
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(2) If the Tramway No. 1 shall be completed and opened for traffic on or before the 1st day of September 1897 as herein-before provided the powers by the said section 43 conferred upon the local authorities in this section above referred to shall not be exercised or put in force by any such local authority before the 29th day of June 1906.

30. Nothing in this Act contained shall exempt the Company or the tramways of the Company 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 or charges authorised to be taken by the Company on their tramways. Provision
as to general
Tramway
Acts.

31. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act shall be paid by the Company. Costs of
Act.

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