



CHAPTER cxxi.

An Act for incorporating and conferring powers on the A.D. 1900.
Hamilton Motherwell and Wishaw Tramways Company
and for other purposes. [30th July 1900.]

WHEREAS the construction of the tramways herein-after described in and near Hamilton Motherwell and Wishaw in the county of Lanark would be attended with public and local advantage and the persons herein-after named with others are willing to construct the said tramways on being incorporated into a company and having the powers herein-after contained conferred upon them :

And whereas it is expedient that the Company should be empowered to make and execute the street widenings and works and to acquire the lands in this Act mentioned in that behalf :

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

1. This Act may be cited as the Hamilton Motherwell and Wishaw Tramways Act 1900.

[Ch. cxxi.] *Hamilton, Motherwell, and Wishaw* [63 & 64 Vict.]
Tramways Act, 1900.

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Incorporation of Acts.

2. The Companies Clauses Consolidation (Scotland) Act 1845 Part I. (relating to cancellation and surrender of shares) and sections 14 and 15 of the Companies Clauses Act 1863 the Lands Clauses Acts and section 3 (Interpretation of terms) section 19 (Local authority may lease or take tolls) and Parts II. and III. (except section 43) of the Tramways Act 1870 are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation.

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

The expression "the Company" means the Company incorporated by this Act;

The expression "the tramways" means the tramways by this Act authorised;

The expression "the undertaking" means the undertaking of the Company;

The word "contingencies" in section 122 of the Companies Clauses Consolidation (Scotland) Act 1845 shall with reference to the Company be construed to include the contingency of the undertaking or any part thereof being sold to a local authority under the section of this Act of which the marginal note is "Purchase by local authorities" at a sum less than the aggregate amount of the capital and debts of the Company;

The word "engine" includes motor.

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

4. If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Company after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to the sheriff for the county of Lanark for the correction thereof and if it appear to the sheriff that the omission misstatement or wrong description arose from mistake he shall certify the same accordingly and shall in his certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described and such certificate shall be deposited with the principal sheriff clerk for the said county and a duplicate thereof shall also be deposited with the town clerk or clerk to the commissioners of any burgh or with the clerk of the parish council of any parish outside a burgh

in which the lands affected thereby are situate and such certificate and duplicate respectively shall be kept by such clerks respectively with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Company to take the lands and execute the works in accordance with such certificate. A.D. 1900.

5. George Franklin Albert Robert Monks Joseph Ferdinand Nauheim Sir Thomas Raikes Thompson Baronet and all other persons who have already subscribed to or shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and are hereby united into a company for the purpose of making maintaining and working the tramways and for other the purposes of this Act and for those purposes shall be incorporated by the name of "The Hamilton Motherwell and Wishaw Tramways Company" and by that name shall be a body corporate with perpetual succession and a common seal and with power to purchase take hold and dispose of lands and other property for the purposes of this Act and their undertaking shall be called "The Hamilton Motherwell and Wishaw Tramways." Company incorporated.

6. Subject to the provisions of this Act and of Parts II. and III. of the Tramways Act 1870 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 and in all respects in accordance with those plans and sections with all proper rails plates works and conveniences connected therewith The tramways herein-before referred to and authorised by this Act are— Power to make tramways.

A tramway (on the deposited plans described as Tramway No. 1) 8 miles 5 furlongs and 0·3 chain in length of which 5 miles 2 furlongs and 7·83 chains will be double line and 3 miles 2 furlongs and 2·47 chains single line commencing in Glasgow Road in the parish of Blantyre at a point seventy yards or thereabouts west of the west side of Stonefield Road thence passing in a south-easterly direction along Glasgow Road into and through the burgh of Hamilton along Glasgow Road Burnbank Road Almada Street Head of Muir Street Cadzow Street and Castle Street and thence along Edinburgh Road into and through the burgh of Motherwell along Clyde Street Brandon Street and Windmillhill Street and thence into and through the burgh of Wishaw along

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Glasgow Road Main Street and Stewarton Street and terminating in Stewarton Street in the burgh of Wishaw and parish of Cambusnethan sixty yards or thereabouts east of Wishaw Cross.

For protection of county authorities.

7. For the protection of the county council of the county of Lanark the county road board and the middle ward district committee thereof who for their respective rights jurisdictions and interests under and in virtue of the Local Government (Scotland) Acts the Roads and Bridges (Scotland) Acts the Public Health (Scotland) Acts and the Tramways Act 1870 are in this section referred to as "the county authorities" the following provisions shall have effect viz. :—

(1)—(A) All work in any way affecting the bridge (numbered on the deposited plans 2 in the parish of Hamilton and 1 in the parish of Dalziel) carrying the Edinburgh Road over the River Clyde between Hamilton and Motherwell and the approaches thereto herein-after called "the Clyde Bridge" shall be carried out under the superintendence and to the reasonable satisfaction of the county authorities and in accordance with plans to be previously submitted to and agreed with them or in default of agreement to be settled by arbitration as herein-after provided :

(B) In the event of any injury or damage being caused to the Clyde Bridge by the construction maintenance or working of any of the tramways and works by this Act authorised the Company shall make good the same and restore the Clyde Bridge or the part or parts thereof which may be injured or damaged to as good a state and condition as they were in before such injury or damage was occasioned :

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

(D) If for any reason the county authorities should at any time prior to the purchase of the tramways by the local authorities consider it desirable to reconstruct the Clyde Bridge the Company shall contribute one fourth of the cost of such reconstruction provided that such contribution shall not in any case exceed the sum of five thousand pounds :

(2)—(A) The Company shall pave and maintain the whole of the carriageway of the Clyde Bridge :

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

(c) The Company shall not encroach upon or interfere with the footpaths at the sides of the highways and streets except for the purpose of the laying of the cables and the erection of the standards by this Act authorised and in carrying out such works the Company shall so conduct their operations that they shall be carried through with the greatest possible speed and so as to cause as little inconvenience as possible to the public and they shall at once restore to the satisfaction of the county authorities such portions of the footpaths with corresponding kerb and channel as may have been disturbed by their operations :

(d) The Company shall pay to the county authorities the costs and expenses which they may reasonably incur or be put to in superintending the works authorised by this Act or with reference to any of the matters therein contained and shall also pay to the county authorities any extra expense they may at any time be put to by reason of the construction of the tramways or other works by this Act authorised in respect of any constructions reconstructions alterations repairs connexions conversions or otherwise upon or connected with bridges culverts mains pipes tubes wires drains watercourses or apparatus and generally in carrying into effect any of the powers vested in or conferred on the county authorities by any Act of Parliament existing at the date of the passing of this Act or which may be subsequently passed :

(E) If under the provisions of the section of this Act the marginal note of which is "Passing places to be constructed where less than a certain width left between footway and tramway" the Company shall require to construct a passing

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place in any road within the jurisdiction of the county authorities such passing place shall only be constructed in such position as shall be approved by the county authorities:

(F) The Company shall not under the powers of the section of this Act the marginal note of which is "Power to make additional crossings &c. Power to lay double in place of single line and vice versa" construct a double line in any road within the jurisdiction of the county authorities the carriageway whereof is less than thirty feet in width without the previous consent in writing of the county authorities:

(G) In all cases where double lines of tramway are laid in any road within the jurisdiction of the county authorities the Company shall pave and maintain the portion of the carriageway between the two lines of tramway and where there is less than three feet six inches between the outside of the footpath on either side of the road and the nearest rail of the tramway the Company shall pave and maintain the whole of the road between the tramway and the footpath on the side on which such less space occurs:

(H) If the Company at any time find it necessary or desirable to remove snow or other matter impeding the traffic on the tramways on any road within the jurisdiction of the county authorities the Company shall at their own cost remove such snow or other matter to the side of the road as the county authorities' surveyor may direct. Provided that any such snow and dirt or other matter removed by the Company from the grooves of the rails of the tramways shall not be allowed to remain on the road but shall be at once taken away by the Company:

(I) The Company shall not without the consent of the county authorities use salt or any other material for thawing the ice or snow on any road within the jurisdiction of the county authorities:

(J) Notwithstanding anything in this Act or the Tramways Act 1870 contained all notices and plans which are required to be served by the Company upon the county authorities previously to commencing any work shall be so served not less than twenty-eight days previously to the commencement of the work and the time within which the county authorities shall signify their approval or otherwise of any plans submitted by the Company shall be extended to twenty-eight days. Any notice requiring to be served under the provisions of this sub-section shall be deemed sufficiently served if the same be served on the clerk

to the district committee of the middle ward of the county of Lanark at his office in Hamilton on behalf of the county authorities: A.D. 1900.

(K) It shall be obligatory upon the Company to complete the widening of roads mentioned in the section of this Act the marginal note of which is "Power to make road widenings" and also the road widening shown on the deposited plans between the commencement of Tramway (No. 1) and a point 3·2 chains or thereabouts eastward thereof and the Company shall widen the carriageway at each of such places to a width of thirty-two feet and if in any of such cases a portion of the footpath shall be taken for the purpose of such widening the Company shall provide a new footpath of the same width as that previously existing:

(L) Tramway No. 1 at the following places namely:—

(i) Between the easternmost boundary of Hamilton burgh in Edinburgh Road and the entrance lodge of Hamilton Palace near the Clyde Bridge; and

(ii) On the Clyde Bridge;

shall be constructed strictly in accordance with the deposited plans and no alteration of the centre line of such tramway at those places shall be made without the previous consent in writing of the county authorities:

(M) The Company shall widen the carriageway of the Edinburgh Road to a width of thirty feet—

(i) Between the Clyde Bridge and a point on Tramway (No. 1) 4 miles 2 furlongs 7 chains from its commencement; and

(ii) Between a point on Tramway (No. 1) 4 miles 4 furlongs from its commencement and the western boundary of the Motherwell burgh:

And for such purpose the Company may remove the grass strip at present existing on the north side of such road at those places:

The Company shall also provide good and efficient means for carrying away and disposing of the water from the surface of the highway at the above points and for this purpose they shall construct all water channels and drains and provide all gully gratings which may be necessary all to the satisfaction of the county authorities:

(N) The Company shall so construct the passing place on Tramway (No. 1) between the points 8 miles 3 furlongs 2·60 chains and 8 miles 3 furlongs 5·60 chains from its commencement:

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that cars may pass on to either of the lines thereof from both ends of such passing place:

(o) Notwithstanding anything contained in section 30 of the Tramways Act 1870 or in this Act the Company shall not in making forming laying down maintaining repairing or renewing the tramways or any part thereof themselves alter or interfere with the existing lines or levels of the mains aqueducts conduits or lines of pipes and apparatus connected therewith or any of them belonging to the county authorities including consumers' pipes nor injuriously affect or interrupt the supply of water conveyed by the same but any alterations in or interference with the mains aqueducts conduits or lines of pipes and apparatus connected therewith of the county authorities including consumers' pipes which may be necessary in consequence of the construction of the tramways authorised by this Act shall on the requisition of the Company be executed by the county authorities at the expense of the Company and the county authorities shall at all times have a right of access to such mains aqueducts conduits or lines of pipes and apparatus connected therewith including consumers' pipes for the renewal repair enlargement alteration and maintenance of the same and for making new connexions and laying additional pipes when and wherever they shall see fit and any additional cost of such alteration or repairs caused by the works of the Company of any such mains aqueducts conduits or lines of pipes and apparatus connected therewith including consumers' pipes laid before the construction of the said tramways shall be borne by the Company and in all cases where works are to be executed by the county authorities and to be paid for by the Company the county authorities shall use every means in their power to have the works executed as economically as possible and with all reasonable despatch:

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

For protec-
tion of
Hamilton
Corporation.

8. And whereas in the course of negotiations with the provost magistrates and town council of the burgh of Hamilton (in this Act called "the Hamilton Corporation") as to the tramways by this Act authorised the Hamilton Corporation in order to improve the

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route of the tramways and facilitate the working thereof required the Company to widen the Cadzow Bridge in the said burgh and to acquire the necessary property for and to construct a new street in continuation of Cadzow Street from that street to the Edinburgh Road but the promoters of the Bill for this Act were unwilling to undertake obligations which would involve the Company in so large an expenditure as would thereby be necessitated and in lieu thereof agreed to provide a sum of eleven thousand five hundred pounds to be applied as herein-after stated Therefore be it enacted as follows :—

(A) The Company shall within twelve months after the date of the passing of this Act pay to the Hamilton Corporation the sum of eleven thousand five hundred pounds which sum shall be placed by the Hamilton Corporation to the credit of a separate account to be called “the Hamilton Improvements Fund” :

(B) The said fund shall be applied by the Hamilton Corporation to the following purposes (that is to say) :—

(1) The reconstruction widening or improvement of Cadzow Bridge ;

(2) The acquisition of property for and the construction of such new street in continuation of Cadzow Street from that street to the Edinburgh Road.

9.—(1) The Company may either contemporaneously with the construction by the Hamilton Corporation of the new street in continuation of Cadzow Street referred to in the section of this Act of which the marginal note is “For protection of Hamilton Corporation” or at any time within one year after the construction of that new street lay down and maintain a double line of tramway along the said new street which tramway shall commence and terminate by junctions with the tramway by this Act authorised in Cadzow Street and Edinburgh Road respectively and may work and use the same in connexion with and as part of the tramway by this Act authorised and thereupon the Company may if they think fit abandon the construction or discontinue the use of so much of the tramway by this Act authorised as will lie between the respective points of commencement and termination of the tramway along the proposed new street.

As to tram-
way along
new street.

(2) The said tramway shall be laid in such a situation in the proposed new street as shall be agreed between the Company and the Hamilton Corporation or as failing agreement, shall be determined by arbitration in the manner prescribed by section 33 of the Tramways Act 1870.

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(3) The said tramway if constructed shall be deemed to be for all purposes part of the tramway authorised by this Act.

For protec-
tion of
Hamilton
Corporation
as to electric
lighting.

10.—(A) The Hamilton Corporation shall upon giving reasonable notice in writing to the Company have the right to use any posts standards or brackets erected by the Company in the streets within the burgh of Hamilton for the support of any electric wires or lamps for electric lighting and any additional cost which may thereby be imposed upon the Company shall be from time to time repaid to the Company by the Hamilton Corporation.

(B) The Hamilton Corporation shall make good any damage done by them or their workmen servants or agents to any such posts standards and brackets or to the Company's wires and fittings suspended therefrom or affixed thereto and shall indemnify and save harmless the Company from all claims and demands actions costs and expenses which the Company may incur to third parties by reason of or arising out of such user.

(c) Any difference which may arise between the Company and the Hamilton Corporation in regard to the matters in this section mentioned shall be determined by arbitration in the manner prescribed by section 33 of the Tramways Act 1870.

For protec-
tion of
Motherwell
Commis-
sioners.

11.—(A) If at any time after or during the construction of the tramways by this Act authorised the Commissioners of the burgh of Motherwell (in this section called "the Motherwell Commissioners") shall reconstruct and widen the bridge carrying Clyde Street Motherwell over the Caledonian Railway the Company shall forthwith after the completion of such reconstruction and widening pay to the Motherwell Commissioners the sum of five hundred pounds.

(B) The Company shall at their own expense when constructing Tramway (No. 1) by this Act authorised so alter the level of the roadway of Clyde Street where the gradient is now one in ten as to provide an improved gradient therein as may be required by the Motherwell Commissioners or as in the event of difference may be determined by the Board of Trade Provided always that the Company shall not be required to make any alteration which will involve the acquisition of any private property or the payment of compensation to the owner lessee or occupier of any such property.

For protec-
tion of water
pipes of
Motherwell
Commis-
sioners.

12. And whereas the Motherwell Commissioners will in the course of the next few years require to lay water mains and pipes along the roads or some of the roads in which tramways are by this Act authorised to be constructed Therefore be it enacted that any additional expense in laying water mains and pipes

imposed upon the Motherwell Commissioners by reason of the existence of the tramways in the road or roads in which such mains and pipes shall be laid shall be borne by the Company and if any difference shall arise between the Motherwell Commissioners and the Company as to the amount of such additional expense the same shall unless otherwise agreed be determined by an arbiter to be appointed on the application of either party by the sheriff of the county of Lanark.

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13. The Company shall within six months after the passing of this Act pay to the Police Commissioners of the burgh of Wishaw (in this section called "the Wishaw Commissioners") the sum of seven hundred pounds which shall be in full satisfaction of all extra cost of every description to which the Wishaw Commissioners may be put or which they may incur in or in connexion with the laying of new water and gas mains and pipes or new sewers or drains or the altering renewing or repairing of existing water and gas mains and pipes sewers or drains by reason or on account of the authority by this Act given to the Company to construct and maintain tramways and other works in the burgh of Wishaw.

For protec-
tion of
Wishaw
Commis-
sioners.

14. For the protection of the trustees of the late most noble William Alexander Louis Stephen Duke of Hamilton Brandon and Chatelherault (the said trustees being in this section referred to as "the trustees") the following provisions shall have effect:—

For protec-
tion of
trustees of
late Duke of
Hamilton.

(A) Notwithstanding anything in this Act or the Acts incorporated therewith contained the Company in the event of their requiring only a portion of the lands and other subjects belonging or reputed to belong to the trustees numbered on the deposited plans 5 in the parish of Dalziel and not the whole thereof shall (except with the previous consent of the trustees) be bound to take such portion from the westmost part thereof and whatever portion may be so taken the same shall (except with such consent as aforesaid) extend from the public road from Hamilton to Motherwell southwards to the March between the trustees' lands and the lands of Lord Hamilton of Dalzell:

(B) The Company shall previously to erecting any buildings including chimney stalks on lands acquired from the trustees submit to the trustees for their approval plans and elevations thereof and the frontage of such buildings shall be of a neat and ornamental description. In the event of the trustees failing to approve the said plans and elevations within twenty-eight days after they shall be so submitted they shall be settled by Benjamin Hall Blyth of Edinburgh civil engineer

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or him failing by a civil engineer or architect to be appointed failing agreement by the sheriff of the county of Lanark on the application of either party who shall determine any difference arising between the Company and the trustees relating thereto :

- (c) The Company shall take all measures necessary for minimising the amount of smoke to be emitted by any chimney stalks they may erect on lands acquired from the trustees so as to avoid nuisance as far as possible and for that purpose they shall be bound to introduce the best appliances for consuming smoke.

For protec-
tion of
North
British
Railway
Company.

15. For the protection of the North British Railway Company (in this section called "the railway company") the following provisions shall have effect (that is to say) The works connected with the laying of Tramway No. 1 over the bridge carrying the public road known as the Glasgow Road across the Glasgow Bothwell Hamilton and Coatbridge Railway of the railway company near Greenfield Station and also over the bridge carrying the said road across the Blantyre Branch of the railway company shall be carried out under the supervision and to the reasonable satisfaction of the engineer of the railway company and according to working plans sections and specifications to be submitted to and approved by him previous to the commencement of the work but the Company may proceed with the said works unless within fourteen days after the plans are so submitted the railway company shall state any objections to such plans and any such objections shall failing agreement be settled by an arbiter to be agreed on or failing agreement to be appointed by the sheriff of the county of Lanark and such works shall be thereafter maintained by and at the cost of the Company and in case in consequence of any additional weight having to be put on the said bridges owing to or arising from the laying of the said Tramway (No. 1) it may be necessary to alter or strengthen its structure the Company shall bear the whole expense of such alteration or strengthening and the work thereof shall be carried out by the Company in accordance with plans and sections and specifications to be submitted to and approved of by the engineer of the railway company in the manner and subject to the decision of the arbiter to be appointed as herein-before provided and shall thereafter be maintained by and at the cost of the Company.

For protec-
tion of
Caledonian
Railway
Company.

16. The following provisions for the protection of the Caledonian Railway Company (in this section called "the railway company") shall unless otherwise agreed upon between the Company and the railway company apply and have effect (that is to say):—

- (1) In constructing maintaining and using the tramway by this Act authorised across the Wishaw Estate Railway where that

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railway crosses the public road from Motherwell to Wishaw on the level the Company shall so carry out their works as not to injure or interfere with the use of such railway for railway traffic either during or after the construction of the tramway and shall at their own expense make all necessary alterations in the rails and permanent way of the railway at such level crossing as may be necessary to enable the tramway to cross the same on the level :

- (2) If on application made to the Board of Trade by the Company or the railway company the Board of Trade shall be of opinion that it is necessary in consequence of the construction and use of the tramway to make any provision for the regulation and protection of the traffic on the railway or tramway at the said level crossing beyond that which at present exists all works necessary for that purpose shall be provided by and at the expense of the Company who shall also repay to the railway company any additional costs or expenses to which the railway company may be reasonably put in connexion with the working and regulation of the traffic at the said level crossing in consequence of any requirement of the Board of Trade under this section and if any difference shall arise between the Company and the railway company with respect to the conduct of the traffic on the tramway and the railway respectively such difference shall be determined by the Board of Trade :
- (3) The Company shall not in the construction maintenance or use of the tramway over or under any railway of the railway company injure or interfere with the structure of any bridge of the railway company or any of the works of the railway company or cause any interruption to the traffic on the railways :
- (4) Before commencing any works affecting the Wishaw Estate Railway at the level crossing before referred to or any works over or under any bridge of the railway company the Company shall submit plans and sections of their intended works to the engineer of the railway company and obtain his approval thereof and the said works shall be constructed in conformity with the plans and sections so approved and at the sight and to the reasonable satisfaction of such engineer Provided that such approval as aforesaid shall not be unreasonably withheld and that it shall be deemed to have been given unless the said engineer signifies his disapproval and the grounds thereof within fourteen days after submission of the said plans and sections :

A.D. 1900. (5) If any injury to or interference with the said Wishaw Estate Railway or any bridge or works of the railway company or any interruption to the traffic on the railways shall arise or be occasioned at any time by the works of the Company the Company shall forthwith make good or remove such injury interference or interruption at their own expense or the railway company may do the necessary works for that purpose at the expense of the Company and the Company shall repay to the railway company all costs and expenses incurred by them in so doing and all loss or damage sustained by the railway company in consequence of such injury interference or interruption :

(6) Nothing contained in this Act or which may be done in pursuance thereof shall prevent the railway company from maintaining and repairing and when necessary altering or reconstructing under any existing powers vested in them any railway bridge or other works without interference on the part of the Company and without incurring any liability to the Company or to any parties working or using the tramway for any loss injury damage expense or interruption of traffic which may arise from such maintenance repair alteration or reconstruction and any extra expense which the railway company may incur in such maintenance repair alteration or reconstruction by reason of the tramway shall be paid by the Company Provided that all such operations shall be executed by the railway company in such manner as to cause as little interruption or inconvenience as practicable to the traffic on the tramway and the railway company shall give fourteen days' notice in writing to the Company before commencing any of such operations and the same so far as interfering with the tramway shall be conducted at the sight and to the reasonable satisfaction of the engineer of the Company :

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

Power to
make road
widening.

17. Subject to the provisions of this Act the Company may make in the lines shown upon the deposited plans relating thereto the

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widenings of roads herein-after described and may enter upon take and use such of the lands shown on the said plans and described in the deposited book of reference as they may require for those purposes (that is to say) :—

In the parish of Blantyre a widening of the Glasgow Road on the southern side for a distance of one hundred and ten yards or thereabouts westward from Clay Road :

In the same parish a widening of the Glasgow Road on the east side between points respectively eighty yards and ten yards or thereabouts north of the centre of the Park Burn :

In the parish of Dalziel a widening of the Edinburgh Road on the north-west side between points respectively one hundred yards or thereabouts south and two hundred and thirty-five yards or thereabouts north-east of Kether's Bridge :

In the parish of Dalziel a widening of the Glasgow Road on the north side for a distance of two hundred yards or thereabouts eastwards from the western end of the wall on the northern side of the recess forming the entrance to the carriage drive at Belhaven Lodge :

In the parish of Cambusnethan a widening of the Glasgow Road on the south-east side between the Caledonian Railway Company's Wishaw Deviation and the Manse Road.

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

Agreements as to contributions by Company to road widenings &c.

19. The capital of the Company shall be two hundred thousand pounds in twenty thousand shares of ten pounds each.

Capital.

20. Subject to the provisions of this Act the Company with the authority of three fourths of the votes of the shareholders present in person or by proxy at a general meeting of the Company specially convened for the purpose may divide any shares in their capital into half shares of which one shall be called "preferred half share" and the other shall be called "deferred half share" but the Company shall not divide any share under the authority of this Act unless and until not less than sixty per centum upon such share has been paid up and upon every such division fifty per centum upon the entire share shall be carried to the credit of the deferred half share (being the

Power to divide shares.

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Dividends on half shares.

21. The dividends which would be payable on any divided share if the same had continued an entire share shall be applied in payment of dividends on the two half shares in manner following (that is to say) First in payment of dividend after such rate not exceeding five per centum per annum as shall be determined once for all at a general meeting of the Company specially convened for the purpose on the amount for the time being paid up on the preferred half share and the remainder if any in payment of dividend on the deferred half share and the Company shall not pay any greater amount of dividend on the two half shares than would have been payable on the entire share if the same had not been divided.

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

22. Each preferred half share shall be entitled out of the profits of each year to the dividend which may have been attached to it by the Company as aforesaid in priority to the deferred half share bearing the same number 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 preferred half 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.

Half shares to be registered and certificates issued.

23. Forthwith after the creation of any half shares the same shall be registered by the directors and each half share shall bear the same number as the number of the entire share certificate in respect of which it was issued and the directors shall issue certificates of the half shares accordingly and shall cause an entry to be made in the register of the entire shares of the conversion thereof but the directors shall not be bound to issue a certificate of any half share until the certificate of the existing entire share be delivered to them to be cancelled unless it be shown to their satisfaction that such certificate is destroyed or lost and on any certificate being so delivered up the directors shall cancel it.

Terms of issue to be stated in certificates.

24. The terms and conditions on which any preferred half share or deferred half share created under this Act is issued shall be stated on the certificate of each such half share.

Forfeiture of preferred half shares.

25. The provisions of the Companies Clauses Consolidation (Scotland) Act 1845 with respect to the forfeiture of shares for non-payment of calls shall apply to all preferred half shares created under the authority of this Act and every such preferred half share shall for that purpose be considered an entire share distinct from

the corresponding deferred half share and until any forfeited preferred half share shall be sold by the directors all dividends which would be payable thereon if the same had not been forfeited shall be applied in or towards payment of any expenses attending the declaration of forfeiture thereof and of the arrears of calls for the time being due thereon with interest. A.D. 1900.

26. No preferred half share created under the authority of this Act shall be cancelled or be surrendered to the Company. Preferred half shares not to be cancelled or surrendered.

27. The several half shares under this Act shall be half shares in the capital of the Company and every two half shares (whether preferred or deferred or one of each) held by the same person shall confer such right of voting at meetings of the Company and (subject to the provisions herein-before contained) shall confer and have all such other rights qualifications privileges liabilities and incidents as attach and are incident to an entire share. Half shares to be half shares in capital.

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

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

30. If any money is payable to a shareholder or mortgagee being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company. Receipt in case of persons not sui juris.

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

A.D. 1900. administrators successors or assigns and that such persons their executors administrators successors or assigns are legally liable for the same and upon production to such sheriff of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which shall be sufficient evidence thereof.

Mortgage to comprise purchase money paid on compulsory sale. **32.** Every mortgage of the Company's undertaking shall be deemed to comprise all purchase money which may be paid to the Company in the event of a compulsory sale to the local authority under the section of this Act of which the marginal note is "Purchase by local authorities" and may comprise all or any moneys carried to the contingency fund according to the terms of the mortgage.

Indorsement of notice of power of future purchase by local authorities. **33.** Every mortgage deed granted by the Company under this Act shall be endorsed with notice that such mortgage will not remain a charge upon the tramways or the undertaking or any part thereof in the event of purchase by the local authority under the power of purchase conferred by the section of this Act of which the marginal note is "Purchase by local authorities."

For appointment of a judicial factor. **34.** The mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a judicial factor. In order to authorise the appointment of a judicial factor in respect of arrears of principal the amount owing to the mortgagees by whom the application for a judicial factor is made shall not be less than five thousand pounds in the whole.

Company not to create debenture stock. **35.** The Company shall not create debenture stock.

Application of moneys. **36.** All moneys raised under this Act whether by shares or borrowing shall be applied only to the purposes of this Act to which capital is properly applicable.

First ordinary meeting. **37.** The first ordinary meeting of the Company shall be held within six months after the passing of this Act.

Number of directors. **38.** The number of directors shall be five but the Company may vary the number provided that the number be never less than three nor more than seven.

Qualification of directors. **39.** The qualification of a director shall be the possession in his own right of not less than twenty-five shares.

Quorum for meeting of directors. **40.** The quorum for a meeting of directors shall be three.

41. George Franklin Albert Robert Monks Joseph Ferdinand A.D. 1900.
Nauheim Sir Thomas Raikes Thompson Baronet and one other ^{First}
person to be nominated by them or the majority of them and directors.
consenting to such nomination shall be the first directors of the
Company and shall continue in office until the first ordinary meeting
held after the passing of this Act. At that meeting the shareholders
present in person or by proxy may either continue in office the
directors appointed by this Act or nominated as aforesaid or any of
them or may elect a new body of directors or directors to supply the
place of those not continued in office the directors appointed by this
Act or nominated as aforesaid being if they continue qualified
eligible for re-election and at the first ordinary meeting to be held
in every year after the first ordinary meeting the shareholders
present in person or by proxy shall (subject to the power herein-
before contained for varying the number of directors) elect persons
to supply the places of the directors then retiring from office
agreeably to the provisions of the Companies Clauses Consolidation
(Scotland) Act 1845 and the several persons elected at any such
meeting being neither removed nor disqualified nor having died or
resigned shall continue to be directors until others are elected in
their stead in manner provided by the same Act.

42. Whereas pursuant to the standing orders of both Houses of ^{Deposit fund}
Parliament and to the Parliamentary Deposits Act 1846 a sum of ^{not to be}
seven thousand five hundred and twenty-six pounds being equal to ^{repaid until}
five per centum on the amount of the estimate in respect of the ^{tramways}
tramways originally proposed to be authorised by this Act has been ^{opened.}
deposited with the Queen's and Lord Treasurer's Remembrancer on
behalf of the Court of Exchequer in Scotland. And whereas the
sum of five thousand one hundred and forty-one pounds part of the
said sum of seven thousand five hundred and twenty-six pounds is
equal to five per centum on the amount of the estimate in respect
of the tramway described in the section of this Act of which the
marginal note is "Power to make tramways" (which tramway is in
this and the next succeeding section referred to as "the tramway")
and the sum of two thousand three hundred and eighty-five pounds
the remainder thereof is equal to five per centum on the amount of
the estimate in respect of certain tramways which were struck out
of the Bill for this Act during its progress through Parliament. Be
it enacted that notwithstanding anything contained in the said Act
the said sum of five thousand one hundred and forty-one pounds)
(which sum is in this Act called "the deposit fund") shall not be
paid or transferred to or on the application of the person or persons
or the majority of the persons named in the warrant or order issued

A.D. 1900. in pursuance of the said Act or the survivors or survivor of them or the persons claiming through or under them (which persons survivors or survivor are in this Act referred to as "the depositors") unless the Company shall previously to the expiration of the period limited by this Act for completion of the tramways open the same for the public conveyance of passengers and if the Company shall make default in so opening the tramways the deposit fund shall be applicable and shall be applied as provided by the next following section.

Application
of deposit.

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

44. On the application of the depositors at any time after the passing of this Act the Court of Exchequer may order that the said sum of two thousand three hundred and eighty-five pounds the remainder of the said sum of seven thousand five hundred and twenty-six pounds so deposited as aforesaid over and above the deposit fund shall be transferred or paid to the depositors or as they shall direct.

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Providing
for release
of part of
money
deposited.

45. The Company shall within one year after the passing of this Act substantially commence the works authorised and if the tramway described in the section of this Act of which the marginal note is "Power to make tramways" is not completed within three years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for making and completing such tramway or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

Period for
completion
of tramway.

46. Subject to the provisions of this Act every tramway to be made or laid down under this Act shall be constructed with two rails on a gauge of four feet eight and a half inches and shall be laid and maintained in such a manner that the uppermost surface of the rails shall be on a level with the surface of the street or road.

Mode of
formation of
tramways.

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

Inspection
by Board
of Trade.

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

Tramways to
be kept on
level of
surface of
road.

49. In addition to the requirements of section 26 of the Tramways Act 1870 the Company shall at the same time as they give notice to the road authority of their intention to open or break up any road for the purpose of constructing laying down maintaining or renewing any part of the tramways lay before the Board of Trade a plan showing the proposed mode of constructing laying down maintaining and renewing such tramways and a statement of the materials intended to be used therein and the Company shall not commence the construction laying down maintenance (except for the purpose of necessary repairs) or renewal of the tramways or part of the tramways respectively until such plan and statement have been approved by the Board of Trade and after such approval the works shall be executed in accordance in all respects with such plan and

Plan of
proposed
mode of
construction.

A.D. 1900. statement and under the superintendence and to the reasonable satisfaction of the surveyor for the time being of the road authority as provided by section 26 of the said Act.

As to rails of tramways. 50. The rails of the tramways shall be such as the Board of Trade may approve.

Penalty for not maintaining rails and roads.

51. The Company shall at all times maintain and keep in good condition and repair and so as not to be a danger or annoyance to the ordinary traffic the rails of the tramways by this Act authorised and the substructure upon which the same rest and if the Company at any time fail to comply with this provision or with the provisions of section 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.

In case it is represented in writing to the Board of Trade by the road authority of any district in which the tramways or any portion thereof are or is situate or by twenty inhabitant ratepayers of such district that the Company have made default in complying with the provisions in this section contained or with any of the requirements of section 28 of the Tramways Act 1870 the Board of Trade may if they think fit direct an inspection by an officer to be appointed by the said Board and if such officer report that the default mentioned in such representation has been proved to his satisfaction then and in every such case a copy of such report certified by a secretary or an assistant secretary of the Board of Trade may be adduced as evidence of such default and of the liability of the Company to such penalty or penalties in respect thereof as is or are by this section imposed.

Local authority to have access to sewers.

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

Passing-places to be constructed where less than a certain width left between footway and tramway.

53. Where in any road in which a double line of tramway is laid there shall be less width between the outside of the footpath on either side of the road and the nearest rail of the tramway than nine feet six inches the Company shall and they are hereby required to construct a passing place or places connecting the one tramway with the other and by the means of such passing place or places the traffic shall when necessary be diverted from one tramway to the other.

54. The Company may subject to the provisions of this Act and with the previous consent in writing of the local authority and road authority 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 they find necessary or convenient for the efficient working of the tramways or for providing access to any stables engine houses or carriage sheds works or buildings of the Company and notwithstanding anything contained in this Act or shown on the deposited plans the Company may with the consent of the Board of Trade lay down a double line in lieu of a single line or a single line in lieu of a double line or an interlacing line in lieu of a double or single line on any part of the tramways Provided that in the construction of any such works no rail shall be so laid that a less space than nine feet six inches shall intervene between it and the outside of the footpath on either side of the road if one third of the owners or one third of the occupiers of the premises abutting on the place where such less space shall intervene shall by writing under their hand addressed to the Company within three weeks after receiving from the Company notice in writing of their intention express their objection thereto.

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Power to make additional crossings &c.

Power to lay double in place of single line and vice versa.

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

Temporary tramways to be made where necessary.

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

56. Any paving metalling or material excavated by the Company in the construction of the tramways from any road under the

Application of road

A.D. 1900.
 materials
 excavated in
 construction
 of works.

jurisdiction or control of any road authority may be applied by the Company so far as may be necessary in or towards the reinstating of the road and the maintenance for six months after completion of any part of the tramways within the district of such road authority of so much of the roadway on either side of such tramways as the Company are by section 28 of the Tramways Act 1870 required to maintain and the Company shall if so required deliver the surplus paving metalling or material not used or required to be retained for the purposes aforesaid to the surveyor of the road authority or to such person or persons as he may appoint to receive the same. Provided that if within seven days after the setting aside of the surplus arising from the excavation of any such paving metalling or material and notice duly given such surplus is not removed by such surveyor or by some other person named by him for that purpose such surplus paving metalling or material shall absolutely vest in and belong to the Company and may be dealt with removed and disposed of by them in such manner as they may think fit. Any difference between the Company and any road authority or surveyor or other person with reference to any of the matters aforesaid shall be settled by a referee to be nominated by the Board of Trade on the application of either party.

Power to
 acquire
 lands for
 generating
 stations.

57. Subject to the provisions of this Act the Company may enter upon take and use for the purpose of constructing a station or stations for generating transforming and distributing electrical energy the lands herein-after described delineated on the deposited plans and described in the deposited book of reference relating thereto (that is to say):—

(A) Certain lands in the parish of Blantyre consisting of the sites of the three houses on the south side of Glasgow Road immediately west of Stonefield Road and of the first house on the west side of Stonefield Road south of Glasgow Road and the lands gardens and appurtenances belonging to the said houses:

(B) Certain lands in the parish of Dalziel lying on the south side of and adjoining the Edinburgh Road and on the east side and adjoining the road on the east side of Logans Plantation and being the enclosure numbered on the 1-2500 scale Ordnance Survey map (1897. edition) 377 in the said parish.

Period for
 compulsory
 purchase of
 lands.

58. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Lands by
 agreement.

59. The Company may purchase and acquire by agreement any lands not exceeding in the whole ten acres and may erect and hold

offices buildings and other conveniences on any such lands and may from time to time by agreement take easements over lands Provided always that nothing in this Act contained shall exempt the Company from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any land taken under the powers of this section. A.D. 1900.

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

61. The Company shall not under the powers of this Act purchase or acquire in any district for the purposes of the Public Health (Scotland) Act 1897 ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or without the consent of the Secretary for Scotland ten or more houses which were not so occupied on the said fifteenth day of December but have been and shall be subsequently so occupied. Restriction on taking houses of labouring class.

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

For the purposes of this section the expression "labouring class" means mechanics artisans labourers and others working for wages

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hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them The expression "house" means any dwelling separately occupied by any person or persons.

Power to erect works for generating and using electrical energy.

62. The Company may on the lands described in the section of this Act of which the marginal note is "Power to acquire lands for generating stations" construct maintain and use stations for generating electrical energy and may thereon provide and use dynamos batteries engines plant machinery works and conveniences necessary or proper for the generation of electrical energy and the working of tramways thereby and the Company may lay down construct erect and maintain on in under or over the surface of any street road or place such posts conductors wires tubes mains plates cables ropes and apparatus and may make and maintain such openings and ways in on or under any such surface as may be necessary or convenient either for the working of the tramways or for connecting any portions of any such tramways or for providing access to or forming connexions with any generating stations engines machinery or apparatus Provided always that nothing in this Act shall authorise the Company to construct any station for generating electrical energy elsewhere than on the lands referred to in this section but the Company shall not fix any such bracket to any house or building without the consent of the owners of such house or building first had and obtained.

As to posts standards and brackets.

63.—(1) Subject to the provisions of this Act and of any regulations made under this Act by the Board of Trade the size position design and construction of all posts standards and brackets and their several attachments erected in the district of any road authority shall be such as the authority and the Company may agree or as in case of difference between them may be determined by the Board of Trade Provided that—

(A) If before the erection of any such posts standards brackets and attachments in the district of a road authority the Company deliver to the authority a drawing and a description of the same and a plan showing the proposed position thereof and the authority do not within twenty-eight days give notice to the Company of any objection such authority shall be taken to have agreed to the size position design and construction of such posts standards brackets and attachments as shown by the said drawing description and plan; and

(B) If any post or overhead wire becomes, owing to the construction of any new road or otherwise in the opinion of the road authority an obstruction the Company shall alter the position thereof in such manner as the road authority may direct but the Company may appeal against such direction to the Board of Trade and the decision of the Board shall be final. A.D. 1900.

(2) Advertisements shall not be displayed upon any such posts standards or brackets.

64. All works to be executed by the Company in any street road or place for working the tramways by mechanical power in pursuance of the powers of this Act shall be deemed to be works of a tramway subject in all respects to the provisions of section 30 of the Tramways Act 1870 as if they had been therein expressly mentioned. Mechanical power works to be subject to section 30 of Tramways Act 1870.

65. The carriages used on the tramways shall be moved by electrical power which shall be applied by means of the overhead system or by such other system as the Board of Trade shall from time to time sanction but subject to the following provisions (that is to say):— Provisions as to motive power.

(1) The Board of Trade shall make regulations (in this Act referred to as "the Board of Trade regulations") for securing to the public all reasonable protection against danger arising from the use under this Act of electrical power on the tramways and for regulating the use of electrical power:

(2) The Company or any other company or person using electrical power on the tramways contrary to the provisions of this Act or of the Board of Trade regulations shall for every such offence be liable to a penalty not exceeding ten pounds and also in the case of a continuing offence to a further penalty not exceeding five pounds for every day during which such offence is continued after conviction thereof:

(3) The Board of Trade if they are of opinion—

(A) That the Company or any other company or person using electrical power have or has made default in complying with the provisions of this Act or of the Board of Trade regulations whether a penalty in respect of such non-compliance has or has not been recovered; or

(B) That the use of electrical power as authorised under this Act is a danger to the passengers or the public;

may by order either direct the Company or such other company or person to cease to use such electrical power or permit the

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same to be continued only subject to such conditions as the Board of Trade may impose and the Company or such other company or person shall comply with every such order.

Special
provisions
as to use of
electrical
power as
motive
power.

66. The following provisions shall apply to the use of electrical power under this Act 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 the undertaking so as not injuriously to affect by fusion or electrolytic action any gas or water pipes or other metallic pipes structures or substances or to interfere with the working of any wire line or apparatus from time to time used for the purpose of transmitting electrical power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus:
- (3) The electrical power shall be used only in accordance with the Board of Trade regulations and in such regulations provision shall be made for preventing fusion or injurious electrolytic action of or on gas or water pipes or other metallic pipes structures or substances and for minimising as far as is reasonably practicable injurious interference with the electric wires lines and apparatus of other parties and the currents therein whether such lines do or do not use the earth as a return:
- (4) The Company shall be deemed to take all reasonable precautions against interference with the working of any wire line or apparatus if and so long as they adopt and employ at the option of the Company either such insulated returns or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with the electric wires lines and apparatus of other parties and the currents therein as may be prescribed by the Board of Trade regulations and in prescribing such means the board shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking:
- (5) At the expiration of two years from the passing of this Act the provisions of this section shall not operate to give any right of action in respect of injurious interference with any electric wire line or apparatus or the currents therein unless in the construction erection maintaining and working of such

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

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

(7) In this section the expression "the Company" includes any company or person owning working or running carriages on the tramways or on any portion thereof.

67. Subject to the provisions of this Act the Board of Trade may make regulations with regard to the tramways or any portion thereof upon which electrical power may be used for all or any of the following purposes (that is to say):—

Regulations
by Board of
Trade.

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

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 Board of Trade regulations and of all 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 person offending against or committing a breach 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.

68. Subject to the provisions of this Act—

The local authority of any district in which any portion of the tramways is laid down may make byelaws as to the following matters:—

Power
of local
authority
and
Company
to make
byelaws.

The rate of speed to be observed in travelling upon such tramways;

A.D. 1900.

The distances at which carriages using such tramways shall be allowed to follow one after the other;

The stopping of carriages using such tramways;

The traffic on the road in which such tramways are laid;

For prohibiting the passengers from entering or leaving any carriage at any place upon such tramways, which the local authority having regard to the protection safety or convenience of the public may prescribe;

For regulating the placing and fixing on the carriages of advertisement boards and placards and notices and the removal thereof if the same are unsafe unsightly or inconvenient;

For preventing overcrowding of the carriages;

For regulating the number of cars coupled together and the hours for the conduct of traffic other than passenger traffic.

The Company may make byelaws—

For preventing the commission of any nuisance in or upon any carriage or in or against any premises belonging to them for the purposes of the undertaking;

For regulating the travelling in or upon any carriage used upon the tramways and belonging to them.

For protection of
Postmaster-General.

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

(B) In the event of any tramways of the Company being worked by electricity or of electrical power being supplied for any purpose under the powers of this Act 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

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

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

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

(5) Provided that nothing in this section shall subject the Company or their agents to a fine under this section if they satisfy the court having cognisance of the case that the immediate doing of the act or execution of the work was

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required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice :

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

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

(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 30 to 32 (both inclusive) of the Regulation of Railways Act 1868 shall apply in like manner as if the Company or their agents were a company within the meaning of that Act :

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

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

Agreements
as to supply
of electrical
power.

70. The Company on the one hand and any local authority company or person authorised to supply electrical power on the other hand may enter into and carry into effect agreements with respect to the supply by such authority company or person of electrical power to the Company for the purposes of their tramways both within and without the area of supply of such local authority company or person or the supply by the Company to such local authority company or person of electrical power for any purpose for which such authority company or person may for the time being be authorised to supply electricity but such agreements shall in all respects be subject to the approval of the Board of Trade.

71. Subject to the provisions of this Act the Company may demand and take for every passenger travelling upon the tramways or any portion thereof including tolls for the use of the tramway and of carriages and for motive power and every other expense incidental to such conveyance any tolls or charges not exceeding one halfpenny per half mile and in computing the said tolls or charges a fraction of half a mile shall be deemed half a mile.

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Tolls for
passengers.

72. It shall not be lawful for the Company or any company or person working or using the tramways or any portion thereof to take or demand on Sunday or any bank or other public holiday any higher rates or charges for passengers than those levied by them on ordinary week days.

As to fares
on Sundays
and holidays.

73. Every passenger travelling upon the tramways may take with him his personal luggage not exceeding twenty-eight pounds in weight without any charge being made for the carriage thereof but all such personal luggage must be carried by hand and at the responsibility of the passenger and must not be placed so as to occupy any part of a seat and must not be of a form or description to annoy or inconvenience other passengers.

Passengers'
luggage.

74. The Company shall not carry on the tramways any goods animals or things other than passengers and passengers' luggage not exceeding the weight in this Act mentioned and small parcels not exceeding twenty-eight pounds in weight.

Company
not to carry
goods &c.

75. The Company at all times after the opening of the tramways or any part or parts thereof for public traffic shall and they are hereby required to run a reasonable number of carriages each way every morning in the week and every evening in the week (Sundays bank or other public holidays excepted) at such hours not being earlier than five nor later than nine in the morning or earlier than four in the evening respectively as the Company think most convenient for artisans mechanics daily labourers clerks and shop assistants at tolls or charges not exceeding one halfpenny per mile Provided that upon complaint by any local authority as to the hours appointed by the Company for the running of such carriages or as to the insufficiency of the accommodation provided by the Company under this section the Board of Trade may after hearing both parties and taking into consideration all the circumstances of the case make such order with regard to the times of running and the number of carriages to be run as they may think just and may also make such order as they may think fit as to the payment of the costs of any inquiry under this section Provided also that the liability of the Company under any claim to compensation for injury or otherwise

Cheap fares
for labouring
classes.

A.D. 1900. in respect of each passenger travelling by such carriages shall be limited to a sum not exceeding one hundred pounds.

Small
parcels.

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

For any parcel not exceeding seven pounds in weight threepence;

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

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

Payment of
rates and
charges.

77. The rates and charges by this Act authorised shall be paid to such persons and at such places upon or near to the tramways and in such manner and under such regulations as the Company may by byelaw made under this Act appoint.

Periodical
revision of
rates and
charges.

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

Payments
to local
authorities
in certain
events.

79. If in any year ending on the thirty-first day of December the net profits of the undertaking available for payment of dividends on the share capital shall be sufficient to pay a dividend at the rate of four per cent. on such share capital the Company shall pay to the local authority of each district in which any part of the tramways is situate a sum calculated at the rate of fifty pounds for every mile

of street or road on which a tramway is laid within the district of such authority and after every additional one pound per cent. of dividend beyond four per cent. on the said share capital an additional sum of fifty pounds per mile calculated as aforesaid. Provided that the local authorities shall from time to time be entitled to be satisfied in regard to the ascertainment of profits available for dividend that the Company has not placed to reserve or laid aside for depreciation sums larger than are reasonable for these purposes and that in the event of a difference of opinion between the local authorities and the Company the matter shall be determined by a member of the Institute of Accountants and Actuaries in Glasgow to be appointed by the President of that Institute. A.D. 1900.

80.—(1) If each of the local authorities in whose districts the tramways are situate by resolution passed in manner prescribed by section 43 of the Tramways Act 1870 so decide the said authorities may within six months after the expiration of a period of twenty-five years from the date of the passing of this Act or within six months after the expiration of every subsequent period of seven years with the approval of the Board of Trade by notice in writing require the Company to sell to such local authorities acting jointly and thereupon the Company shall sell to them the undertaking upon terms of their paying the fair market value thereof as a going concern but without any allowance for compulsory purchase such value to be in case of difference determined by an engineer or other fit person nominated as referee by the Board of Trade on the application of the local authorities acting jointly as aforesaid or by the Company and the expenses of the reference shall be borne and paid as the referee directs. Purchase
by local
authorities.

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

(3) Provided always that if the said local authorities acting jointly do not within the said period of six months after any of the aforementioned periods respectively exercise their option of

A.D. 1900. purchasing the undertaking any one or more of such local authorities who shall in terms of this section elect to purchase may within three months of the expiration of any such period of six months with the consent of the Board of Trade and subject to the passing of such resolutions or resolution (as the case may be) as aforesaid either jointly with the other local authorities so electing or by themselves if they are the only local authority so electing by notice in writing require the Company to sell to them and thereupon the Company shall sell to them the whole undertaking subject to the provisions of and on the terms set forth in this section with respect to joint purchase.

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

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

(6) Nothing in this Act contained shall make it obligatory upon the Company to sell any part of the tramways to any local authority or local authorities unless at the same time the whole of the undertaking is purchased by a local authority or local authorities as herein-before provided.

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 the Board of Trade regulations but the byelaws of the local authority may restrict the rate of speed to a lower rate than that so authorised.

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to byelaws
by local
authority.

82. All orders and byelaws made by the Board of Trade under the authority of this Act or of the Tramways Act 1870 shall be signed by a secretary or assistant secretary of the Board of Trade.

Orders and
byelaws.

83. Any penalty under this Act or under any byelaws or regulations made under this Act or the Tramways Act 1870 may be recovered in manner prescribed by the Summary Jurisdiction Acts.

Recovery of
penalties.

84. Where under the provisions of the Tramways Act 1870 or this Act any matter in difference is referred to the arbitration of any person to be nominated by the Board of Trade the provisions of the Arbitration Act 1889 or any Act or rules whereby the same has been or may be modified or superseded shall apply to every such arbitration and the decision of the arbiter shall be final and conclusive and binding on all parties.

Provisions
as to arbi-
tration.

85. With respect to notices and the delivery thereof by or to the Company the following provisions shall have effect (namely):—

Form and
delivery of
notices.

(1) Every notice shall be in writing or print (including lithograph) or partly in writing and partly in print and if given by the Company or by the local or road authority shall be sufficiently authenticated by being signed by their secretary or clerk:

(2) Any notice to be delivered by or to the Company to or by the local or road authority or other body may be delivered by being left at the principal office of such local or road authority or other body or of the Company (as the case may be) or by being sent by post addressed to their respective clerk or secretary at their principal office or to such other office as the local or road authority or other body or the Company (as the case may be) may from time to time by notice to the other request that such notices may be sent or delivered.

86. 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.

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

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

Provision
as to general
Tramway
Acts.

88. 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 or charges authorised by this Act.

Costs of Act.

89. 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.

