



CHAPTER lxiix.

An Act to authorise the Commissioners of Police of the burgh of Govan to purchase portions of the Vale of Clyde Tramways and of the Glasgow and Ibrox Tramway in the county of Lanark to authorise the use of mechanical power on all the tramways of the Commissioners and for other purposes. [29th June 1893.] A.D. 1893.

WHEREAS under the powers of the Vale of Clyde Tramways Act 1871 (herein-after called "the Vale of Clyde Act 1871") the Vale of Clyde Tramways Company (herein-after called "the Company") was incorporated and the Company has constructed amongst others a tramway (herein-after called "the Govan Tramway") from near the then existing Park House Toll House into and beyond the burgh of Govan: 34 & 35 Vict.
c. cviii.

And whereas under the powers of the Vale of Clyde Tramways Act 1876 (herein-after called "the Act of 1876") the Company was authorised to use and does use mechanical power on the Govan Tramway: 39 & 40 Vict.
c. lxxv.

And whereas by the Vale of Clyde Tramways Act 1888 the Company was authorised to sell or to lease the whole or part of their tramways to certain corporations therein mentioned and the provisions of the Act of 1876 with respect to the use of mechanical power on the Govan Tramway were further extended: 51 & 52 Vict.
c. clxiv.

And whereas the greater part of the Govan Tramway is situate within the burgh of Govan and the Commissioners of Police of that burgh (herein-after called "the Commissioners") have under the powers of the Tramways Act 1870 required or are about to require the Company to sell to them so much of their undertaking as is situate within the burgh of Govan:

And whereas a small portion of the Govan Tramway extends beyond the burgh of Govan eastward into the burgh of Kinning Park for a distance of about two hundred and ninety-two yards and

[Ch. lxi.] *Govan Burgh (Tramways) Act, 1893.* [56 & 57 VICT.]

A.D. 1893. — another small portion thereof extends beyond the burgh westward into the county of Lanark for a distance of about two hundred and fifty-seven yards and it is expedient that the said portions should subject to the provisions of this Act be acquired by the Commissioners :

40 & 41 Vict.
c. cxcii.

And whereas by the Glasgow and Ibrox Tramway Act 1877 (herein-after called "the Ibrox Act 1877") the Glasgow and Ibrox Tramway Company was incorporated and was authorised to construct and has in part constructed a tramway (herein-after called "the Ibrox Tramway") along the Paisley Road partly in the burgh of Kinning Park but chiefly in the burgh of Govan :

And whereas under certain powers contained in the Tramways Act 1870 the Commissioners have acquired that portion of the Ibrox Tramway situate in the burgh of Govan and Archibald Binnie Allan has acquired the other portion extending to about four hundred and fifty-one yards situate in the burgh of Kinning Park :

And whereas it is expedient that the Ibrox Tramway should subject to the provisions of this Act be wholly acquired by the Commissioners :

And whereas the Commissioners of Police of the burgh of Kinning Park as the local authority within that burgh have consented to the acquisition by the Commissioners of the said portions of tramway within their jurisdiction subject as herein-after provided :

And whereas the district committee of the lower ward of the county of Lanark as local authority within that district do not object to the acquisition of the portion of tramway within their jurisdiction subject as herein-after provided :

And whereas the cars and carriages upon the Ibrox Tramway can be moved by animal power only and it would be to the public advantage that they should be moved if expedient by mechanical power and that the authority to use mechanical power on the whole tramways of the Commissioners should be extended :

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 (that is to say) :—

Short title.

1. This Act may be cited for all purposes as the Govan Burgh (Tramways) Act 1893.

Incorporation of Lands
Clauses
Acts.

2. The Lands Clauses Acts are (except where expressly varied by this Act) incorporated with and form part of this Act.

3. In this Act—

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The expression "mechanical power" includes electric steam or atmospheric power or cable haulage or any motive power other than animal power; Interpretation.

The expression "the Commissioners" means the Commissioners of Police of the burgh of Govan;

The expression "the Kinning Park Commissioners" means the Commissioners of Police of the burgh of Kinning Park;

The expression "the lower ward district committee" means the district committee of the lower ward of the county of Lanark;

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

The expression "the sheriff" means the sheriff of the county of Lanark and includes his substitutes;

unless there be something in the context repugnant to such meaning.

4. If the Commissioners shall within six months after the passing of this Act give notice to the Company for the purchase of the under-mentioned portions of tramway the Company shall sell and the Commissioners shall purchase the following portions of the Vale of Clyde Tramways (viz.) :— Power to acquire tramways belonging to the Company.

(1.) The portion situate in the burgh of Kinning Park and county of Lanark; and

(2.) The portion situate in the county of Lanark to the west of the boundary of the burgh of Govan;

including all lands buildings works materials and plant of the owners suitable to and used by them for the purposes of their undertaking and applicable to the said portions of tramway.

5. If the Commissioners shall within six months after the passing of this Act give notice to the said Archibald Binnie Allan for the purchase of the under-mentioned portion of tramway the said Archibald Binnie Allan shall sell and the Commissioners shall purchase the following portion of the Glasgow and Ibrox Tramway (viz.) :— Power to acquire tramway belonging to Archibald Binnie Allan.

The portion situate in the burgh of Kinning Park and county of Lanark;

including all lands buildings works materials and plant of the owner suitable to and used by him for the purposes of the undertaking and applicable to the said portion of tramway.

6. The sale and purchase of the said portions of tramway shall be carried into effect by deeds duly stamped and truly stating the consideration and on the execution of such deeds by the Company Vesting of tramways in Commissioners.

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and the said Archibald Binnie Allan respectively the said portions of tramway including as aforesaid shall thenceforth be transferred to and vested in the Commissioners and thereupon all the rights powers and authorities of the Company and of the said Archibald Binnie Allan respectively with respect to such portions of tramway respectively shall (subject to the obligations contained in the Vale of Clyde Act 1871 and the Vale of Clyde Tramways Act 1888 as regards the Company and subject to the obligations contained in the Ibrox Act 1877 as regards the Glasgow and Ibrox Tramway Company and the said Archibald Binnie Allan) be transferred to and vested in and may be exercised by the Commissioners in like manner as if such portions of tramway had been situate within the burgh of Govan and had been acquired by the Commissioners under the provisions of the Tramways Act 1870.

Saving rights of lower ward of Lanark.

7. Nothing in this Act contained shall prejudice or affect the powers rights authorities and privileges of the lower ward district committee as local authority under the Tramways Act 1870 or otherwise.

Consideration for transfer.

8. The sums to be paid by the Commissioners to the Company and to the said Archibald Binnie Allan respectively as the consideration for the transfers of the respective portions of tramway to be transferred as aforesaid shall be the value of such respective portions of tramway (including as aforesaid) at the date of transfer such value to be in case of difference ascertained under the provisions of the Lands Clauses Acts.

Engines carriages &c. may be moved by mechanical power.

9. The engines cars carriages and trucks used on the tramways before described or on the other tramways of the Commissioners in the burgh of Govan or on any part thereof may subject to the provisions of this Act and with the consent of the Board of Trade during a period of seven years from the date of such consent and with the like consent during such further successive periods of seven years as that Board may from time to time specify in any order to be signed by a secretary or an assistant secretary of the Board be moved by mechanical power. The exercise of the powers hereby conferred with respect to the use of mechanical power shall be subject to the regulations set forth in the Second Schedule to this Act and to any regulations which may be added thereto or substituted therefor respectively by any order which the Board of Trade may and which they are hereby empowered to make from time to time as and when they think fit for securing to the public all reasonable protection against danger in the exercise of the powers by this Act conferred with respect to the use of mechanical power on the tramways.

10. For the purposes authorised by this Act the Commissioners may lay down on above and under the surface of any street such electric mains wires and apparatus and may make and maintain such subways tunnels cables tubes and openings in or under any such surface as may be necessary in connection therewith and they may on any lands belonging to them or acquired or taken on lease under the powers of this Act erect and maintain all necessary and proper works buildings machinery and appliances and they may provide construct and lay down dynamos batteries accumulators and other apparatus for generating storing and distributing electricity and stationary engines engine houses and machinery for working the tramways by mechanical power and the Commissioners may also lay down and construct on any street such passing places sidings junctions turn-outs and other works as are convenient and necessary for the working of the tramways by mechanical power and for connecting the tramways with the buildings stations stationary engines and other appliances that may be constructed or erected for the purpose of working the tramways.

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Power to erect stations engines and machinery.

11. The Commissioners may from time to time for the purposes of any of their tramways acquire by agreement or take on lease any quantity of land not exceeding in the whole at any one time five acres and may hold the same and they may erect and maintain thereon stables car sheds and other buildings appliances and conveniences in connection with any of their tramways worked by animal or mechanical power.

Power to acquire land by agreement and to erect buildings stables &c.

12. Nothing in this Act shall exempt the Commissioners from any indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them on any lands taken under the powers of the two preceding sections.

Saving proceedings for nuisance.

13. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Commissioners any easement servitude right or privilege not being an easement of water required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges or feu duties so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements servitudes rights and privileges as aforesaid respectively.

Power to take easements &c. by agreement.

14. The Commissioners shall not under the powers of this Act purchase or acquire in any district within the meaning of the Public Health (Scotland) Act 1867 ten or more houses which on the

Restriction on taking houses of labouring class.

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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 or shall be subsequently so occupied.

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

Power to purchase lease &c. mechanical power &c.

15. The Commissioners or the lessees of their tramways for the time being may from time to time contract and agree with each other or with any person for the purchase lease or supply by or to them of such mechanical power and of such buildings works plant apparatus engines and appliances as may be necessary to enable them to exercise the powers by this Act conferred and also for the acquisition and right of user of such patents and processes as may be fitted to promote the efficient or economical working of the tramways and enter into such contracts or do such other works as may be required therefor Provided that nothing in this Act contained shall authorise the Commissioners to place or run carriages upon the tramways and to demand and take tolls and charges in respect of the use of such carriages.

Penalty for using mechanical power contrary to Act or regulations.

16. The Commissioners or any company or person using mechanical power on any of the tramways contrary to the provisions of this Act or to any of the regulations set forth in the Second Schedule to this Act or to any regulations added thereto or substituted therefor by any order made by the Board of Trade under the authority of this Act shall for every such offence be subject to a penalty not exceeding ten pounds and also in the case of a continuing offence to a further penalty not exceeding five pounds for every day during which such offence continues after conviction thereof Provided always that whether any such penalty has been recovered or not the Board of Trade in case in their opinion any person using mechanical power on the tramways under the authority of this Act has made default in complying with the provisions of this Act or with any of the regulations set forth in the Second Schedule to this Act or with any regulation which may have been added thereto or substituted therefor as aforesaid may by order direct the Commis-

sioners or such company or person to cease to exercise the powers
aforesaid and thereupon the Commissioners or such company or
person shall cease to exercise the powers aforesaid and shall not
again exercise the same or any of the same unless with the authority
of the Board of Trade and in every such case the Board of Trade
shall make a special report to Parliament notifying the making of
such order. A.D. 1893.

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

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

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

For providing that engines carriages and trucks 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 engines used for drawing or
propelling such carriages ;

For providing for the due publicity of all regulations and bye-laws
in force for the time being in relation to the tramways by
exhibition of the same in conspicuous places in the carriages and
elsewhere.

Any person offending against or committing a breach of any of Penalty for
breach of
bye-laws.
the bye-laws made by the Board of Trade under the authority of
this Act shall be liable to a penalty not exceeding forty shillings.

18. The provisions of the Tramways Act 1870 with respect to As to re-
covery of
penalties.
the recovery of penalties shall apply to any penalty under this Act
and to any penalty for non-observance of any bye-law made by the
Board of Trade under the authority of this Act.

19. The provisions of the Tramways Act 1870 relating to the Amendment
of the
Tramways
Act 1870 as
to bye-laws
by local
authority.
making of bye-laws by the local authority with respect to the rate
of speed to be observed in travelling on the tramways shall not
authorise the local authority to make any bye-laws sanctioning a
higher rate of speed than that authorised by any regulation or bye-
law made by the Board of Trade under the authority of this Act at

A.D. 1893. — which engines cars carriages and trucks are to be driven or propelled on the tramways under the authority of this Act but the local authority may if they think fit make bye-laws under the provisions of the Tramways Act 1870 for restricting the rate of speed to a lower rate than that so prescribed.

Authentica-
tion of
bye-laws.

20. All orders and bye-laws made by the Board of Trade under the authority of this Act shall be signed by a secretary or an assistant secretary of the Board.

Provisions
for protec-
tion of the
Postmaster-
General.

21. In the event of any of the tramways of the Commissioners being worked by electricity the following provisions shall have effect:—

(1.) The Commissioners 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 Commissioners have constructed their electric lines or other works or work their undertaking in contravention of this subsection such question shall be determined by arbitration and the Commissioners shall be bound to make any alterations in or additions to their system which may be directed by the arbitrator;

(2.) (A.) Before any electric line is laid down or any act or work for working the tramways by electricity is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs or the laying of lines crossing the line of the Postmaster-General at right angles at the point of shortest distance and so continuing for a distance of six feet on each side of such point) the Commissioners 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 Commissioners 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 Commissioners or their agents with respect to any requirements so made shall be determined by arbitration ;
- (3.) In the event of any contravention of or wilful non-compliance with this section by the Commissioners or their agents the Commissioners shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues ;
- (4.) Provided that nothing in this section shall subject the Commissioners or their agents to a fine under this section if they satisfy the court having cognizance of the case that the immediate doing of the act or execution of the work was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice ;
- (5.) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work ;
- (6.) For the purposes of this section and subject as therein provided sections 2 8 9 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Act as if the Commissioners were undertakers within the meaning of those sections without prejudice nevertheless to any operation which the other sections of the said Act would have had if this section had not been enacted and in particular nothing in this section shall be deemed to exclude the provisions of section 7 of the Telegraph Act 1878 in relation to the matters mentioned in that section ;
- (7.) The expression " electric line " has the same meaning in this section as in the Electric Lighting Act 1882 ;
- (8.) 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 Commissioners

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or their agents were a company within the meaning of that Act;

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

(10.) The expression "the Commissioners" in this section includes their lessees or any others working or using the tramways of the Commissioners for the time being.

Penalty for not maintaining rails and roads.

22. The Commissioners 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 of the Commissioners and the sub-structure upon which the same rest and if the Commissioners 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 and such penalty shall be a penalty within the meaning of section 56 of the said Act.

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 Commissioners 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 Commissioners to such penalty or penalties in respect thereof as is or are by this section imposed.

For the protection of the lower ward district committee.

23. The lower ward district committee as the local authority within that district under the Tramways Act 1870 (in this section referred to as "the local authority") if by resolution passed at a special meeting of the members constituting the local authority they so decide may within six months after the expiration of a period of seven years from the passing of this Act and within six months after the expiration of every subsequent period of three years or within three months after any order made by the Board of Trade under section 41 of the Tramways Act 1870 with the approval of the Board of Trade by notice in writing require the Commissioners to sell and thereupon the Commissioners shall sell to them so much of their

undertaking as is within the district of the local authority upon terms of paying the then value (exclusive of any allowance for past or future profits of the undertaking or any compensation for compulsory sale or other consideration whatsoever) of the tramway and all lands buildings works materials and plant of the Commissioners suitable to and used by them for the purposes of their undertaking within such district such value to be in case of difference determined by an engineer or other fit person nominated as referee by the Board of Trade on the application of either party and the expenses of the reference to be borne and paid as the referee directs. And when any such sale has been made all the rights powers and authorities of the Commissioners in respect to the undertaking sold or where any order has been made by the Board of Trade under section 41 of the Tramways Act 1870 all the rights powers and authorities of the Commissioners previous to the making of such order in respect to the undertaking sold shall be transferred to vested in and may be exercised by the local authority in like manner as if such tramway was constructed by such 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 promoters.

No such resolution shall be valid unless a month's previous notice of the meeting and of the purpose thereof has been given in manner in which notices of meetings of the local authority are usually given nor unless two-thirds of the members constituting the local authority are present and vote at the meeting and a majority of those present and voting concur in the resolution and it shall be lawful for the chairman of any such meeting with the consent of a majority of the members present to adjourn the same from time to time.

The local authority may pay the purchase money and all expenses incurred by them in the purchase of the undertaking under the authority of this section 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 any Provisional Order obtained by them under the Tramways Act 1870.

Where the 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.

Every such Provisional Order shall be confirmed in like manner as a Provisional Order under the authority of the Tramways Act

A.D. 1893. 1870 and until such confirmation such Provisional Order shall not have any operation.

Confirming agreement with Kinning Park Police Commissioners and for the protection of those Commissioners.

24. The minute of agreement between Archibald Binnie Allan the Commissioners and the Kinning Park Commissioners as set forth in the First Schedule to this Act is subject to the provisions of this Act hereby confirmed and made binding between the parties thereto respectively and the provisions of the immediately preceding section for the protection of the lower ward district committee in so far as not inconsistent with the said minute of agreement shall *mutatis mutandis* apply for the protection of the Kinning Park Commissioners.

For further protection of Kinning Park Police Commissioners.

25. For the protection of the Kinning Park Commissioners (in this section referred to as "the local authority") the following provisions shall unless otherwise agreed between the Commissioners and the local authority have effect (that is to say):—

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

agreed upon on paying such tolls as may be agreed upon between the Commissioners and such local authority or as in the case of difference may from time to time be fixed by the Board of Trade on the application of either party ;

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

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

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

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

The numbering of the tramway engines and carriages ;

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

In the event of any difference of opinion between the local authority and the Commissioners as to the making carrying out or enforcing such bye-laws the same shall be determined by the sheriff on the application of either party ;

- (6.) Nothing in this Act contained or which may be done in pursuance of this Act shall prejudice or affect the powers rights or privileges of the local authority or of the magistrates of the said burgh over or with respect to the roads and streets of the said burgh and the regulation of the traffic thereon under the Burgh Police (Scotland) Act 1892 or the Roads and Bridges (Scotland) Act 1878 nor any of the powers rights and privileges of the local authority or the said magistrates under the Tramways Act 1870 save as in the Agreement set forth in the First Schedule to this Act is otherwise provided ;

- (7.) The rights powers limitations and obligations contained in sections 32 and 33 of the Tramways Act 1870 shall apply to any sewer belonging to or under the charge of the local authority in

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like manner as if such sewer had been a pipe for the supply of gas or water ;

- (8.) In the event of it being necessary or expedient temporarily to remove or discontinue the use of Tramways 16 and 16A authorised by the Vale of Clyde Act 1871 or any part thereof the Commissioners may with the sanction of the local authority and subject to such conditions and in accordance in all respects with such regulations as the local authority may from time to time make or prescribe construct on the same or any adjacent road and with the like consent subject to the like conditions and in accordance with the like regulations maintain a temporary tramway or temporary tramways in lieu of the tramways or part of a tramway so removed or discontinued ;
- (9.) Subject to the provisions of this Act the Commissioners may with the consent of the local authority and on the requisition of such local authority shall from time to time make maintain alter and remove such crossings passing-places sidings junctions and other works as may be necessary or convenient for the efficient working of the tramways or for providing access to any warehouses engine-houses pumping-stations stables or carriage-houses or works of the Commissioners or of the local authority Provided that in the construction of any such works no rail shall be so laid that a less space than nine feet six inches shall intervene between it and the outside of the footpath on either side of the road if the owner or occupier of the premises abutting on the place where such rail is proposed to be laid shall by writing under his hand addressed to and left at the offices of the town clerk of the burgh of Govan express his objection thereto In the event of difference of opinion between the Commissioners and the local authority as to what works may be necessary under this subsection or as to the mode of carrying them out the same shall be determined by the sheriff on the application of either party ;
- (10.) In addition to the requirements of section 26 of the Tramways Act 1870 the Commissioners at the same time as they give notice to the local authority of their intention to open or break up any road under the control of the local authority for the purpose of constructing laying down renewing or doing extraordinary repairs on any of the tramways may and shall if required by the local authority lay before the Board of Trade a plan showing the proposed mode of constructing laying down maintaining or renewing such tramways and a statement of the materials intended to be used therein and the Commissioners shall not commence the construction laying down renewal or

doing extraordinary repairs on any of the tramways or part of any of the tramways until such plan and statement have been approved by the Board of Trade or the local authority and after such approval the works shall be executed in accordance in all respects with such plan and statement and under the superintendence and to the reasonable satisfaction of the surveyor for the time being of the local authority as provided by section 26 of the said Act;

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

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

(13.) The expression "the Commissioners" in this section shall include their lessees or any others working or using the tramways of the Commissioners for the time being.

26. Nothing in this Act contained shall prejudice or affect the rights or powers of any persons corporations or companies lawfully using any tramway communicating with any of the tramways authorised by the Vale of Clyde Act 1871 and the trustees of any road upon

Saving power to other persons and companies &c. to use tramways.

A.D. 1893. — which any of such tramways are laid or of the Caledonian Railway Company and the Glasgow and South Western Railway Company jointly or either of them separately or the statutory committee of management of the joint line of railway between Glasgow and Paisley to use or otherwise deal with the tramways authorised by the Vale of Clyde Act 1871 and that under the powers of and subject to the conditions mentioned in the Vale of Clyde Act 1871 and the Act of 1876.

Carrying of
mails by
Commis-
sioners.

27.—(1.) The Commissioners if required by the Postmaster-General shall perform with respect to any tramway owned or worked by them all such reasonable services in regard to the conveyance of mails as Her Majesty's Postmaster-General from time to time requires Provided as follows :—

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

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

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

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

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

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

(D.) If goods as well as passengers and parcels are carried on the tramway the enactments relating to the conveyance of mails

by railway shall subject to the provisions of this section apply in like manner as if the Commissioners were a railway company and the tramway were a railway. A.D. 1893.

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

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

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

(5.) The expression "the Commissioners" in this section includes their lessees or any others working or using the tramways of the Commissioners for the time being.

28. For the protection of the National Telephone Company Limited their successors and assigns (herein-after called "the Telephone Company") the following provisions shall have effect in the event of any tramways of the Commissioners being worked by electricity otherwise than by electrical power carried along with the carriages (that is to say):—

For protection of the National Telephone Company.

(1.) The Commissioners shall so construct their electric circuits and other works of all descriptions and shall so work their tramway in all respects as to prevent any injurious interference by induction or otherwise with the electric circuits from time to time used or intended to be used by the Telephone Company for the purpose of telephonic communication or with the currents in such circuits. Provided that as regards electric circuits erected or laid down after the construction of the works of the Commissioners this sub-section shall only apply if reasonable and proper precautions have been taken in the erection or laying down of such circuits and if they have not been erected

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or laid down in unreasonably close proximity to the lines or works of the Commissioners;

(2.) Seven days before commencing to lay down any electric line or to supply electricity through any electric line in any manner whereby the work of telephonic communication through any wires or lines lawfully laid down or placed in any position may be injuriously affected the Commissioners shall unless otherwise agreed with the Telephone Company give to the Telephone Company notice in writing specifying the course nature and gauge of such electric line and the amount and nature of the current intended to be sent along the same and the Commissioners shall conform with such reasonable requirements as may from time to time be made by the Telephone Company for the purpose of preventing the communication through such wires or lines from being injuriously affected as aforesaid;

(3.) If any difference arises between the Commissioners and the Telephone Company with respect to anything in this section contained such difference shall be determined by the Board of Trade whose decision shall be final and sections 30 to 32 of the Regulation of Railways Act, 1868 shall apply in like manner as if the Commissioners and the Telephone Company were companies within the meaning of that Act;

(4.) Nothing in this section shall apply to repairs or renewals of any electric line so long as the course nature and gauge of such electric line and the amount and nature of the current sent along the same are not altered;

(5.) The expression "the Commissioners" in this section shall include their lessees and the licensees:

Provided always that if the Commissioners or the Telephone Company at any future time apply to Parliament to repeal or amend the foregoing provisions in accordance with the report of a joint committee of both Houses of Parliament (whether such report shall or shall not be retrospective in its recommendations) the Telephone Company or the Commissioners as the case may be shall not be entitled to oppose such application except on details.

Power to borrow to pay price of tramways.

29. The Commissioners may from time to time borrow such sums of money as may be necessary to pay the purchase money of the tramways lands and other property to be acquired under the powers of this Act and all expenses incurred by them in relation thereto (which shall include the costs of this Act) in the same manner and subject to the same conditions as if the tramways lands and other property were situate within the burgh of Govan and had been acquired by the Commissioners under the powers of section 43 of the Tramways Act 1870.

30. The Commissioners may for carrying the other purposes of this Act into effect from time to time borrow on mortgage debenture bond assignation cash credit or overdraft on the security of the rents tolls rates and duties to be levied by or due to them in respect of their tramways or on the security of any rate or rates leviable by them and applicable to tramways under the Tramways Act 1870 any sum not exceeding sixty thousand pounds and if after having borrowed the said sum or any part thereof the Commissioners shall pay off the same otherwise than by means of the sinking fund herein-after mentioned they may again borrow the amount so paid off and so from time to time as they think proper.

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Power to borrow for other purposes.

31. The sums to be borrowed under the authority of this Act shall be applied towards the purposes of this Act being in every case purposes to which capital is properly applicable and to no other purpose whatsoever.

Application of borrowed money.

32. All mortgages debentures bonds assignations or other securities on the property funds rates or revenue of the Commissioners granted by them before the passing of this Act and subsisting at the passing of this Act shall during the continuance of such mortgages debentures bonds assignations or other securities have priority over any mortgages debentures bonds assignations or securities on the same property funds rates or revenue granted by virtue of this Act.

Priority of existing mortgages.

33. The Commissioners shall keep a separate and distinct account of all sums received and payments made by them under the authority of this Act and of the Tramways Act 1870.

Separate accounts to be kept.

34. The Commissioners shall after the first day of July one thousand eight hundred and ninety-six annually set apart out of the moneys received by them on account of tramway revenue a sum of not less than three pounds per centum on the amount borrowed by them under the authority of the section of this Act of which the marginal note is "Power to borrow for other purposes" and shall apply the same as a sinking fund in paying off the principal sum so borrowed.

Provision as to sinking fund.

35. 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 out of the moneys to be borrowed or raised under the powers of this Act.

Expenses of Act.

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The SCHEDULES referred to in the foregoing Act.

FIRST SCHEDULE.

MINUTE OF AGREEMENT between ARCHIBALD BINNIE ALLAN Civil Engineer Govan (herein-after called "Mr. Allan") of the first part the COMMISSIONERS OF POLICE of the burgh of GOVAN (herein-after called "the Govan Commissioners") of the second part and the COMMISSIONERS OF POLICE of the burgh of KINNING PARK (herein-after called "the Kinning Park Commissioners") of the third part.

Whereas the Govan Commissioners are promoting a Bill in the present session of Parliament to acquire among other purposes the portion of the Glasgow and Ibrox Tramway situate in the burgh of Kinning Park at present belonging to Mr. Allan and also the portion of the Vale of Clyde Tramways situate in the same burgh at present belonging to the Vale of Clyde Tramways Company (herein-after called "the Bill") And whereas the Kinning Park Commissioners are desirous to retain their powers duties and authorities as local authority under the Tramways Act 1870 in respect of such portions of tramways therefore it is agreed as follows :—

First. The Govan Commissioners shall acquire and hold the said portions of tramways under the powers and conditions contained in the Bill and shall hold the same subject to the terms of this Agreement.

Second. The Kinning Park Commissioners may at any time if they so elect purchase the said portions of tramways from the Govan Commissioners on the following conditions :—

- (1.) If they elect to buy the said portions of tramway within three years from the date of this Agreement the price to be paid by the Kinning Park Commissioners shall be the same price as shall be paid by the Govan Commissioners but no part of the costs of the Bill now being promoted by the Govan Commissioners shall be included in such price. If they elect to purchase after the said three years the price to be paid shall be determined in the manner required by section 43 of the Tramways Act 1870 ;
- (2.) The Kinning Park Commissioners shall be entitled to appear as parties in the negotiations settling the terms of purchase from the present owners of the said portions of tramways ;
- (3.) Upon settlement of the terms of purchase from the Govan Commissioners the Kinning Park Commissioners shall become liable to fulfil the

same and shall become to all intents and purposes the purchasers and owners of the said portions of tramways in the same manner as if they had acquired such portions under the powers of the Tramways Act 1870 ;

- (4.) So long as the Govan Commissioners remain the owners of the said portions of tramways they shall fulfil all the duties and obligations incumbent on them as such owners and shall bind their lessees for the time being to fulfil all the duties and obligations incumbent on lessees under the Tramways Act 1870 but the powers duties and authorities of the Kinning Park Commissioners as local authority under the Tramways Act 1870 shall be preserved entire ;
- (5.) As a fundamental condition of such purchase from the Govan Commissioners the Govan Commissioners shall have and may exercise by themselves or their lessees for the time being running powers over the said portions of tramways for the period of twenty-one years from the passing of the Bill into law reserving for after consideration and agreement any proposals for an extension of said period on payment of such tolls rates and duties as may be agreed upon from time to time or failing agreement as may be fixed by a referee to be appointed by the Board of Trade on the application of either party provided that the payments stipulated in the agreement with the Glasgow Tramway and Omnibus Company (Limited) mentioned in next sub-section shall come in place of all tolls rates and duties during the currency of such Agreement or of any lease to follow thereupon ;
- (6.) The Kinning Park Commissioners if and when they become purchasers of the said portions of tramways shall adopt and carry out so far as relates to the said portions of tramways and so far as not already implemented the agreement between the Govan Commissioners and the Glasgow Tramway and Omnibus Company (Limited) dated the twenty-first and twenty-third March one thousand eight hundred and ninety-one as the same may be modified by subsequent agreement or by the Bill but so that the lease therein referred to shall not have a longer currency than twenty-one years from the date of the passing of the Bill into an Act and that the cost of the said portions of tramways shall be repaid with interest during the currency of the lease by annual or half-yearly instalments.

Third. In respect of the extra expense of lighting cleansing and watching Paisley Road in Kinning Park on which the Ibrox Tramway is laid the Govan Commissioners shall pay to the Kinning Park Commissioners the sum of twenty-five pounds per annum so long as the latter do not exercise their right of purchase under the preceding clause.

Fourth. Mr. Allan agrees to accept the Kinning Park Commissioners as purchasers from him in lieu of the Govan Commissioners if they elect to become purchasers as aforesaid.

Fifth. The Kinning Park Commissioners agree to support any application which may be made within the next three years to the Corporation of Glasgow or to Parliament to enable the owners or lessees of the Glasgow and Ibrox Tramway or the Vale of Clyde Tramway to obtain running powers over the Glasgow Tramway lines to the extent of running through cars into the centre of the city of Glasgow but so that no part of the expense of such application shall be chargeable to the Kinning Park Commissioners.

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Sixth. This Agreement shall be subject to such alterations as Parliament may think fit to make therein and shall be confirmed by and scheduled to the Bill.

Seventh. In the event of any dispute or difference arising as to the true intent and meaning of this Agreement or as to the carrying out of the same or in any manner of way in relation hereto the same is hereby referred to the amicable decision and decree arbitral of John Jackson Coats writer in Glasgow whom failing of David Murray LL.D. writer in Glasgow whom failing of James Moir Professor of Conveyancing in the University of Glasgow whose decision shall be final and binding on all parties and the parties consent to the registration hereof and of any decrees arbitral interim or final to be pronounced hereunder for preservation and execution.

In witness whereof these presents written on this and the two preceding pages of stamped paper by James Conn clerk to Andersons and Pattison writers Glasgow are executed in duplicate on the twenty-eighth day of January one thousand eight hundred and ninety-three as follows viz. They are subscribed by the said Archibald Binnie Allan at Govan before these witnesses James Barr and Hamilton Marr both law clerks in the town clerk's office Govan by Alexander Macdonald town clerk of the burgh of Govan on behalf of and as authorised by and representing the Commissioners of the said burgh at Govan before these witnesses the said James Barr and Hamilton Marr and by the said William Lucas town clerk of the burgh of Kinning Park on behalf of and as authorised by and representing the Commissioners of the said burgh of Kinning Park at Glasgow before these witnesses Walter Galbraith law clerk 133 West George Street Glasgow and the said Joseph Macnaughtan apprentice-at-law to the said Andersons and Pattison 137 St. Vincent Street Glasgow.

JAMES BARR Law Clerk in Town Clerk's Office Govan Witness. ARCHD. B. ALLAN.

HAMILTON MARR Law Clerk in Town Clerk's Office Govan Witness. A. MACDONALD Clerk to Govan Commissioners.

WALTER GALBRAITH Law Clerk 133 West George Street Glasgow Witness. WILLIAM LUCAS Clerk to Commissioners of the

J. MACNAUGHTAN Apprentice-at-Law 137 St. Vincent Street Glasgow Witness. burgh of Kinning Park.

SECOND SCHEDULE.

Break power of engines.

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

Every engine or in the case of stationary engine power being employed every carriage car or truck propelled thereby used on the tramways shall have its number shown in some conspicuous part thereof and shall be fitted—

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As to fittings
of engines &c.

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

With a suitable fender to push aside obstructions ;

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

With a seat for the driver of such engine or conductor of such car carriage or truck so placed in front of such engine or car carriage or truck as to command the fullest possible view of the road before him.

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

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

As to car-
riages.

The Board of Trade shall be at liberty from time to time to inspect any engine car carriage or truck used on the tramways and the machinery therein and may whenever they think fit prohibit the use on the tramways of any such engine car carriage or truck which in their opinion may not be safe for use on the tramways.

Inspection of
engines and
carriages.

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

As to speed.

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

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