CHAPTER cxxix.

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An Act to empower the Lord Provost Magistrates and Council of the City and Royal Burgh of Dundee to work and use the tramways within the Burgh and for other purposes. [25th July 1898.]

WHEREAS the Dundee Police and Improvement Consolidation Act 1882 (herein-after called "the Act of 1882") repealed various Acts and parts of Acts then in force within the royal burgh of Dundee now the city and royal burgh of Dundee (herein-after called sometimes "the city" and sometimes "the burgh") and saved from repeal various Acts and portions of Acts and consolidated the provisions of Acts and portions of Acts thereby repealed with alterations amendments and additions and also constituted the provost (now the lord provost) magistrates and council of the burgh for the time being (herein-after called "the corporation") the commissioners of police for the burgh: 45 & 46 Vict. c. clxxv.

And whereas the said commissioners became and were the local authority and also the road authority of and within the burgh under and as defined by the Tramways Act 1870:

And whereas under the Tramway Acts as defined in this Act tramways were laid down by the said commissioners in and along several of the principal streets of and within the burgh:

And whereas by the Dundee Corporation Act 1894 the said tramways and the management thereof were vested in the Corporation and the Corporation were empowered to exercise in regard thereto the same rights and powers as were and might have been exercised by the said commissioners previous to the passing of that Act and they also thereby became and are the local authority and the road authority of and within the burgh: 57 & 58 Vict. c. lxxiv.

And whereas the said tramways are presently worked by the Dundee and District Tramway Company Limited (herein-after called "the company") under a lease granted by the said commissioners to the company dated the nineteenth and twenty-

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sixth days of June one thousand eight hundred and ninety-three and subsequent agreements and arrangements relative thereto as defined in the agreement after specified:

And whereas an agreement has been entered into between the Corporation and the company for the determination of the said lease as therein defined and the acquisition by the Corporation from the company of their properties and tramway plant and rolling stock on the terms and conditions in the said agreement contained which agreement has already been duly approved of by the shareholders of the company and is set forth in the schedule to this Act:

And whereas it is expedient that the said agreement should be sanctioned and confirmed and that the Corporation should be empowered to work and use their tramways or any of them after the expiration specified in the said agreement of the said lease and to run carriages and trucks thereon moved by animal power or electric or other mechanical power and to demand and take tolls and charges in respect thereof:

And whereas it is expedient that the Corporation should be authorised to acquire by agreement and to appropriate lands for generating electric power and to make and maintain all necessary works in connexion with or for the purposes of the use of electric or other mechanical power on their tramways:

And whereas it is expedient that the Corporation should be authorised to borrow and raise money and to levy rates and assessments for the purposes of this Act:

And whereas it is expedient that the further powers in this Act contained should be conferred on the Corporation in regard to their tramway undertaking:

And whereas the objects aforesaid and the other 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 as the Dundee Corporation (Tramways) Act 1898.

Incorporation of Acts.

2. The clauses and provisions of the Lands Clauses Acts with respect to the purchase of lands by agreement are so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act incorporated with and form part of this Act.

Interpretation.

3. In this Act unless the subject or context otherwise requires terms to which meanings are assigned by the Act of 1882 or the Tramway Acts shall subject to the provisions of this Act have the same respective meanings And the following words and expressions shall have the meanings hereby assigned to them unless there be something in the subject or context repugnant to such construction viz.:—

"Burgh" shall mean the city and royal burgh of Dundee as defined in and by the Dundee Extension and Improvement Act 1892;

"Corporation" shall mean the lord provost magistrates and council of the burgh;

"Company" shall mean the Dundee and District Tramway Company Limited;

"Tramway Acts" shall mean the Dundee Tramways Act 1872 the Dundee Street Tramways Turnpike Roads and Police Act 1878 so far as relating to tramways and tramway purposes and so far as unrepealed by the Act of 1882 the Act of 1882 so far as relating to tramways and tramway purposes the Dundee Street Tramways Recreation Grounds Police and Improvement Act 1887 so far as relating to tramways and tramway purposes the Dundee Extension and Improvement Act 1892 so far as relating to tramways and tramway purposes and the Dundee Corporation Act 1894 so far as relating to tramways and tramway purposes;

"Tramways" shall mean the tramways within the burgh authorised by the Tramway Acts in so far as constructed and not relinquished and now existing and all tramways for the time being owned or authorised to be constructed by the Corporation;

"Mechanical power" shall include steam electric and every other motive power not being animal power;

"Engine" shall include motor.

Confirmation of agreement between the Corporation and the Dundee and District Tramway Company Limited.

4. The agreement entered into and executed by and between the Corporation therein called the town council and the company set forth in the schedule to this Act is hereby sanctioned and confirmed and made binding on the Corporation and the company respectively.

Power to Corporation to work tramways.

5. On and from and after the first day of June one thousand eight hundred and ninety-nine the Corporation may notwithstanding anything in the Tramways Act 1870 or in the Tramway Acts or any of them contained and subject to the provisions of

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this Act place and run carriages and trucks on and work and use the tramways and may demand and take the tolls and charges in respect of the tramways and the use of such carriages and trucks and otherwise specified in the Tramway Acts and may provide such stables buildings carriages trucks harness engines machinery apparatus horses steam cable electric and other plant appliances and things as may be requisite or expedient for the convenient working or user of the tramways by animal or mechanical power.

Provisions as to motive power.

6. The carriages and trucks used on the tramways may be moved by animal power or subject to the following provisions by mechanical power (that is to say):—

(1) The mechanical power shall not be used except with the consent of and according to a system approved by the Board of Trade:

(2) 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 mechanical power on the tramways and for regulating the use of electric power:

(3) The Corporation or any company or person using any mechanical 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:

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

(A) That the Corporation or any company or person using mechanical 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 mechanical power as authorised under this Act is a danger to the passengers or the public;

may by order either direct the Corporation to cease to use such mechanical power or permit the same to be continued only subject to such conditions as the Board of Trade may impose and the Corporation shall comply with every such order In every such case the Board of Trade shall make a special report to Parliament notifying the making of such order.

Power to acquire land for generating station.

7. Subject to the provisions of this Act the Corporation may purchase or acquire by agreement and appropriate and use for the purpose of providing and maintaining a station for generating electric power or for other purposes in connexion with their tramway undertaking the piece of ground herein-after described (that is to say):—

All and whole that piece of ground lying within the burgh bounded on the west by the street or road called Lochee Road Dundee on the east by the lands and generating station of the Dundee Gas Commissioners on the south by the prison of Dundee and on the north by Dudhope Crescent Road Dundee.

Works for generating and using electric power.

8. The Corporation may on the piece of ground before described erect and construct a station for generating electric power and may thereon construct provide and use dynamos and other electrical apparatus engines boilers and other machinery works buildings and things necessary or proper for and in connexion with the generating of electricity and the working of tramways thereby and the Corporation may lay down construct erect and maintain on in under or over the surface of any street road or place and may with the consent of the owners and occupiers thereof attach to any house and building such posts brackets 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 providing access to or forming connexions with any generating station carriage houses engines machinery or apparatus Provided that nothing in this Act shall authorise the Corporation to construct any station for generating electricity elsewhere than on the piece of ground described in the last preceding section.

Power to adapt existing tramways for working by mechanical power.

9. The Corporation may make such alterations of the tramways or any part or parts thereof and may execute all such works on or in connexion therewith and in on over or under the streets or roads in which the same are laid as may be necessary or expedient for adapting the same to be worked by electric or other mechanical power.

Special provisions as to the use of electric power.

10. The following provisions shall apply to the use of electric power under this Act unless such power is entirely contained in and carried along with the carriages:—

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

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(2) The Corporation shall take all reasonable precautions in constructing placing and maintaining their electric lines and circuits and other works of all descriptions and also in working their undertaking so as not injuriously to affect by fusion or electrolytic action any gas or water pipes or other metallic pipes structures or substances or to interfere with the working of any wire line or apparatus from time to time used for the purpose of transmitting electric power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus :

(3) The Corporation 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 Corporation 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 :

(4) 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 of other parties 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 :

(5) If any difference arises between the Corporation 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 arbiter to be appointed by the Board and the costs of such determination shall be in the discretion of the Board or of the arbiter as the case may be :

(6) The electric 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 :

(7) The expression " Corporation " in this section shall include lessees licencees and any person owning working or running carriages over any tramway of the Corporation.

For protection of Postmaster-General.

11. In the event of any tramways of the Corporation being worked by electric power the following provisions shall have effect : —

(1) The Corporation 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 arise as to whether the Corporation have constructed their electric lines or other works or work their undertaking in contravention of this sub-section such question shall be determined by arbitration and the Corporation shall be bound to make any alterations in or additions to their system which may be directed by the arbiter :

(2) If any telegraphic line of the Postmaster-General be injuriously affected by the construction by the Corporation of their electric lines and works or by the working of the undertaking of the Corporation the Corporation shall pay the expense of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection :

(3) (A) Before any electric line is laid down or any act or work for working the tramways by electricity is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs or the laying of lines crossing the line of the Postmaster-General at right angles at the point of shortest distance and so continuing for a distance of six feet on each side of such point) the Corporation 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

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nature of the work including the gauge of any wire and the Corporation 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 may arise between the Postmaster-General and the Corporation 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 Corporation or their agents the Corporation 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 be wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues:

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

(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 8 9 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Act as if the Corporation 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:

(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 arbiter 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 Corporation 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 Corporation by indictment action or otherwise in relation to any of the matters aforesaid:

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

For protection of Caledonian Railway Company.

12. In carrying out the powers of this Act the Corporation shall execute any works affecting the tramway which passes under the railway of the Caledonian Railway Company in Lochee Road in such manner as not to interfere with or injure the bridge carrying the railway over such road or any of the works of the Caledonian Railway Company and shall carry out their works in accordance with plans to be previously submitted to and approved by the Caledonian Railway Company and under the supervision of their engineer or in case of difference between the Corporation and the Caledonian Railway Company as to any such plans then according to plans to be approved by an engineer to be appointed by the Board of Trade on the application of either party.

Power to acquire patent rights.

13. For the purpose of using mechanical power it shall be lawful for the Corporation to acquire hold and use patent and other rights and licences (not being exclusive) in connexion with their tramway undertaking.

Conveyance of Mails Act to apply to tramways.

14. Notwithstanding any provision in any Act relating to the tramways the Conveyance of Mails Act 1893 shall extend and apply to the tramways as if the same had been authorised by an Act of Parliament passed after the first day of January one thousand eight hundred and ninety-three and to the Corporation as the body or person owning or working the tramways.

Power to appropriate and by agreement to acquire lands.

15. In addition to the piece of ground which the Corporation are by this Act authorised to purchase or acquire they may on such terms as they may deem proper appropriate and use for any purposes in connexion with their tramway undertaking any lands

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for the time being belonging to them and may also from time to time by agreement purchase or otherwise acquire any other lands not exceeding five acres or any easements in or over lands which they may require for any of such purposes Provided that nothing in this Act shall exempt the Corporation from any action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them on lands appropriated or acquired under the powers of this section.

For preventing malicious damage to works of Corporation.

16. Any person who shall unlawfully and maliciously take up remove cut or injure any cable electric main wire post plate bracket tube machinery or apparatus of the Corporation or their lessees for or in connexion with the working of any tramway worked by them or their lessees by electric power or fix or place on the rails of any such tramway or any of the posts plates brackets or wires used in connexion with such working any article matter or thing which might hinder or obstruct the working of such tramway or damage or deface the same or the machinery engines carriages wires or apparatus of the Corporation or their lessees or who shall unlawfully and maliciously do or cause to be done any other matter or thing with intent to impede or endanger the working of any such tramway by means of electric power or who shall unlawfully and maliciously aid or assist in or attempt to do any of the foregoing acts shall on being convicted thereof be deemed to be guilty of an offence under the Act of 1882 and be liable to a penalty not exceeding five pounds.

Temporary use of omnibuses.

17. In the event of blocking of the tramways by snow or otherwise or the interruption of traffic thereon by accident or other casualty the Corporation may provide and run with animal power temporarily omnibuses on any tramway route so blocked or on which any accident or other casualty has taken place and demand and take tolls and fares for the use of such omnibuses.

As to fares on Sundays and holidays.

18. The Corporation shall not take or demand on a Sunday or any public holiday any higher tolls or charges than those levied by them on ordinary week days.

Existing byelaws.

19. Any byelaws and rules and regulations made by the magistrates of Dundee or the commissioners of police or the Corporation or by the said commissioners or Corporation and the company or by the Board of Trade applicable to or affecting the tramways or the working or use thereof or of carriages and trucks thereon or applicable to or affecting passengers or others carried on the tramways or drivers and conductors or traffic on the streets roads and places in which the tramways are laid which

are in force at the passing of this Act may be altered or revoked by the magistrates so far as regards byelaws and rules and regulations made by them or by the Corporation so far as regards byelaws and rules and regulations made by the said commissioners or the Corporation or the said commissioners or Corporation and the company or by the Board of Trade so far as regards byelaws and rules and regulations made by them and until so altered or revoked the same shall continue in force.

New byelaws.

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

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

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

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 byelaws and Board of Trade regulations 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 any of the byelaws made by the Board of Trade under the authority of this Act shall be liable to a penalty not exceeding forty shillings.

As to recovery of penalties.

21. The provisions of the Tramways Act 1870 with respect to the recovery of penalties shall apply to any penalty under this Act and to any penalty for non-observance of any byelaw or regulation made by the Board of Trade under the authority of this Act but all prosecutions for offences against or breaches of any byelaws already made or to be made by the Board of Trade other than those applicable to mechanical power on the tramways may be prosecuted and disposed of as police offences before the police court or police magistrate of Dundee under complaint at the instance of the procurator fiscal of the police court.

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

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

Regulations.

23. The regulations authorised by the Tramways Act 1870 to be made by the promoters of any tramway and their lessees may with respect to any tramways or portions of tramways for the time being belonging to and worked by the Corporation be made by the Corporation alone.

Orders and byelaws.

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

Statement and balance sheet and estimates to be laid before Corporation.

25. The Corporation shall once in each year after the first year's working cause their treasurer to lay before them a statement and balance sheet of the tramway accounts including the reserve and suspense accounts for the preceding year and an estimate of the revenue to be derived for the ensuing year from the working and use of the tramways and carriages and trucks thereon and also an estimate of the sums required to meet for such year the expenses of working management maintenance of lines works machinery and rolling stock repairs renewals materials wages taxes and other outgoings and charges including allowance for depreciation and also the interest on borrowed money and the payment of the sums required to be annually made to the sinking fund and the Corporation shall thereupon fix annually the tolls fares and charges to be levied by them for the use of the tramways and of carriages and trucks used or propelled thereon for the said year then ensuing not exceeding the tolls fares and charges specified in the Tramway Acts so that the revenue shall meet the expenditure as before specified for each year Provided that if in any year the revenue exceeds such expenditure the Corporation shall carry such excess to a reserve account to be used in providing for deficiencies and contingencies and that should there be a deficiency in any year it shall be provided for in the estimate for the following year by drawing from reserve account or varying

the tolls fares and charges or reducing working expenses or be carried to a suspense account and reduced gradually over a period of years not exceeding five Provided also that in making the estimates aforesaid and balancing accounts at the end of such year the depreciation on machinery and plant shall be at the rate of three per centum on the first cost thereof.

Burgh assessments and borrowing powers.

26. Part V. (Estimates and assessments) and Part XXXVII. (Borrowing and raising of money) of the Act of 1882 and section 33 of the Dundee Corporation Act 1894 shall extend and apply to this Act in the same manner and to the same effect as if the purposes of this Act were purposes of the said Acts of 1882 and 1894 and were embraced under the first third and fourth heads of section 32 of the Act of 1882 or any of them Provided that all moneys to be borrowed or raised for the purposes of this Act shall be paid off in the manner provided by section 321 of the Act of 1882 Provided further that the Corporation shall not borrow money for the purposes of this Act other than for the acquisition by the Corporation from the company of the properties and tramway plant and rolling stock conditioned for in the agreement scheduled to this Act and for the acquisition of the lands and rights and constructing and providing the works machinery and other apparatus authorised by this Act And provided further that the free annual revenue from the common good of the burgh after deduction of the interest of the debt which the burgh may owe and the usual annual outgoings of the burgh shall be charged along with the assessments authorised by the said Acts and this Act with the money borrowed for the purposes aforesaid and that the said free annual revenue after deduction as aforesaid shall be primarily liable therefor.

Costs of Act.

27. The 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 Corporation out of the moneys to be raised for the purposes of this Act and the public rates and municipal revenues of the burgh or either of them Provided that any money borrowed for paying such costs charges and expenses shall be repaid within ten years from the date of such borrowing.

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The SCHEDULE referred to in the foregoing Act.

AGREEMENT between the TOWN COUNCIL OF DUNDEE as defined in and entitled to exercise all the powers conferred by the Dundee Corporation Act 1894 of the first part and the DUNDEE AND DISTRICT TRAMWAY COMPANY LIMITED of the second part.

WHEREAS the tramway lines within the burgh of Dundee belong to the first parties as coming in place of the commissioners of police for the burgh of Dundee under the said the Dundee Corporation Act 1894 And whereas by lease dated nineteenth and twenty-sixth June eighteen hundred and ninety-three the said commissioners let to the second parties the right of user of the said tramway lines as then existing and to be extended as therein specified and described for fourteen years from the term of Whitsunday eighteen hundred and ninety-three upon the terms and conditions expressed in the said lease And whereas both parties hereto have now agreed that the first parties shall purchase and the second parties shall sell to them the rolling stock plant and others and certain heritable properties used for tramway purposes herein-after mentioned and that the said lease and all subsequent agreements or arrangements relative thereto and following thereon (all herein described as the said lease) shall be renounced all upon the terms and conditions following Therefore both parties hereto do hereby agree as follows viz. :—

I. The said lease shall cease and determine on 1st June 1899.

II. The first parties shall accept £500 a year from 1st June 1894 down to 1st June 1899 in full of the first parties' share of surplus profits covenanted for in the lease and the second parties shall pay to the first parties with all dispatch the sum of £818 18*s.* 8*d.* remaining due of said annual payments for the period up to 1st June 1897 and shall pay the two final payments of £500 each on the 31st May in the years 1898 and 1899.

III. On 1st June 1899 the first parties shall purchase and take over from the second parties—

1. The stables and stabling accommodation and all other erections at Westfield Place Dundee so far as belonging to the second parties and built on ground belonging to the first parties as shown on the ground plan thereof hereto annexed and marked plan No. One and signed as relative hereto :
2. The fittings in No. One including rails shafting piping and other fittings :
3. The heritable subjects at High Street and Small's Lane Lochee used by the second parties and occupied by themselves or their employees in connexion with their tramway business as the said subjects are shown on the ground plan thereof hereto annexed and marked plan No. Two and signed as relative hereto with the whole buildings and other

erections thereon and fittings therein including repairing pits shafting rails piping and other fixtures which heritable subjects are held in feu except 8½ poles thereof or thereby held under lease and comprise (1) a portion of the feudal subjects acquired by the second parties from the trustees of the deceased Mrs. Jane Barney or Young wife of the also deceased William Young farmer Whitelawstone conform to disposition by said trustees in favour of the second parties dated 23rd and recorded in the division of the General Register of Sasines applicable to the county of Forfar 27th December 1879 (2) the whole fendal subjects acquired by the second parties from the trustees of the now deceased John Barclay spirit-dealer Lochee conform to disposition by the last-mentioned trustees in favour of the second parties dated 11th and 13th and recorded in the foresaid division of the General Register of Sasines 28th August 1888 and (3) the whole leasehold subjects held by the second parties on lease from Peter Barclay butcher Number 5 Mid Street Lochee conform to lease between him and them dated 8th and 14th March 1894:

4. The tramway plant and rolling stock belonging in property to the second parties but exclusive of horses and used by them in their tramway business including engines moveable and fixed machinery stock of repairing and other materials tools and appliances furnishings oils waste coke coal and other working materials used or intended to be used in carrying on the tramway business But declaring that no undue purchases of stores shall be made by the second parties preceding the termination of the lease and that at its termination there shall be no undue or excessive quantities of stores aforesaid.

IV. The stables stabling accommodation and all other erections mentioned in Article III. 1 and 2 shall be taken over at the valuation conditioned for in the lease as at 1st June 1899 The remaining subjects and others mentioned in Article III. shall be taken over for tramway purposes at mutual valuation thereof on the said date but which valuation shall not include any business or goodwill of business or any element of that kind all such considerations being embraced in and by the annual payment in Article X. hereof.

V. The amount of said valuations shall be payable by the first parties to the second parties as on 1st June 1899 and shall bear interest at the rate of four per cent. per annum thereafter till paid The first parties shall be entitled to delivery and possession of the heritable and moveable subjects mentioned in Article III. on said 1st June 1899.

VI. On 1st June 1899 the first parties will reconvey to the second parties the subjects presently vest in the first parties as coming in place of the commissioners of police for the burgh of Dundee in security which subjects were conveyed to the said commissioners by disposition dated 28th September and recorded in the foresaid division of the General Register of Sasines 2nd October 1883 granted by the second parties in favour of Thomas Thornton solicitor Dundee as clerk to the said Commissioners.

VII. The second parties will pay all rents feu duties and public and local burdens or proportions thereof applicable to said heritable subjects to be

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taken over by the first parties up to said 1st June 1899 but will not pay any casualties or compositions applicable thereto nor will they furnish searches of the records and their title shall be taken as it stands.

VIII. On full payment of the foresaid valuations the second parties will execute and deliver to the first parties a feu-disposition of the feudal subjects shown on the foresaid plan marked No. Two enclosed with a red line the feu-duty being 30*s.* per annum with a duplicand thereof every twenty-fifth year and an assignation of the foresaid lease each containing all usual and necessary clauses and along therewith will deliver or oblige themselves to make furthcoming the titles in their possession applicable to the foresaid subjects And which feu-disposition shall contain a clause binding the second parties and their successors and the remaining subjects belonging to them to free and relieve the first parties and their successors and the subjects conveyed to them of all feu-duties and casualties payable to the second parties' own superiors in all time byepast and to come.

IX. The first parties shall not be entitled to drain the subjects to be acquired by them at Lochee through the subjects there to be retained by the second parties longer than 11th November 1899 after which date the right of the first parties to all drains passing through any portion of the second parties' property shall cease.

X. From and after the said 1st June 1899 to what would have been the natural termination of the lease viz. 15th May 1907 the first parties shall pay to the second parties the sum of £2100 per annum and that in two equal half-yearly payments of £1050 each on the 30th day of November and 31st day of May in each year for the half-year preceding these dates up to 30th November 1906 and a proportion of said sum of £1050 for the period from said last mentioned date to 15th May 1907 when the first parties' payments hereunder shall cease with interest on each of these payments at the rate of five per centum per annum from the respective dates of payment until paid which payments aforesaid shall be held to include all fees or claims by directors for fees but under deduction therefrom year by year of a sum equal to four per centum per annum on the aggregate amount of the valuations to be paid by the first parties under these presents.

XI. The foresaid valuations shall be made by arbiters mutually chosen by the first and second parties or in the event of said arbiters differing in opinion by their oversman whom they shall be bound to choose before proceeding with any valuation The parties hereto shall enter into execute and deliver all requisite and necessary submissions and other deeds in time for said valuations being completed on said 1st June 1899 or as soon thereafter as same can be carried out.

XII. The second parties shall not from said 1st June 1899 until 15th May 1907 ply omnibuses or other vehicles for hire on the same routes as the existing tramways or extensions thereof or except on special occasions allowed by the magistrates in competition therewith.

XIII. In respect the company and Wilson and Company advertising agents Glasgow entered into an agreement of dates 4th 9th and 17th March 1897 applicable to advertising on engines cars and omnibuses for four years

from 1st December 1896 at a rent of £400 per annum payable to the company it is hereby agreed that the said Agreement shall if in force on 1st June 1899 be assigned to the Corporation with all the powers therein contained so far as advertising on engines and cars are concerned and that the proportion of rent payable to the Corporation under the said Agreement after said 1st June 1899 shall be at the rate of £360 per annum.

XIV. The first parties shall in the ensuing session of Parliament give notice for and promote a Bill for confirmation of this Agreement and for power to the first parties to place and run carriages on and work and use the tramways and provide such plant materials and things as may be requisite or convenient therefor and to demand and take tolls and charges in respect of the use of such carriages and of the tramways and also to borrow money for the purposes of the Bill and levy assessments for the interest on and sinking fund for paying off such borrowed money and the said Bill may also include powers for extending the tramways in Dundee and placing and running carriages on and working the same as aforesaid and providing plant materials and others therefor as before mentioned and demanding and taking tolls and charges as aforesaid and for such other objects and purposes as the first parties may think proper.

XV. The costs and expenses of and in connexion with this Agreement and the foresaid valuations and of and in connexion with all deeds and other documents necessary for carrying out this Agreement shall be borne by the parties mutually but all proper and reasonable expenses that may be incurred by the second parties in seeing that this agreement is confirmed by the said Bill will be paid by the first parties.

XVI. The parties hereto do hereby submit and refer all demands disputes questions and differences which may arise betwixt them (after this Agreement has been approved of and confirmed as provided for in Article XVII. hereof) under or with reference to this Agreement (other than the foresaid valuations) or as to the true intent and meaning of any of the clauses of this Agreement or the rights of the parties hereto thereunder or as to the deeds to be granted in carrying out and fulfilling this Agreement and the adjusting of the clauses of such deeds to the amicable decision and final determination (failing agreement between the parties on an arbiter) of a member of the Faculty of Advocates to be nominated as sole arbiter on the application of either party by the sheriff principal of Forfarshire who is hereby empowered to make said nomination whenever applied to as aforesaid and upon the death disqualification or resignation of an arbiter so appointed to nominate a new arbiter.

XVII. The foregoing agreement is made subject to the approval of the shareholders of the second parties assembled at a meeting to be convened to consider this Agreement and also to the sanction of Parliament and to such alterations as Parliament may think fit to make therein But if the Committee on the Bill make any material alterations in this Agreement or refuse to allow the powers of working borrowing and assessing or any of such powers or any of the extensions that may be proposed or the powers of

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levying and taking tolls and charges all mentioned in Article XIV. hereof it shall be competent to either party to this Agreement to abandon and withdraw from the same.

In witness whereof these presents printed on this and the three preceding pages are executed in duplicate at Dundee as follows viz. They are sealed with the common seal of the said the Dundee and District Tramway Company Limited and duly subscribed for and on behalf of the said company by David Pirie Painter Dundee and John Rattray house agent Dundee two of the ordinary directors and by Peter Fisher residing at Westfield House Dundee the secretary all of the said the Dundee and District Tramway Company Limited on the twentieth day of November eighteen hundred and ninety-seven years before these witnesses Charles Clark Duncan solicitor Dundee and James Craig Howie clerk to Messrs. David Duncan and Son solicitors Dundee And the same are executed by and on behalf of the said town council of Dundee in terms of the statute as follows They are subscribed in terms of the statute by Henry M'Grady lord provost and James Young senior bailie both of the city and royal burgh of Dundee and by Sir Thomas Thornton town clerk of Dundee all duly authorised at a meeting of the said town council duly called and held on the twenty-second day of said month of November and year last mentioned before these witnesses James McLagan and John Andrew Turnbull both clerks to the town clerk of Dundee This testing clause from and after the words "In witness whereof" being written by Charles Crabb Wilson clerk to the said town clerk of Dundee.

James McLagan witness.
John A. Turnbull witness.

Charles C. Duncan witness.
J. Craig Howie witness.

H. M'Grady Lord Provost.
James Young Senr. Bailie.
Thos. Thornton Town Clerk.
David Pirie Director.
John Rattray Director.
Peter Fisher Secretary.

L.S.

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