CHAPTER lxxii.

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An Act to authorise the Dundee Police Commissioners to abandon portions of their existing tramways, and to make a new tramway; to construct a sea wall or bulwark, and other works; to take and appropriate lands for a public park; and for other purposes. [5th July 1887.]

WHEREAS an Act was passed in the forty-fifth and forty-sixth years of the reign of Her present Majesty, intituled "An Act "to amend and consolidate the Dundee Police and other Acts; to "enable the Dundee Police Commissioners to create and issue deben- "ture stock; and for other purposes" (herein-after called the recited Act), and the recited Act repealed various Acts and parts of Acts then in force within the burgh of Dundee (herein-after called the burgh), and consolidated the provisions thereof with alterations, amendments and additions: 45 & 46 Vict. c. clxxxv.

And whereas the recited Act and the Dundee Tramways Act, 1872, and the Dundee Street Tramways, Turnpike Roads, and Police Act, 1878, so far as unrepealed by the recited Act (which two last-mentioned Acts are herein-after called the Tramway Acts), and the Public Health Acts, specified in the recited Act, still apply to the burgh: 35 & 36 Vict. c. cxci. 41 Vict. c. xciv.

And whereas the provost, magistrates and council of Dundee for the time being are, by the recited Act, constituted the Commissioners for carrying the same into operation as regards the burgh; and as such are also the local authority in and under the Public Health Acts for and within the parish of Dundee and the united parish of Liff and Benvie, within which the burgh lies:

And whereas under the Tramway Acts, tramways were laid down in and along several of the principal streets of the burgh, which have been and are at present worked by the Dundee and District Tramway Company, Limited, the lessees of the Commissioners, and in virtue of the powers vested in the Board of Trade by the Tram- 42 & 43 Vict. c. cxciii.

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ways Orders Confirmation Act, 1879, the said Board, with the consent of the Commissioners, licensed the said lessees for limited periods, and, as an experiment, to use steam power for moving carriages on several of the tramway lines within the burgh, in addition to or in substitution of the power authorised by the Tramway Acts, and the said tramways, and the use of steam power thereon, have been found of public advantage:

And whereas it would be for the public convenience, and it is expedient that the Commissioners should be authorised to abandon certain portions of their existing tramways herein-after described, and to make and maintain the new tramway within the burgh, herein-after described, and that the use of steam power on the tramways laid down and to be laid down within the burgh should be authorised:

34 & 35 Vict. c. cliii.

And whereas under the powers of the Dundee Police and Improvement Act, 1871 (repealed by the recited Act), the Commissioners acquired an area of ground within the burgh, extending to about eighteen acres, bounded of old on the south by the River Tay, but now separated from that river by the Caledonian Railway, formerly and still commonly called the Dundee and Perth Railway (herein-after called the railway), for the purpose of laying out the same as a public park or recreation ground for the inhabitants of the burgh, and the said area of ground (commonly and herein-after called the Magdalen Green) is at present used as such:

31 & 32 Vict. c. cxii.

And whereas an Act was passed in the thirty-first and thirty-second years of the reign of Her present Majesty, intituled "An "Act to authorise the Provost, Magistrates and Town Council of "the Royal Burgh of Dundee, to construct a sea wall so as to "enclose a portion of the alveus of the Frith of Tay, opposite to "the burgh, and to form an esplanade and a road or street on and "within such sea wall; and for other purposes" (herein-after called the Esplanade Act), and the sea wall esplanade and public road or street thereby authorised (herein-after called the esplanade works) have been made and are at present open to and used by the public, and are the public property of the burgh:

And whereas before the construction of the railway the inhabitants of Dundee had free access to the River Tay, then forming the southern boundary of the western portion of the burgh; but the construction of the railway deprived that portion of the burgh of its river frontage:

And whereas the esplanade works have restored the river frontage to the inhabitants, from Union Street of Dundee on the east, to that part of the Magdalen Green commonly called the Magdalen

Yard Point, otherwise called Buckingham Point, on the west, where the esplanade works terminate, but the outlet of the burgh to the river side on the west of the said point is still barred by the railway, and the esplanade works have no connexion with the Magdalen Green or the western portion of the burgh save by a footpath across the railway, on the level thereof, between the said point on the south and the Magdalen Green on the north:

And whereas ex adverso of the landward part of the burgh westward of Buckingham Point, and to the south of the railway, a large portion of the bed or soil of the river might be advantageously appropriated as an addition to or extension of the Magdalen Green, which would be of public advantage, and it is expedient that the Commissioners should be empowered to take the said portion of the bed or soil of the river, and to connect the west and north-west districts of the burgh with the esplanade works, and with such proposed addition to the Magdalen Green:

And whereas it is necessary for the purposes aforesaid to make and maintain the sea wall or bulwark, and the roads or streets, and the diversion of a road or street, all herein-after described, and it is expedient that the Commissioners should be authorised to make and maintain the same:

And whereas it is also necessary to borrow and raise money for the purposes of this Act:

And whereas differences and disputes existed between the Commissioners and the trustees of the harbour of Dundee respecting the paving, lighting, watching and cleansing of the streets, quays, piers, jetties, docks and other places within the harbour of Dundee and docks or precincts thereof, and assessments applicable thereto and otherwise, but such differences and disputes have been amicably settled by and under the agreements set forth in the Second Schedule to this Act, and the said trustees have agreed to increase to an annual payment of forty pounds the annual payment of twenty pounds provided by the Dundee Harbour Consolidation Act, 1875, to be paid by them to the magistrates and town council of Dundee, for and in respect of the expenses attending the election of trustees by the municipal electors of the burgh: 38 & 39 Vict. c. cl.

And whereas it is expedient that the said agreements and such increased annual payment should be confirmed and sanctioned by this Act:

And whereas plans and sections showing the lines, situations and levels of the tramway, sea wall, or bulwark, and other works authorised by this Act, and the lands, houses, and other property required therefor and for the other purposes of this Act, including the lands proposed to be taken and appropriated as before mentioned, and also

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books of reference to such plans, containing the names of the owners and lessees or reputed owners and lessees, and of the occupiers of such lands, houses, and other property, were duly deposited with the principal sheriff clerk of the county of Forfar, at his offices in Dundee and Forfar respectively, and the said plans, sections, and books of reference are herein-after respectively referred to as the deposited plans, sections, and books of reference:

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:—

I.—General.

Short title.

1. This Act may be cited for all purposes as the Dundee Street Tramways, Recreation Grounds, Police and Improvement Act, 1887.

Division of Act into parts.

2. This Act is divided into parts, as follows:—

Part I.—General.

Part II.—Tramways.

Part III.—Sea Wall or Bulwark and New Streets and Diversion of Street.

Part IV.—Public Parks.

Part V.—Rates and Assessments and Borrowing of Money.

Part VI.—Miscellaneous and Saving Clauses.

Provisions of Lands Clauses Acts herein named, incorporated as herein mentioned.

3. The Lands Clauses Consolidation (Scotland) Act, 1845, and the Lands Clauses Consolidation Acts Amendment Act, 1860, are (except where expressly varied by or inconsistent with this Act) incorporated with and form part of this Act, but so far as regards the tramway works authorised by this Act, with the exception of the following provisions of the Lands Clauses Consolidation (Scotland) Act, 1845 (that is to say):—

With respect to the purchase and taking of lands otherwise than by agreement;

With respect to the entry upon lands by the promoters of the undertaking; and

With respect to small portions of intersected lands.

Certain clauses of Railways Clauses Acts incorporated as herein mentioned.

4. The clauses and provisions of the Railways Clauses Consolidation (Scotland) Act, 1845, with respect to the temporary occupation of lands near the railway during the construction thereof, and also sections 13, 17, 18, and 19 of the Railways Clauses Act, 1863, are

(except where expressly varied by or inconsistent with this Act) incorporated with and form part of this Act applicable to the works authorised by this Act, except the tramway works; and in construing the said clauses and provisions the words "work" and "railway" shall be taken to mean the sea wall or bulwark and other works authorised by this Act other than the tramway works.

Interpretation of terms.

5. In this Act terms to which meanings are assigned by the recited Act or the Tramway Acts, or by the Acts or parts of Acts incorporated herewith, shall, subject to the provisions of this Act, have the same respective meanings unless there be something in the subject or context repugnant to such construction. Further, 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, namely :—

"Burgh" or "royal burgh" shall mean the burgh of Dundee within the limits thereof as fixed and defined by the Public Act Second and Third William the Fourth, chapter sixty-five;

"Commissioners" shall mean the provost, magistrates and town council of the royal burgh of Dundee, acting as the Commissioners of Police for the burgh of Dundee under the recited Act, and the Tramway Acts, and this Act;

"The Tramway Acts" shall mean the Dundee Tramways Act, 1872, and the Dundee Street Tramways, Turnpike Roads, and Police Act, 1878, so far as unrepealed.

Correction of errors in deposited plans and books of reference.

6. If there be any omission, misstatement, or wrong description of any lands, or of the owners, lessees, or occupiers of any lands shown on the deposited plans, or specified in the deposited books of reference, the Commissioners, after giving ten days notice to the owners, lessees, and occupiers of the lands in question, may apply to the sheriff of the county of Forfar for the correction thereof, and if it appears to the sheriff that the omission, misstatement, or wrong description arose from mistake, he shall certify the same accordingly in duplicate, and he shall in his certificate state the particulars of the omission, and in what respect any such matter is misstated or wrongly described, and one of such certificates shall be deposited with the principal sheriff clerk of the county of Forfar, at each of his offices at Dundee and Forfar, and a copy thereof shall also be deposited with the session clerks of the several parishes in which the lands affected thereby are situate, and such duplicates and copies certificate respectively shall be kept by such sheriff clerk and session clerks respectively with the other documents to which the same relate, and thereupon the deposited plans and books of reference

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shall be deemed to be corrected according to such certificate, and it shall be lawful for the Commissioners to take the lands and execute the works in accordance with such certificate.

Power to take lands.

7. Subject to the provisions of this Act, the Commissioners may enter upon, take, and use for the purposes of this Act, or any of them, all or any of the lands, houses, and property shown on the deposited plans and specified and described in the deposited books of reference.

Power to take easements, &c., by agreement.

8. Persons empowered by the Lands Clauses Consolidation (Scotland) Act, 1845, to sell and convey or release lands, may, if they think fit, subject to the provisions of that Act, and of the Lands Clauses Consolidation Acts Amendment Act, 1860, 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, feu duties, or ground annuals, 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.

Limitation of time for compulsory purchase of lands.

9. The powers of the Commissioners for the compulsory purchase of lands, houses and property for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act.

Purchase of lands by agreement.

10. In addition to the lands, houses, and property which the Commissioners are by this Act authorised to take compulsorily, they may from time to time, but only by agreement, purchase or otherwise acquire, any lands and houses, and any interest, right of user, power, or privilege in, over, or affecting any lands and houses which they think expedient for any of the purposes of this Act.

Restriction on taking houses occupied by labouring class.

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

For the purposes of this section the expression "labouring class" includes mechanics, artisans, 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.

Commissioners may sell and convey lands.

12. The Commissioners may, but subject as regards the lands and property Nos. 28 and 28A on the deposited plans in the united parishes of Liff, Logie, Benvie and Invergowrie, to the provisions of the Lands Clauses Consolidation (Scotland) Act, 1845, with respect to the sale of superfluous lands, sell and convey to any company, corporation, or person, for any lawful purpose, any part or portion of the lands, houses, and other property which they may take, acquire, or appropriate under the powers of this Act: Provided always that the Commissioners shall not make any sale, lease or conveyance of any lands, houses or other property which may be taken, acquired, reclaimed, appropriated, or used by them under the powers of this Act lying between the lines following, viz.:—On the east an imaginary line drawn due south from a point three hundred and twenty-five yards westward from the centre of the level crossing (or footpath on the level), over and upon the Caledonian Railway, formerly and still commonly called the Dundee and Perth Railway, at Magdalen Yard Point, Dundee, measured westward from the centre of the said crossing along the six footway, between the up and down lines of the said railway, and on the west an imaginary line which would represent the extension due southwards of the west boundary line of Cidhmore property belonging or reputed to belong to J. H. Luis, but may take, or acquire, reclaim, appropriate, and use the same for the purposes only of the works second and fifth mentioned in Part III. of this Act and for the purposes of Part IV. of this Act or any of such purposes respectively.

II.—Tramways.

Provisions of general Act herein named incorporated as herein mentioned.

13. Section 3 (interpretation of terms), Part II. (construction of tramways), and Part III. (general provisions), of the Tramways Act, 1870, are incorporated with and form part of this Act, save where the same are inconsistent with or expressly varied or excepted by this Act: Provided that sections 30, 33, 46 and 58 of the said Act shall have effect with reference to the tramway hereby authorised as if the sheriff of the county of Forfar was therein mentioned instead of the Board of Trade.

Powere to discontinue and abandon

14. The Commissioners may abandon and relinquish those parts of their existing tramways situated in the road or street called

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certain parts of Commissioners existing tramways.

Meadowside of Dundee, and in the street sometime called East Bell Street of Dundee, and now Bell Street of Dundee, and in the street or road called Victoria Road of Dundee, from a point in Meadowside sixteen and one half lineal yards, or thereabouts, north of the south-east corner of the Royal Exchange of Dundee, and from thence on and along Meadowside to its junction with Bell Street, and from thence on and along Bell Street to its junction with Victoria Road, and from thence on and along Victoria Road to a point in Victoria Road thirty-one lineal yards, or thereabouts, south-west from the southmost angle of the south-west corner of the Hilltown Road or Street of Dundee.

Power to make new tramway.

15. Subject to the provisions of this Act, and of Parts II. and III. of the Tramways Act, 1870, the Commissioners may make, form, lay down and maintain the tramway (double line) herein-after described, in the lines and according to the levels shown on the deposited plans and sections, and in all respects in accordance with those plans and sections, with all proper rails, plates, chairs, bolts, works and conveniences connected therewith. The tramway herein-before referred to and authorised by this Act will be wholly in the burgh and parish of Dundee and county of Forfar, and is as follows (that is to say) :—

Description.

Work First.—A tramway (double line) 8·09 chains in length, commencing at a point in the road or street called Meadowside of Dundee, sixteen and one half lineal yards or thereabouts north of the south-east corner of the Royal Exchange of Dundee, by a junction with the existing tramway (double line) of the Commissioners in said road or street at said point; and passing thence north-west on and along said Meadowside to its junction with Victoria Road, and thence on a curve in a north-easterly direction on and along Victoria Road to a point in that road thirty-one lineal yards or thereabouts south-west from the southmost angle of the south-west corner of the Hilltown Road or Street of Dundee, where the said tramway will terminate, there forming a junction with the existing tramway (double line) of the Commissioners in said Victoria Road.

Mode of formation of tramway.

16. Each line of the tramway to be made, formed, or laid down, under this Act shall be constructed with two rails, to be laid down at a distance (reckoning from the inside edge of the bearing portion of each rail) of four feet eight inches and half an inch from each other, and be laid and maintained in such manner that the uppermost surface of the rail shall be on a level with the surface of the road, and no carriages or trucks adapted for use upon railways shall be run on the said tramway.

Period for completion of new tramway.

17. The tramway authorised by this Act shall be completed within two years from the passing of this Act, and on the expiration of that period the powers by this Act granted to the Commissioners for executing the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Inspection by Board of Trade.

18. The tramway authorised by this Act shall not be opened for public traffic until it has been inspected and certified to be fit for such traffic by the Board of Trade.

Application of specified clauses of existing Tramway Acts to tramway authorised by this Act.

19. Sections 53 to 62, both inclusive, and section 65 of the Dundee Tramways Act, 1872, and sections 16, 17, 18, 21 to 26, both inclusive, and sections 28, 29 and 30 of the Dundee Street Tramways, Turnpike Roads, and Police Act, 1878, shall apply to the tramway authorised by this Act, and to the Commissioners, and any lessees of the Commissioners, and to all other persons, the same as if they were specially herein enacted to that effect; and the Commissioners may grant and the Dundee and District Tramway Company, Limited, may accept a lease of the said tramway or the right of user of the same, and the right of levying tolls, rates, and charges for such period and in consideration of such rent and upon such terms and conditions not being inconsistent with the provisions of this Act as may be agreed on between the Commissioners and the said Company, Limited; but nothing in the Tramway Acts or this Act contained shall authorise the Commissioners, otherwise than by their lessees, to place or run carriages upon any tramway, or to demand and take tolls and charges in respect of the use of such carriages.

Carriages may be moved by animal, steam, or mechanical power. Conditions as to use of steam and mechanical power.

20. The carriages used on the tramways constructed under the powers of the Tramway Acts, and this Act, or on any of them, may, subject to the provisions of this Act, be moved by animal power, or the carriages used on the said tramways, or on any of them, or upon such part or parts of any of such tramways as may be specified in the order of the Board of Trade herein-after mentioned, may, during a period of seven years after the granting by the Board of Trade, with the consent of the Commissioners, of an order to that effect, be moved by steam power or other mechanical power, or ropes or cables placed underground and worked by stationary engine power, and thereafter with the consent of the Board of Trade and the Commissioners during such further periods of seven years, as the said Board may from time to time specify in any order, to be signed by a secretary or an assistant secretary to the said Board: Provided always, that the exercise of the powers hereby conferred with respect to the use of steam or any mechanical power, shall be

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subject to the regulations set forth in the First 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 make, and which they are hereby empowered to make, from time to time as and when they may think fit, for securing to the public all reasonable protection against danger, in the exercise of the powers by this Act conferred with respect to the use of steam or any mechanical power on the tramways: Provided further that in no case shall more than one car or carriage be attached to any engine travelling on any tramway without the consent of the Commissioners.

Penalty for using steam or mechanical power contrary to regulations, &c.

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

Byelaws.

22. Subject to the provisions of this Act, the Board of Trade may from time to time make, and when made, may rescind, annul or add to, byelaws with regard to any of the tramways upon which steam or any 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;

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 roads, and at such places, and in such cases of horses being frightened, or of impending danger, as the Board of Trade may deem proper for securing safety;

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

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

Penalty for breach of byelaws.

23. 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.

24. 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.

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

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

Orders and byelaws.

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

Carrying of mails.

27. (1.) The lessees (by which term as used in this and the following section are included the Commissioners, and any commissioners, local authority, company or person by whom any of the tramways are worked) shall, if required by the Postmaster-General, perform with respect to any tramway owned or worked by them, all

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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 Secretary for Scotland; 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 the lessees carry goods as well as passengers and parcels, the enactments relating to the conveyance of mails by railway shall, subject to the provisions of this section, apply in like manner as if the lessees were a railway company, and the tramway were a railway.

(2.) The remuneration for any services which have been performed by the lessees 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 lessees, or in default of agreement, by a

referee to be appointed by the Secretary for Scotland 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.

Provision for protection of the Postmaster-General.

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

1. It shall not be lawful for the lessees, as in the preceding section defined, to lay down any line or rail, or to do any act or work for working the tramways by electricity whereby any telegraphic line of the Postmaster-General is or may be injuriously affected; and before any such line or rail is laid down or any such act or work is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs, or the laying of lines crossing the line of the Postmaster-General at right angles at the point of shortest distance and so continuing for a distance of six feet on each side of such point), the lessees, or their agents, not more than twenty-eight nor less than fourteen days before commencing such work, shall give written notice to the Postmaster-General specifying the course of the line or rail and the nature of the work, including the gauge of any wire, and the lessees and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work;
2. Any difference which arises between the Postmaster-General and the lessees, or their agents, with respect to any requirements so made, shall be determined by the Board of Trade,

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whose decision shall be final, and sections thirty to thirty-two, both inclusive, of the Regulation of Railways Act, 1868, shall apply in like manner as if the lessees, or their agents were a company within the meaning of that Act;

3. In the event of any contravention of or wilful non-compliance with this section by the lessees or their agents the lessees 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 lessees or their agents to a fine under this section, if they satisfy the court having cognisance of the case that the immediate doing of the act or execution of the work was required to avoid an accident, or otherwise was a work of emergency, and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof, stating the reason for doing or executing the same without previous notice;

5. For the purposes of this section a telegraphic line of the Post-master-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 two, eight, nine, ten, eleven and twelve of the Telegraph Act, 1878, shall be deemed to be incorporated with this Act, as if the lessees 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.

III.—Sea Wall or Bulwark and New Streets and Diversion of Street.

Power to construct sea wall or bulwark, and new and improved streets.

29. Subject to the provisions of this Act, and of the Acts incorporated wholly or in part with this Act, the Commissioners may make, construct, lay out, execute and maintain, in the lines and situations, and according to the levels shown on the deposited plans and sections,

the sea wall or bulwark, roads or streets, and diversion of a road or street, herein-after described (all herein-after called works), with such carriageways, footways, bridges, and other works and conveniences connected therewith, as the Commissioners may think necessary and proper.

Sea wall or bulwark and other works to be constructed.

30. The works referred to in the immediately preceding section and authorised by this Act are the following, viz.:—

Work Second.—A sea wall or bulwark commencing in or upon and by a junction with the existing bulwark or sea wall constructed under the Dundee Sea Wall, Esplanade, and Street Act, 1868, at the west side of the westmost stair thereof leading to the River Tay, and extending in a westerly direction two thousand four hundred and twenty-five lineal yards or thereabouts into or on the bed or soil of the River Tay, and thence on a curve in a north-westerly direction to and terminating at a point in the southern or river face of that part of the lands of Balgay lying on the south side of the Caledonian Railway, formerly and still commonly called the Dundee and Perth Railway, one hundred and thirty-five lineal yards or thereabouts west from the south-west corner of the railway signal cabin at Ninewells Junction of the said railway;

Work Third.—A road or street (including a bridge over the Caledonian Railway, formerly and still commonly called the Dundee and Perth Railway) commencing by a junction with the existing public road or street described in and constructed under the Dundee Sea Wall, Esplanade, and Street Act, 1868, and extending therefrom in a westerly direction for a distance of two hundred and twenty-five lineal yards or thereabouts, and on the north side of the intended sea wall or bulwark, and thence on a curve in a northerly, easterly, and north-easterly direction to the south side of the Caledonian Railway, formerly and still commonly called the Dundee and Perth Railway, opposite the southern end of Thomson Street of Dundee, and thence in a northerly direction (crossing the said railway by means of a bridge) towards Thomson Street, and terminating by a junction with the road running along the north side of the Magdalen Green of Dundee commonly called the Magdalen Yard Road of Dundee;

Work Fourth.—The diversion of the road or street leading from the common junction of Magdalen Yard Road with Windsor Street of Dundee to the Caledonian Railway, formerly and still commonly called the Dundee and Perth Railway, at or near the Magdalen Green Station of said railway, said diversion commencing at the said common junction of said roads or streets,

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and extending therefrom in a south-easterly direction to, and terminating in the existing public park or recreation ground called Magdalen Green adjoining the said Caledonian Railway;

Work Fifth.—A road or street (including a bridge over the Caledonian Railway, formerly and still commonly called the Dundee and Perth Railway) commencing on the bed or soil of the River Tay, and extending in a northerly direction (crossing the said Caledonian Railway by means of a bridge), to, and terminating in the common junction of the Magdalen Yard Road of Dundee with said Windsor Street of Dundee;

Work Sixth.—A road or street (including a bridge over the Caledonian Railway, formerly and still commonly called the Dundee and Perth Railway, and also over the Dundee and Newtyle Railway), commencing on the bed or soil of the River Tay, and extending therefrom on a curve in a north-westerly and northerly direction (crossing the said railways by means of a bridge) to and terminating in the road commonly called the Perth Road of Dundee, formerly the turnpike road from Dundee towards Perth;

Which works are and will be situate in the united parishes of Liff, Logie, Benvie, and Invergowrie, commonly called the united parish of Liff and Benvie, and county of Forfar.

Lateral deviation.

31. In making and executing the said works, the Commissioners may, subject to the provisions of this Act, deviate from the respective lines thereof, shown on the deposited plans, to any extent within the limits of deviation shown thereon.

Vertical deviation.

32. In making and executing the said works, the Commissioners may, subject to the provisions of this Act, deviate from the levels thereof, as referred to the datum lines shown on the deposited sections, but not to any extent exceeding five feet.

Works on tidal lands not to be constructed without previous consent of Board of Trade.

33. The Commissioners shall not construct on the shore of the sea, or of any creek, bay, arm of the sea, or navigable river communicating therewith, where and so far up the same as the tide flows and re-flows, any work without the previous consent of the Board of Trade, to be signified in writing, under the hand of one of the secretaries or assistant secretaries of the Board of Trade, and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of, such approval being signified as last aforesaid, and where any such work may have been constructed, the Commissioners shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consents or approvals. If

any such work be commenced or completed contrary to the provisions of this Act the Board of Trade may abate and remove the same, and restore the site thereof to its former condition at the cost and charge of the Commissioners, and the amount of such costs and charges shall be a debt due from the Commissioners to the Crown, and shall be recoverable accordingly with costs.

Land thrown into streets to be public highway.

34. Any lands purchased or taken by the Commissioners, and laid out into any street, shall for ever thereafter form part of such street, and be public highway.

Provisions applicable to construction of certain works.

35. The following provisions shall apply as herein-after mentioned :—

(1.) Notwithstanding the powers by this Act conferred, the Commissioners shall not make both work third and work fifth herein-before described, but they may make and maintain the one or the other only of the said works.

(2.) In the event of the Commissioners electing to construct work fifth, the following provisions shall have effect as regards that work, viz. :—

(A.) The bridge to form part of work fifth and the relative works shall be constructed entirely to the westward of the Magdalen Green Station buildings of the Caledonian Railway Company (herein-after in this section called "the company"), and on a line and in a manner to the reasonable satisfaction of the engineer of the company for the time being, or if he and the engineer for the time being of the Commissioners differ with reference thereto, then to the satisfaction of an engineer to be agreed upon by such engineers, or failing such agreement, then to the satisfaction of an engineer to be appointed by the sheriff of the county of Forfar, on the application of the Commissioners or of the company.

(B.) The Commissioners may construct a footbridge over the railway and works of the company at the site of the existing level crossing or footpath on the level across the railway between the Magdalen Green and the Magdalen Yard Point, such footbridge to be of not greater width than ten feet between the parapets thereof, and to have a clear headway of not less than fourteen feet six inches throughout its whole span above the upper surface of the rails at the point of crossing, and to be constructed of lattice girderwork so arranged as not to interfere injuriously with the view of the company's railway signals.

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The position of the said footbridge shall be to the reasonable satisfaction of the engineer of the company for the time being, and while the approaches to such footbridge from the north may be such as in other respects the Commissioners think proper, the same shall be so arranged as not to interfere injuriously with the view or use of the company's railway signals.

(c.) On the said work fifth being completed and opened for public use, and whether the footbridge mentioned in subsection (b.) hereof has or has not been constructed by the Commissioners, the company shall pay to the Commissioners the sum of two thousand five hundred pounds.

(3.) Unless otherwise agreed upon between the Commissioners and the company, the bridge to form part of work third, or of work fifth (whichever of those works may be constructed) and the aforesaid footbridge, if constructed, shall each be of one span of not less than fifty-two feet, measured on the square, and the bridge to form part of work sixth shall be constructed of three spans, the northmost span being not less than fifty feet, the centre span not less than fifty-four feet, and the southmost span not less than thirty feet, all measured on the square, and the clear headway of each of such bridges shall be not less than fourteen feet six inches throughout, above the upper surface of the rails at the respective points of crossing. The structure of the said bridges respectively, in so far as affecting the railways and works of the company, shall be of such designs and materials, and constructed according to such working drawings and specifications as shall be submitted to and approved of by the engineer of the company for the time being, before the commencement of the works respectively; and if any difference shall arise between the engineer of the Commissioners and the engineer of the company in relation thereto, the same shall be determined by a neutral engineer to be appointed by the sheriff of the county of Forfar, on the application of the Commissioners or of the company: Provided that all of the said bridges shall further, in so far as may be necessary, be subject to the approval of the Board of Trade.

(4.) The company shall fence and enclose their railway works and land when and as such fencing and enclosing may from time to time be required by or through the reclamation and embankment of the ground on the south side of the railway and land of the company; and the provisions relating to fencing contained in section 60 of the Railways Clauses Consolidation

(Scotland) Act, 1845, shall be and are hereby made applicable to such fencing by the Company.

(5.) The Commissioners shall provide all sewers and drains that may be necessary for carrying away any drainage or sewage at present carried through or arising on the railway of the company, so far as the same may be interfered with under the powers of this Act, and also for carrying away the drainage or sewage of the station of the company at Magdalen Green.

(6.) The whole works provided for by this section (except the aforesaid fencing) shall in so far as affecting the railways and works of the company, be constructed and maintained at the sole risk of the Commissioners and so as not to interfere with the stability of the railways and works of the company, and during such construction, nothing shall be done to interfere with the regular and safe working of the traffic on the railways of the company.

For the protection of the North British Railway Company.

36. For the protection of the North British Railway Company the following provisions shall have effect:—

(1.) Work second by this Act authorised, where the same will cross under the viaduct of the said company leading from Dundee across the Tay, shall be constructed so as to prevent injury or damage arising therefrom to the southernmost pier or abutment of the said viaduct situate within the limits of deviation of the said work second, as shown on the deposited plans, in such manner as may be agreed on between the engineers of the Commissioners and of the said company for the time being, and failing agreement between them, as may be determinened by an engineer to be appointed by them, whom failing by the sheriff of the county of Forfar, on the application of the Commissioners and the said company or either of them;

(2.) In executing any work on those parts of the lands to be taken, acquired, reclaimed and appropriated under the powers of this Act, situate between and around the piers or abutments of the said viaduct on the landward side of the pier or abutment mentioned in sub-section (1) hereof, the Commissioners shall not fill up the same so that such piers or abutments shall be loaded on one side to a greater extent than on the other.

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IV.—Public Parks.

Power to Commissioners to lay out public park.

37. Subject to the provisions of this Act, the Commissioners may lay out the ground shown on the deposited plans to be taken, reclaimed, and appropriated, or any parts or portions thereof, as a public park, to be used as a pleasure ground or place of public resort or recreation.

Application of clauses in recited Act to this Act.

38. Sections 197 to 202, both inclusive, of the recited Act, shall apply to the said ground or parts or portions thereof, and the Commissioners may exercise thereon as applicable thereto all or any of the powers and authorities contained in the said sections.

V.—Rates and Assessments and Borrowing of Money.

Certain provisions of recited Act to apply.

39. Part V. (estimates and assessments) and Part XXXVII. (borrowing and raising of money) of the recited Act shall extend and apply to this Act in the same way and to the same effect as if the purposes of this Act were purposes of the recited Act: Provided that the tramway by this Act authorised shall be deemed to be embraced under the first head, the sea wall or bulwark roads or streets and diversion of a road or street under the second, third and fourth heads, and the public park under the first, second and fifth heads of section 32 of the recited Act.

VI.—Miscellaneous and Saving Clauses.

Agreements between Commissioners and harbour trustees confirmed.

40. The agreements set forth in the Second Schedule to this Act, between the Commissioners and Thomas Thornton, solicitor in Dundee, clerk of the said Commissioners, in their name and on their behalf, and as representing them of the first part, and the trustees of the harbour of Dundee of the second part, dated respectively the twenty-fifth day of January, one thousand eight hundred and eighty-seven, and the twenty-fourth day of February, one thousand eight hundred and eighty-seven, are hereby confirmed, and shall receive effect and be carried into execution in like manner in all respects as if they were set forth in the body of this Act, and were thereby in terms enacted.

As to expenses incurred in election of

41. The annual payment to be made hereafter at the term of Martinmas annually by the trustees of the harbour of Dundee to the magistrates and town council of Dundee for and in respect of

the expenses attending the election of trustees by the municipal electors of the burgh shall be forty pounds, and section 53 of the Dundee Harbour Consolidation Act, 1875, is amended accordingly.

Expenses of trustees by municipal electors.

42. The agreement set forth in the Third Schedule to this Act, between the provost, magistrates and town council of the royal burgh of Dundee, in name and on behalf of, and as representing the town and community of Dundee, of the first part, and John Mitchell Keiller and Mrs. Jane Chalmers or Scott, of the second part, dated the fifteenth day of March, one thousand eight hundred and eighty-seven, is hereby sanctioned and confirmed.

Agreement between magistrates and council of Dundee and Mr. Keiller and Mrs. Scott confirmed.

43. Upon the completion and opening for public use of either work third or work fifth authorised by this Act, the Caledonian Railway Company may stop up, abandon and abolish the level crossing or footpath on the level over and upon the Caledonian Railway, formerly and still commonly called the Dundee and Perth Railway, which lies or runs between the Magdalen Green of Dundee on the one side, and the Magdalen Yard Point of Dundee on the other side, and is situate in the united parishes of Liff, Logie, Benvie and Invergowrie, commonly called the united parish of Liff and Benvie, and burgh of Dundee, and county of Forfar.

Abolition of level crossing over Caledonian Railway.

44. Nothing contained in this Act shall authorise the Commissioners to take, use, or in any manner interfere with any portion of the alveus or shore of the river, or any right in respect thereof, belonging to the Queen's most Excellent Majesty in right of Her Crown, and under the management of the Board of Trade, without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give), neither shall anything in this Act contained extend to take away, prejudice, diminish, or alter any of the estates, rights, privileges, powers or authorities vested in or enjoyed, or exerciseable by the Queen's Majesty, Her heirs or successors.

Saving rights of the Crown.

45. Nothing contained in this Act, or to be done under the authority thereof, shall in any manner affect the title to any of the subjects, or any rights, powers or authorities mentioned in or reserved by sections 21 and 22 of the Crown Lands Act, 1866.

Saving rights under Crown Lands Act.

46. Subject to the powers and provisions of this Act, nothing herein contained shall extend or be construed to extend to take away, impeach, diminish, or affect any rights, titles, dues, duties and payments, powers, privileges, jurisdictions, or authorities of the magistrates of Dundee, or of the magistrates and town council of

Saving rights of magistrates and town council of Dundee.

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Dundee, for behoof of the community, under or by virtue of the rights and charters of the said burgh, or any of them.

Saving rights of Dundee Harbour trustees.

47. Subject to the powers and provisions of this Act, nothing herein contained shall extend or be construed to extend to take away, impeach, diminish, or affect any rights, titles, dues, powers, privileges or authorities of the trustees of the harbour of Dundee, under the statutes incorporating the said trustees, or under which they now act.

Costs of Act.

48. The costs, charges and expenses of and incident to the preparing for, obtaining and passing this Act, or otherwise in relation thereto, shall be paid by the Commissioners out of the moneys to be raised under and for the purposes of this Act: Provided that any money borrowed for paying such costs, charges and expenses shall be repaid within fifteen years from the date of such borrowing.

SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

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

Every engine, or, in the case of stationary engine power being employed, every carriage propelled thereby, used on the tramways shall have its number shown on some conspicuous part thereof, and shall be fitted— 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 carriage, so placed in front of such engine or carriage 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 used on the tramways shall be so constructed as to provide for the safety of passengers, and for their safe entrance to, exit from, and accommodation in such carriage, and their protection from the machinery of any engine used for drawing or propelling such carriage. As to carriages.

The Board of Trade shall be at liberty from time to time to inspect any engine or carriage used on, or in connexion with, the tramways and the machinery therein, and may, whenever they think fit, prohibit the use on, or in connexion with, the tramways of any such engine or carriage which, in their opinion, may not be safe for use. Inspection of engines, carriages, &c.

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

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

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THE SECOND SCHEDULE.

AGREEMENT between the COMMISSIONERS OF POLICE FOR THE BURGH OF DUNDEE, and THOMAS THORNTON, solicitor in Dundee, clerk of the said Commissioners, in their name and on their behalf, and as representing them of the first part, and the TRUSTEES OF THE HARBOUR OF DUNDEE of the second part.

WHEREAS differences and disputes existed between the first and second parties, and by section 328 of the Dundee Police and Improvement Consolidation Act, 1882, all such disputes and differences were agreed to be submitted to and settled by Alexander Asher, advocate, Edinburgh, and the said disputes and differences were submitted to the said Alexander Asher accordingly, and he, by his decree arbitral or award, dated the seventh, and recorded in the books of council and session, and also published in the Edinburgh Gazette the ninth, both days of April, eighteen hundred and eighty-six, found, inter alia, that within the limits described in the said decree arbitral or award the second parties were entitled to pave, light, watch and cleanse all the streets, quays, piers, jetties, docks, and other places within the harbour of Dundee and docks or precincts thereof, and to defray the expense of so doing out of the rates and duties granted by the Harbour Acts, and that so long as they continued to do so the first parties were bound to exempt all harbour property situated within the said limits, whether occupied by the harbour trustees or their tenants or feuars, from burgh assessments for paving, lighting, watching and cleansing, and from the proportion of the assessment for general management which the amounts of the assessments for paving, lighting, watching and cleansing bore to the amount of the burgh assessments for general police purposes: And whereas the first parties objected to the said decree arbitral or award, and the first and second parties being desirous to avoid litigation and expense, have arranged as underwritten: Now therefore they have agreed and do hereby agree as follows:—

First.—The said decree arbitral or award is hereby accepted by the Police Commissioners, and is hereby confirmed by both parties, subject to the following provisions applicable thereto, and the subject thereof:

(1.) The said trustees shall, within one month after the ratification of this agreement by Parliament, pay to the Commissioners, and the Commissioners shall accept from the trustees, the sum of five thousand four hundred and fifty pounds, in payment of all monetary claims, including interest, by the said Commissioners against the said trustees, up till Whitsunday, eighteen hundred and eighty-six, other than those provided for under sub-section "(2)" hereof;

(2.) All assessments other than those for general police purposes laid on the trustees down to said Whitsunday, eighteen hundred and eighty-six, and still unpaid, shall, within one month after the ratification of this agreement by Parliament, be paid, with interest thereon at the rate of four per centum per annum, from the respective dates of payment thereof, declaring that the unpaid assessments so to be paid under this sub-section include the amount of the general police purposes assessment applicable to new and

improved streets, commonly called the improvement assessment, and the whole assessments, as well for general police as for all other purposes, levied on the trustees in respect of the Tay Ferries and Tay Ferry property; and

(3.) All harbour property situated within the limits described in the said decree arbitral or award, so far as these limits are within the burgh of Dundee, other than harbour property within the said limits occupied by the trustees themselves, and all occupiers or owners, other than the trustees themselves, of harbour property within the said limits shall be liable to pay all assessments leviable by the Commissioners, equally with all other occupiers or owners of lands and heritages within the said burgh, and such assessments may be laid on and levied accordingly: Provided always that, in respect the second parties are themselves to pave, light, watch and cleanse all the streets, quays, piers, jetties, docks, and other places within the harbour and docks, or precincts thereof, in terms of the said decree arbitral or award, and that the first parties will thereby be benefited, the said first parties shall pay to the second parties, year by year, twenty-five per cent. of the assessments and proportions thereof which may, after Whitsunday, eighteen hundred and eighty-six, be levied from the occupiers of harbour property, to the extent they would have remained exempt therefrom, if the award had remained in full force.

Second.—This agreement shall be presented to Parliament, in and under the Bill already deposited for next session of Parliament, by the first parties, entituled "A Bill to authorise the Dundee Police Commissioners to abandon "portions of their existing tramways, and to make a new tramway; to construct "a sea wall or bulwark, and other works; to take and appropriate lands for a "public park; and for other purposes," and shall be scheduled to and promoted as part of said Bill by the Police Commissioners, and the second parties undertake to render every assistance towards its being ratified.

Third.—The Police Commissioners shall, on the ratification of this agreement by Parliament, pay to the second parties one half of the sum disbursed by them in payment of the fees to the said arbiter and his clerk, with interest at the rate of four per cent. per annum from the date when the same was disbursed till payment.

Fourth.—In the event of Parliament in the next, or, if the Bill be continued or renewed, in the succeeding session, refusing to ratify this agreement, it will become null and void, and not be founded on by either party to any extent or effect.

Fifth.—The Police Commissioners undertake that they will not promote, in the said Bill to be introduced in the next, or continued or renewed in the succeeding session of Parliament, any clause relating to the said decree arbitral or award, or the subject-matters thereof, other than a clause necessary for the promotion and adoption of this agreement. Quoad ultra the Police Commissioners may promote any clauses they may think fit, and whatever rights the second parties may have to oppose the same, in whole or in part, are reserved entire, and nothing herein shall be deemed to prevent the second parties from opposing the said Bill, if so advised, in respect of any of its provisions other than those which form the subject-matter of this agreement.

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Sixth.—This agreement is made subject to such alterations as Parliament may think fit to make therein: In witness whereof these presents written on this and the two preceding pages of stamped paper by George Duke Milne, clerk to Thomas Thornton, Son and Company, solicitors, Dundee, are duly executed (along with a duplicate thereof) as follows, viz.:—the same are duly sealed with the common seal of the said the trustees of the harbour of Dundee, and subscribed for and on behalf of the said trustees by Hugh Ballingall, Provost of Dundee, one of the said trustees, and the chairman of the said trustees; Peter Miln Duncan, shipowner, Dundee, also one of the said trustees, and the convener of the finance and rights committee of the said trustees; Andrew Leitch, shipowner, Dundee, one of the said trustees; and Alexander Edward Gray, clerk to the said trustees, all in presence, and by order and as duly authorised by the said trustees, in meeting assembled at Dundee on the twenty-fifth day of January, eighteen hundred and eighty-seven years, before these witnesses John Proctor Kyd, solicitor, Dundee, and William Thoms, assistant to the said Alexander Edward Gray; and the same are also subscribed by and for and on behalf of the said Commissioners of Police and their said clerk, as follows, viz., by the said Hugh Ballingall, one of the said Commissioners and preses of the special meeting of the said Commissioners at which this agreement was made, and by the said Thomas Thornton, as clerk foresaid, in name of said meeting and of said Commissioners, and both also in presence and by authority of the said Commissioners, assembled in meeting aforesaid at Dundee, on the said twenty-fifth day of said month of January and year last mentioned, before these witnesses, James Thomson, assistant burgh engineer, Dundee, and James McLagan, clerk to the said Thomas Thornton, Son and Company.

(Signed) John P. Kyd, Witness.
(„) William Thoms, Witness.
(„) Jas. Thomson, Witness.
(„) James McLagan, Witness.

L.S.

(Signed) Hugh Ballingall, Chairman of Harbour Trustees.
(„) P. M. Duncan, Convener of Finance of Harbour.
(„) And. Leitch, Harbour Trustee.
(„) Alex. E. Gray, Clerk to Harbour Trustees.
(„) Hugh Ballingall, Preses.
(„) Thos. Thornton, Clerk.

Agreement between the Commissioners of Police for the Burgh of Dundee, and Thomas Thornton, solicitor in Dundee, clerk of the said Commissioners, in their name and on their behalf, and as representing them, of the first part, and the Trustees of the Harbour of Dundee of the second part.

The parties considering that it is desirable that the watching of the harbour of Dundee be undertaken by the said Police Commissioners on behalf of the said harbour trustees, and that they should otherwise arrange as underwritten, do hereby agree as follows:—

First.—The trustees shall fix the number of constables which they shall judge necessary for the watching of the harbour, and the appointment of the constables shall rest with the chief constable of the burgh of Dundee, who shall have the full control over them, and direct their distribution within the harbour and their duties, and have power to remove them at pleasure.

Second.—The Commissioners shall annually render to the trustees an account of the cost for wages and cost of clothing of these constables, which shall be paid by the trustees to the Commissioners. In addition, the trustees shall pay to the Commissioners a rateable proportion of the salaries of the general officers of the Commissioners, which shall include chief constable, surgeon, lieutenants, inspectors, detective officers, clerks in the police office, turnkeys, and turnkeys assistants, in the ratio of the number of constables employed for the harbour trustees to the total number of constables in the whole burgh, inclusive of those employed for the harbour trustees; also a similar rateable proportion of the disbursements by the Police Commissioners for general charges in connexion with the watching department, under which head shall be embraced all charges, other than salaries and wages and clothing, similar to those which have been debited to that department in the watching head of the Police Commissioners accounts for the year eighteen hundred and eighty-five–eighty-six.

Third.—The trustees also agree to pay to the Commissioners, and the Commissioners agree to accept from the trustees, the sum of one hundred and fifty pounds per annum in full of all claims at the instance of the Commissioners against the trustees for the expense of trying cases, and the use of the cells or lock-up houses belonging to the Commissioners, arising under section 185 of the Dundee Harbour Consolidation Act, 1875, and all other claims of every kind in connexion with the watching of the harbour.

Fourth.—In the event of any difference arising between the Commissioners and trustees as to the above payments, or of the Commissioners being of opinion that the number of constables fixed on by the harbour trustees is insufficient, any such difference shall be referred to the decision of the sheriff of the county of Forfar, whose decision shall be final.

Fifth.—The watching hereby provided for is hereby agreed as due fulfilment of the obligation on the trustees, so far as watching is concerned, to entitle them to obtain the exemption from certain assessments in the award pronounced by Alexander Asher, Esquire, advocate, in the statutory arbitration by and between the Commissioners and trustees to the said Alexander Asher, Esquire.

Sixth.—By the expression "harbour" in this agreement is throughout meant the harbour so far as within the burgh of Dundee, and the expression "constables" includes "sergeants."

Seventh.—This agreement is made subject to the sanction of Parliament, and to such alterations as Parliament may think fit to make therein: In witness whereof these presents written on this and the preceding page of stamped paper by George Duke Milne, clerk to Thomas Thornton, Son, and Company, solicitors, Dundee, are duly executed (along with a duplicate thereof) at Dundee, on the twenty-fourth day of February, in the year eighteen hundred and eighty-seven, as follows, viz.:—the same are duly sealed with the common seal of the said the trustees of the harbour of Dundee, and subscribed for and on behalf of the said trustees by James Perrie, baker, Lochee, Dundee, one of the

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said trustees, and chairman of the meeting of the said trustees at which this agreement was made; Peter Miln Duncan, shipowner, Dundee, one of the said trustees, and convener of the finance and rights committee of the said trustees; and Henry McGrady, wholesale grocer in Dundee, one of the said trustees; and Alexander Edward Gray, clerk to the said trustees, all in presence, and by order and as duly authorised by the said trustees, in general meeting assembled, before these witnesses John Proctor Kyd, solicitor, Dundee, and William Thoms, assistant to the said Alexander Edward Gray; and the same are also subscribed by and for and on behalf of the said Commissioners of Police and their said clerk, as follows, viz., by Hugh Ballingall, provost of Dundee, one of the said Commissioners and preses of the meeting of the special committee of the said Commissioners, at which this agreement was made, and by the said Thomas Thornton, as clerk foresaid, in name of said meeting and of said Commissioners, and both duly authorised before these witnesses John Thornton and William Edward Miln, both apprentices to the said Thomas Thornton, Son, and Company.

(Signed) JOHN THORNTON, Witness.
(„) W. E. MILN, Witness.
(„) JOHN P. KYD, Witness.
(„) WILLIAM THOMS, Witness.

L.S.

(Signed) HUGH BALLINGALL, Preses.
(„) THOS. THORNTON, Clerk.
(„) JAMES PERRIE, Chairman of Harbour Board Meeting.
(„) P. M. DUNCAN, Convener of Finance and Rights Committee of Harbour Trustees.
(„) H. McGRADY, Trustee.
(„) ALEX. E. GRAY, Clerk to Harbour Trustees.

THE THIRD SCHEDULE.

AGREEMENT between the PROVOST, MAGISTRATES AND TOWN COUNCIL OF THE ROYAL BURGH OF DUNDEE, in name and on behalf of and as representing the town and community of Dundee, of the first part; and JOHN MITCHELL KEILLER, confectioner in Dundee, and residing at Binrock, Dundee, and MRS. JANE CHALMERS or SCOTT, residing in Dundee, widow of David Scott, skinner and wool merchant, in Dundee, of the second part.

The parties hereto, considering that the second parties respectively sometime ago raised actions of declarator in the court of session against the first parties regarding the rights and interests of all the parties hereto in the subjects at Binns of Blackness, and that judgments were pronounced in said actions, and that the parties hereto have now resolved to settle everything amicably as underwritten: Therefore, and without prejudice to the said judgments in other

respects, and to the payment of the expenses as therein decerned, the parties hereto agree as follows :—

First.—The first parties, subject to the sanction of Parliament, agree to convey to the second parties, all and whole the claims, rights and interests of the town and community of Dundee in and to those portions of the solum or bed of the River Tay lying between the properties of the said second parties respectively on the north, and the railway embankment and property of the Caledonian Railway Company (formerly called the Dundee and Perth Railway) on the south: Provided always, that the said solum or bed shall with all convenient speed be filled and made up by the second parties so as to avoid all nuisance or cause of public complaint.

Second.—The first parties agree to apply for parliamentary sanction to this agreement under the Bill now pending in Parliament, and to do everything in their power to obtain said sanction.

Third.—This agreement is made subject to such alterations as Parliament may think fit to make therein: In witness whereof these presents written on this and the preceding page are executed by and under the common seal of the burgh of Dundee, and duly subscribed by Hugh Ballingall, provost of Dundee, and William Hay, town clerk of Dundee, in name and on behalf of the parties hereto of the first part, and the same are also subscribed by John Proctor Kyd, solicitor, Dundee, for, and in name, and on behalf of and as duly authorised by each of the said parties hereto of the second part, all at Westminster, the fifteenth day of March, eighteen hundred and eighty-seven, before these witnesses Thomas Thornton, solicitor, Dundee, and Henry McGrady, provision merchant, Dundee.

Thos. Thornton, Witness.
H. McGrady, Witness.

Hugh Ballingall,
Provost.
William Hay,
Town Clerk.
John P. Kyd.

L.S.

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