CHAPTER cxci.

An Act to authorise the construction of Tramways in the burgh of Dundee and places adjacent; and for other purposes. [10th August 1872.]

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WHEREAS the laying down in certain streets and roads in this Act mentioned, in the burgh of Dundee and places adjacent, of tramways to be worked by animal power only, and constructed so as not to impede or injure the ordinary traffic of the streets and roads, would be of great local and public advantage:

And whereas it is expedient that the persons herein-after named, with others, should be incorporated into a Company, and should be empowered to lay down and maintain the several tramways in this Act particularly described:

And whereas plans and sections showing the lines and levels of the tramways and works by this Act authorised to be made, and the roads and streets to be subjected to the powers of this Act, and books of reference to those plans, have been deposited with the principal sheriff clerk of the county of Forfar, at his offices in Dundee and Forfar respectively, and those plans, sections, and books of reference are in this Act referred to as the deposited plans, sections, and books of reference:

And whereas the objects of this Act cannot be attained without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited for all purposes as "The Dundee Tramways Act, 1872."

Provisions of general Acts herein

2. "The Companies Clauses Consolidation (Scotland) Act, 1845," Part I. (relating to cancellation and surrender of shares) of "The

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named incorporated.

Companies Clauses Act, 1863," Part II. (construction of tramways) and Part III. (general provisions) of "The Tramways Act, 1870," "The Lands Clauses Consolidation (Scotland) Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," are incorporated with and form part of this Act, save where the same are inconsistent with or expressly varied or excepted by this Act, and except as to the following provisions of "The Lands Clauses Consolidation (Scotland) Act, 1845;" namely,

(1.) With respect to the purchase and taking of lands otherwise than by agreement;

(2.) With respect to the entry upon lands by the promoters of the undertaking;

(3.) With respect to small portions of intersected land.

As to certain sections of Tramways Act.

3. Sections 30, 33, 46, and 58 of "The Tramways Act, 1870," shall have effect, with reference to the tramways hereby authorised, as if the sheriff of the county of Forfar was therein mentioned instead of the Board of Trade.

Interpretation of terms.

4. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or in part incorporated herewith shall have the same respective meanings, unless there be something in the subject or context repugnant to such construction, or unless herein otherwise provided; the expression "the Company" shall mean the Company incorporated by this Act; the expression "the tramways" or "the undertaking" shall mean the tramways and works and undertaking by this Act authorised or any part thereof, and "tramway" means any of the tramways or any part thereof; and in this Act, and in any Act wholly or in part incorporated herewith, the expression "the local authority" shall mean, so far as regards any tramway within the burgh of Dundee, the commissioners of police of that burgh, and so far as regards any tramway within the burgh of Broughty Ferry, the commissioners of police of that burgh; the expression "road authority" shall mean the commissioners of police, road trustees, or other body having the control of the street or road referred to; and the word "contingencies" in "The Companies Clauses Consolidation (Scotland) Act, 1845," (section 125,) as incorporated with this Act, shall include the contingency of the undertaking or any part thereof being sold to the local authority at a sum less than the aggregate amount of the capital and debts of the Company.

Company incorporated.

5. Henry Richard Smith, John Derrick Ayers, and Charles Grabham, and all other persons and corporations who have already subscribed or shall hereafter subscribe to the undertaking, and their executors, administrators, successors, and assigns respectively, shall

be united into a Company for the purpose of making and maintaining the tramways, and for other the purposes of this Act, and for those purposes shall be incorporated by the name of "The Dundee Tramways Company," and by that name shall be a body corporate, with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of lands and other property for the purposes of this Act.

Power to make tramways according to deposited plans.

6. Subject to the provisions of this Act and of Parts II. and III. of "The Tramways Act, 1870," the Company may make, form, lay down, and maintain the tramways herein-after described in the lines and according to the levels shown on the deposited plans and sections, and in all respects in accordance with those plans and sections, with all proper rails, plates, works, and conveniences connected therewith, and may work and use the same, and may enter upon, take, and use such of the lands delineated on the said plans and described in the deposited books of reference to those plans respectively as may be required for that purpose. The tramways herein-before referred to and authorised by this Act are,—

(Blackness to Stobswell.)

(1.) A Tramway No. 1, to commence in the street or road commonly called the Perth Road (which Perth Road forms part of the turnpike road from Dundee towards Perth to the borders of the county of Forfar), at a point on said street or road three quarters of a chain or thereabouts north-west from the north-west corner of Dalhousie Terrace, on the south side of said street or road, and passing thence eastward along the said Perth Road (which is taken to include Dalhousie Terrace, Alexandra Terrace, Manor Place, and Springfield) into and along the Nethergate and High Street, and thence across the High Street into and along Reform Street, Euclid Crescent (which is taken to include the street or roadway in front of the Dundee Post Office, and between it and the Albert Institute), and thence along Panmure Street (which is taken to include Royal Exchange Place), Cowgate, St. Andrew's Place, King Street, Princes Street (which Princes Street, in whole or in part, forms part of the turnpike road from Dundee to the bridges over the Southesk at Montrose, and to Ferryden), Albert Street (which Albert Street, in whole or in part, forms part of the turnpike road from Dundee to Forfar), and the said turnpike road from Dundee to Forfar (commonly called the Forfar Road), upon which road the said tramway will terminate at a point one chain and a half or there-

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abouts northward from the northmost entrance to the Royal Lunatic Asylum of Dundee:

(1A.) A Tramway No. 1A, commencing at the before-specified point of commencement of Tramway No. 1, and passing thence eastward along the said Perth Road into and along the Nethergate, and terminating at a point in the Nethergate opposite the southmost corner of the Union Hall, by a junction with the said proposed Tramway No. 1:

(1B.) A Tramway No. 1B, commencing by a junction with Tramway No. 1 at a point in the Nethergate opposite the north-east corner of the Union Hall, and passing thence across the High Street into and along Reform Street, Euclid Crescent (which is taken to include the street or roadway in front of the Dundee Post Office, and between it and the Albert Institute), and thence along Panmure Street (which is taken to include Royal Exchange Place), Cowgate, St. Andrew's Place, King Street, Princes Street (which Princes Street, in whole or in part, forms part of the turnpike road from Dundee to the bridges over the Southesk at Montrose, and to Ferryden), Albert Street (which Albert Street, in whole or in part, forms part of the turnpike road from Dundee to Forfar), and the said turnpike road from Dundee to Forfar (commonly called the Forfar Road), upon which road the said tramway will terminate at a point one chain and a half or thereabout northward from the northmost entrance to the Royal Lunatic Asylum of Dundee aforesaid.

(Lochee to Nethergate.)

(2 and 2A.) A Tramway No. 2, and a Tramway No. 2A, commencing respectively in the street or road called the High Street of Lochee (which street or road forms part of the turnpike road from Dundee to the confines of the county of Forfar at Coupar Angus), at a point on said street or road opposite or nearly opposite the South Road of Lochee, and passing thence respectively south-eastward along the High Street of Lochee, into and along Logie Street and Lochee Road (which also are parts of the said turnpike road), and thence into and along Pole Park Road of Dundee, and thence into and along Scouringburn and West Port, and thence into and along South Tay Street to and terminating respectively in the Nethergate, at a point opposite or nearly opposite the south-east corner of South Tay Street at its junction with the Nethergate, Tramway No. 2 there forming a junction with the proposed Tram-

way No. 1, and Tramway No. 2A there forming a junction with the proposed Tramway No. 1A.

(Cowgate to Craigie Terrace.)

(3 and 3A.) A Tramway No. 3, and a Tramway No. 3A, commencing respectively in the Cowgate at a point one chain or thereabouts south-west of the north-east corner of St. Andrew's Place (Tramway No. 3 there forming a junction with the proposed Tramway No. 1, and Tramway No. 3A there forming a junction with the proposed Tramway No. 1B), and passing thence respectively north-eastward, along Cowgate, into and along Queen Street, thence into and along Seagate, Blackscroft, and Broughty Ferry Road (which is taken to include Carolina Port and Springhill), and terminating respectively in the said Broughty Ferry Road at a point opposite or nearly opposite the west end of the westmost house in Craigie Terrace.

(Craigie Terrace to Broughty Ferry.)

(4 and 4A.) A Tramway No. 4, and a Tramway No. 4A, commencing respectively in the road from Dundee to Broughty Ferry, commonly called the Broughty Ferry Road, at a point two chains or thereabouts south-westward of the south-west corner of the westmost house in Craigie Terrace, Dundee, by a junction with Tramway No. 3, and passing thence in an eastwardly direction along the Broughty Ferry Road (which is taken to include the said Craigie Terrace), and into and along the unnamed street or road running north from Broughty Ferry Road, and between it and Albert Road on the east side of the dwelling-house and grounds occupied by John Guild, merchant, Dundee, and from thence into and along West Queen Street, Broughty Ferry, which is taken to include Victoria Place, Broughty Ferry, and into and along Queen Street of Broughty Ferry, and terminating near the east end of said Queen Street, opposite or nearly opposite St. Vincent Street, Broughty Ferry.

Correction of errors, omissions, &c.

7. If any omission, mis-statement, or erroneous description is found to have been made of any lands, or of any owners, lessees, or occupiers of any lands, described or intended to be described in the deposited plans or book of reference, the Company may apply to the sheriff of the county of Forfar for the correction thereof, after giving ten days notice to the owners of the lands affected by the

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proposed correction, and if it appears to the sheriff that the omission, mis-statement, or erroneous description arose from mistake, he shall certify the same accordingly, stating the particulars of the omission, mis-statement, or erroneous description, and such certificate shall be deposited with the principal sheriff clerk for the county of Forfar, at his offices in Dundee and Forfar respectively, and shall be kept by him with the other documents to which it relates, and subject and according to the same enactments and provisions as apply to those other documents, and thereupon the deposited plans or book of reference (as the case requires) shall be deemed to be corrected according to the certificate, and the Company may enter on, take, hold, and use those lands accordingly.

Mode of formation of tramways.

8. Every tramway to be made, formed, or laid down under this Act shall be constructed with two rails, to be laid 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 shall not be opened for public traffic until the same has been inspected and certified to be fit for such traffic in the manner (if any) prescribed by the Board of Trade by any rules for the time being in force.

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

9. Where in any road in which a double line of tramway is laid there shall be less width between the outside of the footpath on either side of the road and the nearest rail of the tramway than nine feet six inches, the Company shall and they are hereby required to construct such and so many passing places connecting the one line of tramway with the other, and at such points or places, as the commissioners of police for the burgh of Dundee may consider proper and direct, and of which they shall be the sole judges, and by means of such passing places the traffic shall, when necessary, be diverted from the one line of tramway to the other.

Only one tramway to be laid in certain cases.

10. Notwithstanding anything in this Act contained, the Company shall not lay down more than one tramway, consisting of two rails, along or across any road or street, or part of a road or street, where the local authority shall require only one tramway to be laid down, and in all such cases such tramway shall be laid down on such road or street, or part of a road or street, in the line or position such local authority may direct, not being further from the centre of the road or street than the line or position of one of the tramways authorised to be laid thereon, as shown on the deposited plans.

Tramways to be kept on level with surface of roads.

11. If any road authority shall hereafter alter the level of any road along or across which any tramway of the Company is laid or authorised to be laid, the Company may and shall from time to time alter or (as the case may be) lay their rails so that the uppermost surface thereof shall be on a level with the surface of the road so altered to the satisfaction of the surveyor of such road authority.

Application of road materials excavated in construction of Company's works.

12. Any paving, metalling, or material excavated by the Company in the construction of their works from any road under the jurisdiction or control of any road authority may be applied by the Company, so far as may be necessary, in or towards the reinstating of the road, and the maintenance for six months after completion of any of the tramways within the district of such road authority of so much of the roadway on either side of such tramways as the Company are by Part II. of "The Tramways Act, 1870," required to maintain, and the Company shall, if so required, deliver the surplus paving, metalling, or material not used or required to be retained for the purposes aforesaid to the surveyor for the time being of the road authority, or to such person or persons as he may appoint to receive the same: Provided that if within seven days after the setting aside of the surplus arising from the excavation of any such paving, metalling, or material, and due notice being given, such surplus thereof as aforesaid is not removed by the said surveyor or by some other person or persons named by him for that purpose, such surplus paving, metalling, or material shall absolutely vest in and belong to the Company, and may be dealt with, removed, and disposed of by them in such manner as they may think fit. Any difference between the Company and any road authority or surveyor or other person with reference to any of the matters aforesaid shall, subject to the provisions of this Act, be determined in manner provided by "The Tramways Act, 1870," with respect to differences between the promoters and any road authority.

Power to make additional crossing places, &c.

13. Subject to the provisions of this Act, the Company may from time to time, with consent of the commissioners of police for the burgh of Dundee, make, maintain, alter, and remove such crossings, passing places, sidings, junctions, and other works, in addition to those particularly specified in this Act or on the deposited plans, as they find necessary or convenient for the efficient working of the tramways, or for providing access to any stables or carriage house or works of the Company connected with the undertaking.

Regulating construction of works affecting

14. The Company shall, before commencing operations for the construction of any works upon or affecting the bridges, numbered respectively 25 and 26, in the parish of Dundee, on the deposited

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bridges over Caledonian Railway.

plans of Tramway No. 4 and Tramway No. 4A by this Act authorised, give to the Caledonian Railway Company at least fourteen days notice in writing of their intention to commence such operations, which notice shall be accompanied by a detailed specification of the works so intended to be constructed, and the said works shall be executed in a manner to be approved, previously to the commencement thereof, by and to the satisfaction of the engineer for the time being of the said railway company, or in the event of his declining or delaying for fourteen days to approve the works as proposed to be executed, or of any difference between him and the engineer of the Company relative thereto, then the said works shall be executed in a manner to be approved previously to such commencement by and to the satisfaction of an engineer to be appointed, on the application of either of the said companies, by the sheriff of the county of Forfar, excluding sheriffs substitute.

Company to relieve Caledonian Railway Company of additional expense occasioned by such works.

15. If the construction, maintenance, or use of Tramway No. 4 or of Tramway No. 4A, or of the works connected therewith respectively, occasion any additional expense to the Caledonian Railway Company in the maintenance of the said bridges or either of them, the Company shall pay to the Caledonian Railway Company such additional expense.

Providing for alteration of bridges over Caledonian Railway.

16. If the Caledonian Railway Company find it necessary or expedient to repair, alter, enlarge, renew, or take down and rebuild either of the said bridges, and for any of those purposes to interrupt the traffic passing over such bridge, they shall, previously to such interruption, construct and complete at their own expense a temporary diversion of such bridge and of the road connected therewith, so far as necessary to enable the Company to preserve the continuity of the said tramways, and in such manner and with such materials as to enable tramways to be properly laid and maintained thereon, and the Company may thereupon, at their own expense, lay their tramways on such diverted bridge and road, and relay and maintain the same on the original line of the bridge and road when restored, and, subject to the approval of the trustees of the said road, such diverted bridge and road shall be constructed and completed in such line and manner, and the original line of the bridge and road shall be restored in such manner and within such reasonable time as shall cause as little inconvenience as practicable to the traffic of the Company, and as shall, in case of difference between the Company and the Caledonian Railway Company, be determined by an engineer to be appointed, on the application of either of the said companies, by the sheriff of the county of Forfar, excluding sheriffs substitute.

Provisions as to said bridges to apply to Dundee commissioners of police.

17. If the commissioners of police for the burgh of Dundee shall elect to be substituted in place of the Company in manner provided by the agreement herein-after confirmed, the provisions contained in the three next preceding sections of this Act shall apply to the said commissioners, as if their name had been inserted in those sections in lieu of that of the Company.

Provisions in favour of commissioners of police of Dundee.

18. The commissioners of police of the burgh of Dundee shall, as regards all the proposed tramways within that burgh, have the whole rights, powers, and privileges which Part II. and Part III. of "The Tramways Act, 1870," or any other general Act relating to tramways now in force or which may hereafter pass during this or any future session of Parliament, confer or may hereafter confer upon the local authority or road authority of any district, and shall also have full power at all times to lay down, construct, and alter from time to time such sewers, drains, and pipes as they may consider necessary, without any claim for damages by the Company on any ground whatever; and in constructing and maintaining the works authorised by this Act, nothing shall be done which can interfere with or affect such sewers, drains, or pipes, nor limit or restrict in any way the right of the commissioners or their officers to free access thereto at all times, and all works which can in any way interfere with such sewers, drains, or pipes shall be approved of by and executed at the sight and to the satisfaction of the surveyor of the commissioners for the time.

Office of Company.

19. The Company shall have and keep an office or place of business within the burgh of Dundee, and such office or place of business shall be deemed to be the principal office or place of business of the Company.

As to pipes, &c. of Dundee water and gas commissioners.

20. The Dundee water commissioners and the Dundee gas commissioners shall have full power at all times to lay down, construct, and alter from time to time such conduits, aqueducts, pipes, and other works belonging to or used by them, which they may consider necessary, and that without any claim for damages by the Company on any ground whatever; and in constructing and maintaining the works authorised by this Act, nothing shall be done which can interfere with or affect such conduits, aqueducts, pipes, or other works, nor limit or restrict in any way the right of the said several commissioners or their officers to free access thereto at all times, and all works which can in any way interfere with such conduits, aqueducts, pipes, or other works shall be approved of by and executed at the sight and to the satisfaction of the managers of the Dundee water commissioners and the Dundee gas commissioners for the time respectively.

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Penalty for not maintaining rails and roads.

21. The Company shall at all times maintain and keep in good condition and repair, and so as not to be a danger or annoyance to the ordinary traffic, the rails of the tramways and the substructure upon which the same rest, and if the Company at any time fail to comply with this provision or with the provisions of section 28 of "The Tramways Act, 1870," they shall be subject to a penalty not exceeding five pounds for every day on which such non-compliance continues, and such penalty shall be a penalty within the meaning of section 56 of the said Act, but shall be recoverable only by the local authority so long as such authority has no pecuniary or other beneficial interest in the tramways.

Carriages to be used on tramways.

22. The Company may use on their tramways carriages with flange wheels or wheels specially adapted to run on a grooved rail.

Form and delivery of notices.

23. With respect to notices and to the delivery thereof by or to the Company, the following provisions shall have effect; (namely,)

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

(2.) Any notice to be delivered by or to the Company to or by the local authority or any road authority or other body, or any company, may be delivered by being left at the principal office of that authority, body, or company, or of the Company, as the case may be, or by being sent by post in a registered letter addressed to their respective clerks or secretaries at their principal office, and every such letter shall be deemed to be received by the authority, body, or company, or by the Company (as the case may be), on the day on which the same ought to be delivered at their principal office in the ordinary course of post.

Authorising agreements for use of tramways.

24. The Company on the one hand, and any other company or any corporation or person, not being the local authority, on the other hand, may from time to time, subject to the provisions of Part III. of the Railways Clauses Act, 1863, which shall be read as if tramway were therein mentioned instead of railway, enter into and carry into effect working agreements for or with reference to the use by such other company or by such corporation or person of the tramways or any of them, or any part or parts thereof respectively, and the tolls, rates, and charges to be paid for such use, and the terms and conditions of such user, and all incidental matters: Provided always, that animals or goods (other than passengers luggage) shall not be carried on the tramways without the written consent of the commissioners of police for the burgh of Dundee.

Company to give equal facilities to all railway companies.

25. In the event of the Company entering into any contract, agreement, or arrangement with any railway company with respect to the use of the tramways or any of them or any part thereof, or the tolls, rates, and charges payable thereon, or the interchange, accommodation, conveyance, or delivery of traffic, the Company shall, if and when required by any other railway company, permit such other railway company to use the tramways, or shall interchange, accommodate, convey, and deliver the traffic of such other railway company on payment of the same tolls, rates, and charges, and upon terms as favourable in all respects as those arranged with or granted to the railway company with whom such contract, agreement, or arrangement shall have been entered into: Provided always, that nothing in this section contained shall be deemed to give to the Company any power to enter into any contract, agreement, or arrangement which they would not possess if this section had not been inserted.

Capital.

26. The capital of the Company shall be one hundred and sixty thousand pounds, in sixteen thousand shares of ten pounds each.

Shares not to be issued until one fifth part thereof shall have been paid up.

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

Calls.

28. One fifth of the amount of a share shall be the greatest amount of a call, and three months at least shall be the interval between successive calls, and three fourths of the amount of a share shall be the utmost aggregate amount of calls in any year upon any share.

Power to divide shares.

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

Dividends on half shares.

30. The dividend which would from time to time be payable on any divided share, if the same had continued an entire share, shall

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

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

31. Every preferred half share shall be entitled out of the profits of each year to the dividend which may have been attached to it by the Company as aforesaid, in priority to the deferred half share bearing the same number, but if in any year ending the thirty-first day of December there shall not be profits available for the payment of the full amount of dividend on any preferred half share for that year, no part of the deficiency shall be made good out of the profits of any subsequent year, or out of any other funds of the Company.

Half shares to be registered and certificates issued.

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

Terms of issue to be stated in certificates.

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

Forfeiture of preferred shares.

34. The provisions of "The Companies Clauses Consolidation (Scotland) Act, 1845," with respect to the forfeiture of shares for nonpayment of calls shall apply to all preferred half shares to be created under the authority of this Act, and every such preferred half share shall for that purpose be considered a whole share, distinct from the corresponding deferred half share: Provided always, that until any forfeited preferred half share shall be sold by the directors of the Company, all dividends which would be payable thereon if the same had not been forfeited shall be applied in or towards payment of any expenses attending the declaration of for-

feiture thereof, and of the arrears of calls for the time being due thereon, with interest.

Preferred shares not to be cancelled.

35. No preferred half share created under the authority of this Act shall be cancelled or be surrendered to the Company.

Half shares to be half shares in capital.

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

Receipts on behalf of incapacitated persons.

37. If any money be payable to any shareholder being a minor, idiot, or lunatic, the receipt of his guardian, curator, or committee, as the case may be, shall be a sufficient discharge to the Company for the same.

Power to borrow.

38. The Company may from time to time borrow on mortgage any sum or sums not exceeding in the whole forty thousand pounds, and of that sum they may borrow from time to time not exceeding twenty thousand pounds in respect of each eighty thousand pounds of their capital, but no part of any such sum of twenty thousand pounds shall be borrowed until the whole of the respective eighty thousand pounds of capital in respect of which it is to be borrowed is subscribed for, issued, and accepted, and one half thereof is paid up, and the Company have proved to the sheriff who is to certify under the forty-second section of "The Companies Clauses Consolidation (Scotland) Act, 1845," (before he so certifies,) that the whole of the respective eighty thousand pounds of capital has been subscribed for, issued, and accepted, and that one half thereof has been paid up, and that not less than one fifth part of the amount of each separate share in such eighty thousand pounds has been paid on account thereof before or at the time of the issue or acceptance thereof, and that the respective eighty thousand pounds of capital was issued bonâ fide, and is held by the subscribers or their assigns, and that such subscribers or their assigns are legally liable for the same; and upon production to such sheriff of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which shall be sufficient evidence thereof.

Mortgages to comprise purchase money paid on compulsory sale.

39. Every mortgage of the Company's undertaking shall be deemed to comprise all purchase money which may be paid to the Company in the event of a compulsory sale to the local authority under section 43 of "The Tramways Act, 1870," and may comprise

1872: all or any moneys carried to a contingency fund, according to the terms of the mortgage.

Indorsement of notice of power of future purchase by the local authority.

40. Every mortgage deed to be granted by the Company under this Act shall be indorsed with notice that such mortgage will not be a charge upon the tramways in the event of their being purchased by the local authority under the 43rd section of "The Tramways Act, 1870."

For appointment of a judicial factor.

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

Moneys borrowed on mortgage to have priority.

42. All moneys to be borrowed on mortgage under this Act, from the time when the same shall be advanced, and the interest for the time being due thereon, shall have priority against the Company, and all the property from time to time of the Company, over all other claims on account of any debts incurred or to be incurred or engagements entered into or to be entered into by them; but nothing in this section shall affect any claim in respect of land acquired by the Company for the purposes of this Act, or injuriously affected by the construction of the tramway or by the exercise of any of the powers conferred upon the Company.

No debenture stock.

43. The Company shall not create debenture stock.

Application of moneys.

44. All moneys raised under this Act, whether by shares or borrowing, shall be applied for the purposes of this Act only.

First ordinary meeting.

45. The first ordinary meeting of the Company after the passing of this Act shall be held within six months next after the passing of this Act.

Quorum of general meetings.

46. The quorum of a general meeting of the Company, whether ordinary or extraordinary, shall be ten shareholders, holding in the aggregate not less than two thousand pounds of the capital of the Company.

Number of directors.

47. The number of directors shall be five, but the Company may from time to time reduce the number of directors, so that the number be not less than three.

Qualification of directors.

48. The qualification of a director shall be the possession in his own right of not less than forty shares.

Quorum.

49. The quorum of a meeting of directors shall be three, but if the number of the directors be reduced to three the quorum shall be two.

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First directors.

Election of directors.

50. Henry Richard Smith, John Derrick Ayers, Charles Grabham, and two other duly qualified persons to be nominated by them in that behalf, shall be the first directors of the Company, and shall continue in office until the first ordinary meeting held after the passing of this Act. At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or nominated as aforesaid, or any of them, or may elect a new body of directors, or directors to supply the place of those not continued in office, the directors appointed by this Act or nominated as aforesaid being, if qualified, eligible for re-election; and at the first ordinary meeting to be held in every year after the first ordinary meeting, the shareholders present in person or by proxy shall (subject to the power herein-before contained for reducing the number of directors) elect persons to supply the places of the directors then retiring from office, agreeably to the provisions in "The Companies Clauses Consolidation (Scotland) Act, 1845," contained, and the several persons elected at any such meeting, being neither removed nor disqualified nor having resigned, shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Period for completion of works.

51. The tramways shall be completed within five years from the passing of this Act, and on the expiration of that period the powers by this Act granted to the Company 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.

Land by agreement.

52. The Company may from time to time purchase and acquire (by agreement) such land as they may require for their undertaking, and may hold the same, not exceeding in the whole at one time five acres.

Tolls for passengers.

53. The Company may demand and take for every passenger travelling upon any or either of the tramways, or any part or parts thereof respectively, including tolls for the use of the tramway and of carriages, and for motive power, and every other expense incidental to such conveyance, any tolls or charges not exceeding one penny per mile (and for this purpose the fraction of a mile beyond an integral number of miles shall be deemed a mile); but the Company may charge for any less distance than two miles any sum not exceeding twopence.

Passengers luggage.

54. Every passenger travelling upon the tramways may take with him his personal luggage, not exceeding twenty-eight pounds in weight, without any charge being made for the carriage thereof.

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Cheap fares for labouring classes.

55. The Company shall and they are hereby required at all times after the opening of the tramways for public traffic, to run every morning in the week and every evening in the week (Sundays and sacramental fast days always excepted), at such hours, not being later than seven in the morning or earlier than five in the evening respectively, as the Company think most convenient, and on Saturdays between the hours of one and three in the afternoon, at least two carriages in each case each way, for artisans, mechanics, and daily labourers, at fares not exceeding one halfpenny per mile (the Company nevertheless not being required to take any fare less than one penny): Provided nevertheless, that the commissioners of police of the burgh of Dundee shall have full power, if they think fit, to regulate the times of starting and running such carriages, and also the places from which they shall start and at which they shall stop.

Maximum rates for animals and goods.

56. The maximum rate of charge to be made by the Company for the conveyance of animals and goods on the tramways, including the tolls for the use of the tramways, and for waggons or trucks, or motive power, and every other expense incidental to the conveyance, shall not exceed the following sums per mile; (that is to say,)

For every horse, mule, or other beast of draught or burden, sixpence per head:

For every ox, cow, bull, or head of cattle, sixpence per head:

For calves pigs, sheep, and small animals, threepence one farthing per head:

For all coals, coke, culm, charcoal, cannel, limestone, chalk, lime, salt, sand, fire-clay, cinders, dung, compost, and all sorts of manure, and all undressed materials for the repair of public roads or highways, per ton not exceeding threepence:

For all iron, ironstone, iron ore, pig iron, bar iron, rod iron, sheet iron, hoop iron, plates of iron, slabs, billets, and rolled iron, bricks, slag, and stone, stones for building, pitching, and paving, tiles, slates, and clay (except fire-clay), and for wrought iron not otherwise specifically classed herein, and for heavy iron castings, including railway chairs, per ton not exceeding threepence:

For all sugar, grain, corn, flour, hides, dyewoods, earthenware, timber, staves, deals, and metals (except iron), nails, anvils, vices, and chains, and for light iron castings, per ton not exceeding fourpence:

For cotton and other wools, drugs, and manufactured goods, and all other wares, merchandise, fish, articles, matters, or things, per ton not exceeding fourpence:

For every carriage, of whatever description, not being a carriage adapted and used for travelling on a tramway, and not weighing more than one ton, not exceeding tenpence per mile; and if weighing more than one ton, not exceeding twopence per mile for every quarter of a ton or fractional part of a quarter of a ton additional.

Addition to tolls in the case of turnpike roads.

57. The tolls and charges which the Company are herein-before authorised to charge for the conveyance of animals and goods shall not be held to include tolls or rates exigible under any Act of Parliament by the trustees of any turnpike road along which the tramways are laid, and the Company may levy such last-mentioned tolls or rates, or such proportion thereof as they think fit, in addition to the maximum tolls and charges herein-before authorised to be levied for the conveyance of animals and goods.

Regulations as to tolls.

58. The following provisions and regulations shall apply to the fixing of all tolls and charges for the conveyance of animals and goods under this Act; (that is to say,)

For a less distance than four miles the Company may demand tolls and charges as for four miles:

A fraction of a mile beyond an integral number of miles above four miles shall be deemed a mile:

For a fraction of a ton the Company may demand tolls according to the number of the quarters of a ton in such fraction, and if there be a fraction of a quarter of a ton such fraction shall be deemed a quarter of a ton:

With respect to all articles, except stone and timber, the weight shall be determined according to the usual avoirdupois weight:

With respect to stone and timber, fourteen cubic feet of stone, forty cubic feet of oak, mahogany, teak, beech, or ash, and fifty cubic feet of any other timber, shall be deemed one ton weight, and so in proportion for any smaller quantity.

Tolls for small parcels and articles of great weight.

59. With respect to small parcels not exceeding five hundred pounds in weight, and single articles of great weight, notwithstanding the rates prescribed by this Act, the Company may demand and take any tolls not exceeding the following; (that is to say,)

For the carriage of small parcels on the tramway, as follows:

For any parcel not exceeding seven pounds in weight, threepence:

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

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

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For any parcel exceeding twenty-eight pounds but not exceeding fifty-six pounds in weight, ninepence:

For any parcel exceeding fifty-six pounds but not exceeding five hundred pounds in weight, the Company may demand any sum which they think fit:

Provided always, that articles sent in large aggregate quantities, although made up in separate parcels, such as bags of sugar, coffee, meal, and the like, shall not be deemed small parcels, but that term shall apply only to single parcels in separate packages.

For the carriage of single parcels of great weight:

For the carriage of any iron boiler, cylinder, or single piece of machinery, or single piece of timber or stone, or other single article, the weight of which, including the carriage, shall exceed three tons, the Company may demand any such sum as they think fit.

Company not bound to carry goods.

60. The Company shall not be bound to carry, unless they think fit, any parcel, goods, articles, or things other than passengers luggage, not exceeding the weight in this Act in that behalf mentioned.

Tolls to be paid as directed by the Company.

61. The tolls and charges by this Act authorised shall be paid to such persons, and at such places upon or near to the tramways, and in such manner and under such regulations, as the Company shall by notice to be annexed to the list of tolls appoint.

As to use of tramways on Sundays.

62. The Company shall not, without the written consent from time to time first had and obtained of the commissioners of police of the burgh of Dundee, or, as the case may be, of the commissioners of police of the burgh of Broughty Ferry, ply carriages for hire on any Sunday upon their tramways within the burgh of Dundee, or, as the case may be, the burgh of Broughty Ferry.

Agreement with town council and police commissioners of Dundee confirmed.

63. The agreement between the provost, magistrates, and town council of the royal burgh of Dundee and the commissioners of police for the burgh of Dundee, and Thomas Thornton, solicitor in Dundee, clerk to the said commissioners, and for and in their name and on their behalf, of the first part, and the promoters of this Act of the second part, dated and sealed the fourteenth and fifteenth days of March one thousand eight hundred and seventy-two, and set forth in the schedule to this Act annexed, is hereby confirmed, except so far as the same is inconsistent with this Act, and this Act and that agreement shall be carried into execution in like manner in all respects as if that agreement were set forth in the body of this Act, and were thereby in terms enacted, witn the substitution of the Company for the promoters: Provided always, that, notwithstanding anything in the said agreement contained, it shall

be lawful for any notary public in Scotland, on production to him of a copy of this Act printed by Her Majesty's printers, and of satisfactory evidence of the intimation provided for by article third of the said agreement to be given by the said commissioners to the Company in the event of their desiring to be substituted in place of the Company having been so given by them within six months after the passing of this Act, and of the expense and interest also provided by the said article to be paid in such event by the said commissioners to the Company having been so paid or tendered by them to the Company, to execute a notarial instrument in favour of the said commissioners, declaring the transference, which notarial instrument it shall not be necessary for the Company to execute; and such notarial instrument so executed shall, upon being published in the manner provided by the said article with reference to the notarial instrument thereby provided to be executed by the Company, have the same effect in all respects as by the said article third it is provided the notarial instrument mentioned therein shall have: Provided further, that nothing in this Act contained shall authorise the said commissioners to place or run carriages upon the tramways authorised by this Act, or to demand and take tolls and charges in respect of the use of such carriages.

Section 20 of Tramways Act to apply to police commissioners of Dundee if they acquire tramways.

64. If the commissioners of police for the burgh of Dundee shall elect to be substituted in place of the Company in manner provided by the said agreement hereby confirmed, the provisions of section 20 of "The Tramways Act, 1870," shall apply to the said commissioners, and to the tramways hereby authorised, to the same effect as if the said commissioners were the promoters of the said tramways; and the said commissioners shall have and may exercise with respect to the said tramways all the powers conferred by that section, and the expenses provided by said agreement to be paid, and all other expenses incurred by the commissioners in the acquisition and construction of the tramways, or in relation to this Act, shall be paid out of the rate authorised to be levied by that section, and the said commissioners shall have all the powers of borrowing under the same as if such expenses had been incurred in applying for, obtaining, and carrying into effect a Provisional Order obtained by them under "The Tramways Act, 1870."

Powers of leasing.

65. If the commissioners of police for the burgh of Dundee shall elect to be substituted in place of the Company in manner provided by the said agreement hereby confirmed, they may lease from time to time, to any person or body, the right of user of any tramway made by the said commissioners, and of demanding and taking in respect thereof the tolls and charges authorised by this Act, or they

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may leave any tramway made by them open to be used by the public, and may in respect of such last-mentioned user demand and take from the person or persons so using the said tramways, or any part thereof, the following tolls in respect of such user; viz., for every passenger travelling in or upon any of the carriages of such person any sum not exceeding one halfpenny per mile, and for any animals or goods conveyed in or upon the waggons or trucks of such person or persons any sum or sums not exceeding one half of the maximum tolls and charges authorised by this Act to be made by the Company for the conveyance of animals and goods, including the tolls for the use of the tramways, and for waggons or trucks or motive power, and every other expense incidental to the conveyance.

Saving rights of magistrates of Dundee as to petty customs, and Company may compound for same.

66. And whereas the magistrates and town council of the burgh of Dundee have been in use to levy dues or petty customs on animals, goods, articles, and things brought into, carried through, or taken out of the said burgh: Be it enacted, that nothing in this Act contained shall prejudice or affect the right of the said magistrates and council to levy the said dues or petty customs on animals, goods, articles, and things brought into, carried through, or taken out of the said burgh by the tramways by this Act authorised or any of them; and the Company may compound and agree with the said magistrates and council for the payment of a fixed annual sum or other composition in lieu of the said dues or petty customs, or the said magistrates and council may from time to time lease the said dues and petty customs to the Company, for such period and for payment of such rent or other consideration as may be agreed on, and the Company and the said magistrates and council may enter into and carry into execution such agreements, leases, or other deeds as may be necessary or expedient for these purposes, containing such conditions and provisions as shall be mutually agreed upon between them.

Proof of byelaws.

67. The production of a written or printed copy of any byelaws made under the authority of "The Tramways Act, 1870," and this Act with respect to the tramways hereby authorised, authenticated by the signature of the sheriff, shall, without proof of the signature of the sheriff, be evidence of the existence of such byelaws, and that all preliminaries requisite to the making and operation thereof have been duly observed and fulfilled.

Interest not to be paid on calls paid up.

68. The Company shall not, out of any money by this Act authorised to be raised by calls or by borrowing, pay interest or dividend to any shareholder on the amount of calls made in respect of the shares held by him: Provided always, that this Act shall

not prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with "The Companies Clauses Consolidation (Scotland) Act, 1845."

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

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

Tramways not exempt from provisions of general Acts.

70. Nothing herein contained shall be deemed or construed to exempt the tramways from the provisions of any general Act relating to tramways now in force, or which may hereafter pass during this or any future session of Parliament.

Reservation of right of public to use streets.

71. Nothing in this Act shall take away or abridge the right of the public to pass along or across every or any part of any road along or across which a tramway is laid, whether on or off the tramway, with carriages not having flange wheels or other wheels specially adapted to run on a grooved rail.

Powers of ss. 43 & 44 of Tramways Act not prejudiced.

72. Nothing contained in this Act shall prejudice or affect the powers and authorities contained in sections 43 and 44 of "The Tramways Act, 1870."

Expenses of Act.

73. All costs, charges, and expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the Company.

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SCHEDULE referred to in the foregoing Act.

AGREEMENT between the Provost, Magistrates, and Town Council of the Royal Burgh of Dundee (herein-after called the corporation) and the Commissioners of Police for the burgh of Dundee, and Thomas Thornton, solicitor in Dundee, clerk to the said commissioners, and for and in their name and on their behalf (herein-after called the commissioners), of the first part, and the promoters of the "Dundee Street Tramways" Bill (herein-after referred to as "the promoters") of the second part.

The promoters having applied to the first parties for their consent to the said Tramways Bill being proceeded with upon the conditions hereafter mentioned, and the parties of the first part having given that consent, it is agreed, subject to the sanction of Parliament, as follows:—

First. The following provisions shall apply and have effect in favour of the commissioners, as regards all the proposed tramways; viz.,

(1.) The Company shall after the passing of the Act proceed to lay down, construct, and work the several tramways, and shall duly complete and open the same for traffic within three years from the passing of the Act.

(2.) The Company shall at their own expense construct, and at all times maintain and keep in good condition and repair, with such causeway blocks or materials and in such manner as the commissioners shall direct, and to their satisfaction, so much of any road or street whereon any of the proposed tramways may be laid as lies between the rails of the tramway, and where two tramways are laid in any road or street the portion of the road or street between the tramways, and in every case so much of the road or street as extends eighteen inches beyond the rails of and on each side of any such tramway.

(3.) The Company shall make payment to the commissioners of the value of the causeway blocks suitable for the purpose and used on the lines of the tramways in the roads or streets within the burgh of Dundee, as the said value may be agreed on by the commissioners and the said Company, or, in the event of difference of opinion, as the same may be fixed by a valuator to be appointed by the sheriff of the county of Forfar.

(4.) The mode of constructing the works proposed to be formed, and the strength and quality of the rails and other material, and every detail in regard to sidings, crossings, and other matters affecting public convenience or safety, shall be submitted to and approved of by the surveyor to the commissioners for the time; and all such works shall be executed at the sight and to the satisfaction of such surveyor, and the expenses attending the implementing of this condition shall be defrayed by the Company.

(5.) The police magistrates of Dundee shall have power to regulate the tramway traffic in all respects as they at present have, or may hereafter obtain, power to regulate omnibus traffic.

(6.) The commissioners shall have power to make rules and regulations or byelaws in terms of clauses 46, 47, and 48 of "The Tramways Act, 1870," and the said byelaws shall have full force and effect when confirmed by the sheriff of the county of Forfar, in the same way as byelaws made by the commissioners are by "The Dundee Police and Improvement Act, 1871," appointed to be confirmed by him; and it shall not be necessary that such byelaws be confirmed by the Board of Trade.

(7.) The Company shall, after construction, at all times keep up and maintain in good order and condition the several tramways, buildings, works, and working plant of the Company, to the satisfaction of the surveyor of the commissioners.

(8.) All the works to be executed by the Company shall form the subject of competition and contract.

(9.) The commissioners shall have full power to regulate the times of starting and running the carriages for artisans, mechanics, and daily labourers, provided for by clause 42 of the Bill, and also the places at which such carriages shall start and stop.

(10.) If and when required by the first parties, the Company shall run at such hours in the mornings and evenings of Sundays and fast days as the commissioners may from time to time fix, and from and to such places as the commissioners may from time to time appoint, at least two carriages in each case each way, for the use of the public in general, at rates or fares not exceeding those prescribed by section 40 of the deposited Bill.

(11.) It shall be incumbent on the Company, at their own cost, from time to time to alter the lines and levels of the proposed tramways in order that such tramways may respectively be laid and maintained along the imaginary centre lines of the several streets on which they may run as in the opinion of the commissioners may be necessary to adapt such tramways to any widening of or improvement on such streets which the commissioners may carry out under the provisions of "The Dundee Police and Improvement Act, 1871," or any of the Acts therein recited.

(12.) Animals or goods (other than passengers luggage) shall not be carried on the tramways without the written consent of the commissioners.

(13.) The provisions in article 12 of the deposited Bill, other than those included in the provisions before mentioned, shall also apply and have effect in favour of the commissioners, as the same may be adjusted and passed by Parliament.

Second. The Company shall, as soon and so long as and whenever the divisible profits of the Company are sufficient to pay to the shareholders a minimum dividend at the rate of five per cent. per annum on the stock or shares of the Company, pay to the commissioners (for behoof of themselves and the corporation, but with the division between whom, or the disposal or appropriation of the money, the Company shall have no concern) a sum equal to the sum of one hundred pounds per annum for every mile of street on which the tramways shall be laid within the burgh of Dundee (excepting so far as such streets are for the time being turnpike roads), in respect of the use by them, the said Company, of such streets; and as soon and so long as the divisible profits of the Company are sufficient to pay to the shareholders a dividend as aforesaid above five per cent. per annum, the Company shall pay to the com-

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missioners (for behoof aforesaid) the said sum of one hundred pounds per annum on every mile as aforesaid, and also ten pounds per annum on every mile as aforesaid for every one per cent. of dividend above such five per cent.; declaring that said payments shall be made at the same time as the dividends are payable to the shareholders, and shall be recoverable in case of default in any court of competent jurisdiction in Scotland; and declaring also that in calculating the said payments, allowance shall be made for a distance of less than a mile according to the same rates; it being hereby declared to be the intention of the commissioners to carry out certain street improvements whereby the Tramway 1A, at or near its termination, and the Tramway 1B, at or near its commencement, would be greatly facilitated and improved, and as far as possible that the execution of such improvements should precede the construction of the said tramways.

Third. The Company shall not construct or enter into any contract for the construction of any of the tramways until the expiry of six months after the passing of the Act; and the commissioners shall have power, within six months after the passing of the Act, to intimate to the Company their desire to be substituted in place of the Company; and on such intimation, and on payment by the commissioners to the Company of the expense which the Company may have been put to in and incident to obtaining the Act, not exceeding five thousand pounds, with interest at the rate of five per cent. per annum on such expense, so far as consisting of cash advances from the date of such advances being actually paid, the Company shall execute a notarial instrument declaring such transference, and the same shall be published once in the Edinburgh Gazette and twice in a newspaper published in Dundee, and thereupon the commissioners shall have all the powers conferred by the Act on the Company as to the construction, maintenance, use, and working of the tramways, which powers shall thereupon be transferred to and vested in the commissioners, with all authorities and privileges connected therewith, and the same shall, so far as applicable, attach to and apply to the commissioners in the same manner and to the same effect as if in respect of these provisions the commissioners had been expressly named in the Act instead of the Company, and they may defray the costs payable to the promoters, and the costs of construction and all other costs incident thereto or to the transference and acquisition aforesaid, as if the tramways had been constructed or such acquisition made by the commissioners under the authority of "The Tramways Act, 1870," and the powers of the Act may be forthwith executed by the commissioners, and the Company shall wind up their affairs and on payment of their debts shall be dissolved.

Fourth. Should the commissioners, from want of funds or rating power, or other cause, require to obtain additional or other Parliamentary powers to carry fully into effect any parts of this agreement, and should the commissioners apply to Parliament for such powers or any of them, the Company shall not object to or oppose such application, but shall assent thereto and do all things necessary, and render all needful facilities for obtaining such powers.

Fifth. This agreement shall be scheduled to and made part of the Bill.

Sixth. All the costs, charges, and expenses incurred and to be incurred by the first parties of and incident to this agreement, and the confirmation of the same by Parliament, shall be borne and paid by the Company.

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In witness whereof these presents, printed upon this and the two preceding pages, are duly executed (in duplicate) as follows; viz., the same are signed, sealed, and delivered by William Morris, contractor, of Number eight, the Avenue, Blackheath, in the county of Kent, and James Montgomery Walker, share and stock broker, of Number nine, Old Broad Street, London, being the promoters, at London, on the fourteenth day of March eighteen hundred and seventy-two years, before these witnesses, Joseph Barber Glenn and John William Watts, both clerks to Messrs. Ashurst, Morris, and Company, solicitors, of Number six, Old Jewry, London; and the same are subscribed by James Yeaman, Provost of Dundee, and Hugh Ballingall and Duncan Macdonald, two of the town councillors of Dundee, all for and in name and on behalf of, and as duly authorised by, the corporation, and by the said James Yeaman, the said Duncan Macdonald, and Thomas Buchan, one of the town councillors of Dundee, being three of the commissioners, and by the said Thomas Thornton, as clerk to the commissioners, all for and in name and on behalf of, and as duly authorised by, the commissioners, at Westminster, on the fifteenth day of the said month of March and year foresaid, before these witnesses, William Hay, town clerk of Dundee, and Alexander Wilson, junior, clerk to Pattullo and Thornton, solicitors, Dundee;—declaring that this testing clause, from and after the words "In witness whereof," has been written and inserted by the said Alexander Wilson, junior.

(Signed) J. Barber Glenn, Witness. (Signed) W. Morris. (L.S.)
„ Jno. W. Watts, Witness. „ J. M. Walker. (L.S.)

Signed, sealed, and delivered by the above-named William Morris and James Montgomery Walker in the presence of

(Signed) J. Barber Glenn, 6, Old Jewry, E.C.
„ Jno. W. Watts, 6, Old Jewry, E.C.
„ William Hay, Witness.
„ A. Wilson, jr., Witness.

(Signed) Jas. Yeaman, Provost.
„ Jas. Yeaman, Comr.
„ Hugh Ballingall, Councillor.
„ D. Macdonald, Councillor.
„ D. Macdonald, Commissioner.
„ Thomas Buchan, Commissioner.
„ Thos. Thornton, Clerk.

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