CHAPTER ccxli.

An Act to authorise the construction of Street Tramways in certain parts of Edinburgh and Leith; and for other purposes. [7th August 1884.]

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WHEREAS the laying down in certain streets in this Act mentioned, in the royal burgh, city, county of the city, and county of Edinburgh, and town of Leith, and their respective suburbs, of tramways, would be of 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 said tramways:

And whereas plans and sections showing the lines and levels of the tramways and works by this Act authorised, and the lands to be taken for the purposes thereof, and books of reference to those plans containing the names of the owners or reputed owners, lessees or reputed lessees, and of the occupiers of those lands, have been deposited with the principal sheriff clerks of the county of Edinburgh, and of the county of the city of Edinburgh, 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):—

1. This Act may be cited for all purposes as the Edinburgh Northern Tramways Act 1884. Short title.

2. The Companies Clauses Consolidation (Scotland) Act 1845, except the provisions of that Act with respect to the conversion of borrowed money into capital, Part I. (relating to cancellation and Incorporation of general Acts.

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surrender of shares) of the Companies Clauses Act 1863, as amended by the Companies Clauses Act 1869, the Lands Clauses Consolidation (Scotland) Act 1845, the Lands Clauses Consolidation Acts Amendment Act 1860, and section 3 (interpretation of terms), section 19 (local authority may lease or take tolls), and Parts II. and III. of the Tramways Act 1870, are incorporated with and form part of this Act, save where the same are expressly varied or excepted by this Act.

Interpretation.

3. 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. The expressions "the tramway," or "the undertaking," shall mean respectively the tramways and works and the undertaking by this Act authorised or any part thereof; the expression "the Company" means the Company incorporated by this Act; and the word "contingencies" in the Companies Clauses Consolidation (Scotland) Act 1845 (section 125) shall, with reference to the Company, be construed to include the contingency of the undertaking being sold to the local authority under the Tramways Act 1870 (section 43) at a sum less than the aggregate amount of the capital and debts of the Company; the expression "the corporation of Edinburgh" shall mean the lord provost, magistrates, and council of the city of Edinburgh; the expression "the corporation of Leith" shall mean the provost, magistrates, and council of the burgh of Leith; the expression "the local authority" shall mean (as the case may be) the corporation of Edinburgh or the corporation of Leith; and the expression "road authority" shall mean the county road trustees or the burgh local authority for the time being appointed and acting under the Roads and Bridges (Scotland) Act 1878, or other body or corporation responsible for the maintenance of the roads or streets to be interfered with by the undertaking; "the sheriff" means the sheriff of the Lothians and Peebles, and shall include any of his substitutes.

Company incorporated.

4. William Hamilton Beattie, John Boulton, Peter Couper, David Dove, James Galloway, John Milne, Patrick Turnbull, John Waddell, and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking, and their executors, administrators, successors, and assigns, respectively, shall be and are hereby united into a company for the purpose of making and maintaining the tramways, and for other the purposes of this Act, and for those purposes shall be and are hereby incorporated by the name of "the Edinburgh Northern Tram-

ways 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.

5. Subject to the provisions of this Act the Company may make, form, lay down, work, use, and maintain, in the lines and according to the levels shown on the deposited plans and sections, the tramways and works herein-after described, with all proper rails, plates, tubes, ropes, engines, engine-houses, subways, manholes, turntables, works, and conveniences connected therewith, and for the purposes of such tramways and works may enter upon, take, and use such of the lands delineated and numbered on the said plans, and described in the deposited books of reference and specified in Schedule A to this Act annexed as may be required for those purposes. The tramways and works herein-before referred to and authorised by this Act are:—

Tramway No. 1, six furlongs and one and three-quarter chains in length, partly situated in the parish of the city of Edinburgh and partly in the parish of Saint Cuthbert's—all in the royal burgh, city, county of the city and county of Edinburgh—commencing at the south end of South Hanover Street, in the parish of the city of Edinburgh, at the junction of that street with the north side of Princes Street, passing thence in a north-westwardly direction along South Hanover Street, North Hanover Street, Queen Street Gardens, Dundas Street, Pitt Street, North Pitt Street, and Brandon Street, into and along the road or street leading north-eastward, in continuation of the last-mentioned street to Brandon Terrace and Huntly Street, and thence along Brandon Terrace and Huntly Street, and terminating at the south-east end of Canonmills Bridge over the Water of Leith in the parish of Saint Cuthbert's, in the royal burgh, city, and county of the city and county of Edinburgh;

Tramway No. 1 will be a double line throughout, except that for a distance of three-quarters of a chain or thereby at its commencement in South Hanover Street it will be laid as a single line;

Tramway No. 2, five furlongs and four and a-half chains in length, partly situated in the parish of Saint Cuthbert's, in the royal burgh, city, and county of the city of Edinburgh, and partly in the parish of North Leith, all in the county of Edinburgh, commencing in the parish of Saint Cuthbert's by a junction with Tramway No. 1 at the point herein-before described as the point

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of the termination of that tramway, passing thence in a north-westwardly direction over Canonmills Bridge before-mentioned, and along the roadway between Howard Street, Tanfield, and Summers Place on the one side, and Warriston Place and Howard Place on the other side, and along Inverleith Row and Montagu Terrace, and terminating at a point one and a half chains south-eastwards from the intersection of Inverleith Row and the Ferry Road, partly in the parish of Saint Cuthbert's, in the royal burgh, city, and county of the city of Edinburgh, and partly in the parish of North Leith, all in the county of Edinburgh;

Tramway No 2 will be a double line throughout;

Tramway No. 3, one mile and six and three-quarter chains in length, partly situated in the parish of Saint Cuthbert's, in the royal burgh, city, and county of the city of Edinburgh, and partly in the parish of North Leith, all in the county of Edinburgh, commencing in the parishes of Saint Cuthbert's and North Leith by a junction with Tramway No. 2, at the point herein-before described as the point of the termination of that tramway, passing thence by a curved line (in a north-eastwardly direction) along Inverleith Row, Montagu Terrace, Ferry Road, and Bowhill Terrace, and thence in a northwardly direction into and along Trinity Road (crossing the bridge over the Leith Branch of the Caledonian Railway Company); thence, first, in a northwardly direction through a private street called Stirling Road, to be formed in the lands of the Trinity Land Company Limited, and afterwards in an eastwardly direction through a private street called Primrose Bank, formed, or in course of formation, in the lands of the said Company; thence in a northwardly direction along Trinity Road and Christian Bank (passing under the bridge of the Granton Branch of the North British Railway Company), and thence in an eastwardly direction along Trinity Crescent, Albert Terrace, the roadway leading to, and in front of, Starbank Cottages, the roadway leading to Union Place, Newhaven, Union Place, Maitland Place, and terminating at the point of junction of Maitland Place with New Cut, now called Craighall Road, in the parish of North Leith, burgh of Leith, and county of Edinburgh;

Tramway No. 3 will be a double line throughout, except that for a distance of three-quarters of a chain or thereby, at its termination in Maitland Place, it will be laid as a single line;

Provided always that, at the following places, namely:—

1. From the south end of Trinity Road to where that road enters the nursery ground called "Stirling Road," on the deposited plan; and
2. The roadway from Albert Terrace, at a point two hundred and thirty feet or thereby eastward of the chain pier to a point one hundred and fifty feet or thereby westward from the west end of Union Place,

the said tramway shall be a single line until the local authority and the Board of Trade consent to a double line or some other method of construction.

Tramway No. 6, one mile and six chains in length, partly situated in the parish of the city of Edinburgh and partly in the parish of Saint Cuthbert's, all in the royal burgh, city, and county of the city, and county of Edinburgh, commencing at the south end of South Frederick Street, in the parish of the city of Edinburgh, at the junction of that street with the north side of Princes Street, passing thence in a north-westwardly direction along South Frederick Street, North Frederick Street, Queen Street Gardens, and Howe Street, thence north-westwardly along South-east Circus Place, across the Royal Circus, North-west Circus Place, Spring Gardens, Baker's Place, Glanville Place, Kerr Street, over Stockbridge, and thence along Deanhaugh Street, and thence by a curved line along Johnston Place, and thence in a westwardly direction along Raeburn Place, Mary's Place, the road leading to Comely Bank, and Comely Bank, and terminating in Comely Bank at a point one chain or thereby westward from the eastern end of Comely Bank, in the parish of Saint Cuthbert's, in the royal burgh, city, and county of the city, and county of Edinburgh;

Tramway No. 6 will be a double line throughout, except that for a distance of three-quarters of a chain or thereby at its commencement in South Frederick Street, and for a distance of one and a quarter chains or thereby at its termination in the road leading to Comely Bank it will be laid as a single line;

all which said intended tramways will pass from, through, or into, or be situate in the several parishes and royal burghs following or some of them (that is to say): the parishes of the city parish of Edinburgh, Saint Cuthbert's, and North Leith, and the royal burgh, city, and county of the city of Edinburgh, all in the county of Edinburgh.

6. If there be any omission, misstatement, or wrong description of any lands, or of the owners, lessees, or occupiers of any lands

Correction of errors in deposited plans and

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books of reference.

shown on the deposited plans, or specified in the deposited books of reference, the Company, after giving ten days' notice to the owners, lessees, and occupiers of the lands in question, may apply to the sheriff for the correction thereof, and if it appear to the sheriff that the omission, misstatement, or wrong description arose from mistake, he shall certify the same accordingly, and he shall in his certificate state the particulars of the omission, and in what respect any such matter is misstated or wrongly described, and such certificate shall be deposited with the principal sheriff clerk for the county of Edinburgh, and a duplicate thereof shall also be deposited with the session clerks of the several parishes in which the land affected thereby is situate, and such certificate and duplicate shall be kept by such principal sheriff and session clerks with the other documents to which the same relate and thereupon the deposited plans and books of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Company to enter upon and use those lands accordingly.

Gauge of tramways.

7. The tramways to be made, formed, or laid down under this Act shall be constructed on a gauge of four feet eight and a half inches, and be laid and maintained in such manner that the uppermost surface of the rails shall be on a level with the surface of the street or road.

As to rails of tramways.

8. The rails of the tramways shall subject to the provisions of this Act be such as the Board of Trade may approve.

Inspection by Board of Trade.

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

Tramways to be kept on level with surface of roads.

10. If and whenever any road authority shall hereafter alter the level of any road along or across which any part of the tramways is laid or authorised to be laid the Company may and shall from time to time 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 as altered.

Company to adopt improvements if required by Board of Trade.

11. The Board of Trade may, from time to time, upon the application of the local authority or the road authority, require the Company to adopt and apply such improvements in the tramways, including the rails thereof, as experience may from time to time suggest, having regard to the greater security of the public and advantage to the ordinary traffic, and the Company shall with all reasonable despatch comply with any order made by the Board of Trade for the purpose of carrying out such improvements.

Further provisions as to construction of tramways.

12. In addition to the requirements of section 26 of the Tramways Act 1870, the Company shall, at the same time as they give notice to the road authority of their intention to open or break up any road, for the purpose of constructing, laying down, maintaining, or renewing any of the tramways, lay before the Board of Trade and the road authority a plan, showing the proposed mode of constructing, laying down, maintaining, or renewing such tramways, and a statement of the materials intended to be used therein, and the Company shall not commence the construction, laying down, maintenance, or renewal of any of the tramways, or part of any of the tramways respectively, except for the purpose of necessary repairs, until such plan and statement have been approved by the Board of Trade and the road authority, and after such approval the works shall be executed in accordance in all respects with such plan and statement and under the superintendence and to the reasonable satisfaction of the surveyor for the time being of the road authority as provided by section 26 of the said Act; but the Company shall not commence any such necessary repairs of any part of the roads upon which the tramways are constructed until they have given notice in writing to the road authority or their surveyor of their intention to do such repairs.

Application of road materials excavated in construction of tramways.

13. Any paving, metalling, or material excavated by the Company in the construction of their works from the road may be applied by the Company, so far as may be necessary, in or towards the construction of the tramways, the reinstating of the road, and the maintenance for six months after completion of the tramways of so much of the roadway between and on either side of the tramways as the Company are by section 28 of the Tramways Act 1870 required to maintain, and the Company shall if so required deliver the surplus paving, metalling, or material not used or required to be retained for the purposes aforesaid to the surveyor 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 notice duly given to that effect, 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 the road authority or their surveyor or other person appointed as aforesaid with reference to any of the matters aforesaid shall

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be determined in manner provided by the Tramways Act 1870 with respect to differences between the promoters and any road authority.

Temporary tramways.

14. Where by reason of the execution of any work affecting the surface or soil of the road along which any tramway is laid it shall in the opinion of the local or road authority be necessary or expedient temporarily to remove or discontinue the use of such tramway or any part thereof, the Company shall within fourteen days after receiving an order in writing from any local or road authority, under the hand of their clerk or secretary, discontinue or take up such tramway for such term as may be necessary for the execution of the said work: Provided, that the Company may with the sanction of the local or road authority and subject to such conditions and in accordance in all respects with such regulations as the local or road authority may from time to time make or prescribe, construct on the same or any adjacent road, and with the like consent, subject to the like conditions, and in accordance with the like regulations, maintain a temporary tramway or temporary tramways, in lieu of the tramway or part of a tramway so removed or discontinued to be used. If any difference arise between the Company and any local or road authority with respect to the reasonableness of any regulations, or with respect to the mode of constructing any temporary tramway or tramways under the authority of this section, the same shall be settled in the manner specified in section 33 of the Tramways Act 1870, for the settlement of the differences in that section mentioned.

Penalty for not maintaining rails and roads.

15. 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. In case it is represented in writing to the Board of Trade by the road authority of any district in which the tramways or any portion thereof are or is situate, or by twenty inhabitant ratepayers of such district, that the Company have made default in complying with the provisions in this section contained, or with any of the requirements of section 28 of the Tramways Act 1870, the Board of Trade may, if they think fit, direct an inspection by an officer to be appointed by the said Board, and if

such officer report that the default mentioned in such representation has been proved to his satisfaction, then and in every such case a copy of such report, certified by a secretary or an assistant secretary of the Board of Trade, may be adduced as evidence of such default, and of the liability of the Company to such penalty or penalties in respect thereof as is or are by this section imposed.

Local authority to have access to sewers.

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

For protection of a certain railway bridge.

17. Whereas Tramway No. 3 will be laid upon the roadway of the bridge by which Trinity Road is carried over a line of railway belonging to the Caledonian Railway Company (herein-after called "the Caledonian Company"), It is hereby provided that the Company shall not alter or interfere with the structure of the said bridge, and before commencing their operations on the said bridge they shall submit detailed working drawings and specifications of their intended works to the engineer for the time being of the Caledonian Company, and shall obtain his approval thereof, and the said works shall be constructed in conformity with the said approved of detailed working drawings and specifications at the sight and to the reasonable satisfaction of such engineer, and shall thereafter be maintained and repaired by the Company under the superintendence of such engineer: Provided always, that if any difference shall arise between the Company and the Caledonian Company with respect to the said detailed working drawings and specifications, or with respect to the said works, or as to whether any work is such as ought reasonably to satisfy such engineer, or as to the maintenance and repair of such works, and if the parties fail to agree in respect to the appointment of an arbiter for determining such difference the same shall be determined by an engineer or other fit person to be nominated as referee by the sheriff on the application of either party and the costs of the reference shall be borne and paid as such referee shall direct: Provided also, that nothing contained in this Act or which may be done in pursuance hereof shall prevent the Caledonian Company from

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maintaining and repairing, and, when necessary, altering or reconstructing the said bridge, and widening their lines beneath the same without interference on the part of the Company, and without incurring any liability to the Company, or to any lessees of the said tramways, or to any other parties working or using the same, for any loss, injury, damage, expense, or interruption of traffic which may arise from such maintenance repair alteration reconstruction or widening Provided also that in case the Caledonian Company shall at any time or times hereafter find it desirable or necessary by reason of the user by the Company of the said tramway to strengthen the fabric of the said bridge they may execute such works as they may deem necessary for strengthening the said bridge accordingly and may recover the expense of executing such works from the Company: Provided always, that all such operations for maintaining, repairing, altering, reconstructing, widening or strengthening the said bridge shall be executed by the Caledonian Company in such manner as to cause as little interruption or inconvenience as practicable to the traffic on the said tramway, and that the Caledonian Company shall, except in cases of emergency, give fourteen days' notice in writing to the Company before commencing any of such operations, and that the same so far as interfering with the structure or the working of the said tramway shall be conducted at the sight and to the reasonable satisfaction of the engineer of the Company, or in the event of difference at the sight and to the satisfaction of an engineer to be appointed by the sheriff on the application of the Caledonian Company or of the Company: Provided always, that this section shall to no extent prejudice the rights and powers of the magistrates and council of Leith with respect to the carriageway over such bridge.

Power to make sidings and junctions where necessary.

18. The Company may, subject to the provisions of this Act, with the consent in writing of the local authority and road authority, from time to time make, maintain, alter, and remove such crossings, passing-places, sidings, junctions, and other works, in addition to those particularly specified in and authorised by this Act, as they find necessary or convenient for the efficient working of the tramways, or for providing access to any warehouses, stables, engine sheds, or carriage houses, or works of the Company: Provided, that in the construction of any such works no rail shall be so laid that a less space than nine feet six inches shall intervene between the said rail and the outside of the footpath on either side of the road, if any owner, lessee, or occupier of premises abutting on the place where such rail is proposed to be laid shall by writing under his hand, addressed to the Company, state his objection thereto.

Provisions as to gas mains.

19. The Company shall, during the construction of each of the tramways, make reasonable provision by perforations or openings in or through the concrete or other foundations of the tramways, so as to afford facilities for making future connexions with gas mains and pipes, either under the tramway or on either side thereof, at such points as the Edinburgh Gaslight Company or the Edinburgh and Leith Gaslight Company may require by notice to the Company previous to the commencement of each of the tramways: Provided that if either of the said gas companies fail to give the notice herein-before mentioned, the Company shall not be liable for any additional expense occasioned by the failure to give such notice.

Only two carriages together.

20. No more than one carriage attached to the bogey or carriage connected with the cable shall be drawn or propelled along the tramways at the same time.

Period for compulsory purchase of lands.

21. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of two years from the passing of this Act.

Period for completion of works.

22. The tramways and works herein-before mentioned shall be completed within three 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.

23. The Company may from time to time purchase, take on lease, and acquire by agreement such land in addition to the lands shown on the deposited plans as they may require for their undertaking, not exceeding in the whole five acres.

As to sewers &c. of Standard Life Assurance Company.

24. The Standard Life Assurance Company, as superiors of the estate of Trinity, including the lands of Christian Bank, or other the superiors or superior for the time being of the said estate, as well as their feuars, shall, subject to the authorities and powers of the corporation of Leith, have full power at all times hereafter to lay down, construct, maintain, and alter from time to time private sewers, drains, and pipes under the road along which the said Tramway No. 3 is proposed to be laid, to the same extent and in the same manner as they now have and possess the power to do, and also to maintain and repair all such existing sewers, drains, and pipes thereunder, and that without any claim for damages or compensation by the Company on any ground whatever; and in constructing and maintaining the works authorised by this Act nothing shall be done by the Company which shall interfere with or affect such sewers, drains, or pipes, or limit or restrict in anyway

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the right of the said Standard Life Assurance Company, or other the superiors or superior for the time being of the said estate, or their feuars to free access thereto at all times, save at the sight and to the reasonable satisfaction of the said Standard Life Assurance Company, or other the superiors or superior for the time being of the said estate: Provided always, that any additional expense imposed upon the said Standard Life Assurance Company, or other the superiors or superior for the time being of the said estate and their feuars, in connexion with the laying down, construction, maintenance, alteration, or repair of the said sewers, drains, and pipes, by reason of the existence of the said Tramway No. 3, shall be borne by the Company.

As to maintenance of Trinity bulwark.

25. Without prejudice to the rights and powers of the corporation of Leith as road authority the Company and the Standard Life Assurance Company shall forthwith refer to George Cunningham, civil engineer, Edinburgh, and failing him to an arbitrator to be appointed by the Board of Trade, unless the parties otherwise agree, to settle and fix what proportion of the share of the expense now payable by the said Standard Life Assurance Company and their feuars of maintaining, upholding, and repairing the parapet wall and sea wall or bulwark ex adverso of so much of the estate of Trinity as belongs to the said Standard Life Assurance Company as superiors thereof and lying between the sea and the streets known as Trinity Crescent and Albert Terrace, along which streets the said Tramway No. 3 is proposed to be laid, shall, after the passing of this Act, be paid by the Company to the said Standard Life Assurance Company or other the superiors or superior for the time being of the said estate, and the Company shall as from the opening for public traffic of Tramway No. 3 pay to the said Standard Life Assurance Company or other the superiors or superior for the time being of the said estate such sum, whether an annual payment or a sum in gross, as the said George Cunningham or other the arbitrator as aforesaid shall settle and fix to be payable as aforesaid by the Company to the said Standard Life Assurance Company or other the superiors or superior for the time being of the said estate, and the arbitration hereby directed shall for all purposes be deemed to be an arbitration within the meaning and provisions of the Lands Clauses Consolidation (Scotland) Act 1845 and Acts amending the same, but subject to the question of the expenses of the arbitration being disposed of as the said arbitrator may determine.

Power to use mechanical power.

26. The carriages used on the tramways by this Act authorised may, subject to the provisions of this Act, be moved by ropes or cables placed underground and worked by stationary engine power

during a period of seven years after the opening of the tramways for public traffic, and with the consent of the Board of Trade 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 of the said Board: Provided, that the exercise of the powers hereby conferred with respect to the use of such mechanical power shall be subject to the regulations set forth in Schedule B to this Act annexed, and to any regulations which may be added thereto or substituted therefor respectively by any order which the Board of Trade may and which they are hereby empowered to make from time to time as and when they 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 such mechanical power on the tramways.

Power to use other mechanical power.

27. Notwithstanding anything contained in this Act, the Company may, subject to the provisions of this Act, and with the consent of the Board of Trade, in writing under the hand of the secretary or assistant secretary of that Board, given upon an application by the Company during the period of seven years from the passing of this Act, and after the expiration of that period, with the like consent, during further periods of seven years, from time to time, use on all or any of their tramways, or upon such part or parts thereof as may be specified in the consent of the local authority herein-after mentioned, such improvements upon the powers of traction authorised by this Act, or steam or such other mechanical power as may be specified in such consent for the purpose of moving the carriages used on such tramways: Provided always, that in the exercise of the powers by this section conferred, the Company shall be subject to the regulations set forth in Schedule B to this Act annexed, and to any regulations which may be added thereto or substituted therefor respectively by any order which the Board of Trade may and which they are hereby empowered to make from time to time as and when they may think fit for securing to the public all reasonable protection against danger in the exercise of those powers: Provided further, that the Company shall before applying for the consent as aforesaid of the Board of Trade obtain the consent in writing of the local authority of the district within which the tramways are situate in respect of which such application is made; and the respective local authorities may without prejudice to their other powers by such consent:

1. Specify the tramways or portions of tramways within their district upon which such improvements, steam or other mechanical power, may be so used;

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2. Limit the number of carriages to be drawn or moved by any one engine on the tramways or parts of the tramways within their district: Provided that no more than two carriages shall be attached to one engine.

No consent under this section of this Act of any local authority shall be given authorising the use of steam or any mechanical power on any tramway or section of tramway of the Company, otherwise than by resolution of such local authority by a majority of two-thirds of the members of such local authority present at a special meeting to be called, with four weeks' notice specifying the object of the meeting; and any local authority, notwithstanding the concession of a right to use other than the power by the immediately preceding section authorised on any tramway or section of tramway, may, by a resolution of a like majority of two-thirds at a special meeting to be called with like notice, prohibit the continuance of the use of such mechanical power, if in their opinion the same is dangerous or inconvenient to the public, or if the Company fail to comply with any condition or conditions of the consent of the local authority; and such order or prohibition may be enforced by the sheriff of the Lothians or any of his substitutes:

Provided, that any local authority having refused or withdrawn their consent as aforesaid, may at any time and from time to time again grant and revoke their consent in manner aforesaid: Provided also, that no power shall be asked or given in terms of this section until the tramways have been constructed and worked by the power of traction authorised by the last preceding section.

Penalty for using mechanical power contrary to orders or regulations.

28. If the Company or any other company or person use such mechanical power as is authorised by this Act, or such improvements, steam or other mechanical power as may be hereafter authorised in pursuance of the last preceding section on any of the said tramways contrary to the provisions of this Act, or to any of the regulations set forth in Schedule B to this Act, or to any regulation added thereto or substituted therefor by any order made by the Board of Trade under the authority of this Act, they shall for every such offence be subject to a penalty not exceeding ten pounds, and also in the case of a continuing offence to a further penalty not exceeding five pounds for every day after the first during which such offence continues: Provided always, that whether any such penalty has been recovered or not the Board of Trade, in case in their opinion the Company or any company or person using such mechanical or other power on the tramways of the Company 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 Schedule B

to this Act annexed, or with any regulation which may have been added thereto or substituted therefor as aforesaid may by order direct the Company or such company or person to cease to exercise the powers aforesaid, and thereupon the Company or such company or person shall cease to exercise the powers aforesaid, and shall not again exercise the same or any of the same unless with the authority of the Board of Trade, and in every such case the Board of Trade shall make a special report to Parliament notifying the making of such order.

Byelaws.

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

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

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

Any person offending against or committing a breach of 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.

30. 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 regulation made by the Board of Trade under the authority of this Act.

Further provisions as to recovery of penalties.

31. Any offence or contravention under the Tramways Act 1870, or this Act, or any byelaw or regulation made under the authority of the said Acts, shall be tried and on conviction sentences

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pronounced, imprisonment inflicted, or penalties imposed therefor and recovered and applied in like manner as penalties under byelaws made by the magistrates and council of Edinburgh are recoverable, and the jurisdiction and powers in that behalf of the judge of police of the city of Edinburgh, and the powers of the public prosecutor in the police court, shall accordingly extend to and apply in the case of any penalty under the Acts, byelaws, and regulations in this section cited or referred to, as if the offence had been committed against any Act under which such public prosecutor is authorised to prosecute: Provided always, that this section shall not apply to the tramways within the burgh of Leith.

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

32. 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 tramway, 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 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 said Act for restricting the rate of speed to a lower rate than that so prescribed.

Orders and byelaws.

33. 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.

Agreements between promoters and road authority.

34. The Company may, subject to the provisions of this Act, from time to time enter into any agreements with any road authority with respect to the construction, maintaining, removing, renewing, repairing, and using of the tramways situated within the district of such road authority, and the rails, plates, sleepers, and works connected therewith, and the facilitating the passage of the traffic over and along the same.

As to contracts with road authorities where steam or mechanical power is to be used.

35. Where the Company, or any other company or person intend to use steam or any mechanical power under the authority of this Act on the tramways, or any part thereof, they or he shall give two months' previous notice of such intention to every local or road authority within whose district the tramways, or any part thereof, upon which they or he intend to use such power are or is situated.

Where at the time of the giving of any such notice any contract, agreement, or arrangement is in force with respect to the user by the Company, or such other company or person, or the paving and keeping in repair of the whole or any part of the roadway of any

road within the district of such local or road authority upon which such tramways or such part of such tramways are or is laid or with respect to the payment by the Company, or such other company or person, to such local or road authority of any annual or other sum in relation to such user, paving, and keeping in repair of such road, then and in every such case with the consent of the Board of Trade, it shall be lawful for the Company or such other company or person by such notice, or for such local or road authority by notice to be served upon the Company or such other company or person not later than forty days after the receipt by such local or road authority of such first-mentioned notice to determine such contract, agreement, or arrangement, and thereupon such contract, agreement, or arrangement shall, from and after the commencement of the use of steam or any mechanical power upon such tramways or such part thereof, be determined and of no effect.

Before using steam or any mechanical power on the tramways or any part thereof, and thereafter from time to time, the Company or such other company or person and every such local or road authority may enter into or renew, with or without modification, any contract, agreement, or arrangement with respect to the user by the Company or such other company or person, or the paving and keeping in repair of the whole or any part of the roadway of any road within the district of such local or road authority upon which such tramways or such part of such tramways are or is laid, or with respect to the payment by the Company or such other company or person to such local or road authority of any annual or other sum in relation to such user, paving, and keeping in repair of such road which they may think fit and the Board of Trade may approve.

In case any difference arise between any such local or road authority and the company, or such other company or person, as to the determination of any such contract, agreement, or arrangement, or in case any such local or road authority, after request in writing by the Company, or such other company or person, or the Company, or such other company or person, after request in writing by any such local or road authority during a period of one month after such request, refuse or fail to enter into any such contract, agreement, or arrangement, or to renew the saem with or without modification, or to make a new contract instead thereof, or, in case of any difference as to the terms of any such contract, agreement, or arrangement, or any renewal thereof with or without modification, or any new contract instead thereof, then and in every such case the difference with respect to such determination

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or the reasonableness of such refusal or failure or the terms of such contract, agreement, or arrangement, or any renewal thereof, with or without modification, or any new contract instead thereof, shall from time to time, on the appeal of either of the parties to the Board of Trade, be determined in manner provided by the Tramways Act 1870 with respect to all differences between the Company and any local or road authority, and thereupon the parties shall in all respects conform to such determination, and make and observe any contract, agreement, or arrangement thereby prescribed: Provided always, that while any such appeal is pending the Board of Trade may order that no steam or mechanical power shall be used on the tramways to which such appeal relates.

No steam or mechanical power shall be used on the tramways, or any portion of the tramways, unless there is in force in relation to the tramways, or such portion of the tramways, a contract, agreement, or arrangement in accordance with the provisions of this section.

Any moneys which may from time to time be received by such road authority under any contract, agreement, or arrangement in accordance with the provisions of this section shall be applied by them towards the expenses of repairing, improving, and maintaining the highways within their district, having regard in the first instance to the requirements of the roads upon which the tramways are laid.

Where steam or mechanical power is used contracts with road authority not to be for longer than two years at a time.

36. Where steam or any mechanical power is used by the Company or any other company or person on the tramways, or any part thereof, no contract, agreement, or arrangement made before or after the commencement of the use of steam or mechanical power as aforesaid with respect to the user by the company or such other company or person, or the paving and keeping in repair of the whole or any part of the roadway of any road within the district of any road authority upon which such tramways or such part of such tramways are or is laid, or with respect to the payment by the Company or such other company or person to the road authority of any annual or other sum in relation to such user, paving, and keeping in repair of such road, shall continue in force for any period exceeding two years at any one time after the commencement of the use of steam or mechanical power as aforesaid, or the making of such contract, agreement, or arrangement: Provided always, that any such contract, agreement, or arrangement may from time to time be renewed with or without modification, or a new contract, agreement, or arrangement may be made instead thereof: Provided always, that this and the last preceding

section shall apply only to steam or mechanical power under the section of this Act of which the marginal note is "Power to use other mechanical power."

Power to take licenses, &c.

37. The Company may, subject to the provisions of this Act (but only for the purposes of the Company, and not so as to acquire any exclusive right therein), contract for, take, and use any leave, license, or authority to work, use, exercise, and put in practice any invention, under letters patent heretofore made or hereafter to be made, granting any right or privilege of working any invention in relation to the use of the powers of traction authorised by this Act as a means of moving carriages and vehicles on tramways.

Capital.

38. The capital of the Company shall be ninety thousand pounds, in nine thousand shares of ten pounds each.

Shares not to be issued until one-fifth part paid up.

39. The Company shall not issue any share created under the authority of this Act, nor shall any share vest in the person or corporation 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.

40. 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.

Receipt on behalf of incapacitated persons.

41. If any money be payable to any shareholder being a minor, idiot, or lunatic, the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Power to borrow.

42. The Company may from time to time borrow on mortgage of the undertaking any sum not exceeding in the whole twenty-two thousand five hundred pounds, and of that sum they may from time to time borrow any sums not exceeding in the whole five thousand six hundred and twenty-five pounds in respect of every twenty-two thousand five hundred pounds of their capital, but no part of any such sum of five thousand six hundred and twenty-five pounds shall be borrowed until shares for the whole of the twenty two thousand five hundred pounds in respect of which it is to be borrowed are 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 shares for the whole of such respective portion of capital have been issued and accepted, and that one half thereof has been paid up, and that

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not less than one-fifth part of the amount of each separate share in such respective portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and the Company have proved to such sheriff as aforesaid, before he so certifies, that such shares were issued and accepted bonâ fide, and are held by the persons or corporations to whom the same were issued, or their executors, administrators, successors, or assigns, and that such persons or corporations, their executors, administrators, successors, or assigns are legally liable for the same, and upon production to such sheriff of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which shall be sufficient evidence thereof.

For appointment of a judicial factor.

43. 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 principal the amount owing to the mortgagees by whom the application for a judicial factor is made shall not be less in the whole than one thousand pounds.

Moneys borrowed on mortgage to have priority.

44. 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 tramways, or by the exercise of any of the powers conferred upon the Company.

Debenture stock.

45. The Company shall not create debenture stock.

Mortgages to comprise purchase money paid on compulsory sale.

46. 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 compulsory sale to the local authority under the forty-third section of the Tramways Act 1870, and may comprise all or any moneys carried to the contingency fund according to the terms of the mortgage.

Indorsement on mortgages of power of purchase by local authority.

47. Every mortgage deed to be granted or issued by the Company under this Act shall be endorsed with notice that such mortgage will not be a charge upon the tramways or the tramway undertaking in the event of their being purchased by the local authority under the forty-third section of the Tramways Act 1870.

Application of moneys.

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

First ordinary meeting.

49. 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.

50. 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.

51. 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.

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

Quorum.

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

First directors.

54. John Boulton, Peter Couper, James Galloway, Patrick Turnbull, and John Waddell 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 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 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 contained in the Companies Clauses Consolidation (Scotland) Act 1845, and the several persons elected at any such meeting, being neither removed nor disqualified nor having died or resigned, shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Election of directors.

Deposit money not to be repaid except so

55. Whereas pursuant to the standing orders of both Houses of Parliament and to an Act of the ninth year of the reign of Her present Majesty, chapter twenty, a sum of five thousand

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far as tramways opened.

three hundred and fifty pounds, being equal to five per centum upon the amount of the estimate in respect of the tramways proposed to be authorised by the Bill for this Act as introduced into Parliament, has been deposited with the Court of Exchequer in Scotland in respect of the application to Parliament for this Act; and whereas two of the said tramways, that is to say, Tramway No. 4 and Tramway No. 5, so proposed to be authorised, were struck out of the said Bill during its progress through Parliament; and whereas the sum of four thousand seven hundred pounds is five per centum upon the estimate of expense of the tramways by this Act authorised (which last-mentioned sum is in this Act referred to as the deposit fund): Be it enacted, that notwithstanding anything contained in the said Act, the deposit fund shall not be paid or transferred to or on the application of the person or persons or the majority of the persons named in the warrant or order issued in pursuance of the said Act, or the survivors or survivor of them (which persons, survivors, or survivor, are or is in this Act referred to as the depositors), unless the Company shall, previously to the expiration of the period limited by this Act for the completion of the tramways, open the same for the public conveyance of passengers: Provided that if within such period as aforesaid the Company open any portion of the tramways for the public conveyance of passengers then on the production of a certificate of the Board of Trade specifying the length of the portion of the tramways opened as aforesaid, and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length of the tramways so opened bears to the entire length of the tramways hereby authorised, the Court shall on the application of the depositors order the portion of the deposit fund specified in the certificate to be paid or transferred to them or as they shall direct, and the certificate of the Board of Trade shall be sufficient evidence of the facts therein certified, and it shall not be necessary to produce any certificate of this Act having passed, anything in the above-mentioned Act to the contrary notwithstanding.

Application of deposit.

56. If the Company do not previously to the expiration of the period limited for the completion of the tramways, complete the same, and open them for the public conveyance of passengers, then and in every such case the deposit fund, or so much thereof as shall not have been paid to the depositors, shall be applicable, and after due notice in the "Edinburgh Gazette" shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the

commencement, construction, or abandonment of the tramways or any portion thereof, or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act, and for which injury or loss no compensation or inadequate compensation has been paid, and also in compensating all road authorities for the expenses incurred by them in taking up any tramways or materials connected therewith placed by the Company in or on any road vested in or maintainable by such road authorities respectively, and in making good all damage caused to such roads by the construction or abandonment of such tramways, and shall be distributed in satisfaction of such compensation as aforesaid, in such manner and in such proportions as to the Court of Exchequer in Scotland may seem fit, and if no such compensation is payable, or if a portion of the deposit fund has been found sufficient to satisfy all just claims in respect of such compensation, then the deposit fund, or such portion thereof as may not be required as aforesaid, shall either be forfeited to Her Majesty, and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer, in such manner as the Court thinks fit to order on the application of the Solicitor of Her Majesty's Treasury, and shall be carried to and form part of the Consolidated Fund of the United Kingdom, or in the discretion of the Court, if the Company is insolvent, and has been ordered to be wound up, or a judicial factor has been appointed, shall wholly or in part be paid or transferred to such judicial factor, or to the liquidator or liquidators of the Company, or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof: Provided, that until the deposit fund has been repaid to the depositors, or has become otherwise applicable as herein-before mentioned, any interest or dividends accruing thereon shall from time to time, and as often as the same shall become payable, be paid to or on the application of the depositors.

Release of balance of deposit.

57. On the application by the depositors by petition in a summary way, the Court may and shall order that the sum of six hundred and fifty pounds so deposited with the Court as aforesaid over and above the deposit fund and any interest or dividends thereof shall be paid to the depositors or to any other person or persons whom they may appoint in that behalf.

Tolls for passengers.

58. The Company may demand and take for every passenger travelling upon the tramways, or any part or parts thereof, including tolls for the use of the tramways, and of carriages and for motive power, and every other expense incidental to such

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conveyance, any tolls or charges not exceeding one penny per mile: Provided, however, that the Company shall be entitled to provide carriages with compartments having superior inside accommodation, and may demand and take for every passenger travelling in those compartments tolls or charges not exceeding twopence per mile, but the Company shall not be entitled to run carriages with such compartments unless they at the same time provide inside accommodation for an equal number of passengers at the first herein-before mentioned toll of one penny per mile. In computing the said tolls and charges a fraction of a mile shall be deemed a mile.

Passengers' luggage.

59. Every passenger travelling upon the tramways may take with him his personal luggage not exceeding twenty-eight pounds in weight, without any charge being made for the carriage thereof, but such personal luggage shall not occupy any part of a seat, and shall not be of a form or description to annoy or inconvenience other passengers.

Tolls to be paid as directed by the Company.

60. 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 subject to the approval of the local authorities, shall, by notice to be annexed to the list of tolls and charges, appoint.

Cheap fares for labouring classes.

61. The Company shall, and they are hereby required, at all times after the opening of the tramways for public traffic, to run at least two carriages each way every morning in the week and every evening in the week (Sundays always excepted), at such hours not being later than seven in the morning, or earlier than five in the evening, and on Saturdays between the hours of one and three in the afternoon respectively, from such points as the corporation of Edinburgh and the corporation of Leith respectively think most convenient 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).

Prohibition to run cars on Sunday.

62. The Company shall not without the consent from time to time first had and obtained of the corporation of Edinburgh or the corporation of Leith, ply carriages for hire on any Sunday upon their tramways within the city of Edinburgh or the burgh of Leith, as the case may be.

Tolls for parcels.

63. The Company may demand and take for any parcel conveyed by them on the tramways, or any part or parts thereof respectively, any charges not exceeding the following:—

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

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

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

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

The tramways shall be used for the purposes of passenger traffic only, unless the local authorities in Edinburgh and Leith respectively shall from time to time see fit to sanction their use within their respective districts for small parcels.

Periodical revision of tolls.

64. If at any time after three years from the opening for public traffic of the tramways or any portion of the tramways, or after three years from the date of any order made in pursuance of this section in respect of the tramways, or any portion of the tramways, it is represented in writing to the Board of Trade by the local authority of any district in which the tramways, or such portion of the tramways, are or is wholly or partly situate, or by twenty inhabitant ratepayers of any such district, or by the Company, that, under the circumstances then existing, all or any of the tolls and charges demanded and taken in respect of the traffic on the tramways, or on such portion of the tramways, should be revised, the Board of Trade may (if they think fit) direct an inquiry by a referee to be appointed by the said Board in accordance with the provisions of the Tramways Act 1870, and if such referee report that it has been proved to his satisfaction that all or any of such tolls and charges should be revised, the said Board may make an order in writing, altering, modifying, reducing or increasing all or any of the tolls and charges to be demanded and taken in respect of the traffic on the tramways, or on such portion of the tramways in such manner as they think fit, and thenceforth such order shall be observed until the same is revoked or modified by an order of the Board of Trade made in pursuance of this section: Provided always, that the tolls and charges prescribed by any such order shall not exceed in amount the tolls and charges by this Act authorised.

Company to carry mails.

65. The Company, if required by the Postmaster-General, shall perform, with respect to the tramways by this Act authorised, all such reasonable services in regard to the conveyance of mails, including parcels, as the Postmaster-General may from time to time require by notice under the hand of one of the secretaries or assistant secretaries of the Post Office, or the inspector-general of

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mails for the time being, the remuneration for such services being determined by agreement, or failing agreement, by a referee to be appointed by the Board of Trade at the request of either party:

In this section the expressions "mails" and "parcels" have the same meaning as in the Regulation of Railways Act 1873, and the Post Office (Parcels) Act 1882 respectively.

Power to local authorities to purchase tramways.

66. The local authorities of Edinburgh and Leith, or either of them, may by notice in writing given to the Company six months after the twenty-ninth day of June one thousand eight hundred and ninety-two, require the Company to sell, and thereupon the Company shall sell to them, as at that date, their undertaking, or so much of the same as is within their respective districts, upon the terms of paying to the Company the principal sum forming the original cost of the construction of the tramway, and of all lands, buildings, works, materials, and plant of the Company, suitable to and used by them for the purpose of their undertaking within such district, and any additional sum properly expended on capital account for improvement of the same, together with an addition of fifteen per centum to the amount of such cost and expenditure, so far as not consisting of mortgage debt, on which no bonus shall be paid, the Company paying the whole revenue charges and the shareholders receiving the profits or dividends up to the said date; and in like manner the said local authorities or either of them, may by giving a like notice six months after the expiry of fourteen years after the passing of this Act, require the Company to sell, and thereupon the Company shall sell to them, as at that date, their undertaking, or so much of the same as is within the respective districts of the local authorities, upon the terms of paying to the Company the foresaid original cost of construction and additional expenditure, with an addition of five per centum to the amount of such cost and expenditure so far as not consisting of mortgage debt on which no bonus shall be paid the Company in like manner paying the whole revenue charges and the shareholders receiving the profits or dividends up to the expiry of the said fourteen years, and when any such sale has been made all the rights, powers, and authorities of the Company in respect of the undertaking sold shall be transferred to, vested in, and may be exercised by the authority to whom the same has been sold in like manner as if such tramway was constructed by such authority under the power conferred upon them by a provisional order under the Tramways Act 1870. In the event of the Company at any time failing to pay the revenue charges or other expenditure which should be charged to revenue the local authority to which the undertaking is transferred shall be entitled to pay such charges and deduct the

amount so paid by them from the sums payable by such local authority, and the local authorities, or either of them, shall be entitled to have free inspection at all times of the books and accounts of the Company, in order to ascertain the expenditure in connexion with the undertaking and the purposes of such expenditure.

As to approval of buildings.

67. The buildings to be erected for containing the machinery, plant, and property of the Company shall be in a style of architecture and of materials to harmonize with surrounding buildings, and shall be constructed at the sight and to the reasonable satisfaction of the corporation of Edinburgh if the buildings are in Edinburgh, or of the corporation of Leith if the buildings are in Leith, whose decision shall be final.

Form and delivery of notices.

68. 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 the road authority may be signed by their clerk or secretary;

(2.) Any notice to be delivered by or to the Company to or by the local authority or the 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 clerk or secretary 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.

Confirming agreement with corporation of Edinburgh.

69. Subject to the provisions of this Act, the agreement set forth in Schedule C to this Act, and made between the corporation of Edinburgh and the Company, is hereby confirmed and made binding on the parties thereto, and the Company, and full effect shall be given by them to the same accordingly.

Confirming agreement with Edinburgh and District Water Trustees.

70. Subject to the provisions of this Act, the agreement set forth in Schedule D to this Act, and made between the Edinburgh and District Water Trustees and the Company, is hereby confirmed and made binding on the parties thereto, and the Company, and full effect shall be given by them to the same accordingly.

Confirming agreement with corporation of Leith.

71. The agreement set forth in Schedule E to this Act, and made between the corporation of Leith and the Company, is hereby confirmed and made binding on the parties thereto, and the Company, and full effect shall be given by them to the same accordingly.

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Confirming agreement with Edinburgh and Leith Gas Company.

72. The agreement set forth in the Schedule F to this Act, and made between the Edinburgh and Leith Gaslight Company and the promoters, is hereby confirmed and made binding on the parties thereto and the Company, and full effect shall be given by them to the same accordingly; but nothing in the said agreement shall prejudice or affect any rights, powers, or obligations of the local authority.

Confirming agreement with Edinburgh Gas Company.

73. The agreement set forth in the Schedule G to this Act, and made between the Edinburgh Gaslight Company and the promoters, is hereby confirmed and made binding on the parties thereto and the Company, and full effect shall be given by them to the same accordingly; but nothing in the said agreement shall prejudice or affect any rights, powers, or obligations of the local authority.

As to obligation of Edinburgh Street Tramways Company to provide omnibuses.

74. Whereas by section 4 of the Edinburgh Tramways Act 1874 it was provided that the Edinburgh Street Tramways Company should provide a good and sufficient conveyance by means of omnibuses between Princes Street or Waterloo Place, Edinburgh, and the bridge across the Water of Leith at Stockbridge (herein-after called "the Stockbridge route"), and also between Princes Street, Edinburgh, and a point to be fixed by the local authority of Leith in the place known as or called Trinity (herein-after called "the Trinity route");

And whereas the Tramway No. 6 by this Act authorised will form a tramway communication along the Stockbridge route and Tramways Nos. 1, 2, and 3 by this Act authorised will form a tramway communication along the Trinity route;

Therefore from and after the completion and opening for traffic of Tramway No. 6 by this Act authorised the Company shall perform and observe all the obligations imposed by the said section of the Act of 1874 upon the Edinburgh Street Tramways Company so far as relates to the Stockbridge route, and from and after the completion and opening for traffic of Tramways Nos. 1, 2, and 3 by this Act authorised the Company shall perform and observe all the obligations imposed by the said section of the Act of 1874 upon the Edinburgh Street Tramways Company so far as relates to the Trinity route, and the Company shall thereafter from time to time and at all times save harmless and keep indemnified the Edinburgh Street Tramways Company from all penalties, loss, costs, charges, and expenses which they may incur, sustain, or be put unto by reason of the non-observance or non-performance by the Company of all or any of the obligations imposed by the said section of the Act of 1874 upon the Edinburgh Street Tramways Company Pro-

vided always that the Company shall not be bound to carry passengers between Stockbridge and Newington, or any other place beyond the termination of their own system.

Interest not to be paid on calls paid up.

75. No interest or dividend shall be paid out of any share or loan capital which the Company are by this Act authorised to raise to any shareholder on the amount of the calls made in respect of the shares held by him; but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation (Scotland) Act 1845.

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

76. 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 tramways, or to execute any other work or undertaking.

Provision as to general Acts.

77. 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, or from any future revision or alteration under the authority of Parliament of the maximum rates of tolls or charges authorised by this Act.

Costs of Act.

78. 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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SCHEDULES referred to in the foregoing Act.

SCHEDULE A.

Parishes.	No of Tramway.	Nos. on Deposited Plan.
Parish of the city of Edinburgh, parish of Saint Cuthbert's.	1	12, 13, 13, 23.
Parish of Saint Cuthbert's and parish of North Leith.	3	39, 45.
Parish of the city of Edinburgh, parish of Saint Cuthbert's.	6	111, 112, 120, 120a, 125.

SCHEDULE B.

Regulations as to Mechanical Power.

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

As to fittings of carriages, &c. Every carriage used on the tramways shall have its number shown in some conspicuous part thereof, and shall be fitted :—

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 conductor, so placed in such carriage as to command the fullest possible view of the road before him.

As to carriages. 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 mechanical power used for drawing or propelling such carriage.

Inspection of engines and carriages. The Board of Trade shall, on the application of the local authority of any district in which mechanical power is used on the tramways, and may, on complaint made by any person, from time to time 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 of any such engine or carriage which in their opinion may not be safe for use on or in connexion with the tramways.

As to speed.

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

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

SCHEDULE C.

It is agreed between the parties following, videlicet, the Lord Provost, Magistrates, and Council of the city of Edinburgh, of the first part, and the person or persons hereto subscribing and named and designed in the testing clause hereof, promoter or promoters of the Bill now before Parliament, intituled "A Bill to authorise the construction of street tramways in certain parts of Edinburgh and Leith; and for other purposes," of the second part, in manner following (that is to say): The said parties considering that by the said Bill it is proposed to obtain authority to lay down tramways in certain streets in the royal burgh, city, county of the city and county of Edinburgh, and town of Leith, and that it is further proposed by the Bill to incorporate the persons therein named, with others, into a company, and to empower them to lay down and maintain the said tramways:

First. The cars, before plying, and conditions of their so plying, and their continuance, shall be regulated in like manner as hackney carriages, and the drivers and conductors thereof are or may be regulated under the provisions of the Edinburgh Municipal and Police Acts 1879 and 1882.

Second.—All the works to be executed by the second parties, or by the said Company, shall form the subject of competition and contract.

Third.—Section thirty-one of the Tramways Act 1870 shall be read as if the period for notice to the local authorities therein mentioned, and the period for such authorities signifying their approval, disapproval, or other directions, was six weeks, instead of fourteen days respectively.

Fourth.—If in consequence of the construction of so much of the tramways as is situate within the city of Edinburgh it shall in the opinion of the first parties become necessary to pave any parts of the streets at present macadamised through which the lines of such tramways run not maintained by the second parties the second parties shall pay to the first parties one half of the sums so expended from time to time, but such payments by the second parties shall not exceed in the whole three thousand pounds sterling: Provided always that in the event of the first parties exercising the option of purchase conferred upon them by section 66 of the Bill the principal of the said sums so paid shall form part of the costs of construction of the tramways, but shall not be subject to the addition of the per-centages chargeable or provided for under the said section.

Fifth.—The second parties shall, during the construction of their works, and at any time afterwards when thereunto reasonably required by the first parties, and at the cost of the second parties, form adequate means of access for the examination, repair, and maintenance of the sewers and drains passing under the tramways.

Sixth.—Subject to the provisions of the Bill, and in addition to the provisions of the Tramways Act 1870, any alteration or substituted works necessary to be made in connexion with sewers and drains shall be carried out by the first parties at the cost of the second parties, and subject as aforesaid nothing herein

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contained shall affect the rights of the first parties in regard to the sewers and drains of the burgh contained in the Edinburgh Municipal and Police Acts 1879 and 1882.

Seventh.—The first parties shall have power to make rules and regulations, or byelaws, in terms of sections forty-six, forty-seven, and forty-eight of the Tramways Act 1870, and the said byelaws shall have full force and effect when confirmed by the sheriff of the Lothians and Peebles, in the same way as byelaws are by the Edinburgh Municipal and Police Acts 1879 and 1882, or other general or local Police Act in force within the burgh, at the time appointed to be confirmed by him, and it shall not be necessary to have such byelaws confirmed by the Board of Trade.

Eighth.—The magistrates of Edinburgh shall have power to regulate the tramway traffic in all respects as they at present have, or may hereafter obtain power to regulate omnibus and cab traffic.

Ninth.—Whenever any matter or thing is by the Tramways Act 1870 appointed to be decided by a referee to be nominated by the Board of Trade it shall be in the power of either party to require that such matter or thing shall be decided by arbitration under the provisions of the Lands Clauses Consolidation (Scotland) Act 1845, or of the Companies Clauses Consolidation (Scotland) Act 1845, and the Acts amending the same, and in that case the expenses of such arbitration shall be borne and paid as the arbiter or oversman shall decide.

Tenth.—The second parties engage that the said Company shall have and keep an office or place of business within the city of Edinburgh, and such office or place of business shall be deemed to be the principal office or place of business of the Company.

Eleventh.—Both parties hereto bind and oblige themselves and their respective successors, and the second parties bind and oblige the said Company in the event of any difference or dispute between them in regard to any matter touching the meaning of these presents, to submit and refer the same to the determination of Alexander Asher, advocate, Her Majesty's Solicitor-General for Scotland, whom failing of any arbiter or arbiters to be mutually chosen by the parties, with power to them to appoint an oversman.

And the decree arbitral of such arbiter or arbiters or oversman shall be final and binding on the said parties and on the said Company, and the said parties and the said Company shall be bound and obliged to implement and fulfil whatever the said arbiter, arbiters, or oversman shall determine by written awards or decrees arbitral interim or final.

Twelfth.—Both parties hereto bind and oblige themselves, and the said second parties also bind and oblige the said Company, to implement and fulfil their respective parts of this agreement, in so far as approved of and confirmed by Parliament, to each other under the penalty of one thousand pounds sterling, to be paid by the party or parties failing to the party or parties performing or willing to perform over and above performance.

Lastly.—The whole provisions of this agreement are and shall be subject to the approval of Parliament, and in so far as approved of thereby shall be scheduled to and (by a clause to be inserted in the Bill to that effect) confirmed by and made part of the said Bill.

In witness whereof, these presents written on this and the four preceding pages, by Richard Davis, clerk to Messieurs Metchim and Son, law stationers, Parliament Street, Westminster, are subscribed at Westminster on the sixteenth day of May eighteen hundred and eighty-four, by the parties as follows, namely,

by William Anderson, bailie, and Alexander Harris, depute town clerk of Edinburgh, as duly authorised on behalf of the first parties, and the seal of the city of Edinburgh affixed, before these witnesses, John Graham, junior, parliamentary agent, and by Alfred Rowdon, his clerk, and by John Waddell, contractor, London and Edinburgh, and William Hamilton Beattie, architect, Edinburgh, for and on behalf of the promoters, before these witnesses, the said John Graham, junior, and Alfred Rowdon. The word "police," on line twenty-two of page one being substituted for the word "public," and the word "weeks," on line six of page second, being substituted for the word "months," and the word "second," on line sixteen of page fourth, being substituted for the word "several," such substitutions being written before execution by Edward Brown, clerk to Messieurs Simson and Company, parliamentary agents. It being hereby declared that this testing clause from and after the words "In witness whereof" is written by the said John Graham, junior.

John Graham, junior, Witness.
Alfred Rowdon, Witness.

Wm. Anderson, Bailie.
Alex. Harris, Depute Town Clerk.
John Waddell.
W. Hamilton Beattie.

Seal of the City of Edinburgh.

SCHEDULE D.

It is agreed between the parties following, viz., the Edinburgh and District Water Trustees of the first part, and the several persons hereto subscribing and named and designed in the testing clause hereof, for and on behalf of the promoters of the Bill now before Parliament, intituled "A Bill to authorise the "construction of street tramways in certain parts of Edinburgh and Leith, and "for other purposes," of the second part, in manner following (that is to say): the said parties considering that by the said Bill it is proposed to obtain authority to lay down tramways in certain roads and streets situated within the royal burgh, city, and county of the city of Edinburgh and burgh of Leith, in which roads and streets there are laid mains and pipes belonging to the first parties and used by them for supplying water; and considering that it is farther proposed by the said Bill to incorporate the persons therein named with others into a Company, and to empower them to lay down and maintain the said street tramways: And further considering that by said Bill it is proposed to incorporate with and form part thereof Parts II. and III. of the Tramways Act 1870, save where expressly varied or excepted: And further considering that the parties hereto have agreed that certain of the provisions of Part II. of said Tramways Act 1870 shall be varied or excepted: And now seeing that it is right and proper that the agreement so come to should be set forth in a formal minute of agreement, which shall be incorporated in or appended to said Bill and be confirmed by Parliament: Therefore the parties hereto have agreed, and hereby agree and

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bind themselves, and the said parties of the second part bind not only themselves but the other promoters of the said Bill, and the Company thereby proposed to be incorporated by the name of the Edinburgh Northern Tramways Company to implement and fulfil as follows, viz. :—

First.—Notwithstanding anything contained in the Tramways Act 1870, or in the Bill, the second parties agree and undertake not to alter or interfere with the existing lines or levels of the mains, aqueducts, conduits, or lines of pipes and apparatus connected therewith, or any of them, belonging to the first parties, including consumers' pipes, nor injuriously to affect or interrupt the supply of water conveyed by the same ; but that all alterations on such mains, aqueducts, conduits, or lines of pipe and apparatus connected therewith, including consumers' pipes, as in the opinion of the engineers of the first parties are necessary in consequence of the undertaking of the second parties shall be executed by the first parties at the expense of the second parties ; and the first parties shall at all times have a right of access to such mains, aqueducts, conduits, or lines of pipe and apparatus connected therewith, including consumers' pipes, for the repair, enlargement, alteration, and maintenance of the same, and for making new connexions and laying additional pipes when and where they shall see fit ; and any additional cost of such alterations or repairs caused by the works of the second parties in any road or street where any such mains, aqueducts, conduits, or lines of pipe and apparatus connected therewith, including consumers' pipes, shall have been laid before the construction of such tramway shall be borne by the second parties.

Second.—With the view of causing as little interference as possible with the works of the second parties it is agreed that in the roads or streets, herein-after in this Article named, through which the tramways of the second parties are to be constructed, new service mains for the supply of consumers' pipes shall be laid on each side of such roads or streets where the present service mains are under the centre of the streets, or on the other side of said roads or streets where the present service mains are laid on one side thereof, and the first parties shall during the construction of the tramways lay such service mains of the sizes herein-after specified, and fix anew all firecocks and valves, and connect the existing consumers' pipes therewith, and shall then cut off or otherwise disconnect the consumers' pipes from the mains previously in use as service mains, and the second parties or the said Company shall pay to the first parties two thirds of the actual cost thereof. The roads and streets and sizes of the new service mains referred to in this Article are as follows, viz.: (1) from the head of Dundas Street to Fettes Row on each side of the street four-inch service mains ; (2) along Howe Street on each side of the street four-inch service mains ; (3) along Kerr Street and Spring Gardens on each side of the street three-inch service mains ; (4) along the north side of Raeburn Place to Somerset Cottage a three-inch service main and an extension of the present service main on the south side ; (5) along the south side of Mary's Place a three-inch service main.

Third.—In respect that on one side only of the roads and streets herein-after named have houses and buildings been erected, and that the mains of the first parties have been laid on the same side, that in the event of houses and buildings being erected on the other side of the said roads or streets, interruption to the traffic of the tramways might be caused by the laying down and connexion of consumers' pipes from said mains to these new houses and buildings, and that it is expedient to avoid any such interruption, the first parties shall, when buildings are erected on the unbuilt sides of the said streets, lay down service mains of the

sizes herein-after named on the sides of the roads or streets herein-after mentioned; and the second parties, or the said Company, shall pay to the first parties two thirds of the actual cost thereof. The roads and streets and sizes of new service mains referred to in this Article are as follows, viz.: (1) from the south end of Trinity Road along the east side thereof to Bellfield Cottage, a four-inch service main, and (2) on the west side of North Pitt Street from Henderson Row to the south end of Messieurs Clark's printing works, a three-inch main, and Messieurs Clark's supply pipe to be protected if found necessary. The consumers' pipes in Primrose Bank and Christian Bank are to be protected by being encased in cast-iron pipes where under the tramway lines, and similar provision is to be made for consumers' pipes that may be required for new buildings in these streets.

Fourth.—As it is likely that from the places herein-after in this Article named the first parties shall require to extend their system, and that interruption of the traffic of the tramways might be caused when the first parties resolve to carry out that object by reason of the making of the necessary connexions, the first parties shall, during the construction of the tramways at those places, form all necessary connexions for the contemplated extension of their system, and the second parties, or the said Company, shall pay to the first parties two thirds of the actual cost thereof. The places at which the connexions referred to in this Article are to be made are as follows, viz.: (1) head of Dundas Street; (2) Inverleith Place; (3) Warriston Gate; and (4) west end of Raeburn Place, and all such other places as the engineers for the first parties may require.

Fifth.—When in terms of this agreement works are to be executed by the first parties and paid for or partly paid for by the second parties or the said Company, the first parties shall use every means in their power to have the works executed as economically as possible, but should any dispute arise between the first parties and the second parties or the said Company as to the cost thereof, the same shall be decided by arbitration in the manner provided by the next succeeding article hereof, and all payments for work executed by the first parties shall be made by the second parties or the said Company within three months after the cost of the work has been certified by the first parties' engineers with interest till paid.

Sixth.—In all cases in which under the Tramways Act 1870, or under this agreement, any dispute shall arise between the first and second parties or the said Company the same shall be determined by arbitration under the provisions of the Lands Clauses Acts, and the expenses of the arbitration shall be borne as the arbiters or oversman may direct.

Seventh. This agreement is made subject to the approval of Parliament and shall be scheduled to and confirmed by the Bill.

Lastly.—The parties hereto of the first part bind and oblige themselves, and the parties hereto of the second part bind and oblige themselves, and their heirs and successors and the said Company, to implement and fulfil their respective parts of the premises to each other under the penalty of one thousand pounds, to be paid by the parties failing to the parties performing or willing to perform their part over and above performance. And both parties consent to the registration hereof and of any awards and decreets arbitral to be pronounced interim or final for preservation and execution.

In witness whereof these presents, written on this and the seven preceding pages, together with the marginal addition on page second, and the three marginal additions on page seventh, by Enos Page, clerk to Messieurs Metchim and Son,

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law stationers, Parliament Street, Westminster, are subscribed in duplicate at Westminster on the sixteenth day of May, eighteen hundred and eighty-four, by the parties as follows: To wit, by James Pringle, provost of Leith, and William Anderson, bailie of the city of Edinburgh, two of the Edinburgh and District Water Trustees, and the seal of the said trustees affixed, and by John Waddell. contractor, London and Edinburgh, and William Hamilton Beattie, architect, Edinburgh, for or on behalf of the promoters, before these witnesses, John Graham, junior, parliamentary agent, and William Skinner, town clerk of the city of Edinburgh, the words "including consumers' pipes," on line twenty-six of page second, being deleted, this testing clause, from and after the words "In witness whereof," being written by the said John Graham, junior.

John Graham, junior, Witness.
Wm. Skinner, Witness.

James Pringle, Trustee.
Wm. Anderson, Trustee.
John Waddell.
W. Hamilton Beattie.

Seal of the Edinburgh and District Water Trustees.

SCHEDULE E.

Agreement between the parties following, videlicet, the provost, magistrates, and council of the burgh of Leith (herein-after called "the Town Council"), of the first part, and the person or persons hereto subscribing, and named and designed in the testing clause hereof, promoter or promoters of the Bill now before Parliament, intituled "A Bill to authorise the construction of street tramways in certain "parts of Edinburgh and Leith, and for other purposes" (and who are herein-after called "the promoters," and which expression shall embrace the Company), of the second part, in manner following (that is to say): The said parties, considering that by the Bill it is proposed to obtain authority to lay down tramways in certain streets in the royal burgh, city, county of the city and burgh of Edinburgh and burgh of Leith, and constructed so as not to impede or injure the ordinary traffic of the streets, and that it is further proposed by the Bill to incorporate the persons therein named, with others, into a Company, and to empower them to lay down and maintain the said tramways: It is agreed as follows, videlicet:

First.—In constructing the tramways the promoters shall purchase and acquire that portion of ground at the south-east corner of Trinity Road, marked No. 39 in the book of reference and on the deposited plans, and shall, at their own expense, throw the ground so acquired into the public roadway, subject to the making and maintaining of the tramways, and shall form and make this additional roadway in the same or as good a manner as the other portion of the roadway; and they shall also, at their own expense, make a footway along the north and west sides of the road so altered of a breadth of not less than four feet six inches, of the same character as the other footpaths in Trinity Road. Further,

they shall construct the tramways at this point so that the nearest rail shall not be closer than nine feet six inches to the curb of the new footway, at least, so far as practicable.

Second.—The promoters shall at their own expense form and construct upon that part of the property of the Trinity Land Company, Limited, marked "Stirling Road" on the deposited plans, and also (so far as not already done) on the road called "Primrose Bank" a roadway and water channels and footpaths on both sides thereof, the said roadway and footpaths to be not less than fifty feet wide. And the said roadway, water channels, and footpaths shall be constructed on the line shown on the deposited plans, and on the said Stirling Road and Primrose Bank being so made and formed they shall be deemed to be private streets within the meaning of the General Police and Improvement (Scotland) Act 1862, or other general Police Act in force within the burgh at the time.

Third.—Notwithstanding any provision in the Act the speed at which carriages may be drawn or propelled along that part of the lines extending from Christian Bank, opposite Primrose Bank to the west end of Trinity Crescent, shall not exceed the rate of four miles an hour.

Fourth.—Whereas the town council are bound to maintain, uphold, and repair the parapet wall and sea wall or bulwark at Trinity ex adverso of which a portion of the tramways is proposed to be laid and are entitled to be recouped by the Standard Life Assurance Company or others nine-tenths of the expense of such maintenance, upholding, and repairing: And it is apprehended that the construction and working of the tramways may increase the expense of maintaining, upholding, and repairing such parapet wall, sea wall, and bulwark: And whereas a portion of the tramways is intended to pass along a street to be formed on ground at present used as nursery ground, and such street will be a "private street" within the meaning of the General Police and Improvement (Scotland) Act 1862, and certain obligations of watching, lighting, and cleansing will be imposed on the town council in respect thereof: Therefore in consideration of the premises the Company shall on the tramways within the burgh of Leith being opened for traffic have the option either to uphold, maintain, and keep in good condition and repair at their own cost and subject to the approval of the town council the whole width of the roads (including the tramways) through which the tramways pass within the said burgh, or in lieu thereof to pay to the town council a sum of twelve hundred and fifty pounds sterling, but if the Company elect to make such payment it shall be without prejudice to the obligations on the Company under the Tramways Act 1870 and this Act with respect to those portions of the roads maintainable by the Company, which obligations, notwithstanding such payment, shall remain in full force and effect.

Fifth.—Without prejudice to the obligations imposed on the promoters by the Tramways Act 1870, it is agreed that in the case of macadamised roads, should the road authority at any time after the construction of the tramways determine to causeway the same, the Company shall be bound to lay and maintain with the like material such parts of said roads as they are bound to maintain in good order and condition.

Sixth.—The cars, before plying, and the numbers to be carried thereby, shall require the license of the magistrates, the matter of the size and construction of the cars falling to be dealt with at the time of such licensing.

Seventh.—All the works to be executed by the promoters shall form the subject of competition and contract.

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Eighth.—The town council shall 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, and that without any claim for damages by the promoters on any ground whatever, and in constructing and maintaining the works authorised by the Act, nothing shall be done which can interfere with or affect such sewers, drains, or pipes, nor limit or restrict in anyway the right of the first party or their officers to free access thereto at all times; and all works which can in anyway interfere with such sewers, drains, or pipes, shall be approved of by and executed at the sight and to the satisfaction of the burgh surveyor for the time.

Ninth.—The town council shall have power to make rules and regulations or byelaws in terms of clauses forty-six, forty-seven, and forty-eight of the Tramways Act 1870, and the said byelaws shall have full force and effect when confirmed by the sheriff of the Lothians and Peebles in the same way as byelaws are by the General Police and Improvement (Scotland) Act 1862, or other general Police Act in force within the burgh at the time appointed to be confirmed by him; and it shall not be necessary to have such byelaws confirmed by the Board of Trade; and offences against or contraventions of the said rules and regulations or byelaws may be prosecuted and tried, and on conviction sentences pronounced and penalties applied in the like manner as in the case of byelaws made under such Police Acts.

Tenth.—The magistrates of Leith shall have power to regulate the tramway traffic in all respects as they at present have or may hereafter obtain power to regulate omnibus and cab traffic.

Eleventh.—The Company shall have and keep an office or place of business within the city of Edinburgh, and such office or place of business shall be deemed to be the principal office or place of business of the Company.

Twelfth.—The whole expenses incurred or to be incurred by or on behalf of the town council, or by any person employed by them in relation to the Bill and this agreement, and incident thereto, and in completing and carrying out this agreement, and in maintaining the same against any alteration thereon sought for by the promoters or the Company in any future session of Parliament, without the consent of the town council, shall be borne and paid by the said promoters and by the said Company.

Thirteenth.—This agreement shall be subject to the approval of Parliament, and shall be scheduled to and confirmed by and made part of the Act, and if there be any inconsistency between the terms and provisions of this agreement, and any provisions of the Act relating to the same subject-matter, the terms and provisions of this agreement shall exclusively apply to said subject-matter.

Fourteenth.—Both parties hereto bind and oblige themselves and their respective successors, and the promoters bind and oblige themselves and the Company in the event of any difference or dispute between them in regard to any matter touching the meaning of these presents, to submit and refer the same to the determination of Alexander Asher, advocate, Her Majesty's Solicitor-General for Scotland, whom failing of William Mackintosh, advocate, Edinburgh, whom failing of Andrew Graham Murray, advocate, Edinburgh. And the decree arbitral of such arbiter shall be final and binding on the said parties, and on the Company, and the said parties, and the Company shall be bound and obliged to implement and fulfil whatever the said arbiter shall determine by written awards or decrees arbitral interim or final.

Lastly.—Both parties hereto bind and oblige themselves, and the promoters bind and oblige themselves and the Company to implement and fulfil their

respective parts of this agreement to each other under the penalty of five hundred pounds sterling, to be paid by the party or parties failing to the party or parties performing or willing to perform over and above performance. And both parties consent to the registration hereof, and of the said award or decrees arbitral interim or final for preservation and execution. In witness whereof, these presents are subscribed by James Pringle, provost of Leith, and Thomas Bryce Laing, conjunct town clerk of Leith, for and on behalf of the town council, and by William Hamilton Beattie, engineer in Edinburgh, and John Waddell, contractor in Edinburgh, for and on behalf of the promoters; all at Westminster, as follows, namely, by the said Thomas Bryce Laing and William Hamilton Beattie, both on the fifteenth day of May eighteen hundred and eighty-four, before these witnesses, George Villiers Mann, S.S.C., Leith, and Andrew Beveridge, parliamentary agent, Westminster, and by the said James Pringle and John Waddell, both on the sixteenth day of the month and year both last-mentioned, before these witnesses, the said George Villiers Mann and the said Andrew Beveridge.

GEO. V. MANN, Witness.
AND. BEVERIDGE, Witness.
GEO. V. MANN, Witness.
AND. BEVERIDGE, Witness.

JAMES PRINGLE, Provost of Leith.
JOHN WADDELL.
W. HAMILTON BEATTIE.
T. B. LAING, Conjunct Town Clerk of Leith.

SCHEDULE F.

IT IS AGREED between the parties following, videlicet, the Edinburgh and Leith Gaslight Company, incorporated by Act of Parliament of twenty-third March one thousand eight hundred and forty, intituled "An Act for the better "lighting with gas the city of Edinburgh and town of Leith, and places adjacent, 'and for other purposes relating thereto," herein-after called "the first party," of the first part, and the several persons hereto subscribing and named and designed in the testing clause hereof, for and on behalf of the promoters of the Bill now before Parliament, intituled "A Bill to authorise the construction of street tram-"ways in certain parts of Edinburgh and Leith, and for other purposes," herein-after called "the second parties" of the second part, in manner following (that is to say): The said parties, considering that by the said Bill it is proposed to obtain authority to lay down tramways in certain roads and streets situated within the royal burgh, city, and county of the city of Edinburgh and burgh of Leith, in which roads and streets there are laid pipes belonging to the first party, and used by them for supplying gas: And considering that it is further proposed by the said Bill to incorporate the persons therein named, with others, into a Company, and to empower them to lay down and maintain the said street tramways: And further, considering that by said Bill it is proposed to incorporate therewith and form part thereof Parts II. and III. of the Tramways Act 1870, save where expressly varied or excepted: And further, considering that the parties hereto have agreed that certain of the provisions of Part II. of the Tramways Act 1870 shall be varied or excepted in manner herein-after mentioned; and now, seeing that it is proper that the agreement so come to should be set forth in a formal minute of agreement, which shall be incorporated in or appended to said Bill, and be confirmed by Parliament. Therefore the parties

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hereto have agreed, and hereby agree and bind themselves, and the said parties of the second part bind not only themselves, but the other promoters of the said Bill and the Company thereby proposed to be incorporated by the name of the Edinburgh Northern Tramways Company, herein-after called "the said Company," to implement and fulfil as follows, videlicet:

First.—In all cases other than those provided for in the Second Article hereof, in which it may be necessary or expedient during the construction of the said tramways to alter the position of any mains or pipes belonging to the first party, the works requisite for doing so shall be settled in manner provided for by the thirtieth section of the Tramways Act 1870, subject to the provision in Article Sixth hereof, and shall be executed by the first party, and the second parties or the said Company shall pay to the first party the actual cost thereof.

Second.—In respect that it will be for the mutual advantage of the parties hereto that in place of the present service mains belonging to the first party in the roads or streets herein-after mentioned through which the tramways of the second parties are to be constructed, new service mains for the supply of service or consumers' pipes shall be laid on each side of such roads or streets where the present service mains are under the centre of the streets or on the other side of said roads or streets where the present service mains are laid on one side thereof, it is agreed that the first party shall during the construction of the tramways lay such new service mains of the sizes herein-after specified and fix anew all syphons, plugs, valves, stopcocks, and other apparatus, and connect the existing service or consumers' pipes therewith, and shall then cut off or otherwise disconnect the service or consumers' pipes from the service mains previously in use, and the second parties or the said Company shall pay to the first party one half of the actual cost of the said works. The roads and streets and works referred to in this Article are as follows, videlicet: (1.) At the intersection of Hanover Street and Queen Street the existing nine-inch main will be connected to the four-inch main in Queen Street, and a piece of nine-inch main will be laid across the foot of Hanover Street. From the new main a four-inch pipe will be laid up the west side of Hanover Street to join the main on the south side of George Street, connecting all service or consumers' pipes on that side to it; and also the mains in Thistle Street and George Street, on the east side of Hanover Street, the service or consumers' pipes will be joined to the nine-inch instead of to the three-inch main, and also the Thistle Street and George Street mains. (2.) In Dundas Street from Heriot Row to Great King Street connect the service or consumers' pipes on the west side of street to fifteen-inch main, and also join mains in Heriot Row and Northumberland Street to it. On east side of street, join mains in Abercromby Place and Northumberland Street to nine-inch main. (3.) In Pitt Street and North Pitt Street, as far northwards as Glenogle Road, a new three-inch main will be laid on west side, connecting to it all cross mains and service or consumers' pipes on that side. (4.) Along Inverleith Row from Canonmills Bridge to Ferry Road a new ten-inch main will be laid on the west side of the street and a new six-inch main on the east side thereof. (5.) In the event of the tramways being constructed over the existing seven-inch main in Trinity Road, from Ferry Road to Stirling Road, a new seven-inch main will be laid on the east side of the road and a new three-inch main will be laid on the west side thereof, having cross connexions to seven-inch main at Stirling Road. (6.) In the event of the tramways being constructed over the existing three-inch main on the north side of Primrose Bank a new three-inch main will be laid.

(7.) On the east side of Trinity Road from Primrose Bank to Trinity Crescent a new seven-inch main will be laid, and on the west side a new three-inch main from Granton Road to Primrose Bank will be laid with cross connexions to the seven-inch main. (8.) Along the roadway from Trinity Crescent to Maitland Street, Newhaven, a new four-inch main will be laid on the south side where the present main underlies the tramways, and provision for protection of lamp and other service or consumers' pipes from it to the north side of street. (9.) On each side of South Frederick Street and across George Street new three-inch mains will be laid. (10.) On each side of North Frederick Street new three-inch mains will be laid, and the existing four-inch crossing at Queen Street will be enlarged to a six-inch one under tramways, and to where three-inch mains branch off. (11.) Along the west side of Howe Street a new three-inch main will be laid. (12.) Along the north side of West Circus Place a new three-inch main will be laid. (13.) Along Kerr Street a new four-inch main will be laid on the north side of the street and a new main partly six-inch and partly four-inch on the south side thereof to join main in India Place. (14.) Along the north side of Deanhaugh Street a new five-inch main will be laid. And (15.) Along the north side of Raeburn Place, from Saint Bernard's Row to Port Gower Place, a new four-inch main will be laid, and along part of the south side thereof a new three-inch main will be laid with cross connexions at Port Gower Place.

Third.—As it is likely that from the places herein-after in this Article named the first party shall require to extend their system, and as it will be for mutual advantage that the connexions herein-after named should be made during the construction of the tramways, the first party shall during the construction of the tramways at these places form all necessary connexions for the contemplated extension of their system, and the second parties, or the said Company, shall pay to the first party one half of the actual cost thereof. The places at which the connexions referred to in this Article are to be made are as follows, viz.: (1.) In Dundas Street, at the north side of Great King Street. (2.) In Dundas Street, at Cumberland Street. (3.) In Inverleith Row, at Inverleith Place. (4.) In Trinity Road, at Stirling Road. And (5.) At such other places as the engineers for the first party may require.

Fourth.—Nothing contained herein, or in the Bill, shall take away or abridge any powers vested in the first party by any Act of Parliament, excepting only in so far as the same are hereby or by the Bill expressly varied.

Fifth.—When, in terms of this agreement, works are to be executed by the first party, and paid for or partly paid for by the second parties or the said Company, the first party shall use every means in their power to have the same executed as economically as possible, but should any dispute arise between the said parties, or the said Company, as to the cost thereof, the same shall be decided by arbitration in the manner provided by the next succeeding Article hereof, and all payments for works executed by the first party shall be made by the second parties within three months after the cost of the works has been certified by the first party's engineers, with interest till paid.

Sixth.—In all cases in which, under the Tramways Act 1870, or under this agreement any dispute shall arise between the first and second parties, or the said Company, the same shall be determined by arbitration, under the provisions of the Lands Clauses (Scotland) Acts, and the expenses of the arbitration shall be borne as the arbiters or oversman may direct.

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Seventh.—This agreement is made subject to the approval of Parliament, and shall be scheduled to and confirmed by the Bill.

Lastly.—The parties hereto of the first part bind and oblige themselves, and the parties hereto of the second part bind and oblige themselves, and their heirs and successors, and the said Company, to implement and fulfil their respective parts of the premises to each other, under the penalty of five hundred pounds sterling, to be paid by the parties failing to the parties performing, or willing to perform, their part over and above performance. And both parties consent to the registration hereof and of any awards and decreets arbitral to be pronounced interim or final for preservation and execution.

In witness whereof these presents, written on this and the three preceding pages of stamped paper by Peter Watson, apprentice to George Villiers Mann, solicitor, Supreme Courts, Leith, are subscribed and sealed in duplicate as follows, viz.: by Ralph Erskine Scott, chartered accountant, Edinburgh, George Handaside Pattison, advocate there, Robert Burt Ranken, writer to the signet there, James Dunsmure, Doctor of Medicine there, and David MacGibbon, architect there, five and a quorum of the directors of the said Edinburgh and Leith Gaslight Company, the first party, duly authorised to sign these presents for and on behalf of the first party, and sealed with the seal of the first party all at Edinburgh, the twenty-fourth day of June, in the year one thousand eight hundred and eighty-four, before these witnesses, Henry Gray, clerk to Messieurs Duncan, Archibald, and Cunningham, law agents and conveyancers, Edinburgh, and William Thriepland Duncan, apprentice to Edmund Cyprian Cunningham, writer to the signet there, and by Peter Couper, accountant in Edinburgh, John Boulton, Major, residing at No. 8, Inverleith Terrace, Edinburgh, and Patrick Turnbull, chartered accountant, in Edinburgh, for and on behalf of the promoters, the second parties, all at Edinburgh, the said twenty-fourth day of June, and year foresaid, before these witnesses, the said George Villiers Mann and John Macfarlane Cook, accountant, in Edinburgh.

Henry Gray, Witness.
W. Thriepland Duncan, Witness.

R. E. Scott.
G. H. Pattison.
R. B. Ranken.
James Dunsmure.
David MacGibbon.
Peter Couper.
J. Boulton.
Pat. Turnbull.

L.S.

Geo. V. Mann, Witness.
John M. Cook, Witness.

SCHEDULE G.

It is agreed between the parties following, videlicet:—The Edinburgh Gaslight Company, incorporated by Act of Parliament, passed in the fifty-eighth year of the reign of King George the Third, chapter sixty-seven, and the five ordinary directors of that company hereto subscribing, and designed in the testing clause hereof, being a quorum of the committee of management of the said company of the first part, and the several persons hereto subscribing and named and designed in the testing clause hereof for and on behalf of the pro-

moters of the Bill now before Parliament, intituled "A Bill to authorise the "construction of street tramways in certain parts of Edinburgh and Leith, and "for other purposes," of the second part, in manner following (that is to say):— The said parties considering that by the said Bill it is proposed to obtain authority to lay down tramways in certain roads and streets situated within the royal burgh, city, and county of the city of Edinburgh and burgh of Leith, in which roads and streets there are laid pipes belonging to the first party, and used by them for conveying or supplying gas: And considering that it is further proposed by the said Bill to incorporate the persons therein named with others into a company, and to empower them to lay down and maintain the said street tramways: and further considering that by said Bill it is proposed to incorporate therewith and form part thereof Parts II. and III. of the Tramways Act 1870, save where expressly varied or excepted, and further considering that the parties hereto have agreed that certain of the provisions of Part II. of the Tramways Act 1870 shall be varied or excepted in manner herein-after mentioned; and now seeing that it is proper that the agreement so come to should be set forth in a formal minute of agreement which shall be incorporated in or appended to said Bill, and be confirmed by Parliament: Therefore the parties hereto have agreed and hereby agree and bind themselves, and the said parties of the second part bind not only themselves but the other promoters of the said Bill, and the company thereby proposed to be incorporated by the name of "The Edinburgh Northern Tramways Company," to implement and fulfil as follows, videlicet:

First.—In all cases in which in terms of section 30 of the Tramways Act 1870 it may be necessary for the purposes of constructing the tramways to alter the position of any mains or pipes belonging to the first party, the works requisite for doing so shall be determined upon as provided for by the said section 30, and shall be executed by the first party, and the second parties shall pay to the first party the actual cost thereof.

Second.—In respect that it will be for the mutual advantage of the parties hereto that in place of the present service mains belonging to the first party in the streets herein-after mentioned, new service mains for the supply of consumers' pipes should be laid on each side of such roads or streets where the present service mains are under the centre of the streets or on the other side of said roads or streets where the present service mains are laid on one side thereof, the first party shall during the construction of the tramways lay such new service mains of the sizes herein-after specified and connect the existing consumers' pipes therewith, and shall then cut off or otherwise disconnect the consumers' pipes from the service mains previously in use, and the second parties or the said Company shall pay to the first party one half of the actual cost thereof. The roads and streets and sizes of the mains referred to in this Article are as follows, videlicet: (1.) Along east side of North Pitt Street and Brandon Street a new service main four inches diameter. (2.) Along west side of Inverleith Row from south entrance to Botanic Gardens to north end of said street at Ferry Road, a new service main four inches diameter. 3. In the event of the existing "three-inch" main in Trinity Road between Ferry Road and the nursery ground belonging to the Trinity Land Company being covered by the tramway line, a new service main three inches diameter will be laid between said points. (4.) In Spring Gardens, Kerr Street, and over Stockbridge to end of three-inch diameter main at

A.D. 1884. Deanhaugh Street, a new service main three inches diameter. (5.) From end of three-inch diameter main at Deanhaugh Street to west end of Mary Place a new service main three inches diameter.

Third.—When in terms of this agreement works are to be executed by the first party and paid for or partly paid for by the second parties or the said company the first party shall use every means in their power to have the works executed as economically as possible, but should any dispute arise between the parties or the Company as to the cost thereof the same shall be decided by arbitration in the manner provided by the next succeeding Article hereof, and all payments for work executed by the first party shall be made by the second parties within three months after the cost of the work has been certified by the first party's engineers with interest till paid.

Fourth.—In all cases in which under the Tramways Act 1870 or under this agreement any dispute shall arise between the first and second parties or the said company the same shall be determined by arbitration under the provisions of the Lands Clauses Acts and the expenses of the arbitration shall be borne as the arbiters or oversman may direct.

Fifth.—Nothing contained herein or in the said Edinburgh Northern Tramways Act shall take away or abridge any powers vested in the said Edinburgh Gaslight Company by any Act of Parliament excepting only in so far as the same are hereby or by the said Northern Tramways Act expressly varied.

Sixth.—This agreement is made subject to the approval of Parliament and shall be scheduled to and confirmed by the Bill.

Lastly.—The parties hereto of the first part bind and oblige the said Edinburgh Gaslight Company and the parties hereto of the second part bind and oblige themselves and their heirs and successors and the said Edinburgh Northern Tramways Company to implement and fulfil their respective parts of the premises to each other under the penalty of five hundred pounds, to be paid by the parties failing to the parties performing or willing to perform their parts over and above performance. And both parties consent to the registration hereof, and of any awards and decreets arbitral to be pronounced interim or final for preservation and execution.

In witness whereof these presents written upon this and the three preceding pages of stamped paper by Walter Moodie, clerk to Messieurs A. and G. V. Mann, solicitors, Leith, are subscribed in duplicate by the parties hereto as follows, videlicet :—By Sir Thomas Jamieson Boyd, Knight, chairman of the Fishery Board for Scotland ; Alexander John Napier, writer to the signet, Edinburgh ; James Syme, manager of the British Linen Company's Bank, Edinburgh ; James Gibson Thomson, residing at number fourteen, York Place, Edinburgh ; and Stuart Neilson, writer to the signet, Edinburgh, being five ordinary directors of the Edinburgh Gaslight Company, all at Edinburgh, upon the twenty-fourth day of June one thousand eight hundred and eighty-four years, before these witnesses, Daniel Mitchell and James Grieve, both clerks to Messieurs Neilson and Bell, writers to the signet, Edinburgh ; and by Peter Couper, accountant, in Edinburgh ; John Boulton, Major, residing at number eight, Inverleith Terrace, Edinburgh ; and Patrick Turnbull, chartered accountant, in Edinburgh, for and on behalf of the promoters of the Bill above referred to, also all at Edinburgh, upon the said twenty-fourth day of June, and year last above written, before these witnesses, George Villiers Mann, of Leith, solicitor

before the Supreme Courts of Scotland, and John Macfarlane Cook, accountant, in Edinburgh. A.D. 1884.

D. Mitchell, Witness.
Jas. Grieve, Witness.

Geo. V. Mann, Witness.
John M. Cook, Witness.

Thomas J. Boyd.
A. J. Napier.
James Syme.
J. Gibson Thomson.
Stuart Neilson.
Peter Couper.
J. Boulton.
Pat. Turnbull.

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