CHAPTER clxxvi.

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An Act to enable the Edinburgh Street Tramways Company to make and maintain additional Tramways and to convert part of the Portobello lines into a double line of Tramway and to confer other powers upon the said Company. [11th August 1881.]

WHEREAS by the Edinburgh Tramways Act 1871 (in this Act called "the Act of 1871") the Edinburgh Street Tramways Company (in this Act called "the Company") were incorporated and were authorised to make and maintain various tramways in Edinburgh Leith and Portobello including tramways therein called No. 1 and No. 1a from the Haymarket Edinburgh to High Street Portobello (which tramways are in this Act referred to as "the Portobello lines") and with power to raise three hundred thousand pounds by shares and seventy-five thousand pounds by borrowing: 34 & 35 Vict. c. lxxxix.

And whereas the following Acts have also been passed relating to the Company that is to say:

The Edinburgh Street Tramways Act 1873: 36 & 37 Vict. c. ccxxxvi.

The Edinburgh Tramways Act 1874 (in this Act called the Act of 1874); and 37 & 38 Vict. c. lxviii.

The Edinburgh Tramways Act 1875: 38 & 39 Vict. c. cxxviii.

And whereas the Company have completed and are now working for public traffic their systems of tramways and it is expedient that they be empowered to extend the same by means of the additional tramways by this Act authorised:

And whereas by the Act of 1871 the Portobello lines were authorised to be made and maintained as a double line of tramway throughout but under the powers of section 3 of the Act of 1873 and of section 5 of the Act of 1874 those lines have been constructed for the most part as single lines only between Waterloo Place Edinburgh and Portobello:

And whereas it is found that the traffic upon those portions of the Portobello lines is often greatly in excess of that which can be

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safely or conveniently carried over single lines of tramway and it is expedient that the Company be authorised to lay down an additional line of tramway and to alter part of their existing line and to remove some of the existing passing places so that the Portobello lines may in future consist of a double line of tramway throughout:

And whereas it is expedient that the Company be authorised to purchase hire construct work and use omnibuses or other carriages in connexion with their tramways or otherwise and to take rates and charges for the use thereof and for the conveyance of passengers articles and goods therein:

And whereas agreements (copies of which are with certain other agreements set forth in the Schedules to this Act) have been entered into between the Company and the Lord Provost magistrates and council of Edinburgh (herein-after referred to as "the Corporation of Edinburgh") and the provost magistrates and council of Leith (herein-after called "the Corporation of Leith") respectively as the local and road authorities in respect of certain of the roads and streets in which the tramways by this Act authorised are intended to be laid and it is expedient that those agreements and the other agreements set forth in the Schedules to this Act be confirmed:

33 & 34 Vict. c. 78.

And whereas it is expedient that further provision be made for the recovery of penalties under the Tramways Act 1870 or any other Act relating to the Company or under byelaws and regulations of the Company:

And whereas plans and sections showing the lines and levels of the works authorised by this Act and also books of reference to those plans were duly deposited with the principal sheriff clerks of the county of the city of Edinburgh and of the county of Edinburgh and are herein-after respectively referred to as the deposited plans sections and books of reference:

And whereas the purposes of this Act cannot be effected without the authority of Parliament:

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

Short title.

1. This Act may be cited as the Edinburgh Street Tramways Act 1881.

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Incorporation of general Acts. 8 & 9 Vict. c. 17.

2. The provisions of the Companies Clauses Consolidation (Scotland) Act 1845 with respect to

The distribution of the capital of the Company into shares:

The transfer or transmission of shares:

The payment of subscriptions and the means of enforcing the payment of calls:

The forfeiture of shares for non-payment of calls:

The remedies of creditors of the Company against the shareholders:

The borrowing of money by the Company on mortgage or bond:

The conversion of the borrowed money into capital:

The consolidation of the shares into stock:

The making of dividends:

The giving of notices:

And the provision to be made for affording access to the special Act by all parties interested:

And Part I. (relating to cancellation and surrender of shares) and Part II. (relating to additional capital) of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 section 3 (interpretation of terms) and section 19 (local authority may lease and take tolls) and Part II. (construction of tramways) and Part III. (general provisions) of the Tramways Act 1870 the Lands Clauses Consolidation (Scotland) Act 1845 and the Lands Clauses Consolidation Acts Amendment Act 1860 (except the provisions thereof with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry on lands by the promoters of the undertaking) are (except where expressly varied by this Act) incorporated with and form part of this Act.

26 & 27 Vict. c. 118. 32 & 33 Vict. c. 48. 8 & 9 Vict. c. 19. 23 & 24 Vict. c. 106.

Interpretation of terms.

3. In this Act the expression "the scheduled agreements" means the agreements set forth in the Schedules to this Act, and the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction. 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 their undertaking being sold to the local authority or authorities under the Tramways Act 1870 section 43, at a sum or sums less in the whole than the aggregate amount of the capital and debts of the Company.

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Power to make tramways.

4. Subject to the provisions of this Act and of the scheduled agreements the Company may form lay down work use and maintain the tramways herein-after described in the lines and according to the levels shown on the deposited plans and sections and in all respects in accordance with those plans and sections with all proper rails plates works and conveniences connected therewith which tramways shall be used for purposes of passenger traffic only unless the local and road authorities in Edinburgh Leith and Portobello respectively shall from time to time see fit to sanction their use within their respective districts for small parcels. The tramways herein-before referred to and authorised by this Act will be situate in the county of the city of Edinburgh and the county of Edinburgh and are:—

(1.) A Tramway (No. 1) (single line) five furlongs one chain and eighteen yards or thereabouts in length commencing in West Maitland Street by a junction with the north-westernmost line of the Company's existing tramway there at a point about $1\frac{1}{2}$ chains north-eastward from Grosvenor Street passing thence in a south-westerly direction into and along Dalry Road and terminating at or near the centre of the open space at the junction of Dalry Road with the road to Glasgow by Mid-Calder Ardmillan Terrace and Henderson Terrace:

(1A.) A Tramway (No. 1a) (single line) one furlong and six chains or thereabouts in length commencing in West Maitland Street by a junction with the south-easternmost line of the Company's existing tramway there opposite or nearly opposite the point of commencement of Tramway (No. 1) by this Act authorised passing thence in a south-westerly direction into and along Dalry Road and terminating in that road at a point about $1\frac{1}{4}$ chains south-westward from Caledonian Road and there forming a junction with the said Tramway (No. 1):

(1B.) A Tramway (No. 1B) (single line) one furlong and one chain or thereabouts in length wholly in Dalry Road commencing and terminating by junctions with the intended Tramway (No. 1) the point of commencement being at or near the south-western side of the bridge carrying the Caledonian Railway (Granton Branch) over Dalry Road and the point of termination being about 1 chain north-eastward from the termination of Tramway (No. 1) by this Act authorised:

(2.) A Tramway (No. 2) (single line) three furlongs seven chains and three yards or thereabouts in length commencing by a junction with Tramway No. 1 by this Act authorised at its termination passing thence south-eastwardly along the

road known as Ardmillan Terrace and thence into and along a private road leading from that road to the road known as Polwarth Terrace and terminating in the last-mentioned road at a point about ¾ of a chain north of Gillsland Road:

(2A.) A Tramway or passing place (No. 2A) (single line) four chains in length commencing and terminating by junctions with Tramway No. 2 by this Act authorised the point of commencement being 1½ chains and the point of termination being 5½ chains eastward from the centre of the bridge carrying the private road herein-before referred to in the description of Tramway No. 2 over the Caledonian Railway:

(3.) A Tramway (No. 3) (single line) two furlongs and eight chains or thereabouts in length commencing at a point on the north-west side of Colinton Road about 10 chains south-westward from the Myreside Toll Bar and passing thence in a north-easterly direction into the road known as Polwarth Terrace and along that road and terminating at or near the southern end of a private road leading from Polwarth Terrace in continuation of Gillsland Road to Ardmillan Terrace:

(4.) A Tramway (No. 4) (single line) one mile one chain and sixteen yards or thereabouts in length commencing by a junction with Tramway No. 3 by this Act authorised in Polwarth Terrace aforesaid at a point about ½ a chain south-westward from Gillsland Road passing thence along Polwarth Terrace to a point about 5 chains north-eastward from Gillsland Road and thence along a new road in course of formation (the eastern part of which is known as Polwarth Gardens) and into and along Granville Terrace and Gilmore Place and into Leven Street and terminating in that street by a junction with the Company's existing tramway there opposite or nearly opposite Tarvit Street:

(4A. 4B. and 4C.) Tramways Nos. 4A. (three chains in length) 4B. (four chains in length) and 4C. (four chains in length) being passing places consisting respectively of single lines commencing and terminating respectively by junctions with Tramway No. 4 by this Act authorised the points of commencement and termination of Tramway No. 4A being respectively about 1 chain and 4 chains north-eastward from Gillsland Road the point of commencement of Tramway No. 4B being about 4 chains from and the termination of that tramway being at or near the western side of Merchiston

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Avenue and the point of commencement of Tramway No. 4c being about 4 chains from and the termination of that tramway being at or near the junction of Upper Gilmore Place with Gilmore Place:

(5.) A Tramway (No. 5) (single line) one mile two chains and two yards or thereabouts in length commencing in Home Street by a junction with the easternmost line of the Company's tramways there at a point about 3 chains westward from Brougham Street passing thence north-eastwardly along Home Street into and along Portland Place West Lauriston Place Lauriston Lauriston Place and into and along Forrest Road and the road between Greyfriars Place and Lindsay Place and into and along George IV. Bridge and Melbourne Place and into and eastwardly along Lawnmarket and High Street and into and terminating in North Bridge by a junction with the Company's existing tramway there at a point about $\frac{3}{4}$ of a chain north of High Street:

(5A.) Tramway (No. 5A) (single line) seven chains and seven yards or thereabouts in length commencing in Home Street by a junction with the westernmost line of the Company's tramway there opposite or nearly opposite the commencement of Tramway No. 5 by this Act authorised passing thence north-eastwardly along Home Street into and along Portland Place and terminating in that place by a junction with the said Tramway No. 5 at a point about $2\frac{1}{2}$ chains north-eastward from High Riggs:

(5B.) Tramway (No. 5B.) (single line) six chains and seven yards or thereabouts in length commencing by a junction with Tramway No. 5 by this Act authorised in West Lauriston Place at a point about 1 chain westward of Lauriston Street passing thence eastward into and along Lauriston and Lauriston Place and terminating in the last-mentioned place at a point about 1 chain eastward from Lady Lawson's Wynd:

(5c.) Tramway (No. 5c) (single line) one furlong six chains and eleven yards or thereabouts in length commencing and terminating by junctions with Tramway No. 5 the point of commencement being in Lauriston Place about $2\frac{1}{2}$ chains westward from Graham Street and the point of termination being in Lauriston about 2 chains eastward from the main entrance to George Heriot's Hospital:

(5D.) Tramway (No. 5D) (single line) three furlongs nine chains and fourteen yards or thereabouts in length commencing by a junction with Tramway No. 5 in Lauriston at a point about 1½ chains westward from Forrest Road passing thence into and along Forrest Road and the roadway between Greyfriars Place and Lindsay Place and into and along George IV. Bridge and into and eastwardly along Lawnmarket and High Street and terminating in the last-mentioned street by a junction with Tramway No. 5 at a point about ¾ of a chain west of North Bridge:

(6 and 6A.) A Tramway (No. 6) and a Tramway (No. 6A) (single lines) respectively two chains and eleven yards and two chains and three yards in length commencing respectively in Earl Grey Street at a point about ½ a chain north of Dunbar Street and there forming junctions Tramway No. 6 with the westernmost and Tramway No. 6A with the easternmost lines of the Company's existing tramways and passing thence into and respectively terminating in Home Street at a point about ¾ of a chain north-eastward from Brougham Street and there forming junctions Tramway No. 6 with Tramway No. 5 and Tramway No. 6A with Tramway No. 5A:

(7 and 7A.) A Tramway (No. 7) and a Tramway (No. 7A) (single lines) respectively three chains and twenty yards and four chains and two yards in length commencing respectively in the open space at the junction of Princes Street Maitland Street and Hope Street at a point opposite or nearly opposite Hope Street and there forming junctions Tramway No. 7 with the southernmost and Tramway No. 7A with the northernmost line of the Company's existing tramway passing thence respectively into Lothian Road and terminating respectively in that road at a point about 2½ chains southward from Princes Street and there forming junctions Tramway No. 7 with the westernmost and Tramway No. 7A with the easternmost line of the Company's existing tramway:

(8 and 8A.) A Tramway (No. 8) and a Tramway (No. 8A) (single lines) respectively one furlong and six chains and one furlong and five chains or thereabouts in length commencing respectively at or near the northern end of Junction Bridge and there forming junctions Tramway No. 8 with the easternmost and Tramway No. 8A with the westernmost line of the Company's existing tramway passing thence respectively into and along North Junction Street and terminating respectively in that street Tramway No. 8 opposite or nearly opposite the

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north-west corner of Todd's Mills and Tramway No. 8A by a junction with Tramway No. 8 at a point about one chain south of the termination as above described of that tramway:

(9.) A Tramway (No. 9) (single line) three furlongs eight chains and sixteen yards or thereabouts in length commencing in the open space at the junction of Leith Walk Great Junction Street Kirkgate Constitution Street and Duke Street and there forming a junction with the easternmost line of the Company's existing tramway passing thence into and along Duke Street Vanburgh Place and Hermitage Place and terminating opposite or nearly opposite Lindsay Place Restalrig Road:

(9A.) A Tramway or passing place (No. 9A) (single line) three chains and one yard or thereabouts in length commencing in the open space in which Tramway No. 9 is herein-before described as intended to commence and there forming a junction with the westernmost line of the Company's existing tramway passing thence into and along Duke Street and terminating in that street by a junction with Tramway No. 9 at a point about $1\frac{1}{2}$ chains west of Morton Street:

(9B.) A Tramway or passing place (No. 9B) (single line) four chains and nineteen yards or thereabouts in length wholly in Duke Street commencing and terminating by a junction with Tramway No. 9 the point of commencement being about $\frac{1}{2}$ a chain westward from Duncan Place and the point of termination being opposite or nearly opposite Lochend Road:

(9c.) A Tramway or passing place (No. 9c) (single line) four chains or thereabouts in length wholly in Hermitage Place commencing and terminating by junctions with Tramway No. 9 at points respectively 6 chains and 2 chains west of the termination as above described of Tramway No. 9:

DOUBLING OF PORTOBELLO LINE.

(10.) A Tramway (No. 10) (single line) two miles seven furlongs and eleven yards or thereabouts in length commencing in Waterloo Place by a junction with the northernmost line of the Company's existing tramway at a point about 3 chains eastward from Leith Street passing thence along Waterloo Place and into and along Regent Road South Norton Place and London Road (including Jock's Lodge and the road leading from the bridge carrying London Road over the Leith branch of the North British Railway to the town of Portobello) and terminating in London Road in the burgh of Portobello

by a junction with the Company's existing tramway at a point about 1 chain westward from the bridge carrying London Road over the Figgate Burn:

An alteration of the line of the Company's existing tramway in Jock's Lodge London Road between two points respectively about 3 chains westward and 1 chain eastward from the east end of the Jock's Lodge Toll Bar House:

And the Company may take up and remove or alter all or any passing places or rails laid by them in any of the streets or roads herein-before mentioned in the description of Tramway No. 10 which would interfere with or would be rendered unnecessary by the laying down of Tramway No. 10.

Penalty imposed unless the line is opened within the time limited.

5. If the Company fail within the period limited by this Act to complete the tramways authorised to be made by this Act the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the said tramways are completed and opened for public traffic or until the sum received in respect of such penalty shall amount to five per centum on the estimated cost of the works and the said penalty may be applied for by any landowner or other person or road authority claiming to be compensated in accordance with the provisions of the next following section of this Act or by the Solicitor of Her Majesty's Treasury and in the same manner as the penalty provided in the third section of the Act 17 and 18 Victoria chapter 31 known as the Railway and Canal Traffic Act 1854 and every sum of money recovered by way of such penalty as aforesaid shall be paid under the warrant or order of such court or judge as is specified in that section to an account opened or to be opened in the name and with the privity of the Queen's Remembrancer of the Court of Exchequer in Scotland in the bank named in such order and shall not be paid thereout except as herein-after provided but no penalty shall accrue in respect of any time during which it shall appear by a certificate to be obtained from the Board of Trade that the Company were prevented from completing or opening such line by unforeseen accident or circumstances beyond their control provided that the want of sufficient funds shall not be held to be a circumstance beyond their control.

Application of penalty.

6. Every sum of money so recovered by way of penalty as aforesaid shall be applicable and after due notice in the "Edinburgh Gazette" shall be applied towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement construction

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or abandonment of the said tramways or any portion thereof and in compensating all road authorities for the expense incurred by them in taking up any tramway 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 shall be payable or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid shall have been found sufficient to satisfy all just claims in respect of such compensation then the said sum or sums of money recovered by way of penalty 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 of Exchequer in Scotland 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 receiver has been appointed shall wholly or in part be paid or transferred to such receiver 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 said sum of money shall have been repaid to the depositors or shall have 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 person or persons or the majority of the persons named in such warrant or order as aforesaid or the survivors or survivor of them.

Saving right of Corporations of Edinburgh and Leith to pactional payments.

7. Nothing in the two last preceding sections of this Act shall in any way prejudice or affect the right of the Corporations of Edinburgh and Leith respectively to any pactional payment under the first and second scheduled agreements if the tramways referred to in those agreements are not completed and opened for traffic within the periods therein provided. Such pactional payments shall be applied as regards Edinburgh for the police purposes of the Corporation of Edinburgh applicable to roads and streets and as regards Leith for the police purposes of the Corporation of Leith.

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Protection of Caledonian Company.

8. Whereas Tramway No. 2 will be laid upon the roadway of a bridge by which the road from Ardmillan Terrace to Polwarth Terrace is carried over the Caledonian Railway nothing contained in this Act or which may be done in pursuance hereof shall prevent the Caledonian Railway Company from widening their railway beneath the said bridge or from altering or reconstructing or obtaining the alteration or reconstruction of the said bridge for that purpose without interference on the part of the Company and without incurring any liability to the Company or to any other parties working or using the said tramway for any loss injury damage expense or interruption of traffic which may arise from such widening alteration or reconstruction. Provided always that all such operations shall be executed in such manner as to cause as little interruption or inconvenience as practicable to the traffic on the said tramway and that fourteen days' notice in writing shall be given to the Company before the commencement of any of such operations and that such operations so far as interfering with the said tramway or with the passage of traffic along the tramway shall be conducted at the sight and to the reasonable satisfaction of the engineer of the Company. If any difference shall arise between the Caledonian Railway Company and the Company with reference to anything to be done or not to be done under or any matter contained in this section the same shall be determined by an engineer to be appointed by the sheriff of Midlothian on the application of either party.

Saving rights of road authorities.

9. If in the course of the widening of the bridge referred to in the last preceding section or in the execution of the other operations therein referred to any rights or interests of any road authority are interfered with nothing in the said section contained shall prejudice or affect such rights or interests.

Application of section 7 of 34 & 35 Vict. c. lxxxix.

10. Section 7 (mode of formation of tramways) of the Act of 1871 is incorporated with this Act and applies to the tramways by this Act authorised.

Description of rail.

11. Every tramway authorised by this Act shall be constructed with two grooved rails.

Inspection by Board of Trade.

12. 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.

Further provisions as to construction of tramways.

13. 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

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or renewing any of the tramways lay before the Board of Trade a plan showing the proposed mode of constructing laying down maintaining or renewing such tramways and a statement of the materials intended to be used therein and the Company shall not commence the construction laying down maintenance or renewal of any of the tramways or part of any of the tramways respectively until such plan and statement have been approved by the Board of Trade 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 provided always that the word "materials" in this enactment does not include materials used for paving any part of any street under the provisions of the Tramways Act 1870 or this Act.

Tramways to be kept on level of surface of road.

14. If and whenever after the passing of this Act any local or road authority shall alter the level of any road along or across which any part of the tramways is laid the Company may and shall at their own expense 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.

Penalty for not maintaining rails and road in good condition.

15. In any case in which 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 the preceding 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 inquiry by an officer to be appointed by the said Board such inquiry to be conducted in the manner provided by section 63 of the Tramways Act 1870 and if the Board of Trade shall certify under the hand of a secretary or assistant secretary of the Board that the default mentioned in such representation has been proved to the satisfaction of the Board the Company shall make good such default in the manner and within the time specified in such certificate and if they fail to do so shall be subject to a penalty not exceeding twenty pounds and to a further penalty not exceeding five pounds for each day during which any such failure continues after the first day on which such penalty is incurred.

Sewer authority to have access to sewers.

16. Without prejudice to any existing powers vested in any local or road authority every sewer 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.

Rails of tramways.

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

Company may be required to use improved form of rails.

18. The Board of Trade may from time to time upon the application of the local authority or 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 any such improvements.

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

19. Where in any road in which a double line of tramway is laid there shall be less width between the outside of the footpath on either side of the road and the nearest rail of the tramway than nine feet and six inches the Company shall and they are hereby required but subject to the consent of the local and road authority and the other conditions in the agreements scheduled to the Act of 1871 to construct a passing place or places connecting the one tramway with the other and by the means of such passing place or places the traffic shall when necessary be diverted from one tramway to the other.

Power to make additional crossings &c.

20. The Company may subject to the provisions of this Act and the provisions of the agreements scheduled to the Act of 1871 with the consent 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 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 and six inches shall intervene between it and the outside of the footpath on either side of the road if the owner or owners or occupier or occupiers of the premises abutting on the place where such rail is proposed to be laid shall by writing under their hand addressed to the Company express their objection thereto.

Temporary tramways may be made where necessary.

21. Where by reason of the execution of any work affecting the surface or soil of any road along which any of the tramways by this Act authorised are laid it shall in the opinion of the local or road authority be necessary or expedient temporarily to remove or

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discontinue the use of such tramways or any part thereof the Company may with the consent of the road authority subject to such conditions and in accordance in all respects with such regulations as the road authority may from time to time make construct in the same or any adjacent street road or thoroughfare in any parish or place mentioned in this Act and with the like consent subject to the like conditions and in accordance with the like regulations maintain so long as occasion may require a temporary tramway or temporary tramways in lieu of the tramways or part of the tramways so removed or discontinued.

Application of road materials excavated in construction of works.

22. Any paving metalling or material excavated by the Company in the construction of their works from any road under the jurisdiction or control of any road authority may be applied by the Company so far as may be necessary in or towards the reinstating of the road and for the maintenance for six months after completion of any of the tramways within the district of such road authority of so much of the roadway on either side of such tramways as the Company are by 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 such surplus is not removed by such surveyor or by some other person or persons named by him for that purpose such surplus paving metalling or material shall absolutely vest in and belong to the Company and may be dealt with removed and disposed of by them in such manner as they may think fit. Any difference between the Company and any road authority or surveyor or other person with reference to any of the matters aforesaid shall be determined in manner provided by the Tramways Act 1870 with respect to differences between the promoters and any road authority.

Tramways on streets not yet formed.

23. When any road or street shall hereafter be formed which shall include any portions of any of the systems of the tramways by this Act authorised such tramways when such road or street shall come under the management maintenance repair or control of any local or road authority shall be subject in all respects to the provisions applicable to the other systems of the tramways of the Company.

Power to purchase lands by agreement.

24. The Company may from time to time purchase but only by agreement any lands not exceeding in the whole ten acres which they may require for any of the purposes of their undertaking.

Power to take easements &c. by agreement.

25. Persons empowered by the Lands Clauses Consolidation (Scotland) Act 1845 to sell and convey or release lands may if they think fit subject to the provisions of that Act and the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act grant to the Company any easement right or privilege not being an easement of water required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Period for completion of works.

26. The tramways by this Act authorised shall with the exception of the tramways described in section 4 (power to make tramways) of this Act as Tramways No. 2 and No. 2a be completed within two years and the said Tramways No. 2 and No. 2a shall be completed within three years from the passing of this Act and on the expiration of those periods respectively the powers by this Act granted to the Company for constructing the same or otherwise in relation thereto shall without prejudice to the terms of the first and second scheduled agreements cease to be exercised except as to so much thereof as shall then be completed. But nothing herein contained shall otherwise affect the obligation of the Company to make and execute the lines by this Act authorised.

Tolls.

27. The Company may from time to time demand and take in respect of the tramways authorised by this Act tolls and charges not exceeding those which they are authorised to take and for the time being may lawfully take in respect of their authorised tramways under or by virtue of the Act of 1871 and the agreements scheduled thereto and by the subsequent Acts relating to the Company in like manner in every respect as if the tramways hereby authorised were the tramways in the recited Acts mentioned. Provided always that for the purpose of such tolls and charges the tramways by this Act authorised and the tramways authorised by the recited Acts shall be deemed to form continuous lines of tramway.

Company not to carry animals and goods.

28. The Company shall not carry on the tramways any goods animals or other things other than passengers and passengers luggage not exceeding the weight in that behalf mentioned in the

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Act of 1871 and with the consent of the local authority small parcels.

Periodical revision of tolls.

29. 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 partially 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 any 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 the 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 such order shall not exceed in amount the tolls and charges by this Act authorised.

Application of agreements set forth in schedules to 34 & 35 Vict. c. lxxxix.

30. All the terms and provisions contained in the agreements set forth in the first second and third schedules to and confirmed by the Act of 1871 shall mutatis mutandis and so far as the same are applicable apply to and in the case of such of the tramways or parts of tramways by this Act authorised as are to be laid in roads or streets in respect of which the Corporation of Edinburgh or the Corporation of Leith are the local or road authorities and if there be any inconsistency between the terms and provisions of the said agreements and any provisions of this Act relating to the same subject matter the terms and provisions of the said agreements shall exclusively apply in the case of the tramways and parts of tramways referred to in this section. Provided always that no special engineers shall be appointed by the local or road authorities at the expense of the Company as regards the tramways by this Act authorised under the said agreements but the reasonable expense of the burgh engineer or burgh surveyor or other officer of the local and road authorities shall be paid by the Company under section 26

of the Tramways Act 1870. Provided also that the byelaws to be made under article 12 of the agreement first scheduled to the said Act of 1871 may be made by the magistrates of Edinburgh in the same way and manner as they have power to make byelaws relating to hackney carriages and when so made shall be operative as regards Edinburgh in manner by this Act provided. Provided also that with reference to the burgh of Leith the rules and regulations or byelaws to be made under article 10 of the agreement in the third schedule to the said Act of 1871 shall have full force and effect when confirmed in manner prescribed by the General Police and Improvement (Scotland) Act 1862 and offences against or contraventions of the said rules and regulations or byelaws to be made under the said article 10 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 the said last-mentioned Act.

25 & 26 Vict. c. 101.

31. The first and second scheduled agreements are hereby confirmed and full effect shall be given thereto as if the terms and provisions thereof were expressly enacted in this Act in so far as regards the tramways in those agreements referred to to the extent to which they are by this Act authorised.

Confirmation of 1st and 2nd scheduled agreements.

32. The third fourth and fifth scheduled agreements are also hereby confirmed and full effect shall be given thereto as if the terms and provisions thereof were expressly enacted in this Act subject always and without prejudice to the provisions of the first scheduled agreement and to any rights or powers possessed by any local or road authority.

Confirmation of 3rd 4th and 5th scheduled agreements.

33. The Company and the Corporation of Edinburgh and the Corporation of Leith and any trustees or other bodies corporate or persons respectively having the duty of directing the repairs or the control or management of any streets roads or places along which any tramway by this Act authorised is laid may from time to time enter into and carry into effect contracts or agreements with respect to the laying down maintaining renewing and repairing of the tramways by this Act authorised and the rails plates sleepers and works connected therewith.

Agreements with road authorities.

34. The Company may from time to time purchase hire and construct omnibuses or other vehicles and may from time to time purchase acquire and hire horses and premises and may use and work such omnibuses and vehicles and may from time to time exact demand take and recover in respect of passengers articles and goods carried in or by such omnibuses or other vehicles any

Company may acquire and work omnibuses &c. and take rates and charges in respect thereof.

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rates and charges not exceeding in the case of any such omnibuses or other vehicles plying for hire the rates fixed for the time being by the magistrates of Edinburgh or Leith respectively for similar omnibuses or other vehicles plying for hire. Provided that the said magistrates of Edinburgh and Leith respectively shall have power to license and regulate the omnibuses and other vehicles which the Company may use and work and the owners proprietors drivers and conductors thereof in all respects and to the same extent and effect as they at present have or may hereafter obtain power to license and regulate omnibus and hackney carriage or cab traffic and that the licenses for such omnibuses or other vehicles shall be granted in name of an officer of the Company who shall be responsible for every contravention of such regulations as if he were the owner of such omnibuses or other vehicles. Provided further that for the purpose of such licensing and regulating as aforesaid by the magistrates of Edinburgh the omnibuses and other vehicles aforesaid shall be deemed to be hackney carriages within the meaning of the Edinburgh Municipal and Police Act 1879 and that for the purpose of fixing by the magistrates of Leith the said rates an omnibus shall be deemed to be a hackney carriage within the meaning of the General Police and Improvement (Scotland) Act 1862. Provided also that a list of all rates and charges to be taken by the Company from time to time shall be exhibited in a conspicuous place inside each omnibus or other vehicle. Provided further that this clause shall in no way affect the provisions of the recited Acts in regard to omnibuses run in connexion with the tramways authorised by any of those Acts.

42 & 43 Vict. c. cxxxii.

Corporation of Edinburgh may require Company to sell their vehicles.

35. If the Company exercise any of the powers of the last preceding section and at any time thereafter the Corporation of Edinburgh (herein-after in this section referred to as "the Corporation") make a representation to the Board of Trade that such powers are exercised by the Company in a manner contrary to the public interest the Board of Trade may direct an inquiry by a referee in manner provided by section 63 of the Tramways Act 1870 into the truth of the representation and if the referee shall find that the representation is true the following provisions shall have effect that is to say:—

(A.) The Corporation may by resolution to be passed at a special meeting of the Corporation determine to give notice in writing under their corporate seal to the Company requiring the Company at the expiration of six months from the service of such notice upon the Company to sell to a purchaser to be named by the Corporation the omnibuses coaches hackney carriages

and other vehicles then belonging to the Company (except those used on the tramways of the Company and such omnibuses as the Company require to retain in order to enable them to comply with the provisions and requirements of section 4 of the Act of 1874) and the horses harness stock and plant connected therewith for a sum of money to be fixed in case of difference by a single arbitrator to be appointed by the Board of Trade not exceeding in any case one fourth of the authorised share and loan capital for the time being of the Company:

(B.) The sum of money so to be fixed shall include compensation to the Company for any loss or injury which they may sustain by reason of any part of any stabling or buildings belonging to or leased by them becoming useless or of less value to the Company by reason of the sale by the Company of their vehicles horses stock and plant under sub-section (A.) of this section:

(C.) Upon the expiration of the said notice and upon payment of the sum of money so to be fixed as aforesaid the Company shall deliver to the purchaser the vehicles horses stock and plant included in the sale:

Provided always that nothing in this section shall limit or affect any jurisdiction right or power of the Corporation or of the magistrates of Edinburgh under the Edinburgh Municipal and Police Act 1879 as applied by this Act.

Provided also that nothing in this section shall alter or affect the obligation of the Company to comply with the provisions and requirements of the before-mentioned section 4 of the Act of 1874.

Company may apply corporate funds to purposes of Act.

36. The Company may from time to time apply towards any of the purposes of this Act any moneys which they have raised or may hereafter raise under the Act of 1871 or under any other Act or Acts and which may not be required for the purposes (if any) to which by the respective Acts such moneys are made specially applicable.

Recovery of penalties.

37. Any offence or contravention under the Tramways Act 1870 or any of the special Acts relating to the Company or this Act or any byelaw or regulation made under the authority of any of the said Acts shall be tried and on conviction sentences 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 or by other the local

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authority within whose district the offence to which the penalty attaches are recoverable and the jurisdiction and powers in that behalf of the judge of police of the city of Edinburgh and of any other judge or court and the powers of any procurator fiscal or person acting as a procurator fiscal and of any public prosecutor 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 magistrates or Corporation of Leith.

Provision as to general Tramway Acts.

38. Nothing in this Act contained shall exempt the Company or 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.

Expenses of Act.

39. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act shall be paid by the Company.

The SCHEDULES referred to in the foregoing Act. A.D. 1881.

THE FIRST SCHEDULE.

Memorandum of Agreement between the Lord Provost Magistrates and Council of Edinburgh as the Local and Road Authority on the one part and the Edinburgh Street Tramways Company on the other.

First.—The Edinburgh Street Tramways Company purposing to introduce a Bill into next session of Parliament for certain extensions of their present lines the town council as the local and road authority gives consent to the extensions as set forth on the plan submitted so far as competent to them.

Second.—The Tramways Company undertakes that in the event of their obtaining the proposed Bill they shall within two years from the date of its receiving the Royal Assent complete and open for traffic the extensions set forth in the plan in so far as comprised in the extensions and connexions within the present roads boundary of the city as defined in the plan and the continuation beyond said boundary westwards to Colinton Road. They further undertake that failing these extensions being so completed and open for traffic within that period of two years they shall pay to the Corporation of the city of Edinburgh a sum of twenty pounds per week until such tramways are completed and opened as aforesaid such payment to be pactional and not penal unless the completion and opening are prevented by causes over which the Company have no control or by the insufficient formation or imperfect macadamising or causewaying of the roads along which the proposed extensions are to be carried. The road surveyor of the Corporation and the engineer of the Company to be the judges in the event of delay being alleged to have proceeded from such causes and in the event of their differing in opinion by an oversman to be appointed by them.

Third.—The local and road authority will assent for their interest to the Company seeking power in the proposed Bill to legalise the acquiring and working of omnibuses and other vehicles which however in the event of their being used for hire shall be subject to the regulations of the magistrates in force in regard to other vehicles plying for hire.

Fourth.—It shall be provided in the Bill to be promoted that the proposed extensions shall along with the other tramways within the jurisdiction of the magistrates and the council constructed by the Tramways Company other than the section from Waterloo Place to Jock's Lodge be held under clause forty-three of the Tramways Act 1870 and shall be subject to the powers of purchase by the local authority in manner and at the periods prescribed by said section the date of operation beginning within six months after the

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expiration of a period of twenty-one years from the twenty-ninth of June eighteen hundred and seventy-one the date when the Edinburgh Tramways Act eighteen hundred and seventy-one received the Royal Assent But in regard to the section of tramway from Waterloo Place to Portobello the period of twenty-one years shall date from the passing of the Act by which its present construction was authorised.

Fifth.—It shall be in the power of the local and road authority to consider and assent to or dissent from so far as competent any provision that may be introduced into the proposed Bill other than the provisions referred to in this Memorandum and the right of objection shall extend to any proposal to deviate the lines or to abandon the construction of any part of the tramways within the limits specified in article two hereof.

Sixth.—This Memorandum of Agreement shall be scheduled to the Bill to be applied for or otherwise in the option of the Corporation to receive effect by its provisions being introduced by way of clauses into the Bill.

Seventh.—This Memorandum of Agreement is entered into subject to such alterations as Parliament may think fit to make thereon.

In witness whereof these presents written on this and the preceding page by John Shields Simpson clerk to William Skinner writer to the Signet town clerk of Edinburgh are subscribed in duplicate by the parties hereto as follows vizt.:—By Thomas Jamieson Boyd Lord Provost of the said city and the said William Skinner for and on behalf of the remanent members of council at Edinburgh on the seventeenth day of November eighteen hundred and eighty before these witnesses William Smith clerk to Oliver and Boyd publishers Edinburgh and John Wotherspoon clerk to the said William Skinner and by John Sheffield Gilbert Ryley Middleton Hall Uphall and James Lindsay of Drydenbank two of the directors of and Duncan Wilkie Paterson secretary to the said Tramways Company and sealed with the common seal thereof all at Edinburgh the sixth day of December and year last mentioned before these witnesses Archibald Grierson treasurer and Samuel Begbie clerk both to the said Tramways Company.

(Signed) Thomas J. Boyd Lord Provost.
(„) Wm. Skinner Town Clerk.
(Signed) Willm. Smith Witness.
(„) John S. G. Ryley, D.
(„) Jno. Wotherspoon Witness.
(„) James Lindsay.
(„) Arch. Grierson Witness.
(„) D. W. Paterson Secy.
(„) Saml. Begbie Witness.

Seal of the Edinburgh Street Tramways Company.

THE SECOND SCHEDULE.

MEMORANDUM OF AGREEMENT between the Provost Magistrates and Council of Leith herein-after called the Town Council as the Local or Road Authority on the one part and the Edinburgh Street Tramways Company on the other.

FIRST.—The Edinburgh Street Tramways Company having introduced a Bill into Parliament for certain extensions of their present lines the Town Council as the local or road authority gives consent so far as competent to them to the extensions authorised by the Bill.

SECOND.—The Tramway Company undertake that in the event of their obtaining the Bill they shall within two years from the date of its receiving the Royal Assent complete and open for traffic the said extensions so far as the same are within the burgh of Leith which extensions are herein-after referred to as the said extensions. They further undertake that failing the said extensions being so completed and opened for traffic within that period of two years they shall pay to the Town Council of Leith a sum of twenty pounds per week until such tramways are completed and opened as aforesaid such payment to be pactional and not penal unless the completion and opening are prevented by causes over which the Company have no control or by the insufficient formation or imperfect macadamising or causewaying of the roads along which the said extensions are to be carried. The burgh surveyor of the Town Council and the engineer of the Company to be the judges in the event of delay being alleged to have proceeded from such causes and in the event of their differing in opinion by an oversman to be appointed by them.

THIRD.—The said extensions shall along with the other tramways within the jurisdiction of the Town Council constructed by the Tramways Company be held under clause forty-three of the Tramways Act eighteen hundred and seventy and shall be subject to the powers of purchase by the Town Council in manner and at the periods prescribed by said section the date of operation beginning within six months after the expiration of a period of twenty-one years from the twenty-ninth of June eighteen hundred and seventy-one the date when the Edinburgh Tramways Act eighteen hundred and seventy-one received the Royal Assent.

FOURTH.—This Memorandum of Agreement shall be scheduled to and confirmed by the Bill.

FIFTH.—This Memorandum of Agreement is entered into subject to such alterations as Parliament may think fit to make thereon. In witness whereof these presents written on this and the preceding page by Charles Munro clerk to Paterson Cameron and Company solicitors before the Supreme Courts of Scotland Edinburgh are subscribed by the said parties as follows:—videlicet by John Henderson, provost, William McIntosh, bailie, John Bennet, treasurer,

A.D. 1881. and William Steven, councillor for and on behalf of the first party and as duly authorised by them acting under remit with powers along with Thomas Bryce Laing their depute town clerk and by James Lindsay, Alexander Wood and Duncan Wilkie Paterson for and on behalf of the second party all at Westminster the second day of April eighteen hundred and eighty-one before these witnesses Eustace Vansittart Frere parliamentary agent Westminster and Thomas Landers clerk to John Charles Rees parliamentary agent Westminster.

JOHN HENDERSON, Provost.
WILLIAM MCINTOSH, Bailie.
JOHN BENNET, Treasurer.
WILLIAM STEVEN, Councillor.
T. B. LAING, Depute Town Clerk.
JAMES LINDSAY.
ALEX. WOOD.
D. W. PATERSON.

E. VANSITTART FRERE, Witness.
THOS. LANDERS, Witness.

THE THIRD SCHEDULE.

MEMORANDUM OF AGREEMENT between the Company of Merchants of the City of Edinburgh and the Governors of George Watson's Hospital of said city (but under the sole management and administration of the Governors of the said Hospital in manner and to the uses as in the statutes of the said Hospital is contained) on the one part and the Edinburgh Street Tramways Company on the other part.

FIRST.—The Edinburgh Street Tramways Company having introduced a Bill into Parliament for certain extensions of their present lines the Company of Merchants of the City of Edinburgh and the Governors of George Watson's Hospital of said city as proprietors of certain roads or streets proposed to be traversed give consent so far as competent to them to the said extensions and agree to arrange for the formation in accordance with their feuing plans of the roads yet requiring to be constructed through their lands subject to the following conditions to which the Tramways Company have agreed and hereby agree (1) That the proprietors of the lands of North Merchiston agree to construct the road through that property forming part of the tramway route described in section four of the Bill as Tramway Number Four (2) That the Tramways Company shall causeway and maintain the roads forming the tramway routes through the lands of the said Company of Merchants and Governors of the said Hospital to the extent provided for in the Tramways Act of eighteen hundred and seventy. (3) That the Tramways Company shall be at one half of the expense of maintaining the two bridges recently erected by the said

Company of Merchants and Governors of the said Hospital situated in the tramway route described in section four of the Bill as tramways Number Two and Number Two A and shall be at one half of the expense of making good any damage which may be occasioned to the said bridges and (4) that the Tramways Company shall be at the expense of making up and repairing the portion of the road situated between the said two bridges in the event of a subsidence at any time occurring but that only to the extent of the said portion of road which the Tramways Company are herein-before bound to causeway and maintain.

Second.—The Tramways Company undertake that in the event of their obtaining the Bill they shall complete and open for traffic the said extensions so far as the same are to be made on the property of the Company of Merchants of the City of Edinburgh and the Governors of George Watson's Hospital and the necessary connexions with the lines of tramways now being used within two years of the Bill receiving the Royal Assent with the exception of the tramways described in section four of the Bill as Tramways Number Two and Number Two A which with the necessary connexions as aforesaid shall be completed and opened for traffic within three years from the passing of the Act. The Tramways Company further undertake that failing the said extensions and connexions being so completed and opened for traffic within those periods of two years and three years respectively they shall pay to the Company of Merchants of the City of Edinburgh and the Governors of George Watson's Hospital the sum of ten pounds per week until such tramways are opened and completed as aforesaid such payment to be pactional and not penal unless the completion and opening are prevented by causes over which the Tramways Company have no control or by the insufficient formation or imperfect macadamising or causewaying of the roads along which the said extensions and connexions are to be carried. The architect of the Company of Merchants of the City of Edinburgh and the Governors of George Watson's Hospital and the engineer of the Tramways Company to be the judges in the event of delay being alleged to have proceeded from such causes and in the event of their differing in opinion by an oversman to be appointed by them.

Third.—This Memorandum of Agreement shall be scheduled to and confirmed by the Bill.

Fourth.—This Memorandum of Agreement is entered into subject to such alterations as Parliament may think fit to make thereon. In witness whereof these presents written on this and the preceding page by William Henderson apprentice to John Cameron solicitor before the Supreme Courts of Scotland Edinburgh are together with a duplicate thereof subscribed as follows: viz. on behalf of the Edinburgh Street Tramways Company by James Lindsay and John Richard Anderson two of the directors and Duncan Wilkie Paterson secretary all of the said Company and are sealed with the common or corporate seal of said Company all at Edinburgh on the third day of May eighteen hundred and eighty-one years before these witnesses John Macrae civil engineer Edinburgh and Charles Munro clerk to Paterson Cameron and Company solicitors before the Supreme Courts of Scotland Edinburgh and

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are subscribed by Robert Bryson merchant in Edinburgh sometime master of the said Company of Merchants and preses of the Governors of said Hospital commissioner and factor of the said Company of Merchants and Governors of said Hospital conform to commission and factory in his favour dated fifth and registered in the books of council and session sixth May eighteen hundred and seventy-six and as specially authorised by the said governors conform to their minute of sederunt dated third May eighteen hundred and eighty-one for and on behalf of the said Company of Merchants and Governors of said Hospital. Also at Edinburgh upon the said third day of May eighteen hundred and eighty-one years before these witnesses William Watt officer to the said Company of Merchants and residing at number four Hunter Square, Edinburgh and William Gordon apprentice to Alexander Kirk Mackie solicitor before the Supreme Courts of Scotland Edinburgh.

(Signed) JAMES LINDSAY D.

(Signed) JOHN MACRAE Witness.

(„) JOHN R. ANDERSON Director.

(„) CHAS. MUNRO Witness.

(„) D. W. PATERSON Secretary.

(„) WILLIAM WATT Witness.

(„) ROB. BRYSON.

(„) WILLIAM GORDON Witness.

THE FOURTH SCHEDULE.

MEMORANDUM OF AGREEMENT between the Scottish Lands and Buildings Company (Limited) and the Edinburgh Street Tramways Company.

FIRST.—The Edinburgh Street Tramways Company having introduced a Bill into Parliament for certain extensions of their present lines the Scottish Lands and Buildings Company (Limited) as proprietors of certain roads or streets proposed to be traversed give consent to the said extensions so far as competent to them.

SECOND.—The Tramways Company undertake that in the event of their obtaining the Bill they shall within two years from the date of its receiving the Royal Assent complete and open for traffic the said extensions so far as the same are to be made on ground belonging to the Scottish Lands and Buildings Company (Limited). They further undertake that failing the said extensions being so completed and opened for traffic within that period of two years they shall pay to the Scottish Lands and Buildings Company (Limited) a sum of ten pounds per week until such tramways are completed and opened as aforesaid such payment to be pactional and not penal unless the completion and opening are prevented by causes over which the Tramways

Company have no control or by the insufficient formation or imperfect macadamising or causewaying of the roads along which the said extensions are to be carried. The engineer of the Scottish Lands and Buildings Company (Limited) and the engineer of the Tramways Company to be the judges in the event of delay being alleged to have proceeded from such causes and in the event of their differing in opinion by an oversman to be appointed by them. In witness whereof these presents written on this page by William Henderson apprentice to John Cameron solicitor before the Supreme Courts of Scotland Edinburgh are together with a duplicate thereof subscribed as follows viz.: on behalf of the said the Edinburgh Street Tramways Company by James Lindsay and Major-General John Richard Anderson two of the directors and Duncan Wilkie Paterson secretary all of the said Company and are sealed with the common or corporate seal of said Company all at Edinburgh on the fourth day of May in the year eighteen hundred and eighty-one before these witnesses Archibald Grierson treasurer to the said the Edinburgh Street Tramways Company and Charles Munro clerk to Paterson Cameron and Company solicitors before the Supreme Courts of Scotland Edinburgh and are subscribed on behalf of the said the Scottish Lands and Buildings Company (Limited) by Robert Hunter and John Kippen Watson two of the directors and Alexander Thomas Niven manager and secretary all of the said last-mentioned Company and are sealed with the common or corporate seal of said Company all at Edinburgh on the fifth day of the month and year last above mentioned before these witnesses Alexander Galloway Miller apprentice and John Stewart clerk both to the said Alexander Thomas Niven.

(Signed) James Lindsay D.

(Signed) Arch. Grierson Witness.

(„) John R. Anderson, Director.

(„) Chas. Munro Witness.

(„) D. W. Paterson, Secretary.

(„) Robert Hunter D.

(„) A. Galloway Miller Witness.

(„) J. K. Watson, Director.

(„) John Stewart Witness.

(„) Alex. T. Niven, Manager and Secretary.

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THE FIFTH SCHEDULE.

Memorandum of Agreement between the General Property Investment Company Limited and the Edinburgh Street Tramways Company.

First.—The Edinburgh Street Tramways Company having introduced a Bill into Parliament for certain extensions of their present lines the General Property Investment Company (Limited) as proprietors of certain roads or streets proposed to be traversed give consent to the said extensions so far as competent to them.

Second.—The Tramways Company undertake that in the event of their obtaining the Bill they shall within two years from the date of its receiving the Royal Assent complete and open for traffic the said extensions so far as the same are to be made on ground belonging to the General Property Investment Company (Limited). They further undertake that failing the said extensions being so completed and opened for traffic within that period of two years they shall pay to the General Property Investment Company (Limited) a sum of ten pounds per week until such tramways are completed and opened as aforesaid such payment to be pactional and not penal unless the completion and opening are prevented by causes over which the Tramways Company have no control or by the insufficient formation or imperfect macadamising or causewaying of the roads along which the said extensions are to be carried. The engineer of the General Property Investment Company (Limited) and the engineer of the Tramways Company to be the judges in the event of delay being alleged to have proceeded from such causes and in the event of their differing in opinion by an oversman to be appointed by them. In witness whereof these presents written by Andrew Aiton White clerk to Paterson Cameron and Company solicitors before the Supreme Courts of Scotland Edinburgh are together with a duplicate thereof subscribed as follows viz.:—On behalf of the said the Edinburgh Street Tramways Company by James Lindsay and Major-General John Richard Anderson two of the directors and Duncan Wilkie Paterson secretary all of the said Company and are sealed with the common or corporate seal of said Company all at Edinburgh on the third day of May in the year eighteen hundred and eighty-one before these witnesses John Macrae civil engineer Edinburgh and Charles Munro clerk to the said Paterson Cameron and Company and are subscribed for and on behalf of the said the General Property Investment Company (Limited) by William Lowson of Balthayock merchant Dundee and Robert Bryson merchant Edinburgh two of the directors and by Kerr and McFarlane solicitors Dundee secretaries all of the said last-mentioned Company and are sealed with the common or corporate seal of said Company all as follows viz.:—Are subscribed by the said William Lowson and Kerr and McFarlane and are sealed with the common or corporate seal of the said Company all at Dundee

on the fourth day of said month of May and year last mentioned before these witnesses Alexander Stewart clerk and William Coventry apprentice both to William Kerr solicitor Dundee and are subscribed by the said Robert Bryson at Edinburgh on the fifth day of said month of May and year last mentioned before these witnesses Alexander Figgins and William Hawkins both in the employment of R. Bryson and Sons clock and watchmakers Edinburgh.

(Signed) James Lindsay D.

(Signed) John Macrae Witness.

(„) John R. Anderson Director.

(„) Chas. Munro Witness.

(„) D. W. Paterson Secretary.

(„) Alexr. Figgins Witness.

(„) Rob. Bryson Director.

(„) Wm. Hawkins Witness.

(„) William Lowson Director.

(„) Alex. Stewart Witness.

(„) Kerr & McFarlane Secretaries.

(„) Wm. Coventry Witness.

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