CHAPTER clxxvi.

An Act to authorise the use of Electrical and other Power on the Glasgow Street Tramways and for other purposes. A.D. 1891.

[28th July 1891.]

WHEREAS by the Glasgow Street Tramways Act 1870 and subsequent Acts amending and enlarging the same the Lord Provost magistrates and council of the city and royal burgh of Glasgow (herein-after called the Corporation) were authorised to make and maintain tramways within the city and its neighbourhood and to borrow money for that purpose:

And whereas the Corporation have constructed the greater part of the tramways authorised by those Acts:

And whereas it is expedient to authorise the use of mechanical power in addition to or in substitution for animal power for moving engines cars carriages and trucks upon all or any of the tramways of the Corporation subject to the conditions in this Act contained:

And whereas it is expedient that the Corporation should be empowered to raise a further sum of money for the purposes of this Act and for the general purposes of their tramway undertaking:

And whereas it is expedient that the further powers in this Act mentioned should be conferred on the Corporation:

And whereas the objects 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:—

1. This Act may be cited as the Glasgow Corporation Act 1891 and the Glasgow Street Tramways Act 1870 the Vale of Clyde Tramways Act 1871 the Glasgow Bothwell Hamilton and Wishaw Tramways Act 1872 the Glasgow Corporation Tramways Act 1872 the Glasgow Corporation Tramways Act 1875 the Glasgow Corporation Tramways Act 1879 the Glasgow Corporation Act 1884 the **Short title.**

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Glasgow Corporation Tramways Act 1885 and this Act may be cited together as the Glasgow Corporation Tramway Acts 1870 to 1891 and those Acts are collectively so far as they relate to the tramways of the Corporation referred to in this Act as the Glasgow Tramway Acts.

Interpretation.

2. In this Act the several words and expressions to which meanings are assigned by the Glasgow Tramway Acts (other than this Act) have the same respective meanings unless there be something in the subject or context repugnant to such construction or unless herein otherwise expressly provided:

"The Corporation" means the Lord Provost magistrates and council of the city and royal burgh of Glasgow;

"The police commissioners" means the Glasgow Police Commissioners;

"Road authority" means the police commissioners or the commissioners of police of the burghs of Govanhill Crosshill Partick Hillhead and Maryhill respectively the county councils of Lanarkshire and Renfrewshire or the district committees of the district of the lower ward of Lanarkshire and the first or upper district of Renfrewshire and the town council of the burgh of barony of Pollokshaws or other body having the control of the street or road referred to;

"The city" means the city and royal burgh of Glasgow;

"The tramways" or "the tramway undertaking" means the tramway undertaking of the Corporation;

"Mechanical power" includes electrical steam cable haulage or any motive power other than animal power;

"Street" shall include road "road" shall include street and either term means respectively the carriageway of any street road bridge thoroughfare or place and includes the surface pavement soil and sub-soil of a street and any bridge forming part of or leading to the same and being under the control of the road authority.

Engines carriages &c. may be moved by mechanical power.

3. The engines cars carriages and trucks used on the tramways or on any part thereof may subject to the provisions of this Act and with the consent of the Board of Trade during a period of seven years from the date of such consent and with the like consent during such further successive periods of seven years as that Board may from time to time specify in any order to be signed by a secretary or an assistant secretary of the Board be moved by mechanical power The exercise of the powers hereby conferred with respect to the use of mechanical power shall be subject to the regulations set forth in the First Schedule to this Act and to any

regulations which may be added thereto or substituted therefor respectively by any order which the Board of Trade may and which they are hereby empowered to make from time to time as and when they 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 mechanical power on the tramways Provided always that the powers by this section granted shall not be exercised as regards the tramways leased to the Glasgow Tramway and Omnibus Company Limited sooner than the first day of July one thousand eight hundred and ninety-four unless with the consent of that company.

Power to erect stations engines and machinery.

4. The Corporation may lay down on above and under the surface of any street such electric mains wires and apparatus and may make and maintain such subways tunnels cables tubes and openings in or under any such surface as may be necessary in connexion therewith and they may on any lands belonging to them or acquired or taken on lease under the powers of this Act erect and maintain all necessary and proper works buildings machinery and appliances and they may provide construct and lay down dynamos batteries accumulators and other apparatus for generating storing and distributing electricity and stationary engines engine houses and machinery for working the tramways by mechanical power and the Corporation may also lay down and construct on any street such passing places sidings junctions turn-outs and other works as are convenient and necessary for the working of the tramways by mechanical power and for connecting the tramways with the buildings stations stationary engines and other appliances that may be constructed or erected for the purpose of working the tramways :

Provided that nothing in this Act shall extend vary lessen or in any manner prejudicially affect the rights reserved to the Corporation by the Glasgow Central Railway Act 1888 so far as relating to the works of the Glasgow Central Railway authorised by that Act or by the Caledonian Railway (Additional Powers) Act 1890 so far as relating to Railway No. 1 authorised by that Act or extend vary lessen or in any manner prejudicially affect the rights and obligations of the Caledonian Railway Company under those Acts.

For the protection of telegraph and telephone wires.

5. The following provisions shall have effect in the event of any tramways of the Corporation being worked by electricity otherwise than by electrical power carried along with the carriages (that is to say) :—

(1) The Corporation shall so construct their electric circuits and other works of all descriptions and shall so work their tramway in all respects as to prevent any injurious interference by

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induction or otherwise with the electric circuits from time to time used or intended to be used by any telephone company for the purpose of telephonic communication or with the currents in such circuits Provided that as regards electric circuits erected or laid down after the construction of the works of the Corporation this sub-section shall only apply if reasonable and proper precautions have been taken in the erection or laying down of such circuits and if they have not been erected or laid down in unreasonably close proximity to the lines or works of the Corporation;

(2) Seven days before commencing to lay down any electric line or to supply electricity through any electric line in any manner whereby the work of telephonic communication through any wires or lines lawfully laid down or placed in any position may be injuriously affected the Corporation shall unless otherwise agreed with the parties interested give to the body or person for the time being entitled to such wires or lines notice in writing specifying the course nature and gauge of such electric line and the amount and nature of the current intended to be sent along the same and the Corporation shall conform with such reasonable requirements as may from time to time be made by such body or person as aforesaid for the purpose of preventing the communication through such wires or lines from being injuriously affected as aforesaid;

(3) If any difference arises between the Corporation and any such body or person with respect to anything in this section contained such difference shall be determined by the Board of Trade whose decision shall be final and sections 30 to 32 of the Regulation of Railways Act 1868 shall apply in like manner as if the Corporation and such body or person as aforesaid were companies within the meaning of that Act;

(4) Nothing in this section shall apply to repairs or renewals of any electric line so long as the course nature and gauge of such electric line and the amount and nature of the current sent along the same are not altered;

(5) The expression the Corporation in this section shall include their lessees and the licensees.

For protection of Partick Commissioners.

6. For the protection of the commissioners of police of the burgh of Partick the following provisions shall notwithstanding anything in this Act contained have effect (that is to say):—

(1) The provisions of the Glasgow Tramway Acts and of the Tramways Act 1870 so far as incorporated therewith shall be deemed to be applicable to and form part of this Act except where expressly varied by this Act;

(2) Notwithstanding the powers conferred by section 4 of this Act the Corporation shall not be entitled without the consent of the commissioners to exercise the same in over under or upon any street or road in the burgh save the streets and roads on which the present tramway lines are laid nor to make any additional passing places sidings junctions turn-outs or other work on Dumbarton Road;

(3) Nothing in this Act contained shall prevent the commissioners of Partick at any future time from carrying out any public improvement or any alterations developments or extensions of the existing or contemplated works in connexion with any department administered by them in under over or in relation to the roads and streets under their jurisdiction and the Corporation shall pay to the commissioners any additional expense which the commissioners may reasonably incur or be put to in the carrying out of the same by reason of the exercise of the powers by this Act conferred on the Corporation nor shall the Corporation be entitled to any compensation for any damage occasioned by such operations of the commissioners unless such damage shall have been occasioned by the default or neglect of the commissioners.

Provisions for protection of the Postmaster General.

7. In the event of any of the tramways of the Corporation being worked by electricity the following provisions shall have effect:—

(1) The Corporation or their lessees or any persons working the tramways (in this section included in the expression the Corporation) shall construct their electric lines and other works of all descriptions and shall work their undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by Her Majesty's Postmaster General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of their undertaking to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein If any question arises as to whether the Corporation have constructed their electric lines or other works or work their undertaking in contravention of this sub-section such question shall be determined by arbitration and the Corporation shall be bound to make any alterations in or additions to their system which may be directed by the arbitrator;

(2)—(*a.*) Before any electric line is laid down or any act or work for working the tramways by electricity is done within ten yards of any part of a telegraphic line of the Postmaster

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General (other than repairs or the laying of lines crossing the line of the Postmaster General at right angles at the point of shortest distance and so continuing for a distance of six feet on each side of such point) the Corporation or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster General specifying the course of the line and the nature of the work including the gauge of any wire and the Corporation and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster General for the purpose of preventing any telegraphic line of the Postmaster General from being injuriously affected by the said act or work;

(*b.*) Any difference which arises between the Postmaster General and the Corporation or their agents with respect to any requirements so made shall be determined by arbitration;

(3) In the event of any contravention of or wilful non-compliance with this section by the Corporation or their agents the Corporation shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues;

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

(5) For the purposes of this section a telegraphic line of the Postmaster General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work;

41 & 42 Vict. c. 76.

(6) For the purposes of this section and subject as therein provided sections 2 8 9 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Act as if the Corporation were undertakers within the meaning of those sections without prejudice nevertheless to any operation which

the other sections of the said Act would have had if this section had not been enacted and in particular nothing in this section shall be deemed to exclude the provisions of section 7 of the Telegraph Act 1878 in relation to the matters mentioned in that section;

(7) The expression electric line has the same meaning in this section as in the Electric Lighting Act 1882;

(8) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party whose decision shall be final and sections 30 to 32 of the Regulation of Railways Act 1868 shall apply in like manner as if the Corporation or their agents were a company within the meaning of that Act; 31 & 32 Vict. c. 119.

(9) Nothing in this section contained shall be held to deprive the Postmaster General of any existing rights to proceed against the Corporation by indictment action or otherwise in relation to any of the matters aforesaid.

Power to acquire land by agreement.

8. The Corporation may from time to time for the purposes of this Act acquire by agreement or take on lease any quantity of land not exceeding in the whole at one time ten acres and may hold the same.

Corporation not exempt from action for nuisance.

9. Nothing in this Act shall exempt the Corporation from any indictment action or other proceeding for nuisance in the event of any nuisance being caused by them in the exercise of the powers of this Act.

Power to take easements &c. by agreement.

10. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Corporation or their lessees for the time being any easement servitude right or privilege not being an easement of water required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges or feu duties so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements servitudes rights and privileges as aforesaid respectively.

Restriction on taking houses of labouring class.

11. The Corporation shall not under the powers of this Act without the consent of the Secretary for Scotland take ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

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For the purposes of this section the expression "labouring class" means and includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

Power to purchase lease &c. mechanical power &c.

12. The Corporation may from time to time contract and agree with their lessees or with any person for the sale lease or supply to them of such mechanical power and of such buildings works plant apparatus engines and appliances as may be necessary to enable them to exercise the powers by this Act conferred and the Act of the third George IV. chapter ninety-one intituled "An Act for "regulating the mode of accounting for the common good and "revenues of the royal burghs of Scotland" shall not apply to the buildings works plant apparatus engines and other appliances belonging to or authorised to be constructed acquired or provided by the Corporation under this Act.

Penalty for using mechanical power contrary to Act or regulations.

13. Any person using mechanical power on any of the tramways contrary to the provisions of this Act or to any of the regulations set forth in the First Schedule to this Act or to any regulations added thereto or substituted therefor by any order made by the Board of Trade under the authority of this Act shall for every such offence be subject to a penalty not exceeding ten pounds and also in the case of a continuing offence to a further penalty not exceeding five pounds for every day during which such offence continues after conviction thereof Provided always that whether any such penalty has been recovered or not the Board of Trade in case in their opinion any person using mechanical power on the tramways under the authority of this Act has made default in complying with the provisions of this Act or with any of the regulations set forth in the First Schedule to this Act or with any regulations which may have been added thereto or substituted therefor as aforesaid may by order direct such person to cease to exercise the powers aforesaid and thereupon such 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.

14. 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 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 or carriage ;

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

For providing that engines carriages and trucks 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 engines 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 :

Penalty for breach of byelaws.

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.

15. The provisions of the Tramways Act 1870 with respect to the recovery of penalties shall apply to any penalty under this Act and to any penalty for non-observance of any byelaw made by the Board of Trade under the authority of this Act.

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

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

Authentication of byelaws.

17. 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.

Confirming memorandum of arrangement

18. The memorandum of arrangement between the Corporation and the Glasgow Tramway and Omnibus Company Limited in the

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with the Tramway Company.

terms set forth in the Second Schedule to this Act is hereby confirmed and made binding between the parties thereto respectively.

Repeal of section 26 of the Glasgow Corporation Act 1888.

19. The reservation contained in the contract of excambion forming the Third Schedule to the Glasgow Corporation Act 1888 of the sites and ground particularly described in that contract lying within the territory of the burgh of Glasgow and the real lien and burden of such reservation thereby created in favour of the community of Glasgow of such sites and ground as an open and free space in all time coming are hereby extinguished and discharged and declared to be of no effect so far as regards the ground sold and disponed to the Merchants' House of Glasgow by the Corporation by disposition dated the third day of September and recorded in the register of sasines for the burgh of Glasgow the ninth day of December one thousand eight hundred and ninety.

Extension of borrowing powers.

20. Section two of the Glasgow Corporation Tramways Act 1872 authorising the Corporation to borrow money for the purposes of that Act and of the Glasgow Street Tramways Act 1870 and of the Vale of Clyde Tramways Act 1871 and of any Act which might be passed in the then session conferring powers on the Corporation to acquire and make tramways within the city and royal burgh as amended by section forty of the Glasgow Corporation Tramways Act 1875 by section thirty-nine of the Glasgow Corporation Tramways Act 1879 and by section forty-one of the Glasgow Corporation Tramways Act 1885 shall be read and have effect as if the sum of seven hundred thousand pounds were therein specified instead of the sum of five hundred thousand pounds.

Priority of existing mortgages.

21. All mortgages assignations or other securities on the property funds rates or revenue of the Corporation granted by the Corporation in pursuance of the powers of the Vale of Clyde Tramways Act 1871 the Glasgow Corporation Tramways Act 1872 the Glasgow Corporation Tramways Act 1875 the Glasgow Corporation Tramways Act 1879 the Glasgow Corporation Act 1884 or of the Glasgow Corporation Tramways Act 1885 before the passing of this Act and subsisting at the passing of this Act shall during the continuation of such mortgages assignations or other securities have priority over any mortgages assignations or securities on the same property funds rates or revenue granted by virtue of this Act.

Application of money borrowed.

22. Money borrowed by the Corporation under the Glasgow Corporation Tramways Act 1872 as amended by this Act shall be applied in carrying the Glasgow Tramway Acts and this Act into execution and not otherwise but they shall not apply any of the money borrowed or any other money in the nature of capital to the

maintenance of works or other purposes to which revenue is properly applicable.

Separate accounts to be kept.

23. The Corporation shall keep a separate and distinct account of all sums received and payments made under the authority of the Glasgow Tramway Acts and of this Act.

Provision as to sinking fund.

24. The Corporation shall after the first day of June one thousand eight hundred and ninety-five annually set apart out of the moneys received by them on account of tramway revenue a sum of not less than two pounds per centum on the amount borrowed by them under the authority of the Glasgow Tramway Acts and of this Act so far as not paid off at that date and shall apply the same as a sinking fund in paying off the principal sum so borrowed.

Saving of Glasgow Tramway Acts.

25. Nothing in this Act contained shall prejudice or affect the powers conferred upon the Corporation or their lessees by the Glasgow Tramway Acts or any arrangements or obligations now existing between the Corporation and the Glasgow Tramway and Omnibus Company Limited.

Expenses of Act.

26. 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 out of the moneys to be borrowed or raised under the powers of the Glasgow Tramway Acts.

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The FIRST SCHEDULE referred to in the foregoing Act.

Break power of engines.

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

As to fittings of engines &c.

Every engine or in the case of stationary engine power being employed every carriage car or truck propelled thereby 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 driver of such engine or conductor of such car carriage or truck so placed in front of such engine or car carriage or truck as to command the fullest possible view of the road before him.

Every engine used on the tramways shall be free from noise produced by blast or clatter of machinery and the machinery shall be concealed from view at all points above four inches from the level of the rails and all fire used on such engine shall be concealed from view.

As to carriages.

Every carriage or car 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 or car and their protection from the machinery of any engine used for drawing or propelling such carriage or car.

Inspection of engines and carriages.

The Board of Trade shall be at liberty from time to time to inspect any engine car carriage or truck used on the tramways and the machinery therein and may whenever they think fit prohibit the use on the tramways of any such engine car carriage or truck which in their opinion may not be safe for use on the tramways.

As to speed.

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

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

The SECOND SCHEDULE referred to in the foregoing Act.

GLASGOW CORPORATION BILL 1891.

MEMORANDUM OF ARRANGEMENT made the 29th day of April 1891 between the LORD PROVOST MAGISTRATES AND COUNCIL of the city and royal burgh of Glasgow (herein-after called the Corporation) and the GLASGOW TRAMWAY AND OMNIBUS COMPANY LIMITED (herein-after called the Tramway Company) under which the Tramway Company withdraw all opposition to the Glasgow Corporation Bill now being promoted in Parliament by the Corporation.

1. In the event of the Corporation during the currency of the present lease to the Tramway Company of the tramways of the Corporation (herein-after called the current lease) executing any works under the powers of the said Bill or exercising any of the powers thereby conferred upon them which shall interfere with any such tramways or any part thereof or with the working of the same the Corporation shall compensate the Tramway Company for any loss or damage they may sustain or extra cost in working the said tramways they may incur by reason of any such interference as the same may be arranged between the parties or failing arrangement as may be fixed by an arbiter to be named by the sheriff of Lanarkshire on the application of either of the parties.

2. Nothing herein shall prejudice or affect the terms and conditions of the current lease so far as relating to the present tramways of the Corporation.

3. This arrangement shall be scheduled to and confirmed by the said Glasgow Corporation Bill.

In witness whereof the parties hereto have set their hands and seals as of the date before written.

Signed sealed and delivered on behalf of the said Lord Provost magistrates and council by Walter Paton Alexander Osborne and Hugh Wallace three members of the town council and by Sir James David Marwick town clerk of the said city and royal burgh in presence of

W. JOHNSTONE City Chambers Glasgow Solicitor Witness.

ALEX. WALKER City Chambers Glasgow Law Clerk Witness.

WALTER PATON.
ALEXR. OSBORNE.
H. WALLACE.
J. D. MARWICK
Town Clerk.

Seal of the Corporation.

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Signed sealed and delivered on behalf of the said Glasgow Tramway and Omnibus Company (Limited) by Robert Young and James Reid two of the directors and John Duncan secretary of the said Company in presence of

W. BOYD ANDERSON of 137 St. Vincent Street Glasgow Solicitor Witness.

HENRY D. RANKIN clerk to the Glasgow Tramway and Omnibus Co. Ld. Glasgow Witness.

ROBERT YOUNG
Director.
JAMES REID
Director.
JOHN DUNCAN
Secy.

Seal of the Company.

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