CHAPTER xcii.

An Act to authorise the County Council of the county of Lanark to construct tramways in that county to confirm an agreement between the County Council and the Lanarkshire Tramways Company to authorise the County Council and the town councils of the burghs of Hamilton Motherwell and Wishaw to acquire the undertaking of the said Company and for other purposes. A.D. 1912.

[7th August 1912.]

WHEREAS by the Hamilton Motherwell and Wishaw Tramways Act 1900 (herein-after called "the Act of 1900") a company was incorporated by the name of the Hamilton Motherwell and Wishaw Tramways Company (herein-after called "the Company") and was authorised to construct a continuous line of tramways from Blantyre in the county of Lanark through the burghs of Hamilton and Motherwell to the burgh of Wishaw:

And whereas by the Lanarkshire Tramways Order 1903 (herein-after called "the Order of 1903") the Company whose name was thereby changed to that of the Lanarkshire Tramways Company were authorised to construct additional tramways in connexion with the tramways authorised by the Act of 1900 and among others tramways described in the Order of 1903 as Tramway No. 3A Tramway No. 5A Tramway No. 6 Tramway No. 7 and Tramway No. 8 extending from Uddingston viâ Bellshill and Mossend to the burgh of Motherwell and there connecting with the tramways authorised by the Act of 1900 with a branch tramway from Mossend to Holytown:

And whereas by sections 16 and 17 of the Order of 1903 provision is made for payment by the Company to the County Council of the county of Lanark (herein-after called "the

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County Council") and to the corporation of each of the burghs of Hamilton Motherwell and Wishaw of certain annual sums of money in respect of every mile of highway road or street within the jurisdiction of those authorities respectively on which any part of the tramways of the Company is laid:

And whereas by section 49 of the Order of 1903 the County Council and the corporations of the burghs above mentioned or any one or more of those authorities in the event of the remaining authorities not concurring are authorised to purchase and the Company are required to sell the tramways authorised by the Act of 1900 whether situate in the said county or the said burghs and so much of the tramways authorised by the Order of 1903 as are situate in the said burghs (*a*) within six months after the expiration of twenty-five years from the commencement of the said Order or within six months after the expiration of a further period of seven years with the approval of the Board of Trade upon the terms of paying the fair market value of the said tramways as a going concern but without any allowance for compulsory purchase and (*b*) within six months after the expiration of a period of thirty-five years after the commencement of the Order of 1903 or within six months after the expiration of every subsequent seven years with the approval of the Board of Trade upon terms of paying a sum equal to the then value of the said tramways such value to be determined upon the basis and in the manner prescribed for the purchase of a tramway by a local authority by section 43 of the Tramways Act 1870:

And whereas by section 50 of the Order of 1903 the County Council are empowered to purchase so much of the tramways authorised by the Order of 1903 as are situate outside the burghs of Hamilton Motherwell and Wishaw (*a*) within six months after the expiration of thirty-five years from the commencement of the said Order or within six months after the expiration of a further period of seven years with the approval of the Board of Trade upon terms of paying the fair market value thereof as a going concern but without any allowance for compulsory purchase and (*b*) within six months after the expiration of forty-nine years from the commencement of the said Order or within six months after the expiration of every subsequent period of seven years with the approval of the Board of Trade upon terms of paying a sum equal to the then value of the said tramways to be determined upon

the basis and in manner provided by section 49 herein-before recited:

And whereas by the Lanarkshire Tramways Order 1908 (herein-after called "the Order of 1908") the period for the completion of certain of the tramways authorised by the Order of 1903 (including Tramways Nos. 3A 5A 6 7 and 8 herein-before mentioned) was extended for a period of three years from the eleventh day of August one thousand nine hundred and eight but it was provided that the Company should within one year from the last-mentioned date substantially commence the works the time for the completion of which was thereby extended:

And whereas prior to the passing of the Order of 1908 the Company duly completed the tramways authorised by the Act of 1900 and certain portions of the tramways authorised by the Order of 1903 and have since completed the construction of other portions of the last-mentioned tramways but the Company have not constructed any part of the said Tramways Nos. 3A 5A 6 and 7 herein-before referred to:

And whereas it is expedient in the interest of the district that the County Council should be authorised to construct and work the tramways described in this Act with the object of completing and supplementing the system of tramways authorised by the Act of 1900 and the Order of 1903 and that the County Council and the corporations of the burghs of Hamilton Motherwell and Wishaw should be authorised to purchase the undertaking of the Company:

And whereas the County Council and the Company have entered into the agreement set forth in the Second Schedule to this Act and it is expedient that the same should be confirmed:

And whereas estimates have been prepared by the County Council in relation to the following purposes in respect of which they are by this Act authorised to borrow:—

	£
For the purchase of land and for the construction of road widenings and other works in connexion with the tramways by this Act authorised - - - - -	4,570
For the construction and equipment of the tramways including rolling stock - -	125,000

And whereas the several works included in such estimates are permanent works and it is expedient that the cost thereof should be spread over a period of years:

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And whereas plans and sections showing the lines and levels of the tramways and other works authorised by this Act and plans of the lands which may be taken under the powers of this Act and a book of reference containing the names of the owners or reputed owners and lessees or reputed lessees and occupiers of the said lands have been deposited with the principal sheriff clerk of the county of Lanark and are in this Act referred to as the deposited plans sections and book of reference:

And whereas the purposes aforesaid 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 King'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 (that is to say):—

PART I.

PRELIMINARY.

Short title.

1. This Act may be cited as the Lanark County Tramways Act 1912.

Division of Act into Parts.

2. This Act is divided into Parts as follows:—

Part I.—Preliminary.

Part II.—Construction of tramways &c.

Part III.—Finance.

Part IV.—Purchase of undertaking of Lanarkshire Tramways Company.

Part V.—Miscellaneous.

Commencement of Act.

3. This Act shall commence and take effect except where otherwise provided on the date of the passing of this Act which date is herein-after referred to as "the commencement of this Act."

Incorporation of Acts.

4. The Lands Clauses Acts (except section 120 of the Lands Clauses Consolidation (Scotland) Act 1845) and section 3 (Interpretation of terms) section 19 (Local authority may lease or take tolls) and Parts II. and III. of the Tramways Act 1870 so far as they are applicable to the purposes of and are not inconsistent with the provisions of this Act are hereby incorporated with and form part of this Act.

Interpretation.

5. In this Act unless the subject or context otherwise requires the several words and expressions to which by the Acts wholly or partially incorporated with this Act meanings are assigned shall in this Act have the same respective meanings And in this Act—

"The county" means the county of Lanark;

"The County Council" means the County Council of the county;

"The tramways" means the tramways and other works by this Act authorised;

"The Company" means the Lanarkshire Tramways Company;

"The Act of 1900" means the Hamilton Motherwell and Wishaw Tramways Act 1900;

"The Order of 1903" means the Lanarkshire Tramways Order 1903;

"The Order of 1908" means the Lanarkshire Tramways Order 1908;

"The sheriff" means the sheriff of the county or any of his substitutes;

"Mechanical power" includes electrical and every other motive power not being steam or animal power;

"Engine" includes motor.

PART II.

CONSTRUCTION OF TRAMWAYS &C.

Power to make tramways.

6. Subject to the provisions of this Act the County Council may make 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 Provided that nothing in this Act shall authorise any interference with electric lines and works of any undertakers under the Electric Lighting Acts 1882 and 1888 to which the provisions of section 15 of the former Act apply except in accordance with and subject to the provisions of that section.

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The tramways herein-before referred to and authorised by this Act will be situate wholly in the county of Lanark and are—

Tramway No. 1 (5 miles 7 furlongs 8·8 chains in length of which 4 miles 6 furlongs 2·8 chains will be single line and 1 mile 1 furlong 6 chains will be double line) to be situate in the parishes of Old Monkland and Bothwell commencing by a junction with the tramways belonging to the corporation of the city of Glasgow at a point on the road leading from Glasgow to Uddingston sixty-six yards measured in an easterly direction from the lodge of Daldowie House passing thence along the road to Holytown by Thorniewood Muirpark Rows Bellshill and Mossend and terminating at the east end of Holytown at the junction of the road leading from Holytown to Harthill with the road leading from Holytown to Chapelhall:

Tramway No. 2 (1 mile 7 furlongs 4·2 chains in length of which 1 mile 4 furlongs 0·3 chain will be single line and 3 furlongs 3·9 chains will be double line) to be wholly situate in the parish of Bothwell commencing by a junction with the tramways of the Company at a point in Main Street Uddingston seventeen yards south of the junction of the said street with Uddingston Coal Road passing thence along the said Uddingston Coal Road by Braefoot to its junction with the road leading from Glasgow to Bellshill by Thornwood House and Viewpark and along the said road from Glasgow to Bellshill to its junction with the road leading from Glasgow to Holytown by Thorniewood Muirpark Rows and Bellshill and terminating by a junction with Tramway No. 1 at the junction of the two last-mentioned roads one hundred and sixty yards west of the church at Greenend:

Tramway No. 3 (1 mile 3 furlongs 1·5 chains in length of which 1 mile 8·9 chains will be single line and 2 furlongs 2·6 chains will be double line) to be wholly situate in the parish of Bothwell commencing by a junction with Tramway No. 1 in Main Street Mossend at a point fourteen yards west of the junction of Main Street and Calder Road passing along the said Calder Road to a point ninety yards south of the bridge carrying the Edinburgh and Glasgow line of the Caledonian Railway

over the said Calder Road and thence in an easterly direction along the road leading from Mossend to New Stevenston by Milnwood and terminating at New Stevenston by a junction with the tramways of the Company in the road leading from New Stevenston to Cleekhimin thirteen yards south of the junction of the two last-mentioned roads.

As to electrical works.

7.—(1) The County Council may in under or over the surface of the streets or roads in which the tramways are or will be situate or in which it may be necessary so to do in order to connect the tramways with any generating station construct lay down erect maintain renew and repair electric wires conductors posts tubes boxes and other electrical apparatus and may make and maintain openings and ways for the purpose of working the tramways by electrical power and may for that purpose subject to the provisions contained in Part II. of the Tramways Act 1870 and to the provisions of this Act open and break up any such street or road and any sewers drains water or gas pipes tubes wires telephonic and telegraphic apparatus therein or thereunder Provided that no post or other apparatus shall be erected on the carriageway except with the consent of the Board of Trade.

(2) Nothing in this section shall extend to authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Acts 1882 and 1888 to which the provisions of section 15 of the former Act apply except in accordance with and subject to the provisions of that section.

Temporary tramways to be made where necessary.

8. When by reason of the execution of any work affecting the surface or soil of any street or road along or across the carriage-way of which any of the tramways are or is laid it shall in the opinion of the County Council be expedient temporarily to remove or discontinue the use of such tramway or any part thereof the County Council may construct in the same or any adjacent street or road and (so long as occasion may require) maintain a temporary tramway in lieu of the tramway or part of the tramway so removed or discontinued.

Shelters or waiting-rooms.

9. The County Council may erect and maintain shelters or waiting rooms for the accommodation of passengers and may use for that purpose portions of the public streets or roads.

Gauge of tramways.

10.—(1) The tramways shall be constructed on a gauge of four feet seven and three-quarters inches.

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(2) So much of section 34 of the Tramways Act 1870 as limits the extent of the carriage used on any tramway beyond the edge of the wheels of such carriage shall not apply to carriages used on the tramways but no carriage shall exceed six feet three inches in width or such other width as may from time to time be prescribed by the Board of Trade.

Inspection by Board of Trade.

11. No tramway shall be opened for public traffic until it has been inspected and certified to be fit for such traffic by the Board of Trade.

Tramways to be kept on level of surface of road.

12. If and whenever after the commencement of this Act the County Council alter the level of any street or road along or across which any part of the tramways is laid or authorised to be laid the County Council may and shall from time to time alter or (as the case may be) lay their rails so that the uppermost surface thereof shall be on a level with the surface of the street or road as altered.

Plan of proposed mode of construction.

13. In addition to the requirements of section 26 of the Tramways Act 1870 the County Council shall before they proceed to open or break up any street or road for the purpose of constructing laying down or renewing any of the tramways lay before the Board of Trade a plan showing the proposed mode of constructing laying down or renewing such tramway and a statement of the materials intended to be used therein and the County Council shall not commence the construction laying down 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.

As to rails of tramways.

14. The rails of the tramways shall be such as the Board of Trade may approve.

Penalty for not maintaining rails and roads.

15.—(1) The County Council shall at all times maintain and keep in good condition and repair and so as not to be a danger or annoyance to the ordinary traffic the rails of the tramways and the substructure upon which the same rest and if the County Council at any time fail to comply with this provision or with the provisions of section 28 of the Tramways Act 1870 they shall be subject to a penalty not exceeding five pounds for every day on which such non-compliance continues.

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(2) In case it is represented in writing to the Board of Trade by twenty inhabitant ratepayers of the district in which the tramways or any portion thereof are or is situate that the County Council have made default in complying with the provisions in this section contained or with any of the requirements of section 28 of the Tramways Act 1870 the Board of Trade may if they think fit direct an inspection by an officer to be appointed by the said Board and if such officer report that the default mentioned in such representation has been proved to his satisfaction then and in every such case a copy of such report certified by a secretary or an assistant secretary of the Board of Trade may be adduced as evidence of such default and of the liability of the County Council to such penalty or penalties in respect thereof as is or are by this section imposed.

Cross-overs to be constructed in certain cases.

16. Where in any road in which a double line of tramway is laid there shall be less width between the outside of the footpath on either side of the road and the nearest rail of the tramway than nine feet six inches the County Council shall if and where required by the Board of Trade construct a cross-over or cross-overs connecting the one tramway with the other and by means of such cross-over or cross-overs the traffic shall when necessary be diverted from one tramway to the other.

Power to make additional cross-overs and to double tramway lines.

17.—(1) The County Council may subject to the provisions of this Act with the consent of the Board of Trade make maintain alter and remove such cross-overs 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 County Council.

(2) Notwithstanding anything shown on the deposited plans the County Council may with the consent of the Board of Trade lay down double lines in lieu of single or interlacing lines or single lines in lieu of double or interlacing lines or interlacing lines in lieu of double or single lines on any of the tramways and may with the like consent at any time alter the position in the road of any of the tramways or any part thereof.

(3) Provided that if in the construction of any works under this section any rail is intended to be laid nearer to the footpath than previously authorised in such a manner that for a distance of thirty feet or upwards a less space than nine feet six inches would intervene between it and the outside of the footpath on

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either side of the road the County Council shall not less than one month before commencing the works give notice in writing to every owner and occupier of houses shops or warehouses abutting on the place where such less space would intervene and such rail shall not be so laid if the owners or occupiers of one-third of such houses shops or warehouses by writing under their hands addressed and delivered to the County Council within three weeks after receiving the notice from the County Council express their objection thereto.

Application of road materials excavated in construction of works.

18. Any paving metalling or material excavated by the County Council in the construction of the tramways from any road or bridge under their jurisdiction or control shall absolutely vest in and belong to the County Council and may be dealt with removed and disposed of by them in such manner as they think fit.

Power to make road widenings &c.

19. Subject to the provisions of this Act the County Council may make in the lines shown upon the deposited plans and if and so far as the same are shown upon the deposited sections according to the levels shown on those sections the widenings and alterations of roads herein-after described and may enter upon take and use such of the lands shown on the said plans and described in the deposited book of reference as they may require for those purposes (that is to say):—

Tramway No. 2—

(1) A widening at the south-east corner of the junction of the Uddingston Coal Road with the Uddingston and Bothwell Road commencing in the Uddingston and Bothwell Road at a point sixteen yards south of the said junction and terminating in the Uddingston Coal Road at a point thirty yards east of the said junction;

(2) A widening of the Uddingston Coal Road on the north side between points respectively sixty yards and two hundred and fifty yards east of the centre of the bridge carrying the said road over the Hamilton and Bothwell section of the North British Railway;

(3) A widening of the Uddingston Coal Road on the north side between points respectively two hundred and thirty yards and sixteen yards west of the centre of the bridge carrying the said road over the Clydesdale branch of the Caledonian Railway;

(4) An alteration of the level of the Uddingston Coal Road commencing at a point on the said road thirty yards west of the centre of the bridge carrying the Edinburgh and Glasgow line of the Caledonian Railway over the said road and terminating at a point on the said road sixty yards east of the centre of the said bridge;

(5) A widening of the Uddingston Coal Road on the north side between points respectively ninety yards and one hundred and forty yards north-east from the centre of the bridge carrying the Edinburgh and Glasgow line of the Caledonian Railway over the said road;

(6) A widening at the south-east corner of the junction of Uddingston Coal Road with the Glasgow and Bellshill Road near Fallside House commencing in the Uddingston Coal Road at a point fifteen yards south of the said corner and terminating in the Glasgow and Bellshill Road at a point fifteen yards east of the said corner:

Tramway No. 3—

(7) An alteration of the level of Calder Road Mossend commencing at a point on the said road sixty yards north of the centre of the bridge carrying the Edinburgh and Glasgow line of the Caledonian Railway over the said road and terminating at a point on the said road sixty yards south of the centre of the said bridge;

(8) A widening at the north-west corner of the junction of the road leading from Mossend to New Stevenston with the road leading from New Stevenston to Cleekhimin commencing in the former road at a point forty yards west of the said junction and terminating in the latter road at a point sixteen yards north from the said junction.

Limits of deviation for road widenings &c.

20. In the execution of the road widenings and alterations the County Council may deviate laterally to any extent not exceeding the limits of lateral deviation shown on the deposited plans and may deviate vertically from the levels shown on the deposited sections to any extent not exceeding two feet upwards and two feet downwards.

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Power to make subsidiary works.

21. Subject to the provisions of this Act and within the limits of deviation shown on the deposited plans the County Council may in connexion with the road widenings and alterations by this Act authorised and as part of and for the purposes thereof make junctions and communications with any existing street or road which may be intersected or interfered with by or be contiguous to the said widenings and alterations and may make diversions or alterations of the lines or levels of any existing street or road for the purpose of connecting the same with the altered street or road making compensation to the owners and occupiers (if any) whose property is injuriously affected by the exercise of the powers of this section Provided that nothing in this section shall extend to authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Acts 1882 to 1909 to which the provisions of section 15 of the former Act apply except in accordance with and subject to the provisions of that section.

Power to alter sewers gas and water pipes &c.

22. In executing the road widenings and alterations by this Act authorised or any of them the County Council may within the limits of deviation shown on the deposited plans raise sink or otherwise alter the position of any steps area cellar flap grating fence sewer drain water pipe or gas pipe belonging to or connected with any building adjoining or near to the said works and also any main or other pipe laid down or used for carrying a supply of water or gas and also any pipe tube cable wire or other conductor or apparatus laid down for the conduct of electricity for any purpose and may remove any other obstruction to the convenient execution of the said works causing as little detriment and inconvenience as circumstances will admit and making compensation for all damage loss cost and expenses caused by or in consequence of such alteration or removal Provided that nothing in this section shall authorise any interference with electric lines and works of any undertakers under the Electric Lighting Acts 1882 to 1909 to which the provisions of section 15 of the former Act apply except in accordance with and subject to the provisions of that section Provided further that the County Council shall not raise sink or otherwise alter the position of any pipe tube wire cable conductor or other apparatus belonging to or used by His Majesty's Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878.

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Power to acquire certain lands.

23. Subject to the provisions of this Act the County Council may enter upon take and use for the purpose of erecting thereon car-sheds depôts and other buildings in connexion with the undertaking authorised by this Act the lands herein-after described and delineated on the deposited plans and described in the deposited book of reference (that is to say):—

Certain lands in the parish of Bothwell in the county situate between the road leading from Glasgow to Holytown by Thorniewood Muirpark Rows Bellshill and Mossend and the road leading from Glasgow to Bellshill by Thornwood House and Viewpark and five hundred yards or thereabouts west of the junction of the said two roads at Greenend the said lands forming the western portion of the field numbered 881 on Sheet XI—8 of the Ordnance Survey of Lanarkshire second edition 1898 scale 25·344 inches to a statute mile:

Provided that the County Council shall not erect on such lands a station for generating electrical energy nor create or permit any nuisance on such lands.

Costs of arbitration &c. in certain cases.

24. The tribunal to whom any question of disputed purchase money or compensation under this Part of this Act is referred shall if so required by the County Council award and declare whether a statement in writing of the amount of compensation claimed has been delivered to the County Council by the claimant giving sufficient particulars and in sufficient time to enable the County Council to make a proper offer and if the tribunal shall be of opinion that no such statement giving sufficient particulars and in sufficient time shall have been delivered and that the County Council has been prejudiced thereby the tribunal shall have power to decide whether the claimant's costs or any part thereof shall be paid by the claimant:

Provided that it shall be lawful for the Lord Ordinary on the Bills or the sheriff to permit any claimant after seven days' notice to the County Council to amend the statement in writing of the claim delivered by him to the County Council in case of discovery of any error or mistake therein or for any other reasonable cause such error mistake or cause to be established to the satisfaction of the judge or sheriff after hearing the County Council if they object to the amendment and such amendment shall be subject to such terms enabling the County Council to investigate the amended claim and to make an offer de novo and as to postponing the hearing of the claim and as

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to costs of the inquiry and otherwise as to such judge or sheriff may seem just and proper under all the circumstances of the case :

Provided also that this section shall be applicable only in cases where the notice to treat under the Lands Clauses Consolidation (Scotland) Act 1845 either contained or was endorsed with a notice of the effect of this section.

Period for compulsory purchase of lands.

25. The powers of the County Council for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the commencement of this Act.

Period for completion of tramways &c.

26. If the tramways road widenings and alterations are not completed within five years from the commencement of this Act then on the expiration of that period the powers by this Act granted to the County Council for executing the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Persons under disability may grant servitudes &c.

27. Persons empowered by the Lands Clauses Acts to sell and convey or discharge lands may if they think fit subject to the provisions of those Acts and of this Act grant to the County Council any servitude right or privilege (not being a servitude right or privilege of water in which persons other than the grantors have an interest) 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 servitudes rights and privileges as aforesaid respectively.

Correction of errors in deposited plans and book of reference.

28. If there be any omission mis-statement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the County Council after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to the sheriff for the correction thereof and if it appear to the sheriff that the omission mis-statement or wrong description arose from mistake he shall certify the same accordingly and shall in his certificate state the particulars of the omission and in what respect any such matter is mis-stated or wrongly described and such certificate shall be deposited with the principal sheriff clerk of the county and a duplicate thereof shall be deposited with the clerk of the parish council of the

parish in which the lands affected thereby are situate and shall be kept by such clerks with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the County Council to take the lands and execute the works in accordance with such certificate.

Owners may be required to sell parts only of certain lands and buildings.

29. And whereas in the construction of the road widenings and alterations hereby authorised or otherwise in exercise of the powers of this Act it may happen that portions only of the houses buildings or other properties shown on the deposited plans may be sufficient for the purposes of the same and that such portions may be severed from the remainder of the said properties without material detriment thereto Therefore notwithstanding section 90 of the Lands Clauses Consolidation (Scotland) Act 1845 the owners of and other persons interested in the houses buildings or other properties described in the First Schedule to this Act and whereof parts only are required for the purposes of this Act may if such portions can in the opinion of the jury arbiter or other authority to whom the question of disputed compensation shall be submitted be severed from the remainder of such properties without material detriment thereto be required to sell and convey to the County Council the portions only of the premises so required without the County Council being obliged or compellable to purchase the whole or any greater portion thereof the County Council paying for the portions required by them and making compensation for any damage sustained by the owners thereof and other parties interested therein by severance or otherwise.

Purchase of lands by agreement.

30. In addition to the other lands which the County Council are by this Act authorised to purchase and acquire they may purchase take on lease or acquire by agreement and may hold for the purposes of the undertaking authorised by this Act any lands not exceeding five acres and they may on such lands erect or construct and hold sheds depôts yards offices buildings sidings works and other conveniences in connexion with that undertaking but the County Council shall not erect on any such lands a station for generating electrical energy nor create or permit a nuisance on any such lands.

Power to County Council to work tramways.

31. Notwithstanding anything in the Tramways Act 1870 to the contrary the County Council may place and run carriages on and may work and may demand and take tolls rates fares and charges in respect of the tramways and in respect of the

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use of such carriages and may provide such buildings carriages trucks engines machinery apparatus steam cable electric and other plant appliances and conveniences as may be requisite or expedient for the convenient working or user of the tramways by mechanical power but nothing in this section shall authorise the County Council to manufacture any such plant appliances and conveniences required for the working or user of the tramways.

Regulations by County Council.

32. The regulations authorised by the Tramways Act 1870 to be made by the promoters of any tramway and their lessees may with respect to the tramways be made by the County Council alone.

Leasing working &c. of tramways.

33. Subject to the provisions of this Act and of the agreement set forth in the Second Schedule to this Act and of section 19 of the Tramways Act 1870 the County Council may lease the tramways or any part thereof and they may enter into and carry into effect agreements with any corporation company or person for working the tramways or for all or any of the following purposes (that is to say):—

The management use working and maintenance of the tramways;

The making of any necessary junctions;

The supply by the working party under and during the continuance of any such agreement as aforesaid for the working of the tramways of any rolling or working stock necessary for the purposes of such agreement and of officers and servants for the conduct of the traffic on the tramways;

The payments to be made and the conditions to be performed with respect to the matters aforesaid;

The interchange accommodation conveyance and delivery of traffic coming from or destined for the tramways and undertaking of the other party contracting with the County Council and the fixing and division between the contracting parties of the receipts arising therefrom;

Generally all matters incident to and consequent on the making or carrying into effect of any such agreement:

Provided that for the purpose of calculating the fares rates and charges payable in respect of passengers and parcels conveyed partly on the tramways and partly on the tramways

of the other party contracting with the County Council those tramways shall during the continuance of any such lease or agreement be deemed to be one tramway Provided also that any agreement under this section shall be subject to the approval of the Board of Trade.

As to generating stations.

34. The County Council shall not erect any generating station or take a supply of energy from any generating station unless the site for such generating station is specified in an Act of Parliament or in an Order confirmed by or having the effect of an Act of Parliament Provided that this section shall not apply to any sub-station for the transformation and distribution of electrical energy.

Provisions as to motive power.

35. The carriages used on the tramways may subject to the following provisions be moved by mechanical power (that is to say):—

(1) The mechanical power shall not be used except with the consent of and according to a system approved by the Board of Trade:

(2) The Board of Trade shall make regulations (in this Act referred to as "the Board of Trade regulations") for securing to the public all reasonable protection against danger arising from the use under this Act of mechanical power on the tramways and for regulating the use of electrical power:

(3) The County Council or any company or person using any mechanical power on the tramways contrary to the provisions of this Act or of the Board of Trade regulations shall for every such offence be liable 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 is continued after conviction thereof:

(4) The Board of Trade if they are of opinion—

(A) That the County Council or such company or person have or has made default in complying with the provisions of this Act or of the Board of Trade regulations whether a penalty in respect of such non-compliance has or has not been recovered; or

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(B) That the use of mechanical power as authorised under this Act is a danger to the passengers or the public:

may by order either direct the County Council or such company or person to cease to use such mechanical power or permit the same to be continued only subject to such conditions as the Board of Trade may impose and the County Council or such company or person shall comply with every such order In every such case the Board of Trade shall make a special report to Parliament notifying the making of such order.

Special provisions as to use of electrical power.

36. The following provisions shall apply to the use of electrical power under this Act unless such power is entirely contained in and carried along with the carriages:—

(1) The County Council shall employ either insulated returns or uninsulated metallic returns of low resistance:

(2) The County Council shall take all reasonable precautions in constructing placing and maintaining their electric lines and circuits and other works of all descriptions and also in working their undertaking so as not injuriously to affect by fusion or electrolytic action any gas or water pipes or other metallic pipes structures or substances or to interfere with the working of any wire line or apparatus from time to time used for the purpose of transmitting electrical power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus:

(3) The electrical power shall be used only in accordance with the Board of Trade regulations and in such regulations provision shall be made for preventing fusion or injurious electrolytic action of or on gas or water pipes or other metallic pipes structures or substances and for minimising as far as is reasonably practicable injurious interference with the electric wires lines and apparatus of other parties and the currents therein whether such lines do or do not use the earth as a return:

(4) The County Council shall be deemed to take all reasonable precautions against interference with the

working of any wire line or apparatus if and so long as they adopt and employ at the option of the County Council either such insulated returns or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with the electric wires lines and apparatus of other parties and the currents therein as may be prescribed by the Board of Trade regulations and in prescribing such means the Board shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking:

(5) At the expiration of two years from the commencement of this Act the provisions of this section shall not operate to give any right of action in respect of injurious interference with any electric wire line or apparatus or the currents therein unless in the construction erection maintaining and working of such wire line and apparatus all reasonable precautions including the use of an insulated return have been taken to prevent injurious interference therewith and with the currents therein by or from other electric currents:

(6) If any difference arises between the County Council and any other party with respect to anything hereinbefore in this section contained such difference shall unless the parties otherwise agree be determined by the Board of Trade or at the option of the Board by an arbitrator to be appointed by the Board and the costs of such determination shall be in the discretion of the Board or of the arbitrator as the case may be:

(7) The expression "County Council" in this section shall include lessees licencees and any person owning working or running carriages over any tramway of the County Council.

Alteration of telegraph lines of Postmaster-General.

37. Notwithstanding anything in this Act contained if any of the works authorised to be executed by this Act involves or is likely to involve any alteration of any telegraphic line belonging to or used by the Postmaster-General the provisions of section 7 of the Telegraph Act 1878 shall apply (instead of

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the provisions of section 30 of the Tramways Act 1870) to any such alteration.

For protection of Post Office telegraph lines.

38. In the event of any tramways of the County Council being worked by electricity the following provisions shall have effect :—

(1) The County Council 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 His 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 Any difference which arises between the Postmaster-General and the County Council as to compliance with this subsection shall be determined by arbitration :

(2) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the County Council of their electric lines and works or by the working of the undertaking of the County Council the County Council shall pay the expense of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection :

(3) 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-General (other than repairs) the County Council 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 County Council 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 Any difference which arises between the Postmaster-General and the County Council as to any requirements so made shall be determined by arbitration:

(4) If any telegraphic line of the Postmaster-General situate within one mile of any portion of the works of the County Council is injuriously affected and he is of opinion that such injurious affection is or may be due to the construction of the County Council's works or to the working of their undertaking the engineer-in-chief of the Post Office or any person appointed in writing by him may at all times when electrical energy is being generated by the County Council enter any of the County Council's works for the purpose of inspecting the County Council's plant and the working of the same and the County Council shall in the presence of such engineer-in-chief or such appointed person as aforesaid make any electrical tests required by the Postmaster-General and shall produce for the inspection of the Postmaster-General the records kept by the County Council pursuant to the Board of Trade regulations:

(5) In the event of any contravention of or wilful non-compliance with this section by the County Council or their agents the County Council 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:

(6) Provided that nothing in this section shall subject the County Council or their agents to a fine under this section if they satisfy the court having cognisance of the case that the immediate doing of any act or the execution of any work in respect of which the penalty is claimed was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster

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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:

(7) 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:

(8) For the purposes of this section and subject as therein provided sections 2 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Act:

(9) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882:

(10) 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 both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the County Council or their agents were a company within the meaning of that Act:

(11) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against the County Council by indictment action or otherwise in relation to any of the matters aforesaid:

(12) In this section the expression "the County Council" includes their lessees and any person owning working or running carriages on any tramways of the County Council.

Use of tramway posts by Postmaster-General.

39.—(1) It shall be lawful for the Postmaster-General in any street or public road or part of a street or public road in which he is authorised to place a telegraph to use for the support of such telegraph any posts and standards (with the brackets connected therewith) erected in any such street or

public road by the County Council in connexion with the tramways authorised by this Act and to lengthen adapt alter and replace such posts standards and brackets for the purpose of supporting any telegraph and from time to time to alter any telegraph so supported subject to the following conditions:—

(A) In placing maintaining or altering such telegraph no obstruction shall be caused to the traffic along or the working or user of the tramways:

(B) The Postmaster-General shall give to the County Council not less than twenty-eight days' notice in writing of his intention to exercise any of the powers of this section and shall in such notice specify the streets or public roads or parts of streets or public roads along which it is proposed to exercise such powers and the manner in which it is proposed to use the posts standards and brackets and also the maximum strain and the nature and direction of such strain Any difference as to any matter referred to in such notice shall be determined as herein-after provided:

(c) Unless otherwise agreed between the Postmaster-General and the County Council the Postmaster-General shall pay the expense of lengthening adapting altering or replacing under the provisions of this section any post standard or bracket and the expense of providing and maintaining any appliances or making any alteration rendered necessary in consequence of the exercise of the powers of this section for the protection of the public or the unobstructed working or user of the tramways or to prevent injurious affection of the Postmaster-General's telegraphs or any telegraphic or telephonic line or electrical apparatus of the County Council or by any regulations which may from time to time be made by the Board of Trade arising through the exercise by the Postmaster-General of the powers conferred by this section:

(D) Unless otherwise agreed or in case of difference determined as herein-after provided all telegraphs shall be attached to the posts standards or brackets below the level of the trolley wires and on the side of such posts or standards farthest from the trolley wires Any difference as to the conditions of attachment shall be determined as herein-after provided:

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(E) Unless otherwise agreed no telegraph shall be attached to any post or standard placed in or near the centre of any street or public road:

(F) The Postmaster-General shall cause all attachments to posts standards or brackets used by him under the powers of this section to be from time to time inspected so as to satisfy himself that the said attachments are in a proper condition and state of repair:

(G) The Postmaster-General shall make good to the County Council and shall indemnify them against any loss damage or expense which may be incurred by them through or in consequence of the exercise by the Postmaster-General of the powers conferred upon him by this section unless such loss damage or expense be caused by or arise from gross negligence on the part of the County Council their officers or servants:

(H) The Postmaster-General shall make such reasonable contribution to the original cost of providing and placing any post standard or bracket used by him and also to the annual cost of the maintenance and renewal of any such post standard or bracket as having regard to the respective interests of the County Council and the Postmaster-General in the use of the post standard or bracket and to all the circumstances of each case may be agreed upon between the Postmaster-General and the County Council or failing agreement determined as hereinafter provided:

(I) The County Council shall not be liable for any interference with or damage or injury to the telegraphs of the Postmaster-General arising through the exercise by the Postmaster-General of the powers conferred by this section and caused by the maintaining and working of the tramways or by any accident arising thereon or by the authorised use by the County Council of electrical energy unless such interference damage or injury be caused by gross negligence on the part of the County Council their officers or servants:

(J) If it shall become necessary or expedient to alter the position of or remove any post standard or bracket the Postmaster-General shall upon receiving twenty-eight days' notice thereof at his own expense alter or remove the telegraph supported thereby or at his option retain the post standard or bracket and pay the County Council the value of the same Provided that if the County Council object to the retention of the post standard or bracket by the Postmaster-General a difference shall be deemed to have arisen and shall be determined as herein-after provided.

(2) Nothing in this section contained shall prevent the County Council from using their posts standards or brackets for the support of any of their electric wires and apparatus whether in connexion with their tramways or other undertakings or for other purposes of the County Council or shall take away any existing rights of the County Council of permitting the use by any company or person of their posts standards or brackets in connexion with the lighting of the streets or roads or otherwise Provided that any difference between the Postmaster-General and such company or person in relation to the use of the posts standards or brackets by the Postmaster-General and such company or person respectively shall be determined as herein-after provided.

(3) All differences arising under this section shall be determined in manner provided by sections 4 and 5 of the Telegraph Act 1878 for the settlement of differences relating to a street or public road.

(4) In this section the expression "County Council" includes their lessees the expression "telegraph" has the same meaning as in the Telegraph Act 1869 and other expressions have the same meaning as in the Telegraph Act 1878.

For protection of corporation of Glasgow.

40. Notwithstanding anything in this Act contained or shown upon the deposited plans the County Council shall not make any physical junction between the tramways of the corporation of the city of Glasgow and Tramway No. 1 authorised by this Act without the consent in writing of that corporation.

For protection of North

41. For the protection of the North British Railway Company (in this section called "the railway company") the

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British Railway Company.

following provisions shall unless otherwise agreed between the County Council and the railway company apply and have effect (that is to say):—

(1) The works connected with (*a*) the laying of Tramway No. 1 over the bridge carrying the public road known as the Glasgow and Holytown Road across the Glasgow Bothwell Hamilton and Coatbridge Railway of the railway company and (*b*) the laying of Tramway No. 2 over the bridge carrying the public road known as the Uddingston Coal Road across the said railway of the railway company shall be carried out under the supervision and to the reasonable satisfaction of the engineer of the railway company and according to working plans sections and specifications to be submitted to and approved of by him previous to the commencement of the works but the County Council may proceed with the said works unless within fourteen days after the plans are so submitted the railway company shall state any objections to such plans and any such objections shall failing agreement be settled by an arbiter to be agreed on or failing agreement to be appointed by the sheriff and such works shall be thereafter maintained by and at the cost of the County Council and in case in consequence of additional weight having to be put on the said bridges owing to or for any other reason arising from the laying or existence of the said Tramways No. 1 and No. 2 it may be necessary to alter or strengthen their structure the County Council shall bear the whole expense of such alteration or strengthening and the work thereof shall be carried out by the railway company or the County Council at the option of the railway company and such alteration or strengthening shall be in accordance with plans and sections and specifications to be submitted to and approved of by the engineer of the County Council if such alteration or strengthening is carried out by the railway company or by the engineer of the railway company if the same is carried out by the County Council and in the manner and subject to the decision of the arbiter to be appointed as herein-before provided and shall there-

after be maintained by the railway company and at the cost of the County Council:

(2) The County Council shall not in the construction alteration maintenance or use of the tramways and works by this Act authorised injure alter or interfere with the structure of any bridge under any railways of the railway company or cause any interruption to or interference with the traffic on any railway of the railway company.

For protection of Caledonian Railway Company.

42. The following provisions for the protection of the Caledonian Railway Company (in this section called "the Caledonian Company") shall unless otherwise agreed between the County Council and the Caledonian Company apply and have effect (that is to say):—

(1) Before commencing any works or operations under the powers of this Act affecting any of the railways or other works or lands or other property of the Caledonian Company or any bridge or approaches thereto or the roadway on or under such bridge or other work belonging to or maintainable or repairable by the Caledonian Company the County Council shall submit to the Caledonian Company plans and sections working drawings and specifications thereof showing the manner in which such works or operations are to be carried out as well as the design material and mode of execution thereof for the approval of the Caledonian Company which approval shall not be unreasonably withheld and shall be deemed to have been given unless the Caledonian Company signify their disapproval within fourteen days after submission of the said plans and sections working drawings and specifications and the said works and operations shall be constructed and carried on and completed in conformity only with such plans and sections working drawings and specifications at the sole cost of the County Council and at the sight and to the reasonable satisfaction of the engineer of the Caledonian Company and such works shall thereafter be maintained and repaired by the County Council to the reasonable satisfaction of such engineer:

(2) The County Council shall pay to and reimburse the Caledonian Company in all costs charges and expenses

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which they may reasonably incur in connexion with the construction of the works authorised by this Act in under or affecting the property or works of the Caledonian Company or the subsequent maintenance use alteration replacing or repair of such works including the reasonable expense of inspectors signalmen watchmen and others and for superintendence and all reasonable extra precautions for the safety and working of the traffic of the Caledonian Company during the execution of such works or in connexion with the maintenance use alteration replacing or repair thereof:

(3) The County Council shall not in the construction alteration maintenance or use of the tramways and works by this Act authorised injure alter or interfere with the structure of the said bridges or any of the sidings or works of the Caledonian Company or cause any interruption to or interference with the traffic on the railway:

(4) If in constructing or altering the tramways or works by this Act authorised the County Council lower the level of any road passing under or alongside any of the railways of the Caledonian Company the County Council shall underpin or otherwise strengthen the bridge carrying such railway over such road or the works supporting the railway along such road and such underpinning or strengthening shall be executed at the sole cost of the County Council and at the sight and to the reasonable satisfaction of the engineer of the Caledonian Company and the County Council shall pay to the Caledonian Company all expenses properly incurred by them in connexion with such underpinning or strengthening including the expense of inspectors signalmen watchmen and others and all extra precautions reasonably required for the safety and working of traffic necessitated by the works or operations of the County Council The County Council shall also make adequate provision for the drainage of any roads lowered under such bridges but only to the extent of their interference with such roads Any portion of the abutments of the said bridges and retaining walls in connexion therewith that may

be exposed by such lowering of the roads shall be dressed and finished uniformly with the part thereof above the present surface of the road:

(5) If any injury to or interference with any of the railways or any bridge or works of the Caledonian Company or any interruption to the traffic on the railway shall arise from or be occasioned at any time by the works or operations of the County Council they shall forthwith make good or remove such injury interference or interruption at their own expense or the Caledonian Company may execute the necessary works for that purpose at the expense of the County Council and the County Council shall repay to the Caledonian Company all costs and expenses properly incurred by them in so doing and all loss or damage sustained by the Caledonian Company in consequence of such injury interference or interruption:

(6) If in consequence of additional weight being put on any bridge of the Caledonian Company or if for any other reason arising from the construction or existence of any of the said tramways it may be necessary to reconstruct or alter or strengthen the structure of any such bridge the County Council shall bear the whole expense of such reconstruction alteration or strengthening and the work thereof shall be carried out by the County Council at the sight and to the satisfaction of the Caledonian Company's engineer and the work of such reconstruction alteration or strengthening shall thereafter be maintained by and at the cost of the County Council and at the sight and to the satisfaction of the Caledonian Company's engineer:

(7) Nothing in this Act contained or which may be done in pursuance thereof shall prevent the Caledonian Company from maintaining and repairing and when necessary renewing widening altering or reconstructing any of the railways or bridges or approaches thereto or other works of the Caledonian Company without interference on the part of the County Council and without incurring any liability to the County Council or to any person working or using the tramways for any loss injury damage expense or interruption of traffic which may arise from such maintenance repair

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renewal widening alteration or reconstruction and any extra expense which the Caledonian Company may incur in such maintenance repair renewal widening alteration or reconstruction by reason of the construction or existence of the tramways shall be paid by the County Council and such extra expense if any shall be determined by an arbiter to be appointed as herein-after mentioned Provided that all such operations shall be executed by the Caledonian Company in such manner as to cause as little interruption or inconvenience as practicable to the traffic on the tramways and the Caledonian Company shall give fourteen days' notice in writing to the County Council before commencing any such operations and the same so far as interfering with the tramways shall be conducted at the sight and to the reasonable satisfaction of the engineer of the County Council Provided also that if required by the Caledonian Company for the purpose of maintaining repairing altering or reconstructing any bridge the County Council shall deviate so much of the tramway as may be necessary for that purpose on receiving fourteen days' notice in writing from the Caledonian Company and in the event of the County Council failing to deviate such portion of the tramway within such period the Caledonian Company shall be entitled without further notice to deviate the same and the reasonable expense incurred in so doing shall be paid by the County Council:

(8) The County Council shall not without the previous consent in writing of the Caledonian Company enter upon take acquire or use compulsorily under the provisions of this Act any land belonging to the Caledonian Company:

(9) Any wire bracket or other fixture of the County Council to be affixed to any bridge or other building or property of the Caledonian Company shall be fixed to the reasonable satisfaction of their engineer and so as not to injure the said bridge building or property:

(10) If any difference shall arise between the County Council and the Caledonian Company or their engineer as to any plans sections working drawings or specifications

or as to any work or the method of executing the same or as to any expenses referred to in this section the same shall be determined by an engineer to be agreed upon between the County Council and the Caledonian Company or failing agreement to be nominated by the Board of Trade on the application of either of the parties and the costs of the reference shall be borne and paid as such engineer shall direct.

Attachment of brackets &c. to buildings.

43. The County Council may with the consent of the owner of any building attach to that building such brackets wires and apparatus as may be required for the working of the tramways by mechanical power:

Provided that—

(1) Where in the opinion of the County Council any consent under this section is unreasonably refused they may appeal to the sheriff who shall have power having regard to the character of the building and to the other circumstances of the case to allow the attachment subject to such terms as to compensation or rent and otherwise as he may think reasonable or to disallow the same and may determine by which of the parties the costs of the appeal are to be paid:

(2) Any consent of an owner and any order of the sheriff under this section shall not have effect after that owner ceases to be in possession of the building but any attachments fixed under the provisions of this section shall not be removed until the expiration of three months after any subsequent owner shall have given to the County Council notice in writing requiring the attachments to be removed Where such notice is given the preceding provisions of this section shall apply and the sheriff shall have the same powers as under proviso (1):

(3) The owner may require the County Council to temporarily remove the attachments where necessary during any reconstruction or repair of the building.

For the purpose of this section any occupier of a building whose tenancy exceeds one year unexpired and in the case of any other tenancy the person receiving the rent shall be deemed to be the owner.

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Apparatus used for mechanical power to be deemed part of tramway.

44. The provisions of sections 26 to 33 of the Tramways Act 1870 (except so much of section 28 as relates to the repair of the road between and on each side of the rails of a tramway) shall apply as if all posts tubes pipes wires and other apparatus used or to be used by the County Council for the purposes of mechanical power were parts of the tramway.

Power to acquire patent rights.

45. For the purpose of using mechanical power the County Council may acquire hold and exercise patent and other rights or licences relating to motive power or otherwise but not so as to acquire any exclusive right therein.

County Council may lop trees.

46. The County Council may cut and lop any trees planted in or overhanging any street or road along which the tramways are laid which may interfere with the construction or working of the tramways or with the clear and safe passage of the carriages and the passengers thereon doing no unnecessary damage to the trees and the County Council shall make compensation to any persons who may sustain damage by the exercise of the powers conferred by this section Provided that except in cases of emergency the County Council shall give written notice to the owners or reputed owners or their known agents or factors eight days before exercising the said powers The amount of compensation payable under this section shall in the event of dispute be settled by the sheriff in a summary way on the application of either party after hearing the parties and taking such evidence (if any) as he thinks just and the decision of the sheriff shall be final.

Byelaws by Board of Trade.

47.—(1) Subject to the provisions of this Act the Board of Trade may make byelaws with regard to the tramways or any portion thereof upon which mechanical power may be used for all or any of the following purposes (that is to say):—

For regulating the use of any bell whistle or other warning apparatus fixed to the engine or carriages;

For providing that engines and carriages shall be brought to a stand at the intersection of cross streets and at such places and in such cases of horses being frightened or of impending danger as the Board of Trade may deem proper for securing safety;

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

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

(2) 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.

Byelaws by local authority.

48. The provisions of the Tramways Act 1870 relating to the making of byelaws by the local authority with respect to the rate of speed to be observed in travelling on the tramways shall not authorise the local authority to make any byelaw sanctioning a higher rate of speed than that authorised by the Board of Trade regulations but the byelaws of the local authority may restrict the rate of speed to a lower rate than that so authorised.

Fares for passengers.

49. Subject to the provisions of this Act the County Council may demand and take for every passenger travelling upon the tramways or any portion thereof including every expense incidental to such conveyance a fare not exceeding one halfpenny per half mile and in computing the said fare a fraction of half a mile shall be deemed half a mile.

As to fares on Sundays and holidays.

50. It shall not be lawful for the County Council to take or demand on Sunday or any public holiday any higher fares or charges for passengers than those levied by them on ordinary week days.

Passengers' luggage.

51. Every passenger travelling upon the tramways may take with him his personal luggage not exceeding twenty-eight pounds in weight without any charge being made for the carriage thereof but all such personal luggage must be carried by hand and at the responsibility of the passenger and must not be placed so as to occupy any part of a seat and must not be of a form or description to annoy or inconvenience other passengers.

County Council not to carry goods &c.

52. The County Council shall not carry on the tramways any goods animals or things other than passengers and passengers' luggage not exceeding the weight in this Act mentioned and small parcels not exceeding fifty-six pounds in weight.

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Cheap fares for working classes.

53.—(1) The County Council at all times after the opening of the tramways or any part or parts thereof for public traffic shall and they are hereby required to run a reasonable number of carriages each way every morning in the week and every evening in the week (Sundays and public holidays excepted) at such hours not being earlier than five nor later than nine in the morning or earlier than four in the evening respectively as may be most convenient for artizans mechanics daily labourers clerks and shop assistants at fares not exceeding one halfpenny per mile.

(2) If complaint is made to the Board of Trade that proper and sufficient service under this section is not provided the Board after considering the circumstances of the locality may by order direct the County Council to provide such service as may appear to the Board to be reasonable.

(3) The County Council shall be liable to a penalty not exceeding five pounds for every day during which they fail to comply with an order under this section.

Foregoing charges not to apply to special carriages.

54. The County Council may enter into agreements with other parties for the use of special carriages on extraordinary occasions and in such cases the restrictions as to the fares to be charged for passengers herein-before contained shall not apply Provided that the running of such carriages shall in no way curtail the ordinary service of carriages.

Small parcels.

55. The County Council may demand and take in respect of every small parcel conveyed by them on the tramways including every expense incidental to the conveyance (except a reasonable sum for collection and delivery of such parcels and any other services incidental to the business of a carrier when such services are performed by the County Council) any rates or charges not exceeding the following:—

For any parcel not exceeding seven pounds in weight threepence;

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

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

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

Provided that if the County Council run special cars for the carriage of parcels there shall be no collection or delivery on the journey but such special cars shall only be run from one depôt to another.

Payment of rates and charges.

56. The fares rates and charges by this Act authorised shall be paid to such persons and at such places upon or near to the tramways and in such manner and under such regulations as the County Council may by byelaw made under this Act appoint.

Periodical revision of rates and charges.

57. If at any time after three years from the opening for public traffic of the tramways or any portion thereof or after three years from the date of any order made in pursuance of this section in respect of the tramways or any portion thereof it is represented in writing to the Board of Trade by twenty inhabitant ratepayers of the district in which the tramways or such portion of the tramways are or is wholly or partly situate or by the County Council that under the circumstances then existing all or any of the fares or other charges demanded and taken in respect of the traffic on the tramways or on such portion should be revised the Board of Trade may (if they think fit) direct an inquiry by a referee to be appointed by the said Board in accordance with the provisions of the Tramways Act 1870 and if the referee reports that it has been proved to his satisfaction that all or any of the fares or charges should be revised the said Board may subject to the maximum fares and charges authorised by this Act by order in writing alter modify reduce or increase all or any of the fares or charges to be taken in respect of the tramways or on any portion thereof 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.

Penalty for malicious damage.

58. If any person wilfully does or causes to be done with respect to any apparatus used for or in connexion with the working of the tramways anything which is calculated to obstruct or interfere with the working of the tramways or to cause injury to any person he shall (without prejudice to any proceedings by way of indictment or otherwise to which he may be subject) be guilty of an offence punishable on summary conviction and every person convicted of such offence or of any offence under section 50 of the Tramways Act 1870 with respect to any tramway of the County Council shall be liable to a penalty not exceeding twenty pounds.

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Confirmation of scheduled agreement.

59.—(1) The agreement between the County Council and the Company set forth in the Second Schedule to this Act is hereby confirmed and made binding upon the parties thereto and shall be carried into effect by such parties accordingly.

(2) The Company may so long as they work the tramways of the County Council referred to in the said agreement demand charge and recover the fares rates and charges by this Act authorised in respect thereof Provided that for the purpose of calculating the fares rates and charges payable in respect of passengers and parcels conveyed partly on the tramways and partly on the tramways of the Company those tramways shall be deemed to be one tramway.

(3) If the County Council shall in pursuance of the said agreement sell to the Company the tramways therein referred to such tramways shall be deemed to form part of the tramways and the undertaking authorised by the Order of 1903 and shall become subject to the provisions of the said Order in all respects as if such tramways had been constructed by the Company under the powers of such Order and thereupon this Part of this Act shall cease to apply to such tramways.

PART III.

FINANCE.

Definition of tramway revenue.

60. In this Part of this Act the expression "tramway revenue" means all moneys received by the County Council (including any penalties recovered) in respect of the undertaking authorised by Part II. of this Act except (A) borrowed money (B) money arising from the disposal of land acquired for the purposes of this Act and (C) any other money of the nature of capital money received by them under the provisions of this Act.

Power for County Council to borrow.

61.—(1) The County Council may subject to the provisions of section 67 of the Local Government (Scotland) Act 1889 and of any power they may have to raise money by the issue of stock under the Local Authorities Loans (Scotland) Acts 1891 and 1893 borrow for the following purposes of this Act the sums undermentioned (that is to say):—

(A) For the purchase of land and for the construction of the road widenings and alterations by this Act authorised the sum of five thousand pounds:

(B) For construction of the tramways by this Act authorised the sum of seventy-five thousand pounds:

(C) For the equipment of the tramways by this Act authorised including rolling stock the sum of fifty thousand pounds:

(D) For paying the costs charges and expenses of this Act such sum as may be necessary.

(2) The County Council may also with the consent of the Board of Trade borrow such further money as may be necessary for any of the purposes of Part II. of this Act.

(3) In order to secure the repayment of the moneys so to be borrowed and the payment of the interest thereon the County Council may mortgage or charge the tramway revenue and in addition thereto and as a collateral security they may borrow on the security of the rate for the maintenance of roads leviable by the County Council within the Middle Ward District of the county under the Roads and Bridges (Scotland) Act 1878 and the County Council may assign such rate as security for the moneys so to be borrowed.

Power to re-borrow.

62. If after having borrowed the sums of money by this Part of this Act authorised or any part thereof the County Council shall pay off the same otherwise than by means of the sinking fund or by means of capital money representing a repayment of moneys borrowed and expended by the County Council for the purposes of this Act or by instalments it shall be lawful for the County Council again to borrow the amount so paid off upon the same security as that upon which the moneys so paid off was secured and so from time to time Provided that all moneys so borrowed by the County Council shall for the purposes of repayment be deemed part of the sum originally borrowed by them and shall be repaid within the period prescribed for the repayment of the money in lieu of which such re-borrowing has been made.

County Council may borrow on cash account.

63. The County Council may accept and take from any bank or banking company credit on a cash account to be opened and kept with such bank or banking company in the name of the County Council according to the usage of bankers in Scotland to the extent of the aggregate amount which the County Council are at the time authorised to borrow or any part thereof and may make and grant mortgages and assignments of the tramway revenue and such rate as aforesaid in

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security of the payment of the amount of such credit or of the sums advanced from time to time on such cash account with interest thereon Provided always that the whole sums due and owing by the County Council on such cash account and borrowed by them on mortgage shall never when taken together exceed the aggregate amount of the moneys by this Act authorised to be borrowed and not repaid by means of capital repaid as in the last preceding section mentioned or by instalments or by sinking fund.

Mode of repayment of borrowed money.

64. The County Council shall pay off all moneys borrowed by them for capital expenditure under the authority of this Part of this Act either by means of a sinking fund formed under the provisions of this Act or by equal yearly or half-yearly instalments of principal or of principal and interest combined or partly by one of those methods and partly by another or others of them.

Repayment of borrowed money.

65. The County Council shall pay off all moneys borrowed by them for the under-mentioned purposes within the periods following (herein-after referred to as "the prescribed period") (that is to say):—

As to money borrowed for the purchase of land and for the construction of the road widenings and alterations by this Act authorised within fifty years from the date or dates of borrowing the same;

As to money borrowed for the construction of the tramways by this Act authorised within thirty years from the date or dates of borrowing the same;

As to money borrowed for the equipment of and rolling stock for the tramways by this Act authorised within twenty years from the date or dates of borrowing the same;

As to money borrowed for paying the costs charges and expenses of this Act within five years from the commencement of this Act;

As to money borrowed with the consent of the Board of Trade within such period as may be prescribed by that Board.

Sinking Fund.

66.—(1) If the County Council determine to repay by means of a sinking fund any moneys borrowed under the authority

of this Part of this Act such sinking fund shall be formed or maintained either—

(A) By payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed A sinking fund so formed is herein-after called a "non-accumulating sinking fund"; or

(B) By payment to the fund throughout the prescribed period of such equal annual sums as with accumulations at a rate not exceeding three per centum per annum will be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed A sinking fund so formed is herein-after called "an accumulating sinking fund."

(2) Every sum paid to a sinking fund and in case of an accumulating sinking fund the interest on the investments of the sinking fund shall unless applied in repayment of the loan in respect of which the sinking fund is formed be immediately invested in securities in which trustees are by law for the time being authorised to invest or in mortgages bonds debentures debenture stock stock or other securities (not being annuity certificates or securities payable to bearer) duly issued by any local authority other than the County Council the County Council being at liberty from time to time to vary and transpose such investments.

(3) In the case of a non-accumulating sinking fund the interest on the investments of the fund may be applied by the County Council towards the equal annual payments to the fund.

(4) The County Council may at any time apply the whole or any part of any sinking fund in or towards the discharge of the money for the repayment of which the fund is formed Provided that in the case of an accumulating sinking fund the County Council shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by such sinking fund so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

(5)—(A) If and so often as the income of an accumulating sinking fund is not equal to the income which would be derived from the amount invested if the same were invested at the rate

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per centum per annum on which the annual payments to the fund are based any deficiency shall be made good by the County Council:

(B) If and so often as the income of an accumulating sinking fund is in excess of the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any such excess may be applied towards such annual payments.

(6) Any expenses connected with the formation maintenance investment application management or otherwise of any sinking fund under this Act shall be paid by the County Council in addition to the payments provided for by this Act.

(7) If it appears to the Secretary for Scotland or to the County Council at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Act together with the accumulations thereon (in the case of an accumulating sinking fund) will probably not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the County Council to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose.

(8) If the County Council desire to accelerate the repayment of any loan they may increase the amount payable to any sinking fund.

(9) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Act together with the accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the County Council be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the County Council may with the consent of the Secretary for Scotland reduce the payments to be made to the sinking fund either temporarily or permanently to such amounts as will be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed.

(10) If the amount in any sinking fund at any time together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the

County Council be sufficient to repay the loan in respect of which it is formed within the prescribed period the County Council may with the consent of the Secretary for Scotland discontinue the annual payments to such sinking fund.

(11) Any surplus of any sinking fund remaining after the discharge of the whole of the moneys for the repayment of which it was formed shall be applied to such purpose as the County Council may determine.

(12) The period at which the payments into the sinking fund shall commence shall be one year after the date or dates of borrowing.

Annual return to Secretary for Scotland with respect to sinking fund.

67. The treasurer of the County Council shall within four months after the expiration of each year during which any sum is by this Act required to be paid as an instalment or to be set apart for a sinking fund transmit to the Secretary for Scotland a return in such form as may be prescribed by the Secretary for Scotland and verified by statutory declaration if so required by him showing the amount which has been so paid or set apart in respect of that year and the description of the securities upon which any investment has been made and also showing the purposes to which any portion of such sinking fund and the interest or income thereof have been applied during the same period and the total amount remaining invested at the end of the year and in the event of any default in making such return such treasurer so making default shall be liable to a penalty not exceeding twenty pounds which shall be recoverable by the Secretary for Scotland as a debt to the Crown is recoverable If it appear to the Secretary for Scotland by any such return or otherwise that the County Council have failed to pay any instalment or to set apart the sum required by this Part of this Act to be set apart for the sinking fund or have applied any portion of the moneys set apart for that fund or any interest or income thereof to any purposes other than those authorised by this Part of this Act the Secretary for Scotland may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be paid or set apart and invested as part of the sinking fund and such order shall be enforceable by decree of either division of the Inner House of the Court of Session in Scotland pronounced in a summary application presented for that purpose.

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Protection of lender from inquiry.

68. Any person lending or paying money to the County Council shall not be bound to inquire as to the observance by the County Council of any provisions of this Act or of any Act incorporated herewith or to see to the application or be answerable for any loss mis-application or non-application of such money or any part thereof.

Appointment of a judicial factor.

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

Separate accounts and audit.

70. Separate accounts shall be kept of all receipts and expenditure of the County Council and of their committees and officers with respect to the tramways and those accounts shall be subject to audit by the county auditor in like manner and with the like incidents and consequences as the accounts of the County Council are subject to audit under the Local Government (Scotland) Act 1889 as amended by section 17 of the Local Government (Scotland) Act 1908.

Application of revenue.

71.—(1) The tramway revenue shall be applied by the County Council in payment of the working and establishment expenses and cost of maintenance of the tramways including all costs expenses penalties and damages incurred or payable by them consequent upon any proceedings by or against them their officers or servants in relation to the tramways and after such payment shall be applied as follows:—

(A) In payment of the interest or dividend on any mortgages or other securities granted and issued by the County Council in respect of moneys borrowed under the authority of this Part of this Act:

(B) In payment of any sums required to be paid for any instalments appropriations or annual repayments or sinking fund in respect of moneys borrowed under the authority of this Part of this Act:

(C) In providing a reserve fund by setting aside such moneys as the Board of Trade may approve and investing the same in securities in which the County Council are under this Act authorised to invest sinking

funds until the fund so formed amounts according to the market price of the investments to a sum not less than ten per centum on the capital required for the tramways which fund shall be applicable to answer any deficiency at any time happening in the tramway revenue or to meet any extraordinary claim demand or liability at any time arising against or upon the County Council in respect of the tramways and so that when the fund is at any time reduced below such sum according to such price it may be again restored to the said sum according to such price and so from time to time Provided that the income of the reserve fund shall be applied as revenue in accordance with the other provisions of this section:

(D) In payment by the County Council of any other expenses properly incurred by them in the execution of the foregoing provisions of this Act including payment of reasonable provision for future renewals of works and of plant originally paid for out of capital into a depreciation fund to be invested with any income thereof in securities under this Act authorised for sinking funds and to be applicable for such renewals Provided that the depreciation fund shall not be increased beyond a total amount reasonably necessary for the purposes thereof.

(2) Any surplus of the tramway revenue in any year after making the payments and provision by this section provided for shall be carried to the credit of the rate for the maintenance of roads within the Middle Ward District of the county leviable by the County Council under the Roads and Bridges (Scotland) Act 1878 Provided that the County Council may retain out of such surplus instead of carrying the same to such credit a sufficient balance for carrying on the undertaking and meeting the current expenses thereof before further sufficient revenue becomes available for such purposes Provided further that no surplus shall be carried to the credit of the said rate until a reserve fund of the amount herein-before specified shall have been provided.

Annual estimate to be made by County Council.

72. The County Council shall once in each year after the first year's working cause to be laid before them a statement and balance sheet of the tramway accounts including the reserve and depreciation funds for the preceding year and an estimate of

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the revenue to be derived for the ensuing year from the working and use of the tramways and also an estimate of the sums required to meet for such year the expenses of working managing and maintaining the tramways and the interest on borrowed money and the payments into the sinking fund and the County Council shall thereupon fix annually the fares rates and charges to be levied by them for the use of the tramways for the said year then ensuing not exceeding the fares rates and charges authorised by this Act so that the revenue shall as nearly as possible meet the expenditure for each year Provided that if in any year the revenue exceeds such expenditure such excess shall be dealt with by the County Council as provided by sub-section (2) of the immediately preceding section and that should there be a deficiency in any year it shall be provided for in the estimate for the following year by drawing from reserve fund or varying the fares rates and charges or reducing working expenses or be carried to a suspense account and reduced gradually over a period of years not exceeding five.

Application of money borrowed.

73. Moneys borrowed or raised by the County Council under this Part of this Act shall be applied only to the several purposes in respect of which they are respectively authorised to be borrowed or raised and to which capital is properly applicable.

PART IV.

PURCHASE OF UNDERTAKING OF LANARKSHIRE TRAMWAYS COMPANY.

Further interpretation.

74. In this Part of this Act unless there be something in the subject or context repugnant to such construction—

"The local authorities" means the County Council and the provost magistrates and councillors of each of the burghs of Hamilton Motherwell and Wishaw;

"The existing tramways" means the undertaking of the Company authorised by the Act of 1900 the Order of 1903 and the Order of 1908 and includes all lands buildings works material carriages omnibuses and plant of the Company suitable to and used by them for the purposes of such undertaking;

"The 1903 lines" means so much of the tramways authorised by this Act as corresponds with the tramways

authorised by the Order of 1903 and not constructed and includes all lands buildings works material carriages and plant used for the purposes of such tramways;

"The said tramways" means the existing tramways and the 1903 lines.

Purchase of tramways by local authorities by agreement.

75.—(1) The local authorities by agreement inter se may jointly at any time before the eleventh day of August one thousand nine hundred and twenty-eight and by agreement with the Company and with the approval of the Board of Trade purchase and the Company may sell to the local authorities jointly the existing tramways and the 1903 lines if those tramways have been acquired by the Company as provided by the agreement set forth in the Second Schedule to this Act subject to each of the local authorities passing a resolution deciding to purchase in the manner prescribed by section 43 of the Tramways Act 1870.

(2) In the event of a purchase of the existing tramways by the local authorities under the foregoing provision taking place before the acquisition by the Company of the 1903 lines the County Council shall concurrently sell to and the local authorities shall acquire the 1903 lines and thereupon the provisions of the Order of 1903 shall so far as applicable apply to those lines as if they had been constructed under that Order.

(3) In any agreement between the local authorities with a view to purchase under this section regard shall be had as between the local authorities to their respective rights and interests as at the date of purchase due to anticipation of the periods of purchase respectively provided for in sections 49 and 50 of the Order of 1903 and also to the remunerative values of the portions of the tramways referred to in those sections respectively and the financial relations of the local authorities shall be adjusted accordingly Any difference arising between the local authorities under this subsection shall be determined by arbitration.

(4) The foregoing provisions of this section shall be in addition to and not in derogation of the powers of purchase conferred by sections 49 and 50 of the Order of 1903.

(5) If the existing tramways or the said tramways shall be purchased under this section sections 49 and 50 of the Order of 1903 shall as from the date of purchase be and the same are hereby repealed.

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(6) In the event of a sale under this section the local authorities may pay the purchase-money and all expenses incurred by them in the purchase of the said tramways out of the like rate and shall have the like powers to borrow on the security of the same as if such expenses were incurred in applying for obtaining and carrying into effect a Provisional Order obtained by them under the Tramways Act 1870 Where any local rate is limited by law to a certain amount and is by reason of such limitation insufficient for the payment of such purchase-money and expenses the Board of Trade may extend the limit of such local rate to such amount as they shall think fit and prescribe for the payment of such purchase-money and expenses.

(7) If and when any sale has been made to the local authorities under the provisions of this section all the rights powers and authorities of the Company in respect of the said tramways shall be transferred to vested in and may be exercised by the local authorities acting jointly in like manner as if the tramways were constructed by such authorities under the powers conferred upon them by a Provisional Order under the Tramways Act 1870 and in reference to the same they shall be deemed to be the Company Provided that section 19 of the Tramways Act 1870 in so far as it relates to any local authority placing or running carriages upon the tramways and demanding and taking tolls and charges in respect of the use of such carriages shall not apply in the case of any such sale.

(8) In the event of a purchase under this section the existing tramways and the 1903 lines shall for the purpose of calculating fares rates and charges be deemed to be one tramway.

PART V.

MISCELLANEOUS.

References to arbitration.

76. Where under this Act any question or dispute is to be referred to arbitration then unless other provision is made the reference shall be to an arbiter appointed by the Board of Trade.

Orders &c. of Board of Trade.

77. All orders regulations 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.

Recovery of penalties.

78. Any penalty under this Act or under any byelaws or regulations made under this Act may be recovered in manner provided by the Summary Jurisdiction (Scotland) Act 1908.

Saving for Crown.

79. Nothing in this Act shall affect prejudicially any estate right power privilege or exemption of the Crown or shall subject to the provisions of this Act any land buildings or works vested in or occupied by the Crown or any department of His Majesty's Government except to such extent as His Majesty or such department may voluntarily agree.

Provision as to general Tramway Acts.

80. Nothing in this Act contained shall exempt the County Council or the other local authorities or the Company or the said tramways from the provisions of any general Act relating to tramways passed before or after the commencement of this Act or from any future revision or alteration under the authority of Parliament of the maximum rates fares and charges authorised by this Act.

Costs of Act.

81. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the County Council out of the money which they are by this Act authorised to borrow for that purpose.

The SCHEDULES referred to in the foregoing Act.

FIRST SCHEDULE.

PROPERTIES PARTS ONLY OF WHICH MAY BE TAKEN.

Parish.	Nos. on deposited Plans.
Bothwell - - - -	17 22

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SECOND SCHEDULE.

MINUTE OF AGREEMENT between the COUNTY COUNCIL OF THE COUNTY OF LANARK incorporated by law (herein-after called "the Council") of the first part and the LANARKSHIRE TRAMWAYS COMPANY (who were originally incorporated under the name of the Hamilton Motherwell and Wishaw Tramways Company by the Hamilton Motherwell and Wishaw Tramways Act 1900) having their principal office at Power House Motherwell (herein-after called "the Company") of the second part.

WHEREAS the Company were authorised by the Hamilton Motherwell and Wishaw Tramways Act 1900 to construct certain tramways within the county of Lanark and in the burghs of Hamilton Motherwell and Wishaw and the same have been duly constructed and are now in operation:

And whereas the Company were authorised by the Lanarkshire Tramways Order 1903 (herein-after called "the Order of 1903") to construct certain additional tramways partly within the county and partly within the said burghs of Hamilton Motherwell and Wishaw subject to a provision that upon the expiration of the period of five years from the commencement of that Order viz. the eleventh day of August one thousand nine hundred and three the powers thereby granted to the Company for executing the same or otherwise in relation thereto should cease except as to so much thereof as was then completed:

And whereas by the Lanarkshire Tramways Order 1908 the period allowed for the construction of certain of the tramways authorised by the Order of 1903 was extended for a period of three years from the eleventh day of August one thousand nine hundred and eight:

And whereas the tramways authorised by the Order of 1903 with the exception of the tramways therein described as Tramways Nos. 3A 5A 6 and 7 have been duly constructed and are now in operation but the powers granted to the Company for the construction of the said Tramways Nos. 3A 5A 6 and 7 have expired:

And whereas it is desirable the said tramways should be constructed and the Council are in the present session of Parliament promoting a Bill under the short title of the Lanark County Tramways Bill for an Act to empower them (among other things) to construct

the same with other tramways and for the reasons and causes recited in the preamble of the Bill as deposited to acquire the undertaking of the Company compulsorily and for other purposes which Bill is herein-after referred to as "the Bill":

And whereas the Company presented a petition against the Bill but negotiations having taken place between the Council and the Company with regard to the provisions of same which have resulted in an agreement between parties as is herein-after contained and in the Council undertaking to amend the said Bill as shown in the print thereof which has been signed for identification by Thomas Munro on behalf of the Council and William Morris junr. on behalf of the Company and the Company have agreed to withdraw such petition and not to oppose the Bill Therefore the parties hereto have agreed and do hereby agree as follows:—

First.—In the event of the Council obtaining in the present session the powers sought by the Bill for the construction of the tramways co-terminous with Tramways Nos. 3A 5A 6 and 7 authorised by the Order of 1903 (which parts are herein-after referred to as "the 1903 lines") they shall as soon as reasonably possible enter into a contract with some company or person to be subject to the reasonable approval of the Company for the construction by such company or person on or before the thirty-first day of December one thousand nine hundred and thirteen at the cost and on behalf of the Council of the 1903 lines together with the electrical equipment thereof on the overhead system but not including rolling stock Provided that so long as the Company remain the owners of the tramways constructed under the Lanarkshire Tramways Acts 1900 to 1908 the Council shall not construct any other parts of the tramways described in the Bill without the consent in writing of the Company.

Second.—Before entering into such contract the Council shall submit to the Company for their reasonable approval plans specifications and estimates of the cost of the proposed works including any road widenings the Council determine to carry out in connexion with the construction of the 1903 lines.

Third.—Upon the completion of the 1903 lines in accordance with the first article hereof and their certification by the Board of Trade as being fit for traffic the Company shall to the reasonable satisfaction of the Council work and maintain such lines and provide all rolling stock and plant necessary for the purpose The Company shall also as from the date of such completion and certification pay and indemnify the Council against all rates taxes charges and outgoings in respect of the 1903 lines or the working thereof and observe and perform all obligations and liabilities imposed upon or attaching to the Council in

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respect of the 1903 lines and whether imposed by the intended Act or otherwise but not including any obligations or liabilities imposed by clauses inserted in the Bill or agreements made by the Council without the previous consent of the Company The Company shall also from the date of expenditure pay to the Council interest on the sums expended by the Council upon the construction of the 1903 lines the road widenings and alterations proposed to be authorised by the Bill the acquisition of property therefor and the said electrical equipment together with the expenses reasonably incurred by the Council in connexion with the preparation of the necessary plans specifications estimates and contract such interest to be calculated at the rate per annum payable by the Council upon the moneys borrowed by the Council for the purposes aforesaid and to be paid by the Company to the Council by half-yearly instalments at the terms of Whitsunday and Martinmas Provided that the obligations of the Company under this article shall cease upon the completion of any purchase by the Council and the other local authorities interested of the undertaking of the Company authorised by the Lanarkshire Tramways Acts 1900 to 1908 or of any sale of the 1903 lines by the Council to the Company under the provisions herein-after contained.

Fourth.—If the Council and the provost magistrates and town council of each of the burghs of Hamilton Motherwell and Wishaw shall not before the expiration of two years from the opening for traffic of the 1903 lines have agreed with the Company to purchase the Company's undertaking authorised by the Lanarkshire Tramways Acts 1900 to 1908 then at the expiration of the said period the Council shall sell and the Company shall purchase the tramway undertaking of the Council to be authorised by Part II. of the intended Act so far as it relates to the 1903 lines and upon the completion of such sale the 1903 lines shall (subject to the next succeeding article hereof) for all purposes be deemed to form part of the tramways and the undertaking authorised by the Order of 1903 and shall become subject to the provisions of section 50 of the said Order with respect to the purchase of the Company's undertaking as if the 1903 lines had been constructed by the Company under the powers of such Order The consideration for the said sale shall be the aggregate amount of the sums expended by the Council as mentioned in the third article hereof The purchase shall be completed by the Company at the expiration of one month after the end of the said period of two years Provided that the Company may defer the payment of any portion of the said consideration not exceeding one half thereof for any period not exceeding one year and in that event the Company shall also pay to the Council interest at the rate aforesaid upon the deferred amount from the expiration of the said one month until the date for payment thereof If the Company make default in paying any sum payable by

them under this article at the time appointed for payment thereof the Company shall pay to the Council interest upon the sum so unpaid at the rate of five pounds per centum per annum until the same shall be paid.

Fifth.—After the expiration of a period of two years from the opening for traffic of the 1903 lines the Company shall if their undertaking has not at that date been purchased by the Council and the provost magistrates and council of each of the said burghs as before mentioned pay to the Council each year in respect of the 1903 lines the payments provided for and in the events specified in section 16 of the Order of 1903 as if the 1903 lines had been laid by the Company under the powers of that Order.

Sixth.—Any additional passing places or alterations which may be reasonably required by the Company to properly accommodate and work the traffic upon the 1903 lines shall be constructed by the Council and the cost thereof shall be deemed to be part of the sums expended by the Council upon the construction of the 1903 lines.

Seventh.—Without prejudice to any other remedy which the Council may have against the Company the Company shall be liable in damages to the Council for any breach by the Company of the conditions of this agreement or failure by the Company to fulfil any of the obligations therein contained.

Eighth.—In the event of any difference arising between the parties as to the true intent meaning or effect of this agreement or any of its provisions or as to the implement thereof the same shall be referred to an arbiter to be nominated by the Board of Trade on the application of either of the parties and the determination of the said arbiter shall be final and binding on the parties Provided that nothing in this article contained shall apply to any question as to the construction of any parts of the proposed tramways other than the 1903 lines.

Lastly.—This agreement is subject to the same being confirmed by Parliament by the said intended Act and is made subject to such alterations as Parliament may think fit to make therein and in the event of either House of Parliament making any material alteration therein it shall be in the option of either of the parties hereto to withdraw from the same by notice in writing to that effect and thereupon this agreement shall become void.

In witness whereof these presents partly printed and partly written on this and the three preceding pages are subscribed in duplicate by the parties hereto as follows They are sealed with the seal of the Council and signed by John Dick Scott and George Fraser two of the members of and Thomas Munro clerk to the Council for and on behalf of the Council all at Hamilton on the twenty-

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second day of June one thousand nine hundred and twelve before these witnesses William Hamilton Rodger and James Orr both clerks in the office of the Council at Hamilton they are sealed with the common seal of the Company and signed by Albert Robert Monks and Howard Coppuck Levis two of the directors of and Alfred Clements secretary to the Company for and on behalf of the Company at London on the twenty-sixth day of the month and year last mentioned before these witnesses William Morris junior seventeen Throgmorton Avenue London and James Martin commissionaire late Battery Serjeant-Major Royal Horse Artillery eighty-three Cannon Street there.

W. H. RODGER Witness
JAS. ORR Witness

Seal of the County Council of Lanarkshire.

JOHN D. SCOTT.
GEORGE FRASER.
THOS. MUNRO County clerk.

W. MORRIS JR. Witness
J. MARTIN Witness

Seal of the Lanarkshire Tramways Company.

A. R. MONKS Director.
H. C. LEVIS Director.
ALFRED CLEMENTS Secretary.

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