CHAPTER cxxx.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Paisley District Tramways. [4th August 1905.]

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WHEREAS His Majesty's Secretary for Scotland has after inquiry held before Commissioners made the Provisional Order set forth in the schedule hereunto annexed under the provisions of the Private Legislation Procedure (Scotland) Act 1899 and it is requisite that the said Order should be confirmed by Parliament:

62 & 63 Vict. c. 47.

Be it therefore 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:—

Confirmation of Order in schedule.

1. The Provisional Order contained in the schedule hereunto annexed shall be and the same is hereby confirmed.

Short title

2. This Act may be cited as the Paisley District Tramways Order Confirmation Act 1905.

[*Price* 1*s.* 9*d.*]

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SCHEDULE.

PAISLEY DISTRICT TRAMWAYS.

Provisional Order to authorise the Paisley District Tramways Company to construct additional tramways and other works and for other purposes.

WHEREAS by the Paisley District Tramways Order 1901 (in this Order called "the Order of 1901") the Paisley District Tramways Company (in this Order called "the Company") were incorporated with a share capital of three hundred thousand pounds and with power to borrow one hundred thousand pounds and were authorised to construct the tramways and works therein described all in the county of Renfrew and to work the same by mechanical power:

And whereas by the Paisley District Tramways Order 1904 (hereinafter called "the Order of 1904") the Company were authorised to raise as part of their said share capital one hundred and fifty thousand pounds by the creation and issue of preference shares and the time limited by the Order of 1901 for the completion of the said tramways and works was extended to the seventeenth day of August one thousand nine hundred and six:

And whereas the Company have constructed and opened for the public conveyance of passengers the greater portion of the tramways and works authorised by the Order of 1901:

And whereas no moneys have been borrowed by the Company under the Order of 1901:

And whereas it is expedient that the Company should be authorised to construct the additional tramways and street works hereinafter described and to raise additional capital and borrow further moneys for the purposes of this Order and of their authorised undertaking:

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And whereas it is expedient that the provisions of the Tramways Act 1870 in relation to the purchase of the tramways authorised by this Order should be modified as hereinafter provided:

And whereas the tramways authorised by this Order are extensions of the tramway system of the Company and it is expedient that the provisions of the Order of 1901 with respect to the working and motive power of the authorised tramways of the Company should be extended to the tramways by this Order authorised:

And whereas it is expedient that the Company be authorised to abandon the construction of portion of Tramway No. 3 and portion of Tramway No. 4 authorised by the Order of 1901 and that the period limited for the completion of Tramway No. 8 and portion of Tramway No. 4 authorised by that Order and the other periods hereinafter mentioned should respectively be further extended as by this Order provided:

And whereas it is expedient that notwithstanding anything in section 42 of the Order of 1901 contained the portion of the deposit fund mentioned in section 40 thereof which bears to the whole of the deposit fund the same proportion as the length of the tramways opened by the Company for the public conveyance of passengers and of the portions of tramways by this Order authorised to be abandoned bears to the entire length of the tramways authorised by the Order of 1901 should be repaid or retransferred to the depositors therein mentioned:

And whereas it is expedient that the other powers in this Order contained should be conferred on the Company:

And whereas plans and sections showing the lines and levels of the tramways and street works by this Order authorised and also a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Order were duly deposited with the principal sheriff clerk for the county of Renfrew and are hereinafter respectively referred to as the deposited plans sections and book of reference:

And whereas the purposes aforesaid cannot be effected without an Order of the Secretary for Scotland confirmed by Parliament

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under the provisions of the Private Legislation Procedure (Scotland) Act 1899:

Now therefore in pursuance of the powers contained in the last-mentioned Act the Secretary for Scotland orders as follows:—

Short titles and commencement.

1. This Order may be cited for all purposes as the Paisley District Tramways Order 1905 and shall come into operation at the date of the passing of the Act confirming the same which date is hereinafter referred to as "the commencement of this Order" and the Order of 1901 the Order of 1904 and this Order may be cited together as the Paisley District Tramways Orders 1901 to 1905.

Incorporation of general Acts.

2. The following Acts and parts of Acts are except where expressly varied by this Order incorporated with and form part of this Order (that is to say):—

The Companies Clauses Consolidation (Scotland) Act 1845;

Part I. (relating to cancellation and surrender of shares) and Part II. (relating to additional capital) of the Companies Clauses Act 1863 as amended by subsequent Acts;

The Lands Clauses Acts; and

Section 3 (Interpretation of terms) Part II. (Construction of tramways) and Part III. (General provisions) of the Tramways Act 1870.

Interpretation.

3. In this Order the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction And in this Order unless the context otherwise requires—

"The tramways" and "the street works" mean respectively the tramways and the street works by this Order authorised;

"The existing tramways" means the tramways and works of the Company authorised to be constructed and acquired by the Order of 1901;

"The undertaking" means the undertaking of the Company;

"Mechanical power" means electric power;

"Engine" includes motor;

"Contingencies" in section 125 of the Companies Clauses Consolidation (Scotland) Act 1845 include the contingency of the undertaking being sold to the local authority under section 43 of the Tramways Act 1870 as modified by the Order of 1901 and this Order at a sum less than the aggregate amount of the capital and debts of the Company.

Power to make tramways.

4. Subject to the provisions of this Order the Company may make form lay down work use and maintain the tramways hereinafter described in the lines and according to the levels and within the limits of deviation shown on the deposited plans and sections and in all respects in accordance with those plans and sections with all proper rails plates posts tubes wires apparatus depôts waiting rooms works and conveniences connected therewith and may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for that purpose Provided that nothing in this Order 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.

The tramways hereinbefore referred to and authorised by this Order will be situate wholly in the county of Renfrew and are—

Tramway No. 1 A tramway (2 miles or thereabouts in length of which 4 furlongs 0·5 chain or thereabouts will be double line and 1 mile 3 furlongs 9·5 chains or thereabouts will be single line) commencing in the parish of Paisley by a junction with the Tramway No. 4 authorised by the Order of 1901 at a point in the centre of the road 10 yards or thereabouts from the junction of the Paisley and Barrhead Road and the road leading from the Paisley and Barrhead Road to the Glenfield Scouring Works and terminating in the burgh of Barrhead in Kelburn Street at a point 70 yards or thereabouts measured in a south-westerly direction from the south-west corner of the building at the junction of Main Street with Cross Arthurlie Street and situate between those streets :

Tramway No. 2 A tramway (1 mile 1 furlong 7·6 chains or thereabouts in length of which 1 furlong 5 chains or

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thereabouts will be double line and 1 mile 2·6 chains or thereabouts will be single line) commencing in the parish of Paisley by a junction with the Tramway No. 7 authorised by the Order of 1901 at the south-west boundary of the burgh of Johnstone where that boundary crosses the Kilbarchan Road and terminating in the parish of Kilbarchan at a point in the centre of the road leading from High Barholm to Glentyan House 62 yards or thereabouts measured in an east north-east direction from the centre line of the entrance gate leading to Glentyan House situated in the said road:

Provided that the Company shall not without the consent in writing of the provost magistrates and councillors of the burgh of Barrhead construct so much of Tramway No. 1 as is situate in Cross Arthurlie Street south of the point at which that street is crossed by the Glasgow and Kilmarnock Joint Railway.

Power to make street works.

5. Subject to the provisions of this Order the Company may make the street works hereinafter described in the lines and according to the levels and within the limits of deviation shown on the deposited plans and sections together with all necessary and proper works improvements junctions approaches and conveniences connected therewith or incidental thereto and may enter upon take hold and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for that purpose and may enter upon open break up and interfere with such streets or roads as may be necessary for the like purpose.

The street works hereinbefore referred to and authorised by this Order will be situate wholly in the burgh of Barrhead in the county of Renfrew and are—

Work A A lowering and alteration of the levels of Paisley Road and Cross Arthurlie Street for a distance of 150 yards or thereabouts measured in a northerly direction and of 30 yards or thereabouts measured in a southerly direction along the centre lines of that road and street respectively from the centre of the bridge carrying the Glasgow and Kilmarnock Joint Railway over the Paisley Road and in connection therewith—

(1) A lowering and alteration of the levels of Graham Street for a distance of 50 yards or thereabouts measured

along the centre line of that street from the point at which the centre line thereof intersects the centre line of Paisley Road;

(2) A lowering and alteration of the levels of Carlibar Road for a distance of 57 yards or thereabouts measured along the centre line of that road from the point at which the centre line thereof intersects the centre line of Cross Arthurlie Street;

Work B A lowering and alteration of the levels of Cross Arthurlie Street for a distance of 20 yards or thereabouts measured in a northerly direction and 17 yards or thereabouts measured in a southerly direction along the centre of that street from the centre of the bridge carrying the Paisley and Barrhead District Railway over that street.

Correction of errors &c. in deposited plans and book of reference.

6. If there be any omission misstatement 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 Company after giving ten days' notice to the owners lessees and occupiers of the land in question may apply to the sheriff of the counties of Renfrew and Bute for the correction thereof and if it appear to the sheriff that the omission misstatement or wrong description arose from mistake he shall certify the same accordingly and shall in such certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described and such certificate shall be deposited with the principal sheriff clerk of the said county of Renfrew and a duplicate thereof shall also be deposited with the town clerk of the burgh or with the clerk of the parish council of the parish as the case may be in which the lands affected thereby are situate and such certificate and duplicate respectively shall be kept by such principal sheriff clerk and town clerk and clerk of the parish council respectively 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 Company to take the lands and execute the works in accordance with such certificate.

Period for compulsory purchase of lands.

7. The powers of the Company for the compulsory purchase of lands for the purposes of this Order shall cease after the expiration of three years from the commencement of this Order.

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Restriction on taking houses of labouring class.

8.—(1) The Company shall not under the powers of this Order purchase or acquire in any district within the meaning of the Public Health (Scotland) Act 1897 ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Secretary for Scotland ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

(2) If the Company acquire or appropriate any house or houses for the purposes of this Order in contravention of the foregoing provisions they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Secretary for Scotland by action in the Court of Session and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the court may if it think fit reduce such penalty.

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

Persons under disability may grant servitudes &c.

9. 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 Order grant to the Company 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 Order in over or affecting any such lands and the provisions of the said Acts with respect to lands feu duties ground annuals and rentcharges 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.

Purchase of lands by agreement.

10. In addition to the other lands which the Company are by this Order and the Order of 1901 authorised to purchase and acquire they may purchase take on lease or acquire by agreement

and may hold for the purposes of their undertaking any lands not exceeding ten acres and they may on such lands erect or construct and hold depôts yards wharves offices buildings sidings works and other conveniences in connection with their undertaking but nothing in this Order shall exonerate the Company from any action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them on any such lands.

Period for completion of tramways and street works.

11. The tramways and street works shall be completed within five years from the commencement of this Order and on the expiration of that period the powers by this Order granted to the Company for executing the same or otherwise in relation thereto respectively shall cease except as to so much thereof as shall then be completed.

Power to deviate in constructing street works.

12. The Company in making the street works may deviate vertically from the levels thereof shown on the deposited sections to any extent not exceeding two feet but not so as to increase without the consent of the road authority the rate of inclination of the roads or streets as shown on the deposited plans.

Power to make subsidiary works.

13. Subject to the provisions of this Order and within the limits of deviation shown on the deposited plans the Company in connection with the street works and for the purposes thereof may with the consent of the local authority make junctions and communications with any existing streets which may be interfered with by or be contiguous to such works and may with the like consent make diversions widenings or alterations of lines or levels of any existing streets for the purpose of connecting the same with such works or otherwise and may with the like consent alter divert and stop up all or any part of any drain sewer or channel within the said limits the Company providing a proper substitute before interrupting the flow of sewage in any drain or sewer and making compensation for any damage done by them in the execution of any such works under the powers of this section.

Cross-overs to be constructed in certain cases

14. Where in any road in which a double line of tramway is laid there shall be less width between the outside of the footpath on either side of the road and the nearest rail of the tramway than nine feet six inches the Company shall 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 the means of such cross-over or cross-overs the traffic shall when necessary be diverted from one tramway to the other.

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Shelters or waiting rooms.

15. The Company may erect and maintain sheds or shelters or waiting rooms for the accommodation of passengers and of the Company's servants and may with the consent of the local and road authority use for that purpose portions of the public streets or roads.

Junctions with tramways &c. which can be worked in connection with Company's lines.

16. The Company may make junctions between their tramways and any other tramway or light railway laid near their tramways which can be worked in connection therewith but only with the consents of the owners and lessees of such tramway or light railway and (where such junctions are laid upon any road) of the road authority within whose district such junctions are intended to be laid and the provisions of the Tramways Act 1870 incorporated with this Order and of this Order and the Order of 1901 with respect to the construction maintenance and working of the tramways and the existing tramways shall apply to such junctions where laid along any road and such junctions when made shall for all purposes be deemed to be part of the undertaking of the Company.

Power to acquire patent rights.

17. For the purpose of using mechanical power the Company 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.

Exemption of tramway cars &c. from licensing.

18. Notwithstanding anything contained in the Tramways Act 1870 the Roads and Bridges (Scotland) Act 1878 the Local Government (Scotland) Act 1889 the Burgh Police (Scotland) Act 1892 the Burgh Police (Scotland) Act 1903 the Order of 1901 and any Acts amending the same or in any byelaws made thereunder by the magistrates or local authority or authorities as the case may be in whose districts the tramways or the existing tramways or parts thereof are situate it shall not be necessary for carriages used on the tramways or the existing tramways to be licensed as stage or hackney carriages or otherwise or for the drivers or conductors in charge of carriages used on such tramways to be licensed as drivers or conductors of stage or hackney carriages or otherwise Nothing in this section shall be deemed to dispense with the necessity of taking out any excise licence.

Incorporation and application

19. The following sections of the Order of 1901 shall so far as the same are applicable in that behalf and are not inconsistent with

the provisions of this Order extend and apply mutatis mutandis to and in relation to the tramways (that is to say) :—

of certain sections of Order of 1901 to tramways.

Section 6 (Inspection by Board of Trade);
Section 9 (Temporary tramways to be made where necessary);
Section 13 (For the protection of the local authority of the area affected);
Section 14 (For the protection of the Renfrewshire county authorities);
Section 17 (For protection of the Glasgow and South Western Railway Company the Caledonian Railway Company the Glasgow and Paisley Joint Line Committee and the Glasgow and Renfrew District Railway Company) Provided that that section shall be read and have effect as if the Glasgow and Kilmarnock Joint Line Committee had also been expressly mentioned therein;
Section 19 (As to use of tramways by local authority for certain purposes);
Section 43 (Gauge of tramways);
Section 44 (As to position in road of tramways);
Section 45 (Alteration of levels of roads);
Section 46 (Tramways to be kept on level of surface of road);
Section 47 (Plan of proposed mode of construction);
Section 48 (As to rails of tramways);
Section 49 (Penalty for not maintaining rails and roads);
Section 50 (Board of Trade may on complaint inspect tramways);
Section 51 (Local &c. authorities to have access to sewers);
Section 52 (Power to make additional crossings &c.);
Section 54 (Rates for passengers);
Section 55 (Passengers' luggage);
Section 56 (Parcels);
Section 57 (Company not to carry goods);
Section 58 (Cheap fares for labouring classes);
Section 59 (Service of carriages);
Section 60 (As to fares on Sundays and holidays);
Section 61 (Periodical revision of rates and charges);
Section 62 (Provisions as to motive power);
Section 63 (Special provisions as to use of electrical power);

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Section 64 (Apparatus used for mechanical power to be deemed part of tramway) Provided that section 30 (except subsections (1) and (5) thereof) of the Tramways Act 1870 shall in its application to the tramways have effect as if wires or apparatus laid in a road included wires or apparatus erected or carried over a road or footpath;

Section 65 (Byelaws);

Section 66 (Power to lay and maintain pipes and make openings in streets);

Section 67 (Recovery of penalties);

Section 68 (Amendment of the Tramways Act 1870 as to byelaws by local authority);

Section 69 (Penalty for malicious damage);

Section 70 (Orders &c. of the Board of Trade);

Section 71 (Power to place posts wires &c. in streets);

Section 72 (Attachment of wires &c. to buildings);

Section 73 (Posts &c. to be removed if user discontinued);

Section 74 (Lease &c. of tramways);

Section 75 (Corporation of Paisley may supply Company with electrical energy) as amended by section 3 (For protection of corporation of Paisley) of the Order of 1904;

Section 76 (Agreements with local authority &c. for the supply of electrical energy);

Section 77 (Agreements as to working &c. of tramways);

Section 78 (For protection of the Postmaster-General) as amended by section 4 (For protection of Postmaster-General) of the Order of 1904.

Incorporation and application of certain sections of Order of 1901 to tramways and street works.

20. The following sections of the Order of 1901 shall so far as the same are applicable in that behalf and are not inconsistent with the provisions of this Order extend and apply mutatis mutandis to and in relation to the tramways and the street works (that is to say) :—

Section 8 (Agreements between the Company and road authorities);

Section 10 (Stoppage of roads during execution of works);

Section 53 (Application of road materials excavated in construction of works).

Tramways to form part of undertaking of Company.

21. The tramways shall for all purposes be and be deemed to be part of the undertaking of the Company.

Cheap fares for children.

22. Notwithstanding anything in this Order or in the Order of 1901 contained the Company shall not demand and take for any child under the age of twelve years travelling upon any of the tramways of the Company or any portion thereof or (except on Saturdays or Sundays) for any child under the age of fifteen years carrying books and travelling between the hours of eight in the morning and five in the evening upon such tramways or any part thereof to or from school including every expense incidental to such conveyance rates or charges exceeding one half of the rates or charges for the time being demanded and taken by the Company for any adult passenger travelling thereon the Company nevertheless not being required to take any fare for any such child less than one halfpenny.

For protection of Paisley Corporation.

23. The provisions of subsection (13) of section 13 (For the protection of the local authority of the area affected) and of subsections (2) (7) (12) (13) and (15) of section 14 (For the protection of the Renfrewshire county authorities) of the Order of 1901 shall extend and apply to and in respect of so much of the water mains and pipes and the works connected therewith of the provost magistrates and councillors of the burgh of Paisley as is situate in any street or road in which any of the tramways may be laid as if the expressions "local authority" "road "authority" "district committee" and "county authorities" respectively included the provost magistrates and councillors of that burgh.

For protection of burgh of Barrhead.

24. The provisions of subsections (1) (3) (5) (6) (7) (10) (11) (12) (13) (14) and (15) of section 14 (For the protection of the Renfrewshire county authorities) of the Order of 1901 shall extend and apply to the construction of so much of Tramway No. 1 as may be laid on any roads situate within the burgh of Barrhead as if the expression "county authorities" meant the provost magistrates and councillors of that burgh.

For protection of corporation of city of Glasgow.

25. Section 30 of the Tramways Act 1870 shall have effect as if it were therein provided that where in consequence of the execution of any of the works by this Order authorised it is necessary to alter the position or in any way interfere with the lines or levels of the water mains and pipes and apparatus connected therewith of the corporation of the city of Glasgow (in this section called "the corporation") including consumers' connections such alteration or interference shall at the option of the corporation be carried out by them at the expense of the

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Company. Provided that in all cases where works are to be executed by the corporation and to be paid for by the Company the corporation shall use every means in their power to have the works executed as economically as possible and with all reasonable despatch.

For protection of Renfrewshire County Council.

26.—(1) The county council of the county of Renfrew may at any time and from time to time after the expiration of five years from the opening for the public conveyance of passengers of any part of so much of Tramway No. 1 as is situate within the said county or of any part of Tramway No. 2 by notice in writing require the Company to reconstruct the said portion of Tramway No. 1 or Tramway No. 2 or such part or parts thereof respectively as may have been constructed as single line and as may be specified in such notice as a double line or double lines and the Company shall thereupon comply with the requirements of such notice unless an arbiter to be appointed on the application of the Company by the sheriff of the counties of Renfrew and Bute shall determine that any reconstruction referred to in such notice is not required to accommodate the then existing traffic.

(2) The provisions of this Order with regard to the construction of the tramways shall apply to any reconstruction thereof under this section.

(3) The Company shall not stop any of the carriages used on the tramways upon the Over Johnstone Bridge and no such carriage approaching that bridge from the direction of the burgh of Johnstone and intended to pass over the bridge shall stop in proximity to the east side thereof but shall pass over the bridge without stopping and if any stoppage be required shall stop clear and on the west side thereof:

No such carriage approaching the bridge from the direction of the village of Kilbarchan and intended to pass over the bridge shall stop in proximity to the west side thereof but shall pass over the bridge without stopping and if any stoppage be required shall stop clear and on the east side thereof.

(4) Notwithstanding anything contained in the section of this Order of which the marginal note is "Power to make tramways" or shown on the deposited plans the Company shall construct as a double line (A) the portion of Tramway No. 1 from the junction of Caplethill and Grahamston Roads at Crosstobs for a distance of two hundred yards towards the burgh of Barrhead and (B) the portion of Tramway No. 2 upon and for twenty yards on each side of Over Johnstone Bridge and the Company may construct the portion of

Tramway No. 2 to the east of said bridge shown as a double line on the deposited plans as a single line to the extent of forty yards. A.D. 1905.

For protection of Glasgow and Kilmarnock Joint Railway.

27. In constructing Work A the Company shall not without the consent of the Caledonian Railway Company and the Glasgow and South Western Railway Company permanently injuriously interfere with the access from the public road to the goods station at Barrhead on the Glasgow and Kilmarnock Joint Railway belonging to the said companies and if any such interference takes place the Company shall construct the said work so as to alter or interfere with the said access as little as may be and the Company shall before commencing such work submit plans sections working drawings and specification of such work to the said companies for their approval and the said work shall be carried on in conformity only with such plans sections working drawings and specification Any difference between the Company and the said railway companies under this section shall failing agreement be referred to an engineer to be appointed failing agreement by the Board of Trade.

Abandonment of portions of Tramways Nos. 3 and 4 authorised by Order of 1901.

28. The Company may and shall abandon the construction of the following portions of Tramways Nos. 3 and 4 authorised by the Order of 1901 (that is to say) :—

So much (1 furlong 6 chains) of Tramway No. 3 in the parish of Renfrew as lies between its commencement in Inchinnan Road at Abbotsinch and a point in that road opposite the Thistle Shipbuilding Works 88 yards or thereabouts measured in a northerly direction from the point at which that road is crossed by the boundary of the parishes of Renfrew and Paisley :

So much (2 furlongs 7·1 chains) of Tramway No. 4 in the parish of Paisley as lies between the junction of the Paisley and Barrhead Road with the road leading to Glenfield Scouring Works and the termination of the tramway.

Compensation for damage to land by entry &c. for purposes of portions of tramways abandoned

29. The abandonment of the said portions of tramways by the Company under the authority of this Order shall not prejudice or affect the right of the owner or occupier of any land to receive compensation for any damage occasioned by the entry of the Company on such land for the purpose of surveying and taking levels or probing or boring to ascertain the nature of the soil or setting out of the lines of tramways and shall not prejudice

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or affect the right of the owner or occupier of any land which has been temporarily occupied by the Company to receive compensation for such temporary occupation or for any loss damage or injury which has been sustained by such owner or occupier by reason thereof or of the exercise as regards such land of any of the powers contained in the Order of 1901 or the Order of 1904.

Compensation to be made in respect of portions of tramways abandoned.

30. If before the commencement of this Order any contract has been entered into or notice given by the Company for the purchasing of any land for the purposes of or in relation to the portions of tramways authorised to be abandoned by this Order the Company shall be released from all liability to purchase or to complete the purchase of any such land but notwithstanding full compensation shall be made by the Company to the owners and occupiers or other persons interested in such land for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to the contract or notice and the amount and application of the compensation shall in case of dispute be determined in manner provided by the Lands Clauses Acts as amended by any subsequent Act for determining the amount and application of compensation to be paid for lands taken under the provisions thereof.

Extension of time for construction of certain tramways authorised by Order of 1901.

31. The powers granted by the Order of 1901 and extended by the Order of 1904 for the construction of Tramway No. 8 and so much of Tramway No. 4 authorised by the Order of 1901 as lies between its commencement in Greenock Road and its junction with Tramway No. 3 authorised by the Order of 1901 in St. James' Place near the County Buildings are hereby further extended and may be exercised by the Company for the period of two years from the seventeenth day of August one thousand nine hundred and six and Section 22 (Period for completion of tramways) of the Order of 1901 shall be read and construed as if the period limited by this Order for the completion of the said tramway and portion of tramway had been the period limited by that Order for the completion of the tramways and works by that Order authorised and sections 40 (Deposit fund not to be repaid except so far as tramways are opened) and 41 (Application of deposit fund) of the Order of 1901 as extended by the Order of 1904 shall be read and construed as if the time by this Order limited for the completion of the said tramway and portion of tramway had been the time then limited for the completion of the tramways and works by that Order authorised.

Power to raise additional capital.

32. The Company may subject to the provisions of Part II. of the Companies Clauses Act 1863 raise any additional capital not exceeding in the whole fifty thousand pounds by the issue at their option of new ordinary shares or new preference shares or wholly or partially by any one of those modes respectively but the Company shall not issue any share of less nominal value than ten pounds nor shall any share vest in the person accepting the same unless and until a sum not being less than one fifth of the amount of such share shall have been paid in respect thereof.

New shares to be subject to same incidents as other shares.

33.—(1) The capital in new shares created by the Company under this Order and the new shares therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that capital were part of the now existing capital of the Company of the same class or description and the new shares were shares in that capital.

(2) The capital in new shares so created shall form part of the capital of the Company.

Dividends on shares.

34. Every person who becomes entitled to new shares shall in respect of the same be a holder of shares in the Company and shall be entitled to a dividend with the other holders of shares of the same class or description proportioned to the whole amount from time to time called up and paid on such new shares.

Power to borrow.

35. The Company may in respect of the additional capital of fifty thousand pounds which they are by this Order authorised to raise from time to time borrow on mortgage of the undertaking in addition to the sums which they are already authorised to borrow any sum or sums not exceeding in the whole sixteen thousand pounds and of that sum they may borrow any sum or sums not exceeding four thousand pounds in respect of each twelve thousand pounds of such additional capital But no part of the before-mentioned sums of four thousand pounds shall be borrowed until shares for the portion of the capital in respect of which the borrowing powers are to be exercised are issued and accepted and one half thereof is paid up and the Company have proved to the sheriff who is to certify under the forty-second section of the Companies Clauses Consolidation (Scotland) Act 1845 (before he so certifies) that shares for the whole of such portion of capital have been issued and accepted and that one half of such portion has been paid up and that not less than one-fifth part of the amount of

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each separate share in such portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that such shares were issued and accepted and to the extent aforesaid paid up bonâ fide and are held by the persons to whom the same were issued or their executors administrators successors or assigns and also that such persons or their executors administrators successors or assigns are legally liable for the same and upon production to such sheriff of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

For appointment of a judicial factor.

36. The provisions of section 29 of the Order of 1901 with respect to the appointment of a judicial factor are hereby repealed but without prejudice to any appointment which may have been made or to the continuance of any proceedings which may have been commenced prior to the commencement of this Order The mortgagees of the Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a judicial factor and 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 ten thousand pounds in the whole.

Moneys borrowed on mortgage to have priority.

37. All moneys after the commencement of this Order to be borrowed on mortgage under the Order of 1901 or under this Order shall rank equally from the time when the same shall be advanced and the interest for the time being due thereon shall have priority against the Company and all the property from time to time of the Company over all other claims on account of any debts incurred or to be incurred or engagements entered into or to be entered into by them after the commencement of this Order but nothing in this section shall affect any claim in respect of land acquired by the Company for the purposes of this Order or injuriously affected by the construction of the tramways or by the exercise of any of the powers conferred upon the Company.

Company not to create debenture stock.

38. The Company shall not create debenture stock.

Rights of mortgagees on sale of tramways.

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

by the Order of 1901 and this Order and may comprise all or any moneys carried to the contingency fund according to the terms of the mortgage and every mortgage deed shall be endorsed with notice that such mortgage will not be a charge upon the tramways or the undertaking in the event of such sale.

Application of moneys.

40. All moneys raised under this Order whether by shares or borrowing shall be applied only for the purposes of this Order and for the general purposes of the Company's undertaking being in every case purposes to which capital is properly applicable and the Company may apply to the purposes of this Order any moneys authorised to be raised by them and not required for the purposes of the Order of 1901.

Interim dividend.

41. The directors may in any year without calling a meeting of shareholders for the purpose declare and pay such interim half-yearly dividend out of the then ascertained profits of the Company as in their judgment the position of the Company justifies.

Closing of transfer books previous to declaring interim dividend.

42. It shall be lawful for the directors to close the register of transfers for a period not exceeding fourteen days previous to the declaration of any interim dividend and they may fix a day for closing the same of which seven days' notice shall be given by advertisement in some newspaper published or circulating in the district within which the principal office of the Company is situate and any transfer made during the time when the transfer books are so closed shall as between the Company and the party claiming under the same but not otherwise be considered as made subsequently to the declaration of any such dividend.

Interest not to be paid out of capital.

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

Tramways deposit fund not to be repaid except so far as

44. Whereas pursuant to the General Orders under the Private Legislation Procedure (Scotland) Act 1899 and to the Parliamentary Deposits Act 1846 as applied in such General Orders a sum of one thousand four hundred and ninety-four pounds

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tramways are opened.

ten shillings and sixpence has been deposited with the King's and Lord Treasurer's Remembrancer on behalf of the Court of Exchequer in Scotland in respect of the application for this Order of which sum one thousand four hundred and fifty-seven pounds two shillings and sixpence (hereinafter referred to as "the tramways deposit fund") represents five per centum upon the amount of the estimate in respect of the tramways and the remainder (hereinafter referred to as "the street works deposit fund") (that is to say) thirty-seven pounds eight shillings represents four per centum upon the amount of the estimate for the street works Be it enacted that notwithstanding anything contained in the said Parliamentary Deposits Act 1846 the tramways deposit fund shall not be paid or transferred to or on the application of the person or persons or the majority of the persons named in the warrant or order issued in pursuance of the said Act or the survivors or survivor of them (which persons survivors or survivor are or is in this Order referred to as "the depositors") unless the Company shall previously to the expiration of the period limited by this Order for completion of the tramways open the same for the public conveyance of passengers and if the Company shall make default in so opening the tramways the tramways deposit fund shall be applicable and shall be applied as provided by the next following section Provided that if within such period as aforesaid the Company open any portion of the tramways for the public conveyance of passengers then on the production of a certificate of the Board of Trade specifying the length of the portion of the tramways opened as aforesaid and the portion of the tramways deposit fund which bears to the whole of the tramways deposit fund the same proportion as the length of the tramways so opened bears to the entire length of the tramways the court shall on the application of the depositors order the portion of the tramways deposit fund specified in the certificate to be paid or transferred to them or as they shall direct and the certificate of the Board of Trade shall be sufficient evidence of the facts therein certified and it shall not be necessary to produce any certificate of the Act confirming this Order having passed anything in the Parliamentary Deposits Act 1846 to the contrary notwithstanding.

Application of tramways deposit fund.

45. If the Company do not previously to the expiration of the period limited for the completion of the tramways complete the same and open them for the public conveyance of passengers then and in every such case the tramways deposit fund or so

much thereof as shall not have been paid to the depositors shall be applicable and after due notice in the Edinburgh Gazette shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the tramways or any portion thereof or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Order and also in compensating all road authorities for the expense incurred by them in taking up any tramway or materials connected therewith placed by the Company in or on any road vested in or maintainable by such road authorities respectively and in making good all damage caused to such roads by the construction or abandonment of such tramways and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Court of Exchequer in Scotland may seem fit And if no such compensation is payable or if a portion of the tramways deposit fund has been found sufficient to satisfy all just claims in respect of such compensation then the tramways deposit fund or such portion thereof as may not be required as aforesaid shall if a judicial factor has been appointed or the Company is insolvent and has been ordered to be wound up or the undertaking has been abandoned be paid or transferred to such factor or to the liquidator or liquidators of the Company or be applied in the discretion of the court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid or re-transferred to the depositors Provided that until the tramways deposit fund has been repaid or re-transferred to the depositors or has become otherwise applicable as hereinbefore mentioned any interest or dividends accruing thereon shall from time to time and as often as the same shall become payable be paid to or on the application of the depositors.

Repayment of street works deposit fund.

46. On the application of the depositors at any time after the commencement of this Order the Court of Exchequer in Scotland may and shall order that the street works deposit fund and the interest and dividends thereon shall be paid or transferred to the depositors or any other person or persons whom the depositors may appoint in that behalf.

Release of portion of deposit fund of 1901.

47. Notwithstanding anything in section 42 of the Order of 1901 contained the Court of Exchequer in Scotland may and shall at any time after the commencement of this Order on

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the application of the depositors in section 40 of that Order mentioned and on the production of the certificate of the Board of Trade also therein mentioned order (1) that the portion of the deposit fund specified in such certificate and the interest and dividends thereon and (2) that the portion (two hundred and forty-six pounds seven shillings and ninepence) of such deposit fund which bears to the whole of such deposit fund the same proportion as the length of the portions of tramways by this Order authorised to be abandoned bears to the entire length of the tramways authorised by the Order of 1901 and the interest and dividends thereon shall be paid or transferred to the said depositors or any other person or persons whom the depositors may appoint in that behalf.

Company may contract to work tramways or light railways in neighbouring districts.

48. The Company may enter into and carry into effect contracts and agreements with the corporation of the city of Glasgow and any local authority company or person owning or working any tramways or light railways which can be worked with the Company's tramways with respect to all or any of the following matters (that is to say) :—

The working use management and maintenance of all or any of the tramways or light railways of the contracting parties and the works connected and used therewith or any part or parts thereof respectively ;

The making of all necessary junctions ;

The supply and maintenance by the working party under and during the continuance of any such agreement as aforesaid for the working of the tramways or light railways of the contracting parties of rolling stock plant and machinery necessary for the purposes of any such agreement ;

The appointment and removal of officers and servants ;

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

The interchange accommodation conveyance transmission and delivery of traffic coming from or destined for the respective undertakings of the contracting parties ;

The fixing collection payment division and apportionment of the rates income and profits arising from such traffic and the payment of any fixed or contingent rent Provided that the amount of the rates fixed by any contract or agreement made in pursuance of this section shall not

exceed the maximum rates and charges authorised in respect of the tramway or light railway with respect to which such contract or agreement is made; and

The giving and taking of guarantees against any loss arising by reason of any such agreement and the paying out of their respective rates of any loss arising by reason of such guarantees:

Provided that any such contract or agreement shall cease and determine upon the purchase of the undertaking by any local authority as provided by the section of this Order of which the marginal note is "Purchase of tramways by local authorities" and section 31 (Purchase of undertaking by local authorities) of the Order of 1901.

Purchase of tramways by local authorities.

49. The provisions of the Tramways Act 1870 with respect to the acquisition of the undertaking by the local authority shall in their application to the tramways be modified as follows (that is to say):—

The provisions of section 31 (Purchase of undertaking by local authorities) of the Order of 1901 shall extend and apply to the tramways Provided that—

(A) In the application thereof to the tramways the periods of twenty-one years and forty-one years shall be deemed to be substituted for the periods of twenty-five years and forty years respectively mentioned in subsections (1) and (2) of the said section 31;

(B) In the event of any of the local authorities resolving in manner provided by the said section 31 to purchase at the expiry of the period of forty years from the date of the Act confirming that Order the whole of the existing tramways such local authority or authorities may at the same time require the Company to sell and thereupon the Company shall sell to such local authority or authorities (as the case may be) the tramways upon the terms of paying to the Company in addition to the value thereof determined in manner provided in subsection (2) of the said section 31 such further sum as shall be determined by the arbiter therein mentioned to be the then market value of the tramways as a going concern for a period of four years from the date of such requisition.

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Company may take a lease of tramways from local authorities.

50. The Company may subject to the approval of the Board of Trade (which approval the Board of Trade are hereby authorised to give) upon the completion of any sale to any local authority of any portion of the undertaking accept and take from such local authority and such local authority may notwithstanding anything in the Tramways Act 1870 contained grant a lease or leases of the portion of the undertaking so purchased from the Company and all works and conveniences connected therewith on such terms and conditions and for such period not exceeding a period of forty-two years from the date of the lease as may be agreed between the Company and such authority and during the continuance and subject to the terms and conditions of any such lease the Company may work maintain and use the undertaking thereby leased and demand take and recover in respect thereof tolls fares and charges not exceeding the tolls fares and charges authorised to be taken thereon by the Order of 1901 or by any subsequent Act or Order relating to or regulating the same.

Form and delivery of notices.

51. With respect to notices and the delivery thereof by or to the Company the following provisions shall have effect (namely):—

(1) Every notice given under the Order of 1901 and this Order by the Company or by the local or road authority shall be sufficiently authenticated by being signed by their secretary or clerk:

(2) Any notice to be delivered by or to the Company to or by the local or road authority or other body may be delivered by being left at the principal office of such local or road authority or other body or of the Company (as the case may be) or by being sent by post addressed to their respective clerk or secretary at their principal office or to such other office as the local or road authority or other body or the Company (as the case may be) may from time to time by notice to the other request that such notices may be sent or delivered.

Consents of local or road authority.

52. Where the consent or approval of any local or road authority is by this Order or the Order of 1901 required before the exercise of any powers by the Company such consent or approval shall not be unreasonably withheld and if any difference arises as to whether any consent or approval is unreasonably withheld that difference shall be referred to arbitration.

References to arbitration.

53 Where under this Order or the Order of 1901 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.

Deposits for future Orders not to be paid out of capital.

54. The Company shall not out of any money by this Order authorised to be raised pay or deposit any sum which by any standing order of either House of Parliament or any general order made under the Private Legislation Procedure (Scotland) Act 1899 now or hereafter in force may be required to be deposited in respect of any application to the Secretary for Scotland for the purpose of obtaining an Act or Order authorising the Company to construct any other tramway or to execute any other work or undertaking.

Provision as to general Tramway Acts.

55. Nothing in this Order contained shall exempt the Company or the tramways from the provisions of any general Act relating to tramways passed before or after the commencement of this Order or from any future revision or alteration under the authority of Parliament of the maximum fares rates or charges authorised by the Order of 1901.

Costs of Order.

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

Printed by Eyre and Spottiswoode,

for

Rowland Bailey, Esq., M.V.O., I.S.O., the King's Printer of Acts of Parliament.

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