CHAPTER cxliii.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Aberdeen Corporation Tramways. [11th August 1903.]

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WHEREAS His Majesty's Secretary for Scotland has 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:—

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

Confirmation of Order in schedule.

2. This Act may be cited as the Aberdeen Corporation Tramways Order Confirmation Act 1903.

Short title.

[*Price* 1*s.* 6*d.*]

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SCHEDULE.

ABERDEEN CORPORATION TRAMWAYS.

Provisional Order to authorise the Lord Provost Magistrates and Town Council of the City and Royal Burgh of Aberdeen to construct additional Tramways to borrow money for their Tramway and Gas Undertakings and for other purposes.

WHEREAS under the powers of the Aberdeen Corporation Tramways Act 1898 the lord provost magistrates and town council of the city and royal burgh of Aberdeen (herein-after called "the Town Council" and "the city" respectively) acquired the tramways and undertaking of the Aberdeen District Tramways Company:

And whereas by the Aberdeen Corporation Tramways Order 1899 and the Aberdeen Corporation Tramways Act 1900 the Town Council were authorised to construct additional tramways:

And whereas it is expedient that the Town Council should be authorised to take up and relay as double lines the tramways in this Order described and to construct new tramways and to raise money for the purposes of the Aberdeen Corporation Tramways Acts 1872 to 1900 and of this Order:

And whereas it is expedient that the Town Council should be authorised to borrow further money for their gas undertaking:

And whereas it is expedient that the other powers in this Order contained should be conferred on the Town Council and that the provisions of the Aberdeen Joint Passenger Station Act 1899 should be amended as in this Order provided:

And whereas plans and sections showing the lines and levels of the proposed tramways and works and also a book of reference to those plans 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 used for the purposes or under the powers of this Order were duly deposited with the principal sheriff-clerk of the county of Aberdeen and with the town clerk of the city and such plans sections and book of reference are herein-after 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 title and citations.

1. This Order may be cited as the Aberdeen Corporation Tramways Order 1903.

This Order and the Aberdeen Corporation Tramways Acts 1872 to 1900 may be cited as the Aberdeen Corporation Tramways Acts 1872 to 1903.

Incorporation of Acts.

2. The Lands Clauses Acts section 3 (Interpretation of terms) and Parts II. and III. of the Tramways Act 1870 as far as they are applicable for the purposes of and are not varied by or inconsistent with this Order are hereby incorporated with and form part of this Order and this Order shall be deemed to be a special Act within the meaning of the Lands Clauses Acts and the expression "the Promoters" in the Tramways Act 1870 shall mean the Town Council.

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.

Further interpretation.

4. The following words and expressions in this Order have the meanings hereby assigned to them (that is to say):—

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

"The Town Council" means the lord provost magistrates and town council of the city;

"The sheriff" means the sheriff of Aberdeen Kincardine and Banff;

"The Act of 1888" means the Aberdeen District Tramways Act 1888;

"The Act of 1891" means the Aberdeen Corporation Act 1891;

"The Act of 1894" means the Aberdeen District Tramways Act 1894;

"The Order of 1896" means the Aberdeen District Tramways Order 1896;

"The Act of 1898" means the Aberdeen Corporation Tramways Act 1898;

"The Act of 1900" means the Aberdeen Corporation Tramways Act 1900;

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"The Tramways Acts" means the Aberdeen Corporation Tramways Acts 1872 to 1900;

"The intended tramways" means the tramways by this Order authorised;

"The tramway undertaking" means the tramways authorised by the Tramways Acts and this Order;

"Street" or "road" includes any highway and any public bridge and any road lane footway pavement square court or passage whether a thoroughfare or not and whether or not there are houses in such street or road;

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

"Engine" includes motor.

Power to Town Council to make new tramways.

5. Subject to the provisions of this Order and of Parts II. and III. of the Tramways Act 1870 the Town Council may make form lay down work use and maintain the tramways herein-after described in the lines and according to the levels and within the limits of deviation shown on the deposited plans and sections with all necessary and proper rails chairs plates wires poles posts conduits section-boxes tubes ropes engines engine-houses subways manholes shafts junctions cross-overs passing-places points turn-tables houses offices stables carriages buildings warehouses works and conveniences connected therewith 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 herein-before referred to and authorised by this Order are—

Tramway No. 1 (partly a double and partly a single line) 5 furlongs 8·63 chains or thereabouts in length commencing in Market Street at a point in line with the north abutment of Victoria Bridge passing thence along Market Street Palmerston Quay Upper Quay Guild Street Bridge Street and Union Street and terminating in Union Street by a junction with the existing tramways at a point 18 yards or thereabouts west from the junction of that street with Bridge Street:

Tramway No. 1A (a double line) 2·03 chains or thereabouts in length commencing in Bridge Street at a point 18 yards or thereabouts south from the junction of that street with

Union Street passing thence along Bridge Street Union Street and Union Terrace and terminating in Union Terrace at a point 27 yards or thereabouts north from the junction of that street with Union Street:

Tramway No. 2 (a double line) 2 furlongs 5·77 chains or thereabouts in length commencing at a point in Fonthill Road 20 yards or thereabouts east from the junction of that road with Whinhill Road passing thence along Fonthill Road and Holburn Street and terminating in Holburn Street by a junction with the existing tramways at a point 18 yards or thereabouts north from the junction of that street with Fonthill Road:

Tramway No. 2A (a double line) 1·45 chains or thereabouts in length commencing in Fonthill Road at a point 20 yards or thereabouts east from the junction of that road with Holburn Street passing thence along Fonthill Road and Holburn Street and terminating in Holburn Street by a junction with the existing tramways at a point 18 yards or thereabouts south from the junction of that street with Fonthill Road:

Tramway No. 3 (a double line) 1 mile 4 furlongs 7·06 chains or thereabouts in length commencing in Union Street by a junction with the existing tramways at a point 15 yards or thereabouts east from the junction of that street with Union Terrace passing thence along Union Street Union Terrace Rosemount Viaduct South Mount Street Rosemount Place Beechgrove Terrace Fountainhall Road Queen's Cross and Albyn Place and terminating in Albyn Place by a junction with the existing tramways at a point 40 yards or thereabouts east from the junction of that street with Fountainhall Road.

The intended Tramway No. 1 so far as situate in Market Street between the north abutment of Victoria Bridge and Poynernook Road will be in substitution for so much of Tramway No. 4 authorised by the Act of 1900 as is situate between the said Victoria Bridge and Poynernook Road and the intended Tramway No. 3 will take the place of the existing single line of tramway in the portions of the streets in which that tramway will be laid and the Town Council may take up or alter and remove that single line and any passing places in those streets which will interfere with or be rendered unnecessary by the laying down of the intended Tramway No. 3.

The intended tramways are situate in the county of the city of Aberdeen.

Intended tramways to form part of tramway undertaking.

6. The intended tramways shall for all purposes form part of the tramway undertaking and the provisions of the Tramways Acts shall so far as applicable apply to the intended tramways.

Power to break up streets &c.

7. For the purposes and during the construction of the intended tramways and in maintaining the same the Town Council may use break up or cross over or under alter or stop up temporarily any streets paths bridges tramways sewers drains watercourses gas pipes or water pipes and electric or telephonic apparatus in any of the lands shown on the deposited plans and specified in the deposited book of reference which they may find it expedient for any of those purposes so to interfere with providing when possible a proper temporary substitute before interrupting the traffic on any such street or tramway or the flow of water gas sewage or electricity in any such sewer drain watercourse pipe or apparatus and making full compensation to all persons injuriously affected by the exercise of the powers of this section Provided that nothing in this section shall extend to or authorise any interference with electric apparatus or other property of His Majesty's Postmaster General Provided also that nothing in this section shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Act 1882 to which the provisions of section 15 of the said Act apply except in accordance with the provisions of that section.

Rails of tramways.

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

Cross-overs to be constructed in certain cases.

9. 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 Town 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 the 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 crossings and to double tramway lines.

10. Section 21 of the Act of 1888 is hereby repealed and in lieu thereof the following provisions shall have effect with respect to the tramway undertaking :—

(1) The Town Council may subject to the provisions of this Order 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 Order 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 Town Council:

(2) Notwithstanding anything shown on the deposited plans or any plans deposited with reference to the Tramways Acts the Town Council may (subject to the provisions of this Order) with the consent of the Board of Trade lay down double lines in lieu of single lines or single lines in lieu of double lines or interlacing lines in lieu of double or single lines on any of the intended tramways and on any tramway forming part of the tramway undertaking and if at any time the road in which any such tramway or part thereof is authorised to be laid or is laid has been or shall be altered or widened the Town Council may with the like consent construct such tramway or part thereof or (as the case may be) take up or reconstruct the same in such position as they may think fit:

(3) Provided that if in the construction of any works under this section any rail is intended to be so laid that a less space than nine feet six inches would intervene between it and the outside of the footpath on either side of the road the Town Council shall not less than one month before commencing the works give notice in writing to every owner and occupier of premises 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 premises by writing under their hands addressed and delivered to the Town Council within three weeks after receiving the notice from the Town Council express their objection thereto.

For protection of Aberdeen Harbour Commissioners.

11. For the protection of the Aberdeen Harbour Commissioners incorporated under the Aberdeen Harbour Act 1895 (in this section referred to as "the Commissioners") the following provisions shall apply and have effect (that is to say):—

(1) The expression "the road authority" in the Tramways Act 1870 shall as regards the quays belonging to the Commissioners mean the Commissioners and the term "road" as used in the last mentioned Act shall include any quay belonging to the Commissioners on which the intended Tramway No. 1 shall be laid The jurisdiction of the Commissioners as the road authority shall for the purposes of this Order commence at a line drawn across

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Upper Quay in continuation of the imaginary centre line of Guild Street and extend southwards or thereby along Upper Quay and Palmerston Quay to a line drawn across Palmerston Quay in continuation of the imaginary centre line of Poynernook Road:

(2) In so far as the intended Tramway No. 1 will be laid on the quays belonging to the Commissioners the mode of laying the same and the construction of the works connected therewith and all details in regard to sidings crossings and other matters relating to or affecting the public convenience or safety shall previous to the commencement of the works be submitted to the engineer of the Commissioners who may require such alterations to be made as he may think fit and the tramway shall be laid and the works connected therewith executed to the satisfaction of the engineer of the Commissioners and any question or difference between the engineer of the Commissioners and the engineer of the Town Council shall be referred to and be determined by an engineer to be appointed by the Board of Trade on the application of the Commissioners or the Town Council and all costs charges and expenses incurred by the Commissioners in or with respect to such application and reference and the fees of the engineer to be so appointed shall be paid by the Town Council:

(3) As regards the quays belonging to the Commissioners section 6 of the Order of 1896 shall be read and construed as if the words "the Commissioners" were mentioned therein instead of the words "the road authority" and also instead of the words "the Town Council" and as if the words "the engineer" were mentioned therein instead of the words "the surveyor":

(4) Without prejudice to the provisions of section 33 of the Act of 1888 the Commissioners may make and enforce byelaws under the provisions of the Tramways Act 1870 for restricting the rate of speed to be observed in using those portions of the intended Tramway No. 1 which shall be constructed on the quays belonging to the Commissioners to a lower rate of speed than that prescribed by the Act of 1888 Section 46 of the Tramways Act 1870 shall for such purpose be read and construed as if the words "the Commissioners" were mentioned therein instead of the words "the local authority":

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(5) Any byelaws made by the Town Council under section 26 (Power to make byelaws to facilitate traffic) of the Act of 1900 or under section 46 of the Tramways Act 1870 shall so far as regards the quays belonging to the Commissioners be submitted to and approved of by the Commissioners before the same shall have any force or effect:

(6) Nothing in this Order shall be held to alter abridge or prejudice the rights of the Commissioners under the Aberdeen Harbour Act 1895 or otherwise from time to time to construct alter remove and maintain lines of rails sidings and other conveniences for conducting the general traffic of the harbour on the quays on which the intended Tramway No. 1 will be laid which lines of rails may in the discretion of the Commissioners cross the intended Tramway No. 1 at any point or points Provided always that if the Commissioners shall open or break up any street road or quay along or across which the intended Tramway No. 1 shall be laid for the purpose of constructing altering removing and maintaining such lines of rails sidings and other conveniences the Commissioners shall in so doing be subject to the like restrictions as are laid upon road authorities by section 32 of the Tramways Act 1870 in the matters of laying down repairing altering or removing any pipe for the supply of gas or water or any tubes wires or apparatus for telegraphic or other purposes:

(7) The provisions of the section of this Order of which the marginal note is "Power to break up streets &c." shall not apply to the quays belonging to the Commissioners:

(8) The provisions of the section of this Order of which the marginal note is "Power to make additional crossings and to double tramway lines" shall not apply to the quays belonging to the Commissioners.

For protection of Caledonian and Great North of Scotland Railway Companies.

12. For the protection of the Caledonian Railway Company and the Great North of Scotland Railway Company (in this section referred to as "the two companies") the following provisions shall unless otherwise agreed in writing between the two companies and the Town Council have effect (that is to say):—

(1) Notwithstanding anything contained in this Order or shown on the deposited plans and sections—

(*a*) The Town Council shall not construct otherwise than as a single line the Tramway No. 1 in the portion of

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Market Street between Guild Street and a point opposite the south boundary of the property in Market Street acquired by the Caledonian Railway Company from William Malcolm Brechin and in the portion of Guild Street between Market Street and the east side of Exchange Street and the Town Council shall not at any time except with the consent in writing of the two companies lay down a double line in lieu of such single line;

(*b*) The Town Council shall not make in the said portion of Market Street any passing place stopping place siding or junction nor use nor permit to be used as a stopping place any part of the said single line of tramway;

(*c*) The Town Council shall not make in Guild Street or permit to be used therein more than three stopping places and none of such stopping places shall except with the consent in writing of the two companies be opposite to any of the entrances to the passenger or goods stations of the two companies;

(*d*) The Town Council shall lay the said Tramway No. 1 in the portion of Bridge Street between Union Street and the south side of the arch over Windmill Brae so that the eastmost rail shall not be nearer to the kerb of the pavement on the east side of the street than nine feet two inches:

(2) In laying down the Tramway No. 1 in the said portion of Bridge Street the Town Council shall repave with four inch cube setts the whole of the carriageway of that portion of the street and shall thereafter maintain the same in good order and condition:

(3) If in the construction working use or maintenance of the tramways and works authorised by this Order or the electric circuits or other works of the Town Council the telegraphic telephonic or electric signalling communication or the electric circuits or any other electric appliances used by or in connexion with the railways of the two companies or either of them shall at any time or from time to time be interfered with or disturbed the two companies may execute and maintain at the expense of the Town Council all such needful and proper works as may be reasonably necessary for removing or obviating any such interference or disturbance

Provided that the two companies in executing any works under this section shall forthwith give notice thereof in writing to the Town Council specifying in such notice the particular interference or disturbance complained of and the character and extent of the works which are being executed in consequence thereof and that any difference with respect to the necessity for and the character and extent of any such works shall be settled by arbitration and shall be referred to a single arbiter to be agreed on between the parties or failing agreement to be appointed by the Board of Trade.

Inspection by Board of Trade.

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

Period for completion of works.

14. The intended tramways shall be completed within five years from the confirmation of this Order and on the expiration of that period the powers by this Order granted to the Town Council for executing the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Application of provisions of existing Acts to intended tramways.

15. The sections of the Acts of 1888 and 1894 the Order of 1896 and the Acts of 1898 and 1900 set out in the First Schedule to this Order shall so far as not varied by or inconsistent with the provisions of this Order extend and apply to the intended tramways.

For protection of Postmaster-General.

16.—(A) Notwithstanding anything in this Order contained if any of the works authorised to be executed by this Order 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 the provisions of section 30 of the Tramways Act 1870) to any such alteration.

(B) In the event of any tramways of the Town Council being worked by electricity the following provisions shall have effect in lieu of the provisions contained in section 19 of the Act of 1894 which section is hereby repealed :—

(1) The Town 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

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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 Town 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 Town Council of their electric lines and works or by the working of the undertaking of the Town Council the Town 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 aforesaid by electricity is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs) the Town 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 Town 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 Town 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 Town Council is injuriously affected and he is of opinion that such injurious affection is or may be due to the construction of the Town 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 Town Council enter any of the Town Council's works for the purpose of inspecting the Town Council's plant and the working of the same and the Town 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 Town 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 Town Council or their agents the Town 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 Town 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 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 Order:

(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 arbiter 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 Town

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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 Town Council by indictment action or otherwise in relation to any of the matters aforesaid:

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

Penalty for malicious damage.

17. If any person wilfully does or causes to be done with respect to any apparatus used for or in connexion with the working of any tramway of the Town Council anything which is calculated to obstruct or interfere with the working of such tramway 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 Town Council shall be liable to a penalty not exceeding twenty pounds.

Recovery of penalties.

18. Any penalty under this Order or under any byelaws or regulations made under this Order unless otherwise specially provided may be recovered in manner provided by the Summary Jurisdiction (Scotland) Acts.

Attachment of brackets to buildings.

19. The Town 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 intended tramways by mechanical power:

Provided that—

(1) Where in the opinion of the Town 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 Town 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 Town 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 :

Provided always that this section shall not apply to any building or property now or hereafter belonging to the Caledonian Railway Company and the Great North of Scotland Railway Company or either of them without their consent in writing.

Lands for extraordinary purposes.

20. The Town Council may purchase by agreement lease or feu such lands not exceeding five acres as they may consider to be necessary or expedient for the purposes of the Tramways Acts and this Order but nothing in this Order shall exempt the Town Council from any action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them on any land so taken.

Tramways part of city undertaking.

21. The intended tramways shall be and be deemed to be and be maintained as a city undertaking within the meaning of the Act of 1891 and this Order shall be and be deemed to be a city Act within the meaning of the Act of 1891 and subject to the provisions of this Order the power of borrowing money granted by this Order shall be deemed a borrowing power of the Town Council within the meaning of the Act of 1891.

Borrowing powers for tramway purposes.

22. For the purposes of the Tramways Acts and this Order the Town Council may in addition to the sums already authorised by the Act of 1898 and the Act of 1900 borrow and from time to time re-borrow any sum or sums not exceeding in the whole sixty thousand pounds Provided always that any moneys to be borrowed or re-borrowed under this Order shall be borrowed in the manner provided by subsection (1) of section 26 (Power to borrow) of the Act of 1898 and any money borrowed other than money for the construction of the intended tramways and reconstruction

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of tramways shall be subject to the provisions contained in subsection (2) of section 26 of the Act of 1898.

Application of money borrowed for tramway purposes.

23. Money borrowed by the Town Council under the immediately preceding section of this Order shall be applied in payment first of the costs charges and expenses incurred or paid by the Town Council preliminary to and incidental to the preparing and applying for and obtaining and confirming of this Order or otherwise in relation thereto and secondly of and for the construction of works authorised by this Order and thirdly for the general purposes of the tramway undertaking but the Town Council shall not except as in this section provided apply any of the money borrowed or any other money in the nature of capital to the maintenance of works or other purposes to which revenue is properly applicable.

Repayment of moneys borrowed for tramway purposes.

24. Section 27 (Repayment of moneys borrowed) of the Act of 1898 shall be and is hereby made applicable to the moneys authorised to be borrowed for the tramway undertaking under this Order except that that section in its application to such moneys shall be read and have effect as if the period for repayment thereof were thirty years instead of sixty years.

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

25. 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 Town 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 appears to such sheriff that the omission misstatement or wrong description arose from mistake he shall certify the same accordingly and he shall in his certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described and such certificate shall be deposited with the principal sheriff-clerk of the county of Aberdeen and a duplicate thereof shall also be deposited with the town clerk of the city and such certificate and duplicate respectively shall be kept by such sheriff-clerk and town clerk 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 the Town Council may enter upon and use the lands and execute the works in accordance with such certificate.

Persons under disability may

26. Persons empowered by the Lands Clauses Acts to sell and convey or discharge lands may if they think fit subject to the

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provisions of those Acts and of this Order grant to the Town 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 Order 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.

grant servitudes &c.

27. The agreement dated the twentieth day of April one thousand nine hundred and three and made between the Caledonian Railway Company and the Great North of Scotland Railway Company of the one part and the Town Council of the other part and set out in the Second Schedule to this Order is hereby confirmed and made binding upon the parties thereto respectively.

Confirming scheduled agreement.

28. Section 31 of the Aberdeen Corporation (Gas and Water) Act 1893 as amended by section 62 of the Aberdeen Police and Improvement Act 1900 authorising the Town Council to borrow money for the purposes of the gas undertaking shall be read and have effect as if the sum of three hundred and fifty thousand pounds were therein mentioned instead of the sum of ninety thousand pounds.

Power to borrow for gas purposes.

29. Section 44 of the Aberdeen Corporation Act 1881 with reference to sinking fund shall be and is hereby made applicable to the money authorised to be borrowed under this Order for the gas undertaking.

As to sinking fund for gas undertaking.

30. The Town Council shall not under the powers of this Order purchase or acquire 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.

Restriction on taking houses of labouring class.

If the Town Council acquire or appropriate any house or houses under the powers 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.

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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 such persons who may be residing with them.

Costs of Order.

31. The costs charges and expenses of and incident to the preparing for obtaining and confirming of this Order or otherwise in relation thereto shall be paid out of moneys to be borrowed under this Order Any money borrowed for the payment of such costs charges and expenses shall be repaid within a period not exceeding five years from the date of such borrowing.

The SCHEDULES referred to in the foregoing Order.

THE FIRST SCHEDULE.

SECTIONS AND PROVISIONS OF THE ACTS AND ORDER WHICH ARE INCORPORATED WITH THIS ORDER.

Date of Act or Order and marginal note of Section.	Number of Section.
The Act of 1888—	
Gauge of tramways	12
Carriages constructed for use on railways not to be used	13
Tramways to be kept level with surface of roads	15
Penalty for not maintaining tramways	16
Company may be required to use improved rails	20
Temporary tramways may be made when necessary	22
Agreements between the Company and road authorities	26
Byelaws	31
As to recovery of penalties	32
Amendment of the Tramways Act 1870 as to byelaws by local authority	33
Orders and byelaws	34

Date of Act or Order and marginal note of Section.	Number of Section.
The Act of 1894—	
Cheap fares for labouring classes	11
As to fares on holidays and Sundays	15
Provisions as to use of electric power	18
Provisions as to General Tramways Acts	20
The Order of 1896—	
Provisions as to construction of tramways	6
The Act of 1898—	
Temporary use of omnibuses	18
Annual estimate for tramways	30
The Act of 1900—	
Penalty for damage to tramways	21
Provisions as to motive power	22
Power to construct subsidiary works for working tramways by mechanical power	23
Mechanical power works to be subject to section 30 of Tramways Act 1870	24
Power to make byelaws to facilitate traffic	26
Penalties for offences against byelaws	27
Confirmation of byelaws &c. by sheriff	28
Notice of confirmation of byelaws	29

THE SECOND SCHEDULE.

AN AGREEMENT made this twentieth day of April one thousand nine hundred and three between THE CALEDONIAN RAILWAY COMPANY and THE GREAT NORTH OF SCOTLAND RAILWAY COMPANY (herein-after referred to as "the Two Companies") of the one part and the LORD PROVOST MAGISTRATES AND TOWN COUNCIL OF THE CITY AND ROYAL BURGH OF ABERDEEN (herein-after referred to as "the Town Council") of the other part.

WHEREAS by the Aberdeen Joint Passenger Station Act 1899 (herein-after referred to as "the Act of 1899") the Two Companies were authorised to alter and enlarge their joint passenger station at Aberdeen and to construct certain railways and works in connexion therewith:

And whereas it was by section 24 of the Act of 1899 (inter alia) provided that in carrying out the construction of such works the Two Companies should at their own cost construct a new and extended bridge in place of the existing bridge carrying Guild Street over the railways of the Two Companies (herein-after referred to as "the Guild Street Bridge") according to plans sections working drawings and specifications to be submitted to and

A.D. 1903.

approved of by the Town Council and it was also by the said section provided that in constructing the new and extended bridge the Two Companies should raise the level of the roadway on the Guild Street Bridge to an extent not exceeding two feet higher than the present level of Guild Street at the eastern extremity of the new and extended bridge and that the Town Council should at their own cost raise the level of Guild Street from the east side of Carmelite Street to the said bridge so as to suit the altered level of the said roadway:

And whereas the Town Council are promoting a Provisional Order (herein-after referred to as "the Order") in the present session of Parliament under the Private Legislation Procedure (Scotland) Act 1899 whereby they seek power (inter alia) to construct a tramway to pass along Guild Street and the Guild Street Bridge (in the Order described and herein-after referred to as "Tramway No. 1"):

And whereas the Two Companies have lodged a petition against the Order and in the treaty between the parties as to the withdrawal of the said petition it has been agreed as underwritten:

Therefore the Two Companies and the Town Council have agreed and hereby agree as follows:—

1. The said new and extended bridge shall be so constructed by the Two Companies as to have a carriageway of thirty-five feet in width between two main longitudinal girders either plate or lattice work as the Town Council may require and which will project above the surface of the said carriageway and a foot pavement eight feet in width on each side of the carriageway outside the said girders and the Town Council shall at their own cost widen the approaches to the bridge to correspond in width with the carriageway and foot pavements thereof respectively.

2. On the completion of the said new and extended bridge the Town Council shall pay to the Two Companies the sum of two thousand pounds in respect of (*a*) the additional cost incurred by the Two Companies in constructing the said new and extended bridge in manner provided by this agreement instead of constructing it of the same width as the existing bridge (*b*) the price or compensation payable by the Town Council for the lands belonging to the Two Companies or one or other of them which will be required in connexion with the widening of the approaches to the said new and extended bridge and which lands are delineated and coloured red on the plan annexed and signed as relative to this agreement and (*c*) the cost which may be incurred by the Two Companies in maintaining repairing or altering the structure of the said new and extended bridge so far as such cost may be due to the increased width thereof as herein-before provided.

3. The Town Council shall pay to the Two Companies one half of the cost that may be incurred by them in reconstructing at any future time the said new and extended bridge so far as such cost may be due to the increase in width provided for in this agreement as such cost shall be ascertained and fixed by the engineers of the parties hereto and failing agreement then by

arbitration in manner herein-after provided For such purpose the increase in width shall be deemed to have been five feet. A.D. 1903.

4. Nothing in this agreement or in the Order contained shall prejudice or affect the powers of the Two Companies to maintain repair alter or reconstruct the said new and extended bridge whenever and to such extent as they shall deem necessary without incurring any liability in respect of interference with Tramway No. 1 or the stoppage of the running of cars thereon for such period as may be necessary for the purposes of such maintenance repair alteration or reconstruction Provided that all operations in connexion with such maintenance repair alteration or reconstruction shall be executed by the Two Companies in such manner as to cause as little interruption or inconvenience as practicable to the traffic on the tramways of the Town Council and that the Two Companies shall give fourteen days' notice in writing to the Town Council before commencing any operations interfering with the tramways which last-mentioned operations shall be conducted at the sight and to the reasonable satisfaction of the engineer of the Town Council.

5. If any question shall arise between the Two Companies or either of them and the Town Council in regard to the intent or meaning of this agreement or in regard to any matter arising out of or in connexion therewith the same shall be referred to the determination of an arbiter to be mutually agreed upon by the Two Companies or Company and the Town Council or failing such agreement to be appointed on the requisition of either party by the Board of Trade.

6. Save as expressly varied by this agreement the provisions of the said section 24 of the Act of 1899 shall continue to have full force and effect and shall be applicable to the said new and extended bridge as constructed under this agreement as fully and effectually as if the said section had originally applied thereto.

7. This agreement shall be scheduled to and confirmed by the Order and shall be subject to such alterations as Parliament may think fit to make therein Provided that in the event of any such alterations or any amendments in the Order in relation to the said agreement being in the opinion of either party material either party may withdraw therefrom.

In witness whereof these presents consisting of this and the two preceding pages together with the plan before referred to and signed as relative hereto are executed in triplicate as follows viz. They are in terms of the Aberdeen Municipality Extension Act 1871 subscribed on behalf of the Town Council by James Walker the lord provost James Taggart the senior bailie and William Gordon the town clerk and are sealed with the common seal of the Town Council at Aberdeen before these witnesses George Strachan and George Thomson both assistants in the Town Clerk's Office Aberdeen they are subscribed by Sir James King Baronet and Hugh Brown two of the directors and John Blackburn the secretary and are sealed with the common seal of the Caledonian Railway Company at Glasgow before these witnesses John Smeaton and John Richmond both clerks to the said Caledonian Railway

A.D. 1903. Company in their Secretary's Office in Glasgow and they are sealed with the common seal of the Great North of Scotland Railway Company and subscribed for and on their behalf by William Moffatt their secretary at Aberdeen before these witnesses John Smith Stuart accountant and Charles Alexander Thomson clerk both in the Head Office in Aberdeen of the said Great North of Scotland Railway Company.

JOHN SMEATON Witness.
JOHN RICHMOND Witness.

L.S.

HUGH BROWN Director.
JAMES KING Director.
J. BLACKBURN Secry.

JOHN S. STUART Witness.
CHAS. A. THOMSON Witness.

L.S.

W. MOFFATT Secretary
G.N.S. Ry. Co.

G. STRACHAN Witness.
GEO. THOMSON Witness.

L.S.

JAMES WALKER Lord Provost.
JAMES TAGGART Senior Bailie.
W. GORDON Town Clerk.

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