CHAPTER lxxvi.

An Act to authorise the Dundee Gas Commissioners to construct further works to authorise the widening and improvement of Streets and the construction of new Tramways and for other purposes. [13th July 1899.] A.D. 1899.

WHEREAS the Lord Provost magistrates and council of the city and royal burgh of Dundee (herein-after called "the Corporation") are vested with the municipal and police administration thereof:

And whereas by the Dundee Extension and Improvement Act 1892 (herein-after called "the Act of 1892") the then existing municipal boundaries and police boundaries of the said city and royal burgh were extended and the said respective boundaries are now co-extensive: 55 & 56 Vict. c. ccxxxv.

And whereas by the Dundee Corporation Act 1894 (herein-after called "the Act of 1894") the city and burgh was constituted a county of a city by the name of the county of the city of Dundee and the Corporation were constituted the commissioners for carrying inter alia the Dundee Gas Acts therein recited into execution (herein-after called "the Commissioners"): 57 & 58 Vict c. lxxiv.

And whereas the said city and royal burgh of Dundee has greatly increased and is yearly increasing in population and the gasworks are insufficient and to some extent defective and it is expedient that parts of the same should be discontinued and other parts improved and that the Commissioners should be authorised to erect additional works and apparatus for the manufacture storage and distribution of gas upon certain additional lands acquired by them by agreement and that additional plant and apparatus should be provided so as to increase the power and capacity of their gasworks undertaking and that their present borrowing and other powers should be available and that they

A.D. 1899.

should be empowered to raise further money for these purposes and for the general purposes of their undertaking:

And whereas it is expedient that the Corporation be empowered to make and maintain the street widenings and improvements herein-after in this Act described and to acquire lands for the purposes thereof:

61 & 62 Vict. c. cxxix.

And whereas the Corporation are the owners of the tramways within the city and by the Dundee Corporation (Tramways) Act 1898 (herein-after called "the Act of 1898") they were authorised to work and use the same by animal power or subject to certain provisions of that Act by steam electric or any other motive power not being animal power:

And whereas the Corporation are the local authority and also the road authority of and within the burgh under and as defined by the Tramways Act 1870:

And whereas it is expedient and would be of local and public advantage that the Corporation should be authorised to extend their tramways and to make and maintain and work and use the additional tramways by this Act authorised and that certain of the powers and provisions contained in their existing Tramway Acts should be made applicable thereto:

And whereas it is expedient that the Corporation should be authorised to borrow and raise money and to levy rates and assessments and that the further powers in this Act contained should be conferred on the Corporation:

And whereas plans and sections showing the lines situations and levels of the street improvements and tramways authorised by this Act and also a book of reference to such plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands houses and other property required or which may be taken for the purposes or under the powers of this Act were duly deposited with the principal sheriff clerk of the county of Forfar at his offices in Dundee and Forfar respectively and are herein-after respectively referred to as the deposited plans sections and book of reference:

And whereas the objects aforesaid and the other purposes of this Act cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and

Commons in this present Parliament assembled and by the authority of the same as follows :— A.D. 1899.

PART I.—PRELIMINARY.

1. This Act may be cited for all purposes as the Dundee Gas Street Improvements and Tramways Act 1899. Short title.

2. This Act is divided into parts as follows :— Division of Act into parts.

Part I.—Preliminary.
Part II.—Gasworks and Gas Undertaking.
Part III.—Street Improvements.
Part IV.—Tramways.
Part V.—Lands.
Part VI.—Rates and Assessments and Borrowing of Money.
Part VII.—Miscellaneous.

3. The Gasworks Clauses Act 1847 with the exception of the clauses with respect to the amount of profit to be received by the Undertakers when the gasworks are carried on for their benefit sections 5 6 9 10 12 to 27 and 36 to 46 of the Gasworks Clauses Act 1871 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 are so far as the same are applicable for the purposes of and are not varied by or inconsistent with this Act incorporated with and form part of this Act Provided that sections 30 33 and 46 of the Tramways Act 1870 shall have effect with reference to the tramways by this Act authorised as if the sheriff of the county of Forfar was therein mentioned instead of the Board of Trade provided that 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 alteration of or interference with any telegraphic line belonging to or used by the Postmaster-General The expression "telegraphic line" in this Act has the same meaning as in the Telegraph Act 1878. Incorporation of general Acts.

4. In this Act terms and words or expressions to which meanings are assigned by the Act of 1882 or the Gas Acts or the Tramway Acts or by the Acts or parts of Acts incorporated herewith shall subject to the provisions of this Act have the same respective meanings unless there be something in the subject or context repugnant to such construction Further the following expressions shall have the several meanings by this section assigned to them unless there be something in the subject or context repugnant to such construction (that is to say) :— Interpretation.

"The city" and "the burgh" mean the city and royal burgh of Dundee as defined in and by the Act of 1892 ;

A.D. 1899.

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

"The Commissioners" means the Dundee Gas Commissioners;

"The Act of 1882" means the Dundee Police and Improvement Consolidation Act 1882;

"The Gas Acts" means the Dundee Gas Act 1868 the Dundee Gas Amendment Act 1872 the Dundee Gas (Additional Powers) Act 1877 the Dundee Gas (Debenture Stock) Act 1882 Part IV. of the Act of 1894 and Part II. of the Dundee Corporation Act 1897;

"The Tramway Acts" means the Dundee Tramways Act 1872 the Dundee Street Tramways Turnpike Roads and Police Act 1878 so far as relating to tramways and tramway purposes and so far as unrepealed by the Act of 1882 the Act of 1882 so far as relating to tramways and tramway purposes the Dundee Street Tramways Recreation Grounds Police and Improvement Act 1887 so far as relating to tramways and tramway purposes the Act of 1892 so far as relating to tramways and tramway purposes the Act of 1894 so far as relating to tramways and tramway purposes and the Act of 1898;

"Mechanical power" shall include steam electric and every other motive power not being animal power;

"Engine" shall include motor.

PART II.—GASWORKS AND GAS UNDERTAKING.

Additional lands for storage and distribution of gas.

5. The Commissioners may subject to the provisions of this Part of this Act hold the lands described in the First Schedule to this Act annexed (already purchased or acquired by them by agreement) for the purposes of and as sites for gas holders gas apparatus and houses for the manufacture storage and distribution of gas and may within the limits of the said lands as described in the said schedule erect construct and maintain thereon gas holders gas apparatus and houses for the manufacture storage and distribution of gas and may manufacture and store gas therein and distribute gas therefrom and manufacture sell provide supply and deal in coke tar pitch asphaltum ammoniacal oil and all other products or residuum of any materials employed in or resulting from the manufacture of gas and such meters fittings tubes pipes and other articles and things in any way connected with gasworks or with the supply of gas as they may think fit and may make and maintain on the said lands all roads ways approaches conducting pipes appliances and other conveniences necessary for the storage and distribution of gas.

Additional lands by agreement.

6. The Commissioners may acquire by agreement and hold for the purposes of their undertaking in addition to the lands now belonging to them any lands not exceeding in the whole five acres but they shall not create or permit a nuisance on any such lands and no works for the manufacture or storage of gas or for the manufacture or conversion of residual products shall be constructed thereon without the authority of Parliament.

Borrowing powers.

7. The powers conferred on the Commissioners by the Dundee Corporation Act 1897 to borrow or raise money and to grant security therefor shall and may be exercised for the purposes of this Part of this Act as well as for the purposes of the Gas Acts and of their gas undertaking and the money borrowed or raised under the powers of the said Act may be applied for such several purposes.

Power to borrow on mortgage.

8. In addition to any money which the Commissioners have borrowed or raised or are authorised to borrow or raise under the Gas Acts or any of them the Commissioners may from time to time under the authority of this Act borrow or raise such further sums as they think requisite for the purposes of the Gas Acts and this Part of this Act and of their gas undertaking not exceeding the sum of fifty thousand pounds on the security of the several rates and charges leviable by them under the provisions of the Gas Acts and this Act and if after having borrowed or raised the said sums or any part thereof the Commissioners pay off the same except by means of the sinking fund after-mentioned it shall be lawful for them again to borrow or raise the amount so paid off and so from time to time.

Security for borrowed money.

9. The money authorised to be borrowed or raised by this Part of this Act may be secured by mortgages in terms of and as provided for in the Gas Acts with regard to the money thereby authorised to be borrowed or by debenture stock of the Commissioners in terms of and in manner provided by the Dundee Gas (Debenture Stock) Act 1882 as altered and amended by section 37 of the Act of 1894 and subject to the provisions of this Part of this Act all the powers forms and provisions of the Dundee Gas Act 1868 and the Dundee Gas (Debenture Stock) Act 1882 as altered and amended by section 37 of the Act of 1894 with regard to the borrowing or raising of money and with regard to the mortgages or debenture stock or certificates of debenture stock to be granted or created and issued therefor shall mutatis mutandis apply to the money by this Part of this Act authorised to be borrowed or raised and to all mortgages or debenture stock or

A.D. 1899.

certificates of debenture stock granted or created and issued for the same or any part thereof and to the transfer transmission redemption and discharge of such mortgages and such debenture stock Provided that the mortgages to be granted and certificates of the debenture stock to be issued for the moneys hereby authorised to be borrowed or raised shall declare that they are so granted and issued by virtue or by and under the powers of this Act Provided also that all mortgages granted and debenture stock created and issued before the passing of this Act by the Commissioners in pursuance of the Gas Acts shall have priority over any mortgages to be granted and debenture stock to be created and issued in virtue of this Part of this Act and all such last-mentioned mortgages and debenture stock shall rank together pari passu and without any preference or priority the one over the other Provided further that nothing contained in or done or suffered under this Act shall prejudice or affect the preference and priority of the perpetual annuities mentioned in the Dundee Gas Act 1868 and conferred by that Act.

Estimates and charges and contingent guarantee rate.

10. The estimate to be made up and the charges to be fixed by the Commissioners under the Gas Acts shall include the objects and purposes of this Part of this Act and shall not only include and be sufficient with the other revenues of the Commissioners to defray the annual sums and expenditure specified in the Gas Acts but likewise the interest of any money borrowed or raised for the objects and purposes and under the provisions of this Part of this Act and the payment to the sinking fund applicable thereto and the expense of maintaining and managing the additional gasworks by this Act authorised and all other annual expenditure arising out of or consequent on the same and "the Gas Contingent Guarantee Rate" leviable by the Commissioners under the Gas Acts shall be sufficient to meet any deficiency in the moneys required to pay not only the aforesaid annual sums and expenditure but also the said interest payment to sinking fund expense and other annual charges.

Application of rates and charges.

11. The rates and charges levied or leviable under the authority of the Gas Acts and this Part of this Act or any of them and the other revenues of the Commissioners whether arising under the Gas Acts or this Act shall be applied in the following order of priority that is to say (firstly) in defraying the expenses of the management and maintenance of the gas undertaking of the Commissioners under the Gas Acts and this Act including the annual costs charges and expenses of providing and supplying gas and the payment of any feu duties or ground annuals exigible in

respect of any lands or property forming part of the gas undertaking (secondly) in payment of the perpetual annuities by the Dundee Gas Act 1868 required to be paid so far as not from time to time redeemed and discharged and of the interest on any moneys borrowed under the authority of that Act (thirdly) in payment of the interest of money borrowed or raised under the authority of the Dundee Gas Amendment Act 1872 and the Dundee Gas (Additional Powers) Act 1877 and the Dundee Gas (Debenture Stock) Act 1882 respectively according to their order and priority (fourthly) in payment of the interest of money borrowed or raised under the authority of the Dundee Corporation Act 1897 (fifthly) in payment of the interest of money borrowed or raised under the authority of this Part of this Act (sixthly) in payment of the sums by the Gas Acts and this Part of this Act directed to be set apart as a sinking fund or allowed to be set apart as a contingent fund and (lastly) in payment of such portion of the cost of enlarging or increasing and renewing the number of mains and pipes and of extending the works mains and pipes from time to time as the Commissioners shall think it reasonable to charge against the revenue for the year and of any other necessary annual expenditure.

Application of borrowed money.

12. The several sums borrowed or raised by the Commissioners under the authority of this Act shall be applied in terms and for the purposes of the Gas Acts and this Part of this Act only Provided always that no part thereof shall be applied to purposes for which the annual revenue of the Commissioners is applicable.

Protection of lenders from inquiry.

13. Any person lending or paying money under the Gas Acts or this Act to the Commissioners shall not be bound to inquire as to the observance by the Commissioners of any provisions of the Gas Acts or this Act or be bound to see to the application or be answerable for any loss or non-application of such money or any part thereof.

Sinking fund.

14. The Commissioners shall in addition to the sums specified in the Gas Acts to be set apart annually as a sinking fund set apart or pay over annually to the sinking fund thereby created a sum equal to one pound ten shillings per centum of the money from time to time borrowed or raised by them under the authority of this Act Provided always that such sum by accumulation with compound interest at the rate of three per centum per annum shall be sufficient to pay off the whole of the moneys that may be borrowed by them under the powers of this Act within forty years from the respective times of borrowing such moneys and the said sinking fund shall be

A.D. 1899.

from time to time applicable to the redemption of mortgages and debenture stock granted and created and issued under the powers conferred by this Part of this Act as well as by the Gas Acts or to the other purposes specified in section eighty-five of the Dundee Gas Act 1868 as the Commissioners think proper and to no other purposes whatever.

PART III.—STREET IMPROVEMENTS.

Power to widen and improve streets.

15. Subject to the provisions of this Act the Corporation may make and maintain in the lines and situations and upon the lands in that behalf delineated on the deposited plans and described in the deposited book of reference and according to the levels shown on the deposited sections the widenings alterations and improvements herein-after described or some of them or some part or parts thereof with all proper works and conveniences connected therewith (all in this Act called "street improvements").

Description of street improvements.

16. The street improvements herein-before referred to and authorised by this Act are wholly within the burgh and are the following (that is to say) :—

(1) The widening alteration and improvement (marked "Work No. 1" on the deposited plans) of Blackness Road on the north side thereof commencing at the south-east corner of Cherryfield Lane at its junction with Blackness Road and terminating at a point in the said north side of Blackness Road 50 yards or thereabouts eastward from the said point of commencement:

(2) The widening alteration and improvement (marked "Work No. 2" on the deposited plans) of the road or street called Scouringburn on the south side thereof commencing at the north-west corner of the building bearing Nos. 64 66 and 68 Scouringburn and No. 2 Lyon's Close and terminating at a point in the said south side of Scouringburn 14 yards or thereabouts eastward from Lyon's Close:

(3) The widening alteration and improvement (marked "Work No. 3" on the deposited plans) of Seagate on the west side thereof commencing at a point 20 yards or thereabouts southward from its junction with Horse Wynd and terminating in the said west side of Seagate 24 yards or thereabouts southwestward from the south-west corner of St. Andrew's Street:

(4) The widening alteration and improvement (marked "Work No. 4" on the deposited plans) of Seagate on the north-west side thereof commencing at the south-east corner of Sugarhouse Wynd and terminating at the south-west corner of Queen Street:

(5) The widening alteration and improvement (marked "Work No. 5" on the deposited plans) of Seagate on the north-west side thereof commencing at a point 65 yards or thereabouts north-eastward from the south-east corner of Queen Street and terminating at a point in the said north-west side of Seagate 49 yards or thereabouts north-eastward from the point of commencement:

(6) The widening alteration and improvement (marked "Work No. 6" on the deposited plans) of the road or street called Blackscroft on the south side thereof commencing at the north-west corner of the building situated at the junction of Blackscroft and Foundry Lane and terminating at a point in the said south side of Blackscroft 48 yards or thereabouts eastward from the point of commencement.

Ownership of streets.

17. The widenings of streets authorised by this Act shall after the completion thereof be and become vested in the Corporation to the same extent and effect as the other streets in the burgh are now vested in them.

Lateral deviation.

18. In executing the street improvements by this Act authorised or any of them the Corporation may deviate from the respective lines thereof shown on the deposited plans to any extent within the limits of deviation shown thereon Provided that no such deviation shall extend into the lands of any person whose name is not mentioned in the deposited book of reference without his previous consent unless his name has been omitted by accident or mistake and the fact that the omission proceeded from accident or mistake be certified as by this Act is provided for in cases of unintentional errors in the book of reference.

Vertica deviation.

19. In executing the street improvements or any of them the Corporation may deviate from the respective levels thereof shown on the deposited sections to any extent not exceeding five feet Provided that if the deviation exceed two feet the Corporation shall be liable in compensation to the owners and occupiers of any lands or houses abutting on the road or street in which such improvements are executed injuriously affected by such increased deviation.

Power to interfere with roads &c. temporarily.

20. For the purposes and during the execution of the street improvements or any of them the Corporation may enter upon break up and open the surface of and alter raise lower cross divert widen stop up and otherwise interfere with temporarily or permanently any street road highway bridge wynd close vennel passage entry court place thoroughfare tramway sewer drain gas water or other main or pipe telegraph telephone electric or other

A.D. 1899.

wire main pipe work or apparatus in any of the lands or streets shown on the deposited plans and specified in the deposited book of reference and which they from time to time find it expedient for any of the purposes aforesaid so to interfere with doing as little damage as possible and making full compensation to all persons injuriously affected by the exercise of the powers of this section Provided that the Corporation shall not raise lower divert or otherwise in any way interfere with telegraph telephone electric or other wires pipes or apparatus belonging to or used by the Postmaster-General except in accordance with the provisions of the Telegraph Act 1878 Provided further 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 Acts 1882 and 1888 to which the provisions of section 15 of the former Act apply.

Corporation to form sewers drains &c.

21. The Corporation may cause such parts of the widened and improved streets authorised by this Act to be laid out and formed for carriageways and such parts thereof for foot passengers as they may think fit and may construct erect and provide thereon or thereunder or connected therewith such vaults cellars arches sewers drains and other works and conveniences as they may think proper.

Land thrown into streets to be public highway.

22. Any lands purchased or taken by the Corporation and laid out into any street shall for ever thereafter form part of such street and be public highway.

Period for completion of street improvements.

23. The street improvements herein-before described and authorised by this Act shall be completed within five years from the passing of this Act and on the expiration of that period the powers by this Act granted to the Corporation for executing the same or otherwise in relation thereto shall cease to be exercised except as to so much thereof as shall then be completed.

PART IV.—TRAMWAYS.

Power to make new tramways.

24. Subject to the provisions of this Act and of Parts II. and III. of the Tramways Act 1870 the Corporation may make form lay down work use and maintain the tramways herein-after described in the lines and according to the levels shown on the deposited plans and sections and in all respects in accordance with those plans and sections with all necessary and proper rails apparatus works and conveniences connected therewith and may take up remove or alter or connect the rails of their existing tramways interfered with or rendered unnecessary by the laying down of the tramways hereby authorised The tramways herein-before referred to and authorised

by this Act are wholly within the burgh and are as follows (that is to say):—

Tramway No. 1 (1 mile and 7·42 chains in length of which 5 furlongs 1·14 chains will be double line and 3 furlongs 6·28 chains will be single line) commencing at a point in the road commonly called Blackness Road 3·8 chains or thereabouts west from the point at which the north side of Blackness Road and the west side of the southern approach road to Balgay Hill or Park meet and passing thence in an easterly direction along Blackness Road to into and in a south-easterly direction along the street or road called Scouringburn and the street or road called West Port and curving southwards across the common junction of West Port North Tay Street Overgate and South Tay Street into and along South Tay Street and terminating by a junction with the existing tramway of the Corporation at a point in South Tay Street 0·55 chain or thereabouts south-east from the north-east corner of the building abutting on the south side of West Port and west side of South Tay Street:

Tramway No. 2 (1 furlong and 7 chains in length of which 3 chains will be double line and 1 furlong 4 chains will be single line) part whereof will be in substitution of part of the existing tramway siding to the Corporation's carhouse in High Street Lochee commencing at a point in the road commonly called Coupar Angus Road 2·4 chains or thereabouts south-east from the north-east corner of Earl Street Lochee and passing thence along Coupar Angus Road to into and along High Street Lochee and terminating therein by a junction with the existing tramway of the Corporation at a point 1·14 chains or thereabouts north from the north-east corner of Bank Street Lochee:

Tramway No. 3 (1 mile 5 furlongs 5·71 chains in length of which 1 mile 2 furlongs 4·09 chains will be double line and 3 furlongs 1·62 chains will be single line) commencing by a junction with the existing tramways of the Corporation at a point in the High Street of Dundee 1·30 chains or thereabouts south-west from the north-west corner of the Town House of Dundee and passing thence along High Street and the southern arm thereof to and crossing Commercial Street and along Seagate and Blackscroft and curving eastwards along Broughty Ferry Road and terminating in Broughty Ferry Road at the municipal and police boundary of the burgh:

Tramway No. 3A (2·11 chains in length double line) commencing by a junction with Tramway No. 3 in High Street Dundee at a point 0·60 chain or thereabouts north-west from the north-east

A.D. 1899.

corner of the said Town House and curving thence in a north-westerly direction along High Street and along Reform Street and terminating therein by a junction with the existing tramway of the Corporation at a point 0·47 chain or thereabouts north-west from the junction of Reform Street with High Street Dundee:

Tramway No. 4 (1 mile 4 furlongs 4·17 chains in length of which 1 mile 1 furlong 4·52 chains will be double line and 2 furlongs 9·65 chains will be single line) commencing by a junction with Tramway No. 3 at a point in High Street 2·27 chains or thereabouts measured in a north-easterly direction from the north-east corner of the Town House and passing thence in a northerly direction along High Street and the north arm thereof to and crossing Commercial Street and along Murraygate and curving in a north-easterly direction into and across the common junction of Murraygate Panmure Street Wellgate and Cowgate and along Cowgate passing Saint Andrew's Place and along King Street and Princes Street crossing the existing tramway of the Corporation at the same level at the common junction of Princes Street Victoria Street Albert Street and Arbroath Road and along said Albert Street and across the common junction of Albert Street Dura Street Mains Loan Forfar Road Pitkerro Road and Morgan Street crossing therein at the same level the existing tramway of the Corporation and along Forfar Road to and crossing the common junction of Forfar Road and Clepington Road and along Forfar Road to and terminating therein at the municipal and police boundary of the burgh:

Tramway No. 5 (2 furlongs 2·42 chains in length of which 6 chains will be double line and 1 furlong 6·42 chains will be single line) commencing by a junction with the existing tramway of the Corporation in the road commonly called Strathmartine Road at a point therein 0·63 chain or thereabouts south-east from the north-east corner of the building abutting on the south side of Clepington Road and south-west side of Strathmartine Road and passing thence in a north-westerly direction along Strathmartine Road to and crossing Clepington Road thence along Strathmartine Road crossing over the bridge carrying that road over the Fairmuir and Maryfield Branch of the Caledonian Railway to and terminating in Strathmartine Road at the municipal and police boundary of the burgh:

Tramway No. 6 (2·57 chains or thereabouts in length double line) in substitution of part of the existing single line of tramway in Ward Road lying along its course commencing by a junction

with the existing tramway of the Corporation in Ward Road at a point therein 1·08 chains or thereabouts east from the extended line of the east side of Lochee Road thence passing in an easterly direction along Ward Road and terminating therein by a junction with said existing tramway of the Corporation at the point therein where the extended line of the west side of Lindsay Street cuts the said existing tramway:

Tramway No. 7 (7·55 chains in length double line) commencing by a junction with Tramway No. 4 at a point in the north arm of High Street Dundee 0·32 chain or thereabouts south from its junction with Commercial Street and passing thence in a northerly direction along said north arm of High Street and in a north-westerly direction along Commercial Street to into and in a northerly direction along Meadowside and terminating in Meadowside by a junction with the existing tramway of the Corporation at a point 0·24 chain or thereabouts north from the extended north line of Cameron's Close:

Tramway No. 7A (1·68 chains in length double line) commencing in Commercial Street by a junction with Tramway No. 7 at a point therein 0·28 chain or thereabouts south-east from the extended line of the south-east side of Meadowside and passing thence along Commercial Street in a north-westerly direction to into and curving in a westerly direction along Meadowside and terminating in Meadowside by a junction with the existing tramway of the Corporation at a point therein 0·11 chain or thereabouts west from the extended south-west side of Commercial Street:

Tramway No. 8 (5 furlongs 8·46 chains in length of which 9·50 chains will be double line and 4 furlongs 8·96 chains will be single line) part whereof will be in substitution of the part of the existing line of tramway in Perth Road lying along its course commencing by a junction with the existing tramway of the Corporation in Perth Road at a point therein 1·48 chains or thereabouts east from the extended line of the east side of West Park Road and passing thence in a westerly direction along said Perth Road to and terminating therein at the municipal and police boundary of the burgh:

Tramway No. 9 (3·21 chains in length double line) in substitution of the part of the existing single line of tramway in Nethergate and South Tay Street lying along its course commencing in Nethergate by a junction with the existing tramway of the Corporation at a point therein 0·75 chain or thereabouts north-east from the extended line of the north-east side of South Tay

A.D. 1899.

Street curving thence in a westerly and north-westerly direction to into and along South Tay Street and terminating therein by a junction with the existing tramway of the Corporation at a point 2 chains or thereabouts north-west from the junction of South Tay Street with said Nethergate.

Mode of formation of tramways.

25. Each line of the tramways to be made formed or laid down under this Act shall be constructed with two rails to be laid down at a distance (reckoning from the inside edge of the bearing portion of each rail) of four feet eight inches and half an inch from each other and be laid and maintained in such manner that the uppermost surface of the rail shall be on a level with the surface of the road and no carriages or trucks adapted for use upon railways shall be run on the said tramways.

For protection of Caledonian Railway Company.

26. The following provisions shall (unless otherwise agreed between the Corporation and the Caledonian Railway Company herein-after called "the Caledonian Company") apply for the protection of the Caledonian Company (that is to say):—

(1) The Corporation shall not in the construction maintenance and use of Tramway No. 5 by this Act authorised over the bridge carrying the Strathmartine Road over the railway of the Caledonian Company alter or interfere with the structure of the said bridge and shall so construct and maintain such tramway as not injuriously to affect such structure:

(2) If any injury to the said bridge be occasioned at any time by the works or operations of the Corporation in connexion with such tramway the Corporation shall forthwith make good such injury at their own expense or if the Corporation fail to do so the Caledonian Company may do the necessary works for that purpose at the expense of the Corporation and the Corporation shall repay to the Caledonian Company all costs and expenses incurred by them in so doing:

(3) Nothing contained in this Act or which may be done in pursuance thereof shall prevent the Caledonian Company from widening their railway beneath the said bridge or repairing altering or reconstructing the said bridge without interference on the part of the Corporation and without incurring any liability to the Corporation or to any parties working or using the same for any loss injury damage expense or interruption of traffic which may arise from such widening repair alteration or reconstruction and any extra expense which the Caledonian Company may incur in the repair of the structure of such bridge or the alteration or reconstruction thereof by reason of the existence and user of the said tramway shall be paid by the

Corporation Provided that all such operations shall be executed by the Caledonian Company in such manner as to cause as little interruption or inconvenience as practicable to the traffic on the said tramway and that the Caledonian Company shall give fourteen days' notice in writing to the Corporation before commencing any such operations and that such operations so far as the same interfere with the said tramway or the passage of traffic along the same shall be conducted at the sight and to the reasonable satisfaction of the engineer of the Corporation :

(4) If any difference shall arise between the Corporation and the Caledonian Company or their respective engineers with respect to any matter referred to in this section such difference shall be determined by an engineer or other fit person to be agreed upon by the Corporation and the Caledonian Company or failing agreement to be appointed by the Board of Trade on the application of either party.

Period for completion of new tramways.

27. The tramways authorised by this Act shall be completed within five years from the passing of this Act and on the expiration of that period the powers by this Act granted to the Corporation for executing the same or otherwise in relation thereto shall cease to be exercised except as to so much thereof as shall then be completed.

Inspection by Board of Trade.

28. No part of the tramways authorised by this Act shall be opened for public traffic until the same shall have been inspected and certified to be fit for such traffic by the Board of Trade.

Power to lease tramways.

29. The Corporation may from time to time lease to any company body or person the whole or any part of their existing tramways and the tramways by this Act authorised or the right of user of the same and the right of levying tolls rates fares and charges in respect thereof and that for any term not exceeding twenty-one years and upon such terms and conditions as may be agreed on between the Corporation and such company body or person.

Application of specified clauses of existing Tramway Acts to tramways authorised by this Act.

30. Sections 53 to 62 and 65 of the Dundee Tramways Act 1872 and sections 14 to 18 21 to 26 28 29 and 30 of the Dundee Street Tramways Turnpike Roads and Police Act 1878 and sections 5 to 11 13 and 15 to 25 of the Act of 1898 shall apply to the tramways authorised by this Act and to the Corporation and any lessees of the Corporation and to all other persons the same as if they were specially herein enacted.

Mechanical power works to be subject

31. All works to be executed by the Corporation in any street road or place for working the tramways by mechanical power in

A.D. 1899.

pursuance of the powers of this Act shall be deemed to be works of a tramway subject in all respects to the provisions of section 30 of the Tramways 1870 as if they had been therein expressly mentioned.

to section 30 of Tramways Act 1870.

Tramways to form part of Corporation tramways.

32. The tramways and the works in connexion therewith by this Act authorised shall for all purposes of tolls rates fares and charges and for all other purposes whatsoever be part of the Corporation tramways and tramway undertaking.

PART V.—LANDS.

Power to take lands.

33. Subject to the provisions of this Act other than Part II. thereof the Corporation may enter upon take and use for the purposes of this Act other than Part II. or any of them all or any of the lands houses and property shown on the deposited plans and specified and described in the deposited book of reference.

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

34. 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 Corporation after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to the sheriff of the county of Forfar 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 in duplicate 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 one of such certificates shall be deposited with the principal sheriff clerk of the county of Forfar at each of his offices at Dundee and Forfar and a copy thereof shall also be deposited with the town clerk of Dundee and such duplicates and copy certificate 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 it shall be lawful for the Corporation to take the lands and execute the works in accordance with such certificate.

Power to take down buildings and lay out lands of new.

35. The Corporation may take down the whole or any part of the buildings situated on any part of the lands and property acquired by them under the authority of this Act and sell and dispose of the materials thereof and may subject to the provisions of this Act as to the making and executing of the street improvements by this Act authorised lay out of new the said lands and property in such way and manner as they may deem best and may sell or dispose of the

ground or buildings or any part or portion thereof or grant leases dispositions in feu contracts of ground annual or other deeds or conveyances of such ground or buildings or any part or portion thereof on such terms and subject to such conditions as they may determine and prescribe and generally they may deal with the lands houses and property acquired by them under this Act and any feu duties or ground annuals created by them as absolute proprietors thereof.

Power to take servitudes &c. by agreement.

36. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act other than Part II. thereof grant to the Corporation any servitude right or privilege (not being a servitude right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act other than Part II. in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges feu duties or ground annuals 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.

Limitation of time for compulsory purchase of lands.

37. The powers of the Corporation for the compulsory purchase of lands houses and property for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Owners may be required to sell parts only of certain properties.

38. And whereas in the construction of the street improvements by this Act authorised or otherwise in the exercise by the Corporation of the powers of this Act it may happen that portions only of certain properties shown or partly shown on the deposited plans will be sufficient for the purposes of the Corporation and that such portions or some other portions less than the whole can be severed from the remainder of the said properties without material detriment thereto Therefore the following provisions shall have effect :—

(1) The owner of and persons interested in any of the properties whereof the whole or part is described in the Second Schedule to this Act and whereof a portion only is required for the purposes of the Corporation or each or any of them are herein-after included in the term " the owner " and the said properties are herein-after referred to as " the scheduled properties " :

(2) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the scheduled properties the owner shall fail to notify in writing to the Corporation that he alleges that such portion cannot be severed from the remainder

A.D. 1899.

of the property without material detriment thereto he may be required to sell and convey to the Corporation such portion only without the Corporation being obliged or compellable to purchase the whole the Corporation paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise:

(3) If within such twenty-one days the owner shall by notice in writing to the Corporation allege that such portion cannot be so severed the jury arbiter or arbiters or other authority to whom the question of disputed compensation shall be submitted (herein-after referred to as "the tribunal") shall in addition to the other questions required to be determined by it determine whether the portion of the scheduled property specified in the notice to treat can be severed from the remainder without materal detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion over which the Corporation have compulsory powers of purchase) can be so severed:

(4) If the tribunal determine that the portion of the scheduled property specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Corporation the portion which the tribunal shall have determined to be so severable without the Corporation being obliged or compellable to purchase the whole the Corporation paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the tribunal:

(5) If the tribunal determine that the portion of the scheduled property specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the arbitration or inquiry shall be borne and paid by the owner:

(6) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not they shall determine that any other portion can be so severed) the Corporation may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice:

A.D. 1899.

(7.) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the Corporation in case they shall not withdraw the notice to treat shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the tribunal shall having regard to the circumstances of the case and their final determination think fit.

The provisions of this section shall be in force notwithstanding anything in the Lands Clauses Consolidation (Scotland) Act 1845 contained and nothing contained in or done under this section shall be held as determining or as being or implying an admission that any of the scheduled properties or any part thereof is or is not or but for this section would or would not be subject to the provisions of section 90 of the Lands Clauses Consolidation (Scotland) Act 1845.

The provisions of this section shall be stated in every notice given thereunder to sell and convey any premises.

Restrictions on displacing persons of labouring class.

39.—(1) The Corporation shall not under the powers by this Act granted purchase or acquire in any parish ten or more houses which on the fifteenth day of December last were or have been since that day or shall hereafter be occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers unless and until—

(A) They shall have obtained the approval of the Secretary for Scotland to a scheme for providing new dwellings for such number of persons as were residing in such houses on the fifteenth day of December last or for such number or proportion of those persons as the Secretary for Scotland shall after inquiry deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the other circumstances of the case; and

(B) They shall have given security to the satisfaction of the Secretary for Scotland for the carrying out of the scheme.

(2) The approval of the Secretary for Scotland to any scheme under this section may be given either absolutely or conditionally and after the Secretary for Scotland has approved of any such

A.D. 1899.

scheme he may from time to time approve either absolutely or conditionally of any modifications in the scheme.

(3) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out and shall require the new dwellings proposed to be provided under the scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced:

Provided that the Secretary for Scotland may dispense with the last-mentioned requirement subject to such conditions (if any) as he may see fit.

(4) Any provisions of any scheme under this section or any conditions subject to which the Secretary for Scotland may have approved of any such scheme or of any modifications of any such scheme or subject to which he may have dispensed with the above-mentioned requirement shall be enforceable by an order of the Court of Session to be obtained by the Secretary for Scotland.

(5) If the Corporation acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions or displace or cause to be displaced the persons residing in any house or houses in contravention of the requirements of the scheme they shall be liable to a penalty not exceeding 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.

(6) For the purpose of carrying out any scheme under this section the Corporation may appropriate any lands and heritages for the time being belonging to them or which they have power to acquire and may purchase such further lands as they may require and for the purpose of any such purchase section 145 of the Public Health (Scotland) Act 1897 shall be incorporated with this Act and shall apply to the purchase of lands by the Corporation for the purposes of any scheme under this section in the same manner in all respects as it would apply to the Corporation as local authority within the meaning of that Act and as if the scheme were one of the purposes of that Act.

(7) The Corporation may on any lands and heritages belonging to them or purchased or acquired under this section or under any Provisional Order issued in pursuance of this section erect such dwellings for persons of the labouring class as may be necessary for the purpose of any scheme under this section and may sell demise let

or otherwise dispose of such dwellings and any lands and heritages purchased or acquired as aforesaid and may apply for the purposes of this section to which capital is properly applicable or any of such purposes any moneys which they may be authorised to raise or apply under the powers of this Act:

Provided that all lands on which any buildings have been erected or provided by the Corporation in pursuance of any scheme under this section shall for a period of twenty-five years from the date of such scheme be appropriated solely for the purpose of such dwellings and every conveyance demise or lease of such lands and buildings by the Corporation shall contain proper covenants for securing that the buildings on such lands shall during such period be used exclusively for the purpose of such dwellings:

Provided also that the Secretary for Scotland may at any time dispense with all or any of the requirements of this sub-section subject to such conditions (if any) as he may see fit.

(8) The Secretary for Scotland may direct any inquiries to be held which he may deem necessary in relation to any scheme under this section and for giving effect to any of the provisions of this section and he and any person appointed by him to hold inquiry shall have and may exercise for any purpose in connexion with any scheme under this section all or any of the powers vested in them respectively under the Public Health (Scotland) Act 1897 in the same manner in every respect as if the preparation and carrying into effect of such scheme were one of the general purposes of that Act.

(9) The Corporation shall pay to the Secretary for Scotland a sum to be fixed by him in respect of the preparation and issue of any Provisional Order in pursuance of this section and any expenses incurred by him in relation to any inquiries under this section including the expenses of any witnesses summoned by the person appointed to hold any such inquiry and a sum to be fixed by the Secretary for Scotland not exceeding three guineas a day for the services of the person so appointed.

(10) Any houses on any of the lands shown on the deposited plans occupied or which may have been occupied by persons of the labouring class within five years before the passing of this Act which have been acquired by or on behalf of the Corporation and for which houses no substitutes have been or are directed to be provided by any scheme approved by the Secretary for Scotland under the powers of any previous Act relating to the Corporation shall for the purposes of this section be deemed to have been

A.D. 1899.

acquired under the powers of this Act and to have been occupied on the fifteenth day of December last by the same number of persons belonging to the labouring class as were occupying the said houses at the date of their acquisition Provided that if the Secretary for Scotland is unable to ascertain the number of such persons who were then occupying the said houses the said houses shall be deemed to have been occupied by such number of such persons as in the opinion of the Secretary for Scotland they might have been sufficient to accommodate.

(11) For the purposes of this section 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.

PART VI.—RATES AND ASSESSMENTS AND BORROWING OF MONEY.

Certain provisions of Act of 1882 to apply.

40. Part V. (Estimates and assessments) and Part XXXVII. (Borrowing and raising of money) of the Act of 1882 and section 33 of the Act of 1894 shall extend and apply to this Act other than to Part II. thereof in the same way and to the same effect as if the purposes of this Act other than Part II. were purposes of the said Acts Provided that the street improvements and tramways by this Act authorised shall be deemed to be embraced under the first second third and fourth heads of section 32 of the Act of 1882 Provided further that the Corporation shall not borrow any money under the powers of this Act so far as relating to tramways and tramway purposes except for constructing the tramways by this Act authorised and providing the necessary works plant rolling stock machinery and apparatus for working the said tramways and any money so borrowed other than money borrowed for the construction of the said tramways shall be subject to section 26 of the Act of 1898.

Assessment for public health purposes.

41. The maximum of the public health general assessment authorised by the Public Health (Scotland) Act 1897 shall come in place of the maximum of the assessment authorised by the Act of 1882 for all charges and expenses in executing the Public Health Acts and all purposes of or applicable thereto.

PART VII.—MISCELLANEOUS.

Regulation of office of town clerk.

42. In addition to the provisions of section 40 of the Act of 1894 the following provisions shall apply to the office of town clerk of the city and shall take effect from and after the day on which Sir Thomas Thornton the present town clerk of the city ceases to hold that office herein-after called "the appointed day":—

(1) Every person appointed to the office of town clerk after the appointed day shall hold office during the pleasure of the Corporation or during such period as may be fixed in any agreement made or to be made between the Corporation and such person and upon such terms and conditions as the Corporation may from time to time determine and no person so appointed to the office of town clerk shall be removed from office except by the votes of not less than two-thirds of those members of the Corporation who shall be present at a meeting of the Corporation specially called for the purpose by a circular addressed to the members of the Corporation not less than seven nor more than fourteen days before the date of such meeting:

(2) The Corporation after the appointed day may require the town clerk to act as law agent parliamentary solicitor clerk and secretary of the Corporation or in any one or more of such capacities in relation to all or such parts of the business of the Corporation and of all or any trusts boards or commissions now existing or which may hereafter be created in connexion with the Corporation or in which the Corporation may be interested as they think proper from time to time to entrust to such town clerk or the Corporation may appoint other persons to act in any of such capacities or to perform all or any part of such business All fees and emoluments payable for the services of the town clerk as the case may be as such law agent parliamentary solicitor clerk or secretary or payable in respect of the services of any deputy or assistant town clerks and other persons employed on the establishment and staff of the town clerk's office shall be charged collected accounted for and applied as provided in the said section 40 of the Act of 1894:

(3) No person appointed to the office of town clerk after the appointed day shall undertake or discharge any other business or duties and every person so appointed shall devote his whole time to the service of the Corporation.

A.D. 1899.

Amendment of section 20 of Dundee Corporation Act 1897.

43. Section 20 of the Dundee Corporation Act 1897 shall be read as if the words "first Thursday of the months of February "May and August and the Monday following the first Tuesday of "the month of November of each year at two o'clock afternoon" were substituted for the words "first Thursday of the months of "February May August and November of each year at two o'clock "afternoon" occurring in the said section.

Saving clause as to saving provisions in Act of 1882.

44. Nothing contained in this Act shall alter prejudice or affect the saving provisions contained in sections 330 331 and 333 of the Act of 1882 but such saving provisions shall apply to this Act and the purposes thereof.

Costs of Act.

45. The costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid to the extent of one-third thereof by the Commissioners and to the extent of the remaining two-thirds thereof by the Corporation as in the place and stead of the Commissioners of Police for the burgh of Dundee Provided that any money borrowed for paying any such costs charges and expenses shall be repaid within ten years from the date of such borrowing.

SCHEDULES referred to in the foregoing Act. A.D. 1899.

THE FIRST SCHEDULE.

All and whole those lands in the parish of Dundee burgh of Dundee and county of Forfar lying on the south side of the public road leading from Dundee to Broughty Ferry commonly called the Broughty Ferry Road which lands at one time belonged or were reputed to belong partly to George Carrie and afterwards to James Carrie and partly to James Neish of Laws and are bounded as follows viz. On the south partly by East Dock Street of Dundee and partly by the lands of the Commissioners upon which their present gasworks and other buildings stand being the lands described in the schedule to the Dundee Gas Amendment Act 1872 on the north by the said Broughty Ferry Road on the west by the said lands of the Commissioners upon which their present gasworks and other buildings stand and on the east by lands belonging or reputed to belong to the Caledonian Railway Company and the North British Railway Company joint owners of the Dundee and Arbroath Joint Line.

THE SECOND SCHEDULE.

PROPERTIES whereof portions only are required to be taken.

Parish.	Number on deposited Plans.	Description of Property.
	WORK No. 1.	
United Parish of Liff and Benvie.	1	Yard or roadway.
Do. - - -	2	Wooden shed used as showroom.
Do. - - -	5	Yard or roadway.
Do. - - -	6	Drying green with clothes pole and wooden fence.
Do. - - -	7	Wooden paling or fence.
Do. - - -	8	Garden ground with walk trees and shrubs and rubbish bin.
	WORK No. 2.	
Parish of Dundee - -	7	Court or area.
	WORK No. 3.	
Parish of Dundee - -	35	Bleaching green with trees thereon.

Printed by EYRE and SPOTTISWOODE,

FOR

T. DIGBY PIGOTT, Esq., C.B., the Queen's Printer of Acts of Parliament.

And to be purchased, either directly or through any Bookseller, from
EYRE AND SPOTTISWOODE, EAST HARDING STREET, FLEET STREET, E.C.; or
JOHN MENZIES & Co., 12, HANOVER STREET, EDINBURGH, and
90, WEST NILE STREET, GLASGOW; or
HODGES, FIGGIS, & Co., LIMITED, 104, GRAFTON STREET, DUBLIN.