CHAPTER lxxx.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Dunfermline and District Tramways (Extensions). A.D. 1915.

[29th July 1915.]

WHEREAS His Majesty's Secretary for Scotland has after inquiry held before Commissioners made the Provisional Order set forth in the schedule hereunto annexed under the provisions of the Private Legislation Procedure (Scotland) Act 1899 and it is requisite that the said Order should be confirmed by Parliament: 62 & 63 Vict. c. 47.

Be it therefore enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:—

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 Dunfermline and District Tramways (Extensions) Order Confirmation Act 1915. Short title.

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SCHEDULE.

DUNFERMLINE AND DISTRICT TRAMWAYS (EXTENSIONS).

Provisional Order to authorise the Dunfermline and District Tramways Company to construct additional Tramways and for other purposes.

WHEREAS by the Dunfermline and District Tramways Order 1906 (in this Order called "the Order of 1906") the Dunfermline and District Tramways Company (in this Order called "the Company") were incorporated with a share capital of one hundred and fifty thousand pounds and with power to borrow fifty thousand pounds and were authorised to construct the tramways and works therein described all in the county of Fife:

And whereas by the Dunfermline and District Tramways (Extensions) Order 1910 (in this Order called "the Order of 1910") the Company were authorised to raise additional share capital to the amount of ninety thousand pounds and to borrow a further sum of thirty thousand pounds and to construct the additional tramways and works therein described:

And whereas the Company have created and issued one hundred and sixty-one thousand six hundred and ten shares of one pound each and such shares are fully paid up and the Company have not exercised any part of their borrowing powers:

And whereas the Company have constructed and are working the whole of the tramways authorised by the Order of 1906 with the exception of the Tramways Nos. 13 and 13A authorised by that Order and have also constructed and are working the Tramway No. 6 authorised by the Order of 1910:

And whereas it is expedient that the Company should be authorised to construct the new tramways hereinafter described:

And whereas the new tramways are extensions of the tramway system of the Company and it is expedient that certain provisions of the Order of 1906 and the Order of 1910 should be extended to the new tramways as in this Order provided:

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And whereas the period limited by the Order of 1906 as extended by the Dunfermline and District Tramways Order 1911 for the completion of the Tramways Nos. 13 and 13A authorised by the Order of 1906 will expire on the twenty-first day of June one thousand nine hundred and fifteen and it is expedient that such period should be further extended as by this Order provided:

And whereas the period limited by the Order of 1910 for the completion of the tramways and street works by that Order authorised will expire on the twenty-sixth day of July one thousand nine hundred and fifteen and it is expedient that the period for the completion of the Tramways Nos. 1 1A 2 3 4 9 and 9A and the Street Works A B C D and M authorised by the Order of 1910 should be extended as by this Order provided and that the Company should be empowered to abandon the construction of the Tramways Nos. 5 and 5A authorised by the Order of 1910:

And whereas the Wemyss and District Tramways Company Limited (in this Order called "the Wemyss Company") have under the powers contained in the Wemyss Tramways Order 1905 constructed and work a system of tramways in the county of Fife and are by the Wemyss Tramways (Extensions) Order 1910 (in this Order called "the Wemyss Order of 1910") authorised to construct certain additional tramways and works therein described and such additional tramways are designed to connect the tramways of the Wemyss Company with the tramways of the Company:

And whereas the Tramways Nos. 2 2A and 3 authorised by the Wemyss Order of 1910 could be better constructed and worked as part of the undertaking of the Company and it is expedient that the powers conferred upon the Wemyss Company by that Order with respect to the said Tramways Nos. 2 2A and 3 and to the execution of the Street Works H J K L M N O and P thereby authorised should be transferred to the Company:

And whereas the period limited by the Wemyss Order of 1910 as extended by the Wemyss Tramways Order 1913 for the compulsory purchase of lands for the purposes of the Wemyss Order of 1910 and the period limited by the Wemyss Order of 1910 for the completion of the tramways by that Order authorised will expire on the twenty-sixth day of July one thousand nine hundred and fifteen and it is expedient that

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the period for the compulsory purchase of lands for the purposes of the said Tramways Nos. 2 2A and 3 and the Street Works H J K L M N O and P authorised by the Wemyss Order of 1910 should be further extended and that the period for the completion of the said Tramways Nos. 2 2A and 3 should be extended as by this Order provided:

And whereas it is expedient that the Company should be authorised to raise additional capital and borrow further money for the purposes of this Order and of their authorised undertaking and that the other powers in this Order contained should be conferred on the Company:

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

And whereas the purposes aforesaid cannot be effected without an Order of the Secretary for Scotland confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Act 1899:

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

Short titles and commencement of Order.

1. This Order may be cited as the Dunfermline and District Tramways (Extensions) Order 1915 and the Dunfermline and District Tramways Orders 1906 to 1911 and this Order may be cited together as the Dunfermline and District Tramways Orders 1906 to 1915 This Order shall come into operation at the date of the passing of the Act confirming the same which date is hereinafter referred to as "the commencement of this Order."

Incorporation of general Acts.

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

The Companies Clauses Consolidation (Scotland) Act 1845 and Part I. (relating to cancellation and surrender of shares) and Part II. (relating to additional capital) of

the Companies Clauses Act 1863 as amended by subsequent Acts;

The Lands Clauses Acts;

Sections 6 8 to 16 18 to 37 60 to 68 70 to 85 and 90 to 99 so far as the same are not repealed of the Railways Clauses Consolidation (Scotland) Act 1845; and

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

Provided that—

(1) Section 30 (except subsections (1) and (5) thereof) of the Tramways Act 1870 shall in its application to the new tramways have effect as if wires or apparatus laid in a road included wires or apparatus erected or carried over a road or footpath:

(2) The provisions of the Railways Clauses Consolidation (Scotland) Act 1845 herewith incorporated shall apply only to any of the new tramways or portions of the new tramways which under the provisions of this Order may be constructed on private lands and for the purposes thereof such tramways shall be deemed to be railways and the Company shall be deemed to be a railway company:

(3) The provisions of Part II. and Part III. (excepting sections 34 to 40 43 44 45 49 to 56 63 64 and so much of sections 46 and 47 as relates to byelaws to be made by the promoters of a tramway) of the Tramways Act 1870 herewith incorporated shall not apply to any of the new tramways or portions of the new tramways which under the provisions of this Order may be constructed on private lands.

Interpretation.

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

"The Company" means the Dunfermline and District Tramways Company;

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"The Wemyss Company" means the Wemyss and District Tramways Company Limited;

"The Order of 1906" "the Order of 1910" and "the Order of 1911" mean respectively the Dunfermline and District Tramways Order 1906 the Dunfermline and District Tramways (Extensions) Order 1910 and the Dunfermline and District Tramways Order 1911;

"The Wemyss Order of 1910" and "the Wemyss Order of 1913" mean respectively the Wemyss Tramways (Extensions) Order 1910 and the Wemyss Tramways Order 1913;

"The Orders of 1906 to 1915" means the Dunfermline and District Tramways Orders 1906 to 1911 and this Order;

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

"The existing tramways" means the tramways authorised by the Order of 1906 and the Order of 1910;

"The tramways" means the new tramways and the existing tramways and any tramway belonging to the Company;

"The undertaking" means the undertaking of the Company authorised by the Orders of 1906 to 1915;

"Contingencies" in section 125 of the Companies Clauses Consolidation (Scotland) Act 1845 includes the contingency of the undertaking being sold at a sum less than the aggregate amount of the capital and debts of the Company.

Power to make new tramways.

4. Subject to the provisions of this Order the Company may make form lay down work use and maintain the new tramways hereinafter described in the lines and within the limits of deviation and according to the levels shown on the deposited plans and sections and in all respects in accordance with those plans and sections with all proper rails plates works and conveniences connected therewith and may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for that purpose Provided that nothing in this Order shall authorise any interference with electric lines and works of any undertakers under the Electric Lighting Acts 1882 to 1909

to which the provisions of section 15 of the Electric Lighting Act 1882 apply except in accordance with and subject to the provisions of that section.

The new tramways hereinbefore referred to and authorised by this Order will be situate wholly in the city and Royal burgh of Dunfermline and are—

Tramway No. 1 A tramway 1 mile 2 furlongs 3·61 chains or thereabouts in length (double line) commencing at Hospital Cross Head by a junction with Tramway No. 13 authorised by the Order of 1906 at its termination passing thence in a south-easterly direction into and along the main road from Dunfermline to North Queensferry and terminating in that road at a point 2·8 chains or thereabouts north-west of the road leading to Primrose Farm:

Tramway No. 2 A tramway 6 furlongs 3·04 chains or thereabouts in length (double line) commencing by a junction with Tramway No. 1 at its termination hereinbefore described passing thence in a south-easterly direction along the main road from Dunfermline to North Queensferry to and into the Admiralty Road and terminating in that road by a junction with Tramway No. 3 authorised by the Order of 1910 at a point 0·7 chain or thereabouts east of the main road from Dunfermline to North Queensferry:

Tramway No. 3 A tramway 1 chain or thereabouts in length (double line) commencing in the main road from Dunfermline to North Queensferry by a junction with Tramway No. 2 at a point 1 chain or thereabouts north-west of the Admiralty Road passing thence into and along and terminating in the Admiralty Road by a junction with Tramway No. 3 authorised by the Order of 1910 at a point 1 chain or thereabouts west of the main road from Dunfermline to North Queensferry:

Tramway No. 4 Partly tramway and partly tramroad 5 furlongs 0·2 chain or thereabouts in length (double line) commencing by a junction with Tramway No. 1 at its termination hereinbefore described passing thence in a southerly direction into and through private property and thence into and across the Admiralty Road and

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terminating on the southern boundary of that road at a point 3 furlongs 5·6 chains or thereabouts west of the main road from Dunfermline to North Queensferry Tramway No. 4 will for a distance of 2·5 chains or thereabouts be laid along or upon the carriageway of streets or roads and for the remainder of its length (4 furlongs 7·7 chains or thereabouts) on private lands:

Tramway No. 5 Partly tramway and partly tramroad 2 chains or thereabouts in length (single line) commencing by a junction with Tramway No. 4 at a point 1·8 chains or thereabouts north of its termination hereinbefore described passing thence through private property into and along the Admiralty Road in an easterly direction and terminating in that road by a junction with Tramway No. 3 authorised by the Order of 1910 at a point 3 furlongs 4·4 chains or thereabouts west of the main road from Dunfermline to North Queensferry Tramway No. 5 will for a distance of 1 chain or thereabouts be laid along or upon the carriageway of a street or road and for the remainder of its length (1 chain or thereabouts) on private lands:

Tramway No. 6. A tramway 7 furlongs 3 chains or thereabouts in length (double line) commencing by a junction with Tramway No. 4 at its termination hereinbefore described passing thence in a southerly and south-westerly direction along Castle Road (a new road presently in course of construction by the Admiralty and leading to Rosyth Naval Establishment) thence into and along Old Kincardine Road in a westerly direction and terminating in that road at a point 1 furlong 1·8 chains or thereabouts north-west of Brankholm Lane:

Tramway No. 7 A tramway 2·8 chains or thereabouts in length (single line) commencing in Castle Road hereinbefore referred to by a junction with Tramway No. 6 at a point 1·3 chains or thereabouts south of its commencement hereinbefore described passing thence into and along the Admiralty Road in an easterly direction and terminating in that road by a junction with Tramway No. 3 authorised by the Order of 1910 at a point 3 furlongs 4·1 chains or thereabouts west of the main road from Dunfermline to North Queensferry:

Tramway No. 8 A tramway 1·8 chains or thereabouts in length (single line) commencing in Castle Road hereinbefore referred to by a junction with Tramway No. 6 at a point 1 chain or thereabouts south of its commencement hereinbefore described passing thence into and along the Admiralty Road in a westerly direction and terminating in that road by a junction with Tramway No. 3 authorised by the Order of 1910 at a point 3 furlongs 6·8 chains or thereabouts west of the main road from Dunfermline to North Queensferry:

Provided that the new Tramways Nos. 6 7 and 8 shall not be constructed except with the consent in writing of the Admiralty:

Provided further that subject to the consent aforesaid the new Tramways Nos. 1 4 and 6 and the Tramways Nos. 13 and 13A authorised by the Order of 1906 shall be constructed and opened for public traffic by the Company within eighteen months from the date on which the Treasury has given the consent required by the section of this Order whereof the marginal note is "Company not to raise or borrow money during continuance of war" The Company shall unless otherwise agreed between the Company and the Admiralty apply for the said consent of the Treasury on or before the thirty-first day of December one thousand nine hundred and fifteen and in the event of such consent being refused the Company shall renew their application to the Treasury within a period of twelve months after the date of any such refusal:

Provided also that if such consent is not given before the expiration of a period of twelve months from the termination of the present war then the said period of eighteen months shall commence to run from the expiration of the said period of twelve months.

Power to deviate.

5.—(1) The Company in constructing the new Tramways Nos. 4 and 5 on private lands may deviate laterally from the lines thereof shown on the deposited plans to any extent within the limits of deviation shown on those plans and they may deviate vertically from the levels thereof shown on the deposited sections except where any such tramway is laid across any public street or road to the extent and subject to the conditions prescribed in the case of a railway by sections 11 12 14 and 15 of the Railways Clauses Consolidation (Scotland) Act 1845.

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(2) The Company in constructing the new tramways and the Tramways Nos. 2 3 and 4 authorised by the Order of 1910 or any portion thereof may with the consent of the Board of Trade and of the local authority and in the case of the new Tramway No. 4 with the consent also of the Local Government Board for Scotland and in the case of the new Tramways Nos. 5 and 6 with the consent also of the Admiralty deviate from the lines thereof shown on the deposited plans and on the plans deposited in respect of the Order of 1910 and construct the same in and along any road forming part of a town planning scheme approved by order of the Local Government Board for Scotland which may hereafter be constructed and intervene between any points situate on the route of such tramways or any portion thereof.

Power to cross certain road on level.

6. Subject to the provisions in the Railways Clauses Consolidation (Scotland) Act 1845 and in Part I. (relating to the construction of a railway) of the Railways Clauses Act 1863 contained in reference to the crossing of roads on the level the Company may in the construction of the new Tramway No. 4 carry the same with a double line across and on the level of the public road in the city and Royal burgh of Dunfermline numbered 9 upon the deposited plans.

Application of certain sections of Orders of 1906 and 1910 to new tramways.

7. The following sections of the Order of 1906 and the Order of 1910 shall so far as the same are applicable in that behalf and are not inconsistent with the provisions of this Order extend and apply mutatis mutandis to and in relation to the new tramways and to the Company in respect thereof (that is to say):—

The Order of 1906—

Section 8 (Correction of errors &c. in deposited plans and book of reference);

Section 10 (Persons under disability may grant servitudes &c.);

Section 13 (Inspection by Board of Trade);

Section 15 (Gauge of tramways);

Section 19 (Tramways to be kept on level of surface of road);

Section 20 (Plan of proposed mode of construction);

Section 22 (Rails of tramways);

Section 23 (Penalty for not maintaining rails and roads—Board of Trade may on complaint inspect tramways);

Section 24 (Local and road authority to have access to sewers);

Section 25 (Crossovers to be constructed in certain cases);

Section 26 (Power to make additional crossovers and to double tramway lines);

Section 27 (Temporary tramways may be made where necessary);

Section 28 (Company may reduce footpath for constructing tramways);

Section 29 (Application of road materials excavated in construction of works);

Section 30 (Shelters or waiting rooms);

Section 31 (Stopping of roads during execution of works);

Section 32 (As to electrical works &c.);

Section 33 (As to removal of snow &c.);

Section 34 (Attachment of brackets &c. to buildings);

Section 35 (Power to lop trees);

Section 43 (Passengers' fares);

Section 44 (Passengers' luggage);

Section 45 (Carriage of parcels);

Section 46 (Rates for parcels &c.);

Section 47 (Service of carriages);

Section 48 (Cheap fares for labouring classes);

Section 49 (As to fares on Sundays or holidays);

Section 50 (Periodical revision of rates and charges);

Section 51 (Byelaws);

Section 52 (Exemption of tramway cars &c. from licensing);

Section 53 (Penalty for malicious damage);

Section 54 (Provisions as to motive power);

Section 55 (Special provisions as to use of electrical power);

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Section 56 (Alteration of telegraph lines of Postmaster-General);

Section 57 (For protection of Post Office telegraph lines);

Section 58 (Apparatus used for mechanical power to be deemed part of tramways);

Section 59 (Power to acquire patent rights);

Section 80 (Agreements with road authority);

Section 83 (Power to provide and run omnibuses);

Section 86 (Form and delivery of notices);

Section 87 (Consents of local or road authority);

Section 88 (References to arbitration);

Section 91 (Recovery of penalties);

Section 92 (Orders &c. of Board of Trade):

The Order of 1910—

Section 12 (For protection of North British Railway Company);

Section 18 (As to generating stations);

Section 20 (Junctions with tramways &c. which can be worked in connection with tramways);

Section 21 (Working agreements);

Section 23 (Use of tramway posts by Postmaster-General);

Section 44 (Construction and removal of crossings &c. opposite to Admiralty buildings).

For protection of corporation of Dunfermline.

8. For the protection of the provost magistrates and councillors of the city and Royal burgh of Dunfermline (in this section respectively referred to as "the corporation" and "the burgh") the following provisions shall except so far as may be otherwise agreed between the corporation and the Company have effect:—

(1) The Company shall at their own expense pave and thereafter maintain the roadway of the new Tramways Nos. 1 2 3 5 7 and 8 with whinstone or granite setts between the rails and eighteen inches on each side to the reasonable satisfaction of the

corporation on a bed of Portland cement concrete at least six inches thick and the setts along both sides of each rail for an average width of seven and a half inches shall be of granite Rail anchors of approved type shall be provided on all rails at distances not exceeding twenty-two feet six inches apart and tie bars at distances not exceeding nine feet apart Provided that should the corporation desire to causeway the streets or roads along the route of the said new tramways from the rails to the kerb or channel they shall themselves be entitled to causeway the said eighteen inches and to charge the proportion of the reasonable cost thereof to the Company and the Company may in that event require that the joints shall be secured by grouting to the reasonable satisfaction of the Company Provided further that the Company in constructing the said new tramways shall use only granite setts in cases where granite setts already exist:

(2) If in constructing the new tramways any alterations in the position thereof are in the opinion of the corporation reasonably necessary in the public interest the Company shall at their own expense so far as they may lawfully do so under the powers of this Order alter the same accordingly if required and notified in writing to that effect by the corporation not later than fourteen clear days after the date of the notice to be given by the Company to the corporation in accordance with the requirements of subsection (1) of section 26 of the Tramways Act 1870:

(3) Any metalling or material excavated from the roads or bridges in connection with the construction of the new tramways or maintenance of the roadways shall either be used in the construction of the new tramways or removed by the Company at their expense:

(4) The Company shall in the construction of the new tramways lift all whinstone or granite causeway setts belonging to the corporation and shall be bound to hand over to the corporation the said whinstone or

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granite setts as lifted in order that the corporation may dispose thereof at pleasure Provided that the Company shall be entitled in their option to purchase the said whinstone or granite setts at such price as may be agreed upon between the Company and the corporation or determined by an arbiter as hereinafter in this section provided:

(5) The Company shall allow their standards and poles to be used by the corporation for attaching thereto lighting apparatus or direction or other sign boards necessary in the public service if required by the corporation under such reasonable conditions as may with the approval of the Board of Trade be agreed upon between the Company and the corporation Provided that any difference between the corporation and the Postmaster General in relation to the use of the standards and poles by the Postmaster General and the corporation respectively shall be determined in manner provided by section 23 of the Order of 1910:

(6) In the event of its becoming necessary to alter the level of any roadway and foot-pavements for the purpose of constructing the new tramways the Company shall at their own expense make all reasonable and necessary alterations so as to leave the said roadway and foot-pavements in a fit state for public traffic thereon to the satisfaction of the corporation:

(7) If any poles or posts erected by the Company in the burgh may in the opinion of the corporation and of the Company or in the event of difference of an arbiter to be appointed as hereinafter mentioned be or become objectionable or obstructions the same shall be taken up and removed by and at the expense of the Company and be placed in such position as the corporation may determine Provided that no pole or post shall be erected on the carriageway except with the consent of the Board of Trade:

(8) The Company shall construct and maintain to the satisfaction of the corporation good and sufficient drains to carry away water or other liquid from the rails of the new tramways into the public sewers or other

suitable watercourse and shall also provide drain boxes where necessary by reason of steep gradients or otherwise:

(9) Where in the construction of the works authorised by this Order any footpath is narrowed any lamp or other post which if left in its original position would be outside the line of kerb shall be replaced by and at the expense of the Company on the new footpath to the reasonable satisfaction of the corporation and in such position as the corporation may reasonably direct:

(10) If prior to the construction of the new tramways or the tramways authorised by the Order of 1910 or any of them it shall be found that the lines and levels of such tramways or any of them are not in agreement with the lines and levels prescribed in any town planning scheme in force for the time within the burgh or of the roads to be constructed for the purposes of any such scheme the Company shall at their own expense if required and notified in writing to that effect by the corporation not later than fourteen clear days after the date of the notice to be given by the Company to the corporation in accordance with the requirements of subsection (1) of section 26 of the Tramways Act 1870 alter the lines and levels of the said tramways so as to bring them into agreement with the lines and levels prescribed in such town planning scheme:

(11) In constructing that portion of the new Tramway No. 4 referred to in the section of this Order whereof the marginal note is "Power to cross certain road on level" the Company shall at their own expense lay whin or granite causeway setts outside the rails for a greater width than eighteen inches so as to bring the causeway edges at right angles to the line of the road numbered 9 upon the deposited plans for the full width thereof as such width may be fixed in any town planning scheme as aforesaid and in the event of the corporation carrying out partial widenings of the said road numbered 9 from time to time the

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Company shall extend the said whin or granite causeway setts to the extent of such partial widening when called on by the corporation to do so:

(12) Where the new Tramways Nos. 5 7 and 8 join the new Tramways Nos. 4 and 6 and the Tramway No. 3 authorised by the Order of 1910 the Company shall at their own expense lay the whole of the spaces enclosed within these tramway lines with granite causeway setts and in addition the Company shall at their own expense lay granite causeway setts outside the rails for a greater width than eighteen inches so as to bring the causeway edges at right angles to the lines of all roads which intersect or may hereafter intersect at the said junctions in like manner as is provided for with regard to the said road numbered 9 in the immediately preceding subsection:

(13) Any dispute or difference arising between the Company and the corporation under this section shall be referred to and determined by an arbiter to be appointed by the Board of Trade on the application of either party.

For protection of Admiralty.

9. For the protection of the Admiralty the following provisions shall except so far as may be otherwise agreed between the Admiralty and the Company have effect:—

(1) The Company shall be entitled to construct the new Tramway No. 6 along the Castle Road on a ballast track to the reasonable satisfaction of the Admiralty:

(2) The Company shall at their own expense to the reasonable satisfaction of the Admiralty maintain and keep in good order the roadway of the new Tramway No. 5 where such tramway is not situate upon a public road and the new Tramway No. 6 between the rails and on either side thereof to the line of the tramway poles if such poles are placed on either side of the portion of road set apart for tramway purposes and in any case to not less than a total width of between the rails and five feet beyond each of the outer rails of such tramways:

(3) In so far as not inconsistent with the method of construction of the new Tramways Nos. 4 5 6 7 and 8

(hereinafter in this section referred to as "the said tramways") the provisions of subsection (8) of the section of this Order whereof the marginal note is "For protection of corporation of Dunfermline" shall be fulfilled by the Company to the reasonable satisfaction of the Admiralty:

(4) The Admiralty shall be entitled to construct and repair drains sewers water pipes electric mains and cables and telegraph and telephone wires under or over the said tramways on their property Provided that in the execution of any such works they shall not interfere with the working of the tramways or the traffic thereon more than may be reasonably necessary Provided further that if any portion of the said property shall before or after the commencement of this Order be conveyed to the Local Government Board for Scotland the provisions of this subsection and of the immediately succeeding subsection shall enure for the benefit of that Board in respect of such portion:

(5) The Company shall allow their standards and poles on the new Tramways Nos. 4 and 6 to be used by the Admiralty for attaching thereto electric lights and electric telegraph and telephone wires provided that the same shall not interfere with or restrict the use of the standards and poles for tramway purposes:

(6)—(i) Notwithstanding anything contained in the Orders of 1906 to 1915 the Company shall—

(A) Convey passengers from or to the termination of the new Tramway No. 6 at the Dockyard of Rosyth to or from the commencement of the new Tramway No. 4 at Queensferry Road for a fare of one penny for each passenger and from or to the said termination of the new Tramway No. 6 to or from the junction of High Street and New Row Dunfermline for a fare of threepence for each passenger; and

(B) Convey workmen employed at the Rosyth Naval Establishment to or from the said termination of the new Tramway No. 6 from or to the junction

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of High Street and New Row for a fare of three half-pence for each workman going to or returning from work at the Naval Establishment and shall issue to any such workman applying therefor a ticket or tickets available on the day of issue only entitling such workman to travel once both ways between the dockyard gate at or near the termination of the new Tramway No. 6 and the commencement of the new Tramway No. 4 for a return fare of one penny:

(ii) In the event of the fares which the Company are by the Orders of 1906 to 1915 authorised to demand and take for the conveyance of passengers on the tramways being increased under statutory authority the fares hereinbefore in this subsection prescribed shall be increased proportionately:

(7) In addition to the service of carriages for artizans mechanics and daily labourers prescribed by section 48 (1) of the Order of 1906 the Company shall run such a service of carriages for the purpose of conveying on the tramways workmen employed at the Rosyth Naval Establishment to and from their mid-day meal as may be agreed upon between the Company and the Admiralty Provided that the Company shall not be required to provide a service of carriages under this subsection on Sundays New Year's Day and general holidays:

(8) Any dispute or difference arising between the Company and the Admiralty under this section shall be referred to and determined by an arbiter to be agreed on by the Company and the Admiralty or failing agreement an arbiter to be appointed by the Board of Trade on the application of either party.

New tramways to form part of undertaking.

10. The new tramways shall for all purposes be deemed to be part of the undertaking.

Period for completion of new tramways.

11. The new tramways shall except as otherwise in this Order provided be completed within five years from the twenty-sixth day of July one thousand nine hundred and fifteen and on the expiration of that period the powers by this Order granted to the Company for executing the same or otherwise in relation

thereto shall cease except as to so much thereof as shall then be completed:

Provided that the Board of Trade may if they see fit allow an extension of time for completion of the new tramways or any portion thereof subject to such conditions (if any) as they may see fit to attach thereto.

Period for compulsory purchase of lands.

12. The powers of the Company for the compulsory purchase of lands for the purposes of this Order shall cease after the expiration of three years from the twenty-sixth day of July one thousand nine hundred and fifteen.

Purchase of lands by agreement.

13. In addition to the other lands which the Company have acquired or may acquire under or for the purposes of the Orders of 1906 to 1915 they may purchase take on lease or acquire by agreement and may hold for the purposes of the undertaking any lands not exceeding five acres and they may on such lands and on any other lands purchased or acquired under the authority of this Order erect or construct and hold depôts yards wharves offices buildings sidings works and other conveniences in connection with the undertaking.

Nuisance.

14. Nothing in this Order shall exonerate the Company from any action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them on any lands purchased or used by them for the purposes of the undertaking.

Purchase of new tramways.

15. Section 43 of the Tramways Act 1870 shall in its application to the undertaking by this Order authorised and to the Company in relation thereto be modified as follows (that is to say):—

The local authority in whose district the new tramways are situate may acquire by purchase the undertaking by this Order authorised on the following terms and conditions (videlicet):—

(1) On the expiration of thirty years from the commencement of this Order at a valuation to be fixed by arbitration and upon the basis of the cost of construction of the works and undertaking (which cost of construction shall be held to include the expenses incurred in obtaining this Order) less a reasonable

New shares to form part of capital of Company.

29. The capital in new shares so created shall form part of the capital of the Company.

Dividends on new shares.

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

Restriction as to votes in respect of preferential shares.

31. Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any new shares to which a preferential dividend shall be assigned.

Power to borrow.

32. The Company may in respect of the additional capital of ninety thousand pounds which they are by this Order authorised to raise from time to time borrow on mortgage of the undertaking in addition to the sums which they are already authorised to borrow any sum or sums not exceeding in the whole thirty thousand pounds and of that sum they may borrow any sum or sums not exceeding one thousand pounds in respect of each three thousand pounds of such additional capital But no part of the before-mentioned sums of one thousand pounds shall be borrowed until shares for the portion of the capital in respect of which the borrowing powers are to be exercised are issued and accepted and one half thereof is paid up and the Company have proved to the sheriff who is to certify under the forty-second section of the Companies Clauses Consolidation (Scotland) Act 1845 (before he so certifies) that shares for the whole of such portion of capital have been issued and accepted and that one half of such portion has been paid up and that not less than one-fifth part of the amount of each separate share in such portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that such shares were issued and accepted and to the extent aforesaid paid up bonâ fide and are held by the persons to whom the same were issued or their executors administrators successors or assignees and also that such persons or their executors administrators successors or assignees are legally liable for the same and upon production to such sheriff of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid

has been given which certificate shall be sufficient evidence thereof.

Moneys borrowed on mortgage to have priority.

33. All moneys to be borrowed after the commencement of this Order on mortgage under the Orders of 1906 to 1915 shall rank equally from the time when the same shall be advanced and the interest for the time being due thereon shall have priority against the Company and all the property from time to time of the Company over all other claims on account of any debts incurred or to be incurred or engagements entered into or to be entered into by them after the commencement of this Order but nothing in this section shall affect any claim in respect of land acquired by the Company for the purposes of the undertaking or injuriously affected by the construction of the tramways or by the exercise of any of the powers conferred upon the Company.

Rights of mortgagees on sale of tramways.

34. Every mortgage of the undertaking shall be deemed to comprise all purchase money which may be paid to the Company in the event of a sale to the local authority under section 43 of the Tramways Act 1870 as modified by the Orders of 1906 to 1915 and may comprise all or any moneys carried to the contingency fund according to the terms of the mortgage and every mortgage deed shall be endorsed with notice that the mortgage will not be a charge upon the tramways or the undertaking in the event of such sale.

Appointment of judicial factor.

35. Section 39 (Appointment of judicial factor) of the Order of 1910 is hereby repealed but without prejudice to any appointment which may have been made or to the continuance of any proceedings which may have been commenced prior to the commencement of this Order The mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a judicial factor and in order to authorise the appointment of a judicial factor in respect of arrears of principal the amount owing to the mortgagees by whom the application for a judicial factor is made shall not be less than ten thousand pounds in the whole.

Company not to create debenture stock.

36. The Company shall not create debenture stock.

Application of moneys.

37. All moneys raised under this Order whether by shares or borrowing shall be applied only to the purposes of this Order and to the general purposes of the undertaking being in every case purposes to which capital is properly applicable and the

A.D. 1915.

Company may apply to the purposes of this Order any moneys which they have raised or may hereafter raise under the Order of 1906 and the Order of 1910 and which may not be required for the purposes of those Orders.

Interest not to be paid out of capital.

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

Company not to raise or borrow money during continuance of war.

39. Notwithstanding anything in this Order contained the Company shall not under the powers of this Order raise or borrow any money during the continuance of the present war and twelve months thereafter unless the consent of the Treasury has been previously obtained.

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

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

Provision as to general Tramway Acts.

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

Copy of Order to be registered.

42. The Company shall deliver to the Registrar of Joint Stock Companies in Scotland a printed copy of the Act confirming this Order and he shall retain and register the same and if such copy is not so delivered within three months from the commencement of this Order the Company shall incur a penalty not exceeding two pounds for every day after the expiration of those three months during which the default

continues and any director or manager of the Company who knowingly and wilfully authorises such default shall incur the like penalty Every penalty under this section shall be recoverable summarily.

There shall be paid to the Registrar by the Company on such copy being registered the like fee as is for the time being payable under the Companies (Consolidation) Act 1908 on registration of any document other than the memorandum or the abstract required to be filed with the Registrar by a receiver or manager or the statement required to be sent to the Registrar by the liquidator in a winding-up in England.

Costs of Order.

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

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