CHAPTER clxxxiii.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Glasgow Corporation (Tramways &c.). A.D. 1904.

[15th August 1904.]

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 as amended and set out in the schedule hereunto shall be and the same is hereby confirmed. Confirmation of Order in schedule.

2. This Act may be cited as the Glasgow Corporation (Tramways &c.) Order Confirmation Act 1904. Short title.

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SCHEDULE.

GLASGOW CORPORATION (TRAMWAYS &c.).

Provisional Order to authorise the Corporation of the city of Glasgow to construct new tramways to acquire additional lands in connection with the markets and slaughter-houses and to charge increased market rates or tolls to borrow money for those purposes and for other purposes.

WHEREAS by the Glasgow Street Tramways Act 1870 and subsequent Acts amending and enlarging the same (hereinafter called "the Tramways Acts") the Corporation of the city and royal burgh of Glasgow (hereinafter called "the Corporation" and "the city" respectively) were authorised to make and maintain tramways within the city and its neighbourhood and to borrow money for that purpose:

And whereas the Corporation have constructed the greater part of the tramways authorised by those Acts:

And whereas it is expedient that the Corporation should be authorised to construct and maintain additional tramways:

And whereas the local authorities of the districts through which the tramways will be constructed have consented to the exemption of the tramways in their respective districts from the provisions of section 43 of the Tramways Act 1870:

And whereas by the Glasgow Corporation Markets Acts 1865 to 1901 (hereinafter called "the Markets Acts") the Corporation were appointed to execute and carry into effect the purposes of the Markets Acts and were authorised from time to time to borrow money for those purposes:

And whereas by the Glasgow Markets and Slaughter-houses Act 1877 the Corporation were empowered to enlarge their markets and slaughter-houses and it is expedient that the Corporation should be authorised to acquire the additional lands in this Order described for the purpose of further enlarging and improving their markets and slaughter-houses and for the other purposes of the Markets Acts:

And whereas the Corporation have under the authority of the Markets Acts established and maintain a horse market and it is

expedient to enlarge and improve that market and to amend the rates and tolls to be taken therein:

And whereas for the purposes of this Order it is expedient that the Corporation should be authorised to raise further money and that the borrowing powers conferred by the Tramways Acts and the Markets Acts should be increased:

And whereas it is expedient that certain of the Acts relating to the city should be repealed or amended as by this Order provided:

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

And whereas plans and sections showing the lines and levels of the tramways and other works authorised by this Order and also showing the lands required or which may be taken for the purposes or under the powers of this Order and also books of reference to those plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Order were duly deposited with the principal sheriff-clerks of the counties of Lanark Renfrew and Dunbarton and such plans sections and books of reference are hereinafter respectively referred to as "the deposited plans sections and books 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 title and citations.

1. This Order may be cited as the Glasgow Corporation (Tramways &c.) Order 1904.

This Order and the Glasgow Corporation Tramways Acts 1870 to 1903 may be cited together as the Glasgow Corporation Tramways Acts 1870 to 1904.

This Order and the Glasgow Corporation Markets Acts 1865 to 1901 may be cited together as the Glasgow Corporation Markets Acts 1865 to 1904.

This Order and the Glasgow Corporation Acts 1855 to 1903 and any other Orders or Acts passed during the present session of

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Parliament relating to the Corporation may be cited together as the Glasgow Corporation Acts 1855 to 1904.

Order divided into Parts.

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

Part I.—Preliminary.
Part II.—Tramways.
Part III.—Markets.
Part IV.—Miscellaneous.

PART I.

PRELIMINARY.

Incorporation of Lands Clauses Acts Markets and Fairs Clauses Act and Tramways Act.

3. The Lands Clauses Acts the Markets and Fairs Clauses Act 1847 and section 3 (Interpretation of terms) and Parts II. and III. of the Tramways Act 1870 except—

Section 25 (Mode of formation of tramways);
Section 34 (Carriages);
Section 43 (Future purchase of undertaking by local authority);
Section 44 (Powers of sale);
Section 46 (Byelaws by local authority);
Section 47 (Penalties may be imposed in byelaws);
Section 48 (Powers to local authority to licence drivers conductors &c.); and
Section 54 (Penalty for persons using tramways with carriages with flange wheels &c.);

so far as they are applicable for the purposes of and are not varied by or inconsistent with this Order are hereby incorporated with and form part of this Order and this Order shall be deemed to be a special Act within the meaning of those Acts.

Amendment of Tramways Act 1870.

4. Parts II. and III. of the Tramways Act 1870 so far as incorporated with this Order shall for the purposes of the tramway undertaking have effect subject and according to the provisions following viz.:—

Section 27 shall have effect as if it were therein provided that any penalty therein mentioned shall belong to and be paid over to the road authority:

Section 28 shall have effect as if five feet were therein mentioned instead of four feet and as if it were therein provided that if the Corporation abandon their undertaking or any part of

the same and take up any tramway or any part of any tramway belonging to them the portion of the road upon which such tramway is laid shall be restored by them in manner therein mentioned to as good a condition as that in which it was before the tramway was laid thereon or at the time of abandonment as the road authority shall direct:

Section 41 shall have effect as if it were therein provided that the materials of any tramway or part of any tramway removed may be used by the road authority themselves and that the road authority may out of the proceeds of any sale of such materials or of the value of the materials so used pay and reimburse themselves the amount of cost certified as therein provided and of the cost of sale and the balance if any of the proceeds of the sale or of such value shall be paid over by the road authority to the Corporation:

Section 45 shall have effect as if it were therein provided that the list of all tolls and charges therein authorised to be taken shall only be exhibited in a conspicuous place inside each of the carriages used upon the tramway undertaking.

Interpretation.

5. In this Order the several words and expressions to which meanings are assigned by the Acts incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction and for the purposes of this Order the expressions "the promoters of the undertaking" "the commissioners" and "the company" in the incorporated Acts mean respectively the Corporation:

And in this Order—

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

"The Corporation" means the Corporation of the city;

"The intended tramways" means the tramways and works connected therewith by this Order authorised;

"The Tramways Acts" means the Glasgow Corporation Tramways Acts 1870 to 1903;

"The tramway undertaking" means the tramways and the property and works connected therewith authorised by the Tramways Acts and this Order;

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

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"The Act of 1893" means the Glasgow Corporation Act 1893;

"The Act of 1899" means the Glasgow Corporation (Tramways Libraries &c.) Act 1899;

"The Order of 1901" means the Glasgow Corporation (Tramways and General) Order 1901;

"The Order of 1902" means the Glasgow Corporation (Water and General) Order 1902;

"The Order of 1903" means the Glasgow Corporation Tramways Order 1903;

"The Markets Acts" means the Glasgow Corporation Markets Acts 1865 to 1901;

"The Act of 1865" means the Glasgow Markets and Slaughter-houses Act 1865.

PART II.

TRAMWAYS.

Power to Corporation to make new tramways.

6. Subject to the provisions of this Order and of Parts II. and III. of the Tramways Act 1870 so far as extended and applied to and as varied by this Order the Corporation may make form lay down work use and maintain the tramways hereinafter described in the lines and according to the levels shown on the deposited plans and sections with all necessary and proper rails chairs plates wires poles posts conduits section boxes tubes ropes engines engine-houses subways manholes shafts junctions crossovers passing-places points turntables houses offices stables carriages buildings warehouses works and conveniences connected therewith Provided that nothing in this Order shall authorise any interference with electric lines and works of any undertakers within the meaning of the Electric Lighting Acts 1882 and 1888 to which the provisions of section 15 of the former Act apply except in accordance with and subject to the provisions of that section The tramways hereinbefore referred to and authorised by this Order are—

Firstly A.Tramway No. 4 1 mile 5 furlongs 5·76 chains in length commencing by a junction with the existing tramways of the Corporation at a point in the Barrhead Road in the county of Renfrew 20 yards or thereabouts northwards from the existing terminus of those tramways passing thence into and along Cross Street Harriet Street Thornliebank or Stewarton Road Main Street Thornliebank and Speirsbridge Road and terminating at a point in Speirs-

bridge Road 20 yards or thereabouts northwards from the centre of the junction of that road with the Paisley and Busby Road:

Secondly A Tramway No. 5 2 miles 1 furlong 4·32 chains in length commencing in the Kilmarnock Road in the burgh of Pollokshaws by a junction with the existing tramways of the Corporation at a point 95 yards or thereabouts northwards from the centre of Macquisten Bridge passing thence along the Glasgow and Kilmarnock Road and terminating at a point in that road 15 yards or thereabouts measured in a north-westerly direction from the centre of the crossing of that road at the Paisley and Busby Road:

Thirdly A tramway No. 6 7 furlongs 4·77 chains in length commencing in the said Speirsbridge Road by a junction with Tramway No. 4 before described at a point 20 yards or thereabouts northwards from the centre of the junction of Speirsbridge Road with the Paisley and Busby Road and passing thence into and along the Paisley and Busby Road and terminating by a junction with Tramway No. 5 hereinbefore described at a point in the Glasgow and Kilmarnock Road 15 yards or thereabouts measured in a north-westerly direction from the centre of the crossing of the two last-named roads.

The said tramways shall be laid as double lines throughout and are situate in the parishes of Eastwood and Cathcart and in the burgh of Pollokshaws and in the county of Renfrew.

Intended tramways to form part of tramway undertaking.

7. The intended tramways shall for all purposes form part of the tramway undertaking.

Power to cut and lop trees overhanging highways.

8. The Corporation may cut and lop any trees planted in or overhanging any highway along which the tramway undertaking is or may be laid which may in any way interfere with the construction or working of such undertaking or the trolley wires or the clear and safe passage of carriages and passengers thereon doing no unnecessary damage to the trees and making compensation to any persons sustaining injury by the exercise of the powers conferred by this section the amount of such compensation to be determined in default of agreement by arbitration under the Tramways Act 1870 Provided that except in cases of emergency the Corporation shall give written notice to the owners or reputed owners or their known agents or factors eight days before exercising the said powers.

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Penalty for malicious damage.

9. If any person wilfully does or causes to be done with respect to any apparatus used for or in connection with the working of the tramway undertaking anything which is calculated to obstruct or interfere with the working of such undertaking or to cause injury to any person he shall (without prejudice to any proceedings by way of indictment or otherwise to which he may be subject) be guilty of an offence punishable on summary conviction in a police court or in any other court of competent jurisdiction and every person convicted of such offence shall be liable to a penalty not exceeding twenty pounds.

Period for completion of works.

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

Application of sections of Tramway Acts and Orders.

11. The following sections of the Act of 1893 the Act of 1899 the Order of 1901 the Order of 1902 and the Order of 1903 shall so far as not varied by or inconsistent with the provisions of this Order extend and apply to the intended tramways (that is to say):—

The Act of 1893—

Section 8 (Tramways to be kept on level of surface of road);

Section 9 (Further provisions as to construction of tramways);

Section 10 (As to rails of tramways);

Section 11 (Penalty for not maintaining rails and roads);

Section 13 (Corporation may be required to use improved form of rails);

Section 14 (Passing places to be constructed where less than a certain width left between footway and tramway);

Section 15 (Gauge of tramways);

Section 16 (Tramways not to be opened until certified by Board of Trade);

Section 17 (Power to make additional crossings &c.);

Section 18 (Temporary tramways);

Section 24 (Exclusive right of Corporation to use vehicles with flange wheels on the rails);

Section 26 (Application of Glasgow Tramway Acts);

Section 27 (Variation of routes setting out of stations &c. and fixing tolls);

Section 28 (As to running through cars and charges for same);

Section 30 (Byelaws and regulations);

Section 31 (Penalties for offences against byelaws);

Section 32 (Confirmation of byelaws &c. by sheriff);

Section 33 (Notice of confirmation of byelaws);

Section 34 (Recovery of tolls charges &c.);

Section 35 (Saving for Glasgow Police Commissioners);

Section 38 (Power to run omnibuses &c.);

Section 39 (Power to form junctions levy tolls &c.);

Section 41 (As to notices delivered under Tramways Act 1870);

Section 48 (Provision as to General Tramway Acts):

The Act of 1899—

Section 10 (Provisions as to motive power);

Section 11 (Power to construct subsidiary works for working tramways by mechanical power);

Section 12 (Mechanical power works to be subject to sections 30 and 31 of Tramways Act 1870);

Section 15 (Prohibiting the raising of fares on Sundays and holidays);

Section 16 (For protection of Postmaster-General) as amended by section 11 (Application of sections of Tramway Acts of 1893 and 1899 and Water Order of 1902) of the Order of 1903;

Section 18 (Extending application of section 32 of Glasgow Bridge &c. Act 1894);

Section 20 (Power to make byelaws to facilitate traffic);

Section 27 (Application of money borrowed under Tramway Acts):

The Order of 1901—

Section 13 (Tramway car byelaws and licences):

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The Order of 1902—

Section 33 (Amendment of section 20 of Glasgow Corporation (Tramways Libraries &c.) Act 1899) :

The Order of 1903—

Section 12 (Lease of tramways not subject to section 98 of Town Councils (Scotland) Act 1900) :

Provided always that where byelaws or regulations are made in terms of the above provisions which affect the county of Renfrew or owners or lessees or occupiers of property therein they shall not have effect within the said county unless and until confirmed by the sheriff thereof Provided also that the notice of the application for such confirmation shall be given in a Renfrewshire newspaper and that the notice of objection to such confirmation shall be given to the sheriff-clerk of Renfrewshire.

Application of section 13 of Order of 1901 to Order of 1903.

12. Section 13 (Tramway car byelaws and licences) of the Order of 1901 shall extend and apply to the tramways authorised by the Order of 1903 to the same extent and effect as if it had been so extended and applied in that Order.

For protection of county of Renfrew.

13. For the protection of the county council of the county of Renfrew the county road board and the district committee of the first or upper district thereof (who for their respective rights jurisdictions and interests under and in virtue of the Local Government (Scotland) Acts the Roads and Bridges (Scotland) Acts the Public Health (Scotland) Acts and the Tramways Act 1870 are in this section referred to as "the county authorities" the area under their jurisdiction being hereinafter referred to as "the county area") the following provisions shall unless otherwise agreed have effect and be binding on the Corporation viz. :—

(1) The intended tramways within the county area shall unless as hereinafter provided be constructed in accordance with the deposited plans and sections and shall be of the most approved type and construction and shall be dealt with generally by the Corporation on the same principle as the tramway lines within the city :

(2) The roads or streets on which the intended tramways are laid shall for the whole space between the rails of the intended tramways and for eighteen inches on each side thereof beyond the outside of the rails be paved formed and maintained by the Corporation to the satisfaction of the county authorities :

(3) The Corporation shall deal with the intended tramways within the county area as regards motive power and shall work them in the same manner as in the case of the particular tramway lines in the city of which the intended tramways within the county area form a continuation Provided that the Corporation shall have power to adopt any special construction which may be found advisable in the central and populous districts of the city without being under any obligation to adopt such special construction within the county area:

(4) Except on special occasions all tramway cars which may start on their journey within the county area shall be run through to the central district of the city and all cars which may run into the county area from the central district of the city shall similarly be through cars Provided that the running of cars on special occasions shall in no way interfere with or curtail the ordinary service of through cars in the county area:

(5) All fares tolls and charges levied by the Corporation within the county area shall be at the same rate as those charged generally within the city:

(6) The intended tramways within the county area shall not be used for experimental purposes except with the consent of the county authorities:

(7) The Corporation shall construct the intended tramways in accordance with the Tramways Act 1870 and this Order and in such a manner as will cause the least interference with the ordinary traffic on the roads within the county area:

(8) The Corporation shall have power to provide and place appliances for or in connection with electric or mechanical traction in or under the roads or streets within the county area but always in such a manner as will not interfere with the free and safe passage of ordinary traffic on such roads or streets and the Corporation shall also if necessary have power to place poles section boxes and appliances for carrying wires at the sides of those roads or streets or on the footpaths thereof but the position design and form of construction of such poles boxes and appliances shall be subject to the approval of the county authorities

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Provided that the ordinary tramway poles shall be erected without pedestal covers in positions on the cross-section of the footpath road or street to be approved by the county authorities The Corporation shall immediately on the completion of their operations which they shall be bound to carry out with all speed restore to the satisfaction of the county authorities such portions of the footpaths with corresponding kerb and channel as may have been disturbed by their operations:

(9) The Corporation shall use the intended tramways within the county area for passenger traffic only They shall not sell or assign the intended tramways within the county area or any of them to any third parties and they shall not lease the intended tramways within the county area without the consent in writing of the county authorities but in the event of the county authorities refusing their consent to the leasing of those tramways such refusal shall be deemed to be a difference within the meaning of this section and the advisability of leasing such tramways shall be determined by an arbiter to be nominated as hereinafter provided Provided that the Corporation shall not lease separately the intended tramways within the county area or any of them nor lease them otherwise than as part of and on the same terms as the tramway undertaking:

(10) The county authorities shall have full power at any time to open or break up any road along or across which any tramway is laid for the purpose of laying down or constructing pipes drains sewers tubes wires or apparatus for the purposes of such authorities and shall also at all times have free access to and communication with all their pipes drains sewers tubes wires and apparatus and power to lay lateral and private connections to communicate therewith without the consent or concurrence of the Corporation and the provisions contained in sections 32 and 33 of the Tramways Act 1870 shall be applicable in the case of any such pipe drain sewer tube wire or apparatus already formed or laid or to be hereafter formed or laid or any lateral or private connections to communicate therewith as if the same were a pipe for the supply of gas or water:

Further and without prejudice to the provisions of section 31 of the Tramways Act 1870 the new altered or substituted works to be executed by the Corporation shall include the alteration of any existing manholes connected with the sewers of the county authorities or the construction of any manholes in lieu thereof so that the openings of such altered or new manholes shall if necessary be placed at the side of the road with a diagonally built means of access for such sewers:

(11) The Corporation shall pay to the county authorities the costs and expenses which they may reasonably incur or be put to in superintending the works authorised by this Order and shall also pay to the county authorities any extra expense they may at any time be put to by reason of the construction and existence of the intended tramways or other works authorised by this Order in respect of any constructions reconstructions alterations repairs connections conversions or otherwise upon or connected with bridges culverts mains pipes drains sewers tubes wires manholes watercourses or apparatus and generally in carrying into effect any of the powers to execute works vested in or conferred on the county authorities by any Act of Parliament existing at the date of the passing of the Act confirming this Order or which may be subsequently passed including any connections in the roads requiring to be made from properties ex adverso thereto Provided that the Corporation may if they so desire execute the whole or any part of the removal construction or repair of the foresaid works provided they do so forthwith on due notice from the county authorities and execute the work at the sight and to the satisfaction of the county authorities:

(12) The Corporation shall pave to the satisfaction of the county authorities for a length of ten yards one half of the roadways at each side of the termini of the tramways such paving to be at or near the points where passengers will in ordinary course enter or alight from the cars:

(13) Notwithstanding anything contained in the Tramways Act 1870 or in this Order all notices and plans which

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are required to be served by the Corporation upon the county authorities previously to commencing any work shall be so served not less than fourteen days previously to the commencement of the work and the time within which the county authorities shall signify their approval or otherwise of any plans submitted by the Corporation shall be extended to fourteen days Any notice requiring to be served under the provisions of this section shall be served upon the clerk of the county authorities:

(14) Notwithstanding anything contained in section 30 of the Tramways Act 1870 or in this Order the Corporation shall not in making forming laying down maintaining repairing or renewing the intended tramways within the county area or any part thereof themselves alter or interfere with the existing lines or levels of the mains aqueducts conduits or lines of pipes and apparatus connected therewith or any of them belonging to the county authorities including consumers' pipes nor injuriously affect or interrupt the supply of water or gas conveyed by the same but any alterations in or interference with the mains aqueducts conduits or lines of pipes and apparatus connected therewith of the county authorities including consumers' pipes which may be necessary in consequence of the construction of the intended tramways shall on the requisition of the Corporation be executed by the county authorities at the expense of the Corporation and the county authorities shall at all times have a right of access to such mains aqueducts conduits or lines of pipes and apparatus connected therewith including consumers' pipes for the renewal repair enlargement alteration and maintenance of the same and for making new connections and laying additional pipes when and whenever they shall see fit and any additional cost of such alteration or repairs caused by the works of the Corporation of any such mains aqueducts conduits or lines of pipes and apparatus connected therewith including consumers' pipes provided such consumers' pipes have been laid before the construction of the said tramways shall be borne by the Corporation and in all cases where works are to

be executed by the county authorities and to be paid for by the Corporation the county authorities shall use every means in their power to have the works executed as economically as possible and with all reasonable despatch :

(15) The county authorities shall upon giving reasonable notice in writing to the Corporation have the right to use in such manner as may be approved of by the Corporation any poles or brackets erected by the Corporation in the roads or streets within the county area for the purpose of the lighting of any road and any additional cost which may thereby be imposed upon the Corporation shall be from time to time repaid to the Corporation by the county authorities :

The county authorities shall in the event of such use make good any damage done by them or their workmen servants or agents to any such poles and brackets or to the Corporation's wires and fittings suspended therefrom or affixed thereto and shall indemnify and save harmless the Corporation from all claims and demands actions costs and expenses which the Corporation may incur to third parties by reason of or arising out of such user :

(16) If any post or overhead wire becomes owing to the construction of any new road or otherwise in the opinion of the county authorities an obstruction the Corporation shall alter the position thereof in such a manner as the county authorities may direct but the Corporation may appeal against such direction to the Board of Trade and the decision of the Board shall be final :

(17) The intended tramways in the county area shall be constructed within five years from the passing of the Act confirming this Order :

(18) The county authorities shall with respect to any of the intended tramways within the county area have the same power of making and enforcing regulations and byelaws as to the rate of speed to be observed in travelling upon such tramways the distances at which carriages using such tramways shall be allowed to

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follow one after the other the stopping of carriages using such tramways and the traffic on the road or street in which such tramways are laid as is conferred on the Corporation and no byelaws made by the magistrates of the city with respect to the matters above mentioned or any of them shall be of any force or effect in the county area:

(19) Notwithstanding anything shown on the deposited plans and sections the intended tramways within the county area shall be constructed and maintained in such position in the road as the county authorities may prescribe Provided that where it is proposed to construct any of the intended tramways in a position other than that shown on the deposited plans the Corporation shall give notice in writing of their intention to the owners and occupiers of the premises abutting on the place where the position of the intended tramways is proposed to be so altered and if one-third of such owners and occupiers shall by writing under their hands addressed and delivered to the Corporation within fourteen days after receipt of such notice from the Corporation express their objection to the altered position of the intended tramways the Corporation shall not construct the intended tramways in such altered position without the consent of the Board of Trade being first obtained which consent may be applied for by the Corporation and the county authorities or either of them If the necessary consent to the construction of the intended tramways in such altered position cannot be obtained the Corporation may construct the tramways in the position shown on the deposited plans:

(20) The lowering of Kilmarnock Road for the purposes of the intended tramways under the bridge carrying the Cathcart District Railway over the said road shall be carried out by and at the sole cost and expense of the Corporation and in a safe and satisfactory manner and without detriment to the roads or footpaths or the ordinary traffic thereon and in accordance with the plan and section already approved by the county authorities:

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(21) The Corporation shall not construct the intended tramways over the bridge known as Macquisten Bridge carrying the Kilmarnock Road over the River Cart or over the bridge known as Auldhouse Bridge carrying the Thornliebank Road over the Auldhouse Burn until such bridges have been widened and rebuilt respectively in manner hereinafter provided:

(22) The said Macquisten Bridge shall be extended to a width of sixty feet between the parapets by building an extension in stone and the approaches to the bridge shall be correspondingly widened All such works shall be carried out by the county authorities in accordance with plans and specifications to be approved by the Corporation and the provost magistrates and councillors of the burgh of Pollokshaws (in this section called "the town council") and the Corporation shall for themselves and the town council pay to the county authorities one half of the cost of and incident to the said extension including the cost of acquiring land for such extension and payment shall be made from time to time as the expenditure is incurred upon the requisition of the county authorities and as regards the construction of the bridge and relative works such requisition shall be sufficiently vouched by the certificates of the architect or engineer in charge:

(23) The said Auldhouse Bridge shall be taken down and rebuilt either of stone or concrete with stone rings and parapets and of a width of sixty feet between the parapets and the south-east approach to the said bridge shall be correspondingly altered and widened All such works shall be carried out by the county authorities in accordance with plans and specifications to be approved by the Corporation and the town council and the cost of and incident to such works including the cost of acquiring land therefor shall as to six hundred pounds be paid to the county authorities by the water department of the Corporation and as to one half of the balance of such cost after deducting the said sum of six hundred pounds be paid by the Corporation for themselves and the town council and payment shall be made from time to time upon the

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requisition of the county authorities and as regards the construction of the bridge and relative works such requisition shall be sufficiently vouched by the certificates of the architect or engineer in charge:

(24) The county authorities shall not be bound to carry out the widening and rebuilding of the said bridges respectively until they have obtained statutory power to acquire the land necessary for such widening and rebuilding and to borrow the money required to pay the proportion of the cost thereof payable by them and any other necessary powers in connection with such widening and rebuilding The county authorities shall not be bound to apply for such statutory powers but the Corporation shall in the next Provisional Order or Bill promoted by them after the commencement of this Order apply for and use their best endeavours to obtain for the county authorities the statutory powers hereinbefore referred to:

(25) In the event of any difference arising between the Corporation the county authorities the town council or any of them in connection with any of the matters or things contained in this Part of this Order the matter in difference shall failing agreement be settled by an arbiter to be nominated by the Board of Trade on the application of the Corporation or of the county authorities or of the town council.

For protection of Caledonian Railway Company and Cathcart District Railway Company.

14. Whereas certain of the intended tramways will be laid along roads which are carried over or pass under bridges belonging to the Caledonian Railway Company and the Cathcart District Railway Company (hereinafter called for their respective interests "the companies") Therefore the following provisions shall apply for the protection of the companies:—

(1) Before commencing any works or operations affecting either of the said bridges of the companies or works connected therewith the Corporation shall submit plans sections working drawings and specifications of such works or operations to the companies for their approval and the said works and operations shall be constructed and carried on in conformity only with said plans sections working drawings and specifications at the sight and to

the reasonable satisfaction of the companies' engineers and such works shall thereafter be maintained and repaired by the Corporation under the superintendence of said engineers Provided that the approval of the companies as aforesaid shall not be unreasonably withheld and that it shall be deemed to have been given unless the companies signify their disapproval within fourteen days after submission of the said plans sections working drawings and specifications:

(2) In lowering the road over which the railway of the Cathcart District Railway Company at the Pollokshaws East passenger and goods stations of that company is carried by means of a bridge the approach to the passenger station on the south shall not be made steeper than 1 in 8 and any additional steps rendered necessary by the lowering of such access shall be laid by the Corporation and the approach to the goods station shall not be made steeper than 1 in 18 and any portion of the existing access interfered with or altered shall be causewayed by the Corporation and immediately on completion be taken over by the Cathcart District Railway Company Any alteration of the accesses to the said stations and the works in connection therewith shall be executed at the sole cost of the Corporation The Corporation shall also make adequate provision for the drainage of the said road as lowered under the said bridge and any portion of the abutments of the said bridge and retaining wall in connection therewith that may be exposed by such lowering of the road shall be dressed and finished at the cost of the Corporation uniform with the part thereof above the present surface of the ground:

(3) Except as otherwise herein provided the Corporation shall not in the construction maintenance or use of the intended tramways injure alter or interfere with the structure of the said bridges of the companies or of any of the works of the companies or cause any interruption to or interference with the traffic on the said railways:

(4) The electric wires of the Corporation to be attached to the underside of the bridge of the Cathcart District Railway

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Company over Tramway No. 5 shall be fixed to the satisfaction of the engineer of the said company and so as not to injure the said bridge:

(5) If any injury to or interference with said bridges or works of the companies or any interruption to the traffic on the railways shall arise or be occasioned at any time by the works or operations of the Corporation in connection with the intended tramways and not by reason of any fault or neglect of the companies or their servants or any person using their railways the Corporation shall forthwith make good or remove such injury interference or interruption at their own expense or the companies may execute the necessary works for that purpose at the expense of the Corporation and the Corporation shall repay to the companies all costs and expenses incurred by them in so doing and all loss or damage sustained by the companies in consequence of such injury interference or interruption:

(6) Nothing in this Order contained or which may be done in pursuance thereof shall prevent the companies so far as they have power to do so from maintaining and repairing and when necessary altering or reconstructing said bridges or other works of the companies without interference on the part of the Corporation in respect of the intended tramways and without incurring any liability to the Corporation or to any party working or using the tramways for any loss injury damage expense or interruption of traffic on the intended tramways which may arise from such maintenance repair alteration or reconstruction and any extra expense which the companies may incur in such maintenance repair alteration or reconstruction by reason of the construction or existence of the intended tramways shall be paid by the Corporation Provided that all such operations shall be executed by the companies in such manner as to cause as little interruption or inconvenience as practicable to the traffic on the intended tramways and that the companies shall if necessary lay at their own expense temporary tramways to maintain the continuity of the tramway traffic and the companies shall give fourteen days' notice (in writing) to the Corporation before

commencing any such operations and the same so far as interfering with the intended tramways shall be conducted at the sight and to the reasonable satisfaction of the engineer of the Corporation:

(7) Any difference between the Corporation and the companies or their engineers under any of the preceding subsections as to any plans sections working drawings and specifications or as to any works or the method of executing the same or as to any costs or expenses shall be determined by an engineer to be agreed upon between the Corporation and the companies or failing agreement to be nominated by the Board of Trade on the application of either party and the cost of the reference shall be borne and paid as such engineer shall direct.

Extension of borrowing powers.

15. For the purposes of the Tramways Acts and this Part of this Order section 20 (Extension of borrowing powers) of the Act of 1891 as amended by section 17 (Extension of borrowing powers) of the Order of 1903 shall be read and have effect as if the sum of two million seven hundred thousand pounds were therein specified instead of the sum of two million six hundred thousand pounds.

As to sinking fund for tramways purposes.

16. Sections 44 (Tramway sinking fund) and 45 (Application of sinking fund) of the Act of 1893 shall be and are hereby made applicable to the moneys authorised to be borrowed under the immediately preceding section of this Order.

PART III.

MARKETS.

Power to acquire lands for markets purposes.

17. Subject to the provisions of this Order the Corporation may enter upon take and use such of the lands delineated upon the deposited plans and described in the deposited books of reference as may be required for the purposes of the Markets Acts and this Part of this Order (that is to say):--

Certain lands houses and buildings wholly in the parish of Glasgow and in the city in the county of Lanark situate within an area bounded by the east side of Hill Street the south side of Duke Street the west side of Bellgrove Street and the north side of Gallowgate.

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Confirming scheduled agreement.

18. The agreement set forth in the Schedule to this Order and made between the Corporation and Mr. Roderick Scott is hereby confirmed and made binding upon the parties thereto Provided that the said agreement shall not be deemed to be a contract within the meaning of section 13 (Disqualifications of Councillors) of the Town Councils (Scotland) Act 1900.

For protection of North British Railway Company.

19. Notwithstanding anything in this Order contained the Corporation shall not enter upon take or use or interfere with the properties numbered on the deposited plans 27 28 61 62 64 65 66 82 110 111 and 112 in the parish of Glasgow without the consent in writing of the North British Railway Company.

Period for compulsory purchase of lands.

20. The powers of the Corporation for the compulsory purchase of lands for the purposes of this Part of this Order shall not be exercised after the expiration of three years from the passing of the Act confirming this Order.

Stopping up certain roads.

21. The Corporation may stop up Moore Street Graham Square and the portion of Armour Street between Hill Street and Moore Street and thereupon all public rights of way thereover shall be extinguished and the Corporation may appropriate and use the sites of those streets but such rights of way shall not be stopped up unless the Corporation are owners in possession of all houses and lands on both sides of the street except so far as the owners lessees and occupiers of such houses and lands may otherwise agree.

Alteration of rates and tolls for horse market.

22. The Schedule (B) annexed to and referred to in the Act of 1865 shall be read and have effect as if the word "one shilling" had been and was inserted therein instead of the word "sixpence" and as if the word "sixpence" had been and was inserted therein instead of the word "threepence."

Repeal of sections 52 and 55 of Markets Act 1865.

23. Section 52 (Penalty for selling in any public place other than in the market places) and section 55 (Penalty for selling fish except by retail except in market) of the Act of 1865 are hereby repealed Provided always that nothing contained in this Order shall entitle the Corporation to exact at any foreign animals' wharf within the prescribed limits any tolls rates or charges under the Markets Acts except the tolls rates and charges which they may from time to time be entitled to exact under the Diseases of Animals Acts 1894 to 1903 or byelaws made by the Corporation under those Acts Provided further that the word "rents" in section 42 (Rates for spaces occupied for sale of dead meat and fish) of the Act of 1865 so far as it relates to the sale of fish shall

have the same meaning as the word "tolls" in section 13 (Sales elsewhere than in markets prohibited under a penalty not exceeding forty shillings) of the Markets and Fairs Clauses Act 1847.

Sales elsewhere than in markets of Corporation.

24. Notwithstanding anything contained in section 13 (Sales elsewhere than in markets prohibited under a penalty not exceeding forty shillings) of the Markets and Fairs Clauses Act 1847 it shall be lawful for the Corporation from time to time under such conditions as they may deem necessary to authorise any person to sell in any place within the city other than the market places of the Corporation or the dwelling-place or shop of any such person any articles in respect of which tolls rates and charges are authorised by the Markets Acts to be taken in such markets but any person so authorised shall be bound not less than twenty-four hours before the time fixed for any public sale to give notice in writing to the Corporation or their collector or other officer appointed by them of the time and place fixed for each such public sale and to give free access at all times to the collector or other officer of the Corporation to such public sale and such person shall be bound to make payment to the Corporation in respect of the articles exposed by him for public or private sale of such tolls rates and charges as may from time to time be fixed by the Corporation not exceeding the tolls rates and charges which are exigible for articles of a like nature exposed for sale in the market places of the Corporation and shall afford such collector or other officer every requisite facility for making the collection of such tolls rates and charges and if any such person shall fail to give the notice herein required or shall refuse access to the collector or other officer to such public sale or shall wilfully evade or refuse to make payment of the said tolls rates and charges the person so offending shall in addition to payment of the said tolls rates and charges be subject to a penalty not exceeding five pounds for each offence Provided that such tolls rates and charges shall be charged equally under like circumstances.

Application of Markets Acts to Order.

25. Subject to the provisions of this Order the Markets Acts shall so far as applicable extend and apply for all purposes to the extension of the existing or the erection of new markets or market places or slaughter-houses on any of the lands which may be acquired under the authority of this Part of this Order.

Extension of borrowing powers.

26. The Corporation may in addition to the moneys they are authorised to borrow by the Markets Acts borrow for the purposes of those Acts and this Part of this Order any sum or sums of money not exceeding two hundred thousand pounds and they may again

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borrow any such sum or sums or part thereof which may be repaid by them from time to time otherwise than by means of the sinking funds provided by those Acts and this Order and any moneys so borrowed by them shall be deemed to have been borrowed under the powers and for the purposes of those Acts and shall form part of the moneys authorised to be borrowed under those Acts and the maximum sum which may be borrowed under those Acts is hereby increased accordingly.

As to sinking fund for markets purposes.

27. The Corporation shall during the year ending thirty-first day of May one thousand nine hundred and five and annually thereafter set apart and pay into the Glasgow Corporation Loans Fund established and formed under the Glasgow Corporation Loans Act 1883 as a sinking fund on the amount borrowed by them under the immediately preceding section of this Order such sum as will secure that the amount so borrowed shall be repaid within a period not exceeding fifty years from the date of such borrowing The Corporation shall from time to time apply such sinking fund in paying off debt.

PART IV.

MISCELLANEOUS.

Compensation for land to be settled by single arbiter.

28. All cases of disputed compensation in respect of lands taken compulsorily under this Order shall notwithstanding anything contained in the Lands Clauses Acts be determined by a single arbiter to be appointed by the parties or in case both parties do not concur in the appointment of a single arbiter it shall be in the power of either party to apply to the Secretary for Scotland to appoint a single arbiter to determine the compensation to be paid and it shall not be competent thereafter to have the same determined by arbiters oversman sheriff or jury acting under the last-mentioned Acts The said arbiter upon appointment shall be deemed to be a sole arbiter within the meaning of the Lands Clauses Acts and the provisions of those Acts with regard to arbitration shall apply accordingly and the arbiter shall notwithstanding anything in those Acts determine the amount of the expenses in the arbitration and such determination shall be final The remuneration of the said arbiter shall failing agreement be fixed by the Secretary for Scotland The expression "land" in this section includes water and any right or servitude to or over land or water.

Power to take servitudes &c. by agreement.

29. Persons empowered by the Lands Clauses Acts to sell and convey or discharge lands may if they think fit subject to the provisions of those Acts and of this Order grant to the 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 Order in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges or feu duties so far as the same are applicable in this behalf shall extend and apply to such grants and to such servitudes rights and privileges as aforesaid respectively.

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

30. 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 described in the deposited books of reference the Corporation after giving ten days' notice to the owners lessees and occupiers affected by such proposed correction may apply to the sheriff for the correction thereof and if it appear to the sheriff that such omission misstatement or wrong description arose from accident or mistake he shall certify the same accordingly and shall in his certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described and such certificate shall be deposited with the principal sheriff-clerks of the counties of Lanark Dunbarton and Renfrew and a duplicate thereof with the town clerk of the city and with the town clerks of the burghs or clerks to the parish councils of the parishes in which the lands affected thereby are situate and such certificate and duplicates respectively shall be kept by such clerks with the other documents to which the same relate and thereupon the deposited plans and books of reference shall be deemed to be corrected according to such certificate and the Corporation may take the lands and execute the works in accordance with such certificate.

Restrictions on displacing persons of labouring class.

31.—(1) The Corporation shall not under the powers by this Order granted purchase or acquire in any district for the purposes of the Public Health (Scotland) Act 1897 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

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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 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 scheme or of any modifications of any 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 Order 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 in this Order and subject to the provisions of this Order 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 or 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 Order:

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 subsection 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 inquiries shall have and may exercise for any purpose in connection 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

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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) 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 the Act confirming this Order which may 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 acquired under the powers of this Order 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.

(10) 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.

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

Expenses of Order.

32. The costs charges and expenses of and incident to the preparing for obtaining and confirming of this Order or otherwise in relation thereto shall be paid by the Corporation and if paid out of borrowed money shall be repaid out of revenue within five years from the passing of the Act confirming this Order.

The SCHEDULE referred to in the foregoing Order. A.D. 1904.

MINUTE OF AGREEMENT between the CORPORATION OF THE CITY OF GLASGOW (MARKETS DEPARTMENT) of the first part (hereinafter called "the Corporation") and RODERICK SCOTT meat salesman Moore Street Glasgow of the second part (hereinafter called "the second party").

WHEREAS the Corporation are applying for a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 under which it is proposed inter alia to acquire additional property for the extension of their markets and slaughter-houses and to give the Corporation a monopoly in connection with the markets established or to be established by them under the Glasgow Corporation Markets Acts 1865 to 1901:

And whereas the second party at considerable cost has erected and fitted up and the Corporation have allowed him to carry on a market for the sale of dead meat on the west side of Moore Street Glasgow adjacent to the Dead Meat Market of the Corporation and also owns other property there:

And whereas the second party has intimated that he objects to the application of the Corporation so far as it applies to the acquisition of his property and the stopping of his market:

And whereas the market of the second party competes with the meat market of the Corporation and it is desirable that the competition should cease:

And whereas the Corporation having agreed to acquire the market and property situated on and adjoining the west side of Moore Street aforesaid belonging to the second party he approves of the Corporation having the monopoly in connection with the markets established by them upon the terms and conditions aftermentioned:

And whereas the second party being a member of the Corporation it is necessary that this agreement should be confirmed by Parliament:

Therefore the parties agree as follows:—

(1) In the event of the said Provisional Order receiving the Royal Assent the second party shall sell and the Corporation shall purchase the said market and properties of the second party situated on and adjoining the west side of Moore Street Glasgow and containing in all about one thousand five hundred square yards being the properties numbered 15 16 17 18 and 20 on the plan deposited with reference to the said application and that at the price of twenty-two thousand five hundred pounds which price shall be full compensation to the second party for the acquisition by the Corporation of said properties and shall include the whole interest of the second party in said properties and all goodwill of business and other rights if any and all fittings furnishings machinery appliances &c. connected therewith.

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(2) The second party shall not directly or indirectly purchase or lease any property ground or business in the area scheduled with reference to the application for the said Provisional Order.

(3) The second party shall not without the consent in writing of the Corporation directly or indirectly carry on in the burgh of Glasgow outside the markets of the Corporation the business of a live stock salesman or dead meat salesman or any business for the sale of any articles for which the Corporation are entitled to exact tolls rates or charges in any of their markets For the purposes of this agreement any foreign animals wharf in the burgh of Glasgow shall be deemed a market of the Corporation.

(4) The second party shall if required by the Corporation support the application for the said Provisional Order and the Bill which will be introduced into Parliament to confirm it.

(5) This agreement is entered into subject to such alterations as may be made therein during the progress of the said Provisional Order or the Bill to confirm it.

(6) This agreement shall be scheduled to and confirmed by the Order.

(7) Any difference arising under this agreement between the Corporation and the second party shall be referred to James Mackenzie writer Glasgow whom failing to the Dean of Faculty of Procurators in Glasgow for the time being.

In witness whereof these presents printed are executed in duplicate by the parties hereto at Glasgow on the twenty-fourth day of June nineteen hundred and four years as follows viz. They are sealed with the seal of the Corporation and subscribed by James Gray and Walter Paton two members of the Corporation and by James George Monro town clerk of said city on behalf of the Corporation before these witnesses Alexander Walker writer and John Hercus clerk both in the Town Clerk's Office Glasgow and they are subscribed by the second party before these witnesses James Stevenson writer Glasgow and the said Alexander Walker.

ALEX. WALKER Witness.
JOHN HERCUS Witness.

Seal.

JAMES GRAY.
WALTER PATON.
JAMES G. MONRO
Town Clerk.

JAS. STEVENSON Witness.
ALEX. WALKER Witness.

RODERICK SCOTT.

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