CHAPTER cxlii.

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

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

62 & 63 Vict. c. 47.

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

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

Confirmation of Order in schedule.

2. This Act may be cited as the Perth Corporation (Tramways) Order Confirmation Act 1903.

Short title.

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SCHEDULE.

PERTH CORPORATION (TRAMWAYS).

Provisional Order to empower the Lord Provost Magistrates and Councillors of the City and Royal Burgh of Perth on the acquisition by them of the tramways of the Perth and District Tramways Company (Limited) to work and use the same and for other purposes.

WHEREAS the lord provost magistrates and councillors of the city and royal burgh of Perth (hereinafter called "the Corporation") are vested with the municipal administration of the said city and royal burgh (hereinafter called "the burgh") and are the local authority and also the road authority within the burgh under the Tramways Act 1870:

And whereas by the Perth and District Tramways Order 1892 (hereinafter called "the Order of 1892") confirmed by the Tramways Orders (1892) Confirmation Act 1893 and the Perth and District Tramways (Extensions) Order 1897 (hereinafter called "the Order of 1897") confirmed by the Tramways Orders Confirmation (No. 2) Act 1897 the Perth and District Tramways Company (Limited) (hereinafter called "the company") were authorised to construct certain tramways within and beyond the burgh and by the Perth and District Tramways Order 1899 (hereinafter called "the Order of 1899") confirmed by the Tramways Orders Confirmation (No. 1) Act 1899 the company were authorised to adapt their then existing and authorised tramways for electrical working:

56 & 57 Vict. c. viii.

60 & 61 Vict. c. clii.

62 & 63 Vict. c. cli.

And whereas under and by virtue of the Order of 1892 and the Order of 1897 the Corporation were entitled after the opening for public traffic of the tramways within the burgh thereby authorised to exercise the powers of purchase given by section 43 of the Tramways Act 1870 of so much of the undertaking of the company authorised by those Orders as is within the Corporation's district within six months after the expiration of any integral number of years from the passing of the Acts confirming the same Orders respectively on giving six months' previous notice to the company and by the Order of 1899 it was enacted that the powers of purchase given by section 43 of the

Tramways Act 1870 should as regards the undertaking of the Company be exercised as if the powers of that Order had been conferred by the Order of 1892 and the Order of 1897 respectively:

And whereas the Corporation at a special meeting held on the twentieth day of October one thousand nine hundred and two passed a resolution in accordance with the provisions of section 43 of the Tramways Act 1870 to acquire so much of the undertaking of the company as is within the burgh and they are following out the further procedure prescribed by the said section and by the Order of 1892 and the Order of 1897 for such acquisition:

And whereas an agreement as set forth in the First Schedule to this Order has been entered into between the Corporation and the company for the sale to and purchase by the Corporation of the whole tramway undertaking of the company for the consideration and upon the terms and conditions therein specified and it is expedient that the said agreement should be sanctioned and confirmed and carried into effect and that the Corporation or their lessees should be empowered to work and use the tramways so to be acquired by them and to run carriages and trucks thereon moved by animal power or by electrical or other mechanical power and to demand and take tolls and charges in respect thereof and that all the rights powers and authorities of the company under the Order of 1892 the Order of 1897 and the Order of 1899 should so far as applicable and subject to the provisions of this Order be extended and made applicable mutatis mutandis to the said tramway undertaking as so acquired and to the Corporation in relation thereto:

And whereas it is expedient that the Corporation should be authorised to borrow money for the purposes of this Order and that the further powers in this Order contained should be conferred on the Corporation:

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.

1. This Order may be cited for all purposes as the Perth Corporation (Tramways) Order 1903.

Incorporation of Acts.

2. The Lands Clauses Acts (except the provisions of those Acts with respect to the purchase and taking of lands otherwise

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than by agreement) and section three (Interpretation of terms) section nineteen (Local authority may lease or take tolls) and Parts II. and III. of the Tramways Act 1870 are so far as the same are applicable to the purposes and not varied by or inconsistent with the provisions of this Order incorporated with and form part of this Order and shall extend and apply to the tramways and undertaking vested or to be vested in the Corporation by or under the provisions of the Tramways Act 1870 the Tramways Orders and this Order and in this Order the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith shall have the same respective meanings unless there be something in the subject or context repugnant to such construction or unless herein otherwise expressly provided and the expression "the promoters" shall with respect to the tramways acquired by the Corporation mean the Corporation and whenever the consent of the local or road authority is required under the Tramways Act 1870 to any act or thing proposed to be done by the promoters such consent shall not be required with respect to any tramways within the burgh belonging to the Corporation.

Interpretation.

3. In this Order (unless there be something in the subject or context inconsistent with or repugnant to such construction) the several words and expressions following have the respective meanings hereby assigned to them (that is to say):—

"The Corporation" means the lord provost magistrates and councillors of the city and royal burgh of Perth:

"The burgh" means the city and royal burgh of Perth:

"The company" means the Perth and District Tramways Company (Limited):

"The Tramways Orders" means the following Orders of and relating to the Company (that is to say):—

The Perth and District Tramways Order 1892;

The Perth and District Tramways (Extensions) Order 1897; and

The Perth and District Tramways Order 1899:

"The Police Act" means the Burgh Police (Scotland) Act 1892 and any Act or Acts amending that Act:

"The tramways" means the tramways authorised by the Tramways Orders:

"Tramway revenue" means and includes all moneys received for or in relation to the tramways other than borrowed

moneys and other moneys which ought to be carried to the account of capital:

"Mechanical power" means steam electric and every other motive power not being animal power:

"Engine" shall include motor.

Confirmation of agreement between Corporation and company.

4. The agreement entered into between the Corporation of the first part and the company of the second part set forth in the First Schedule to this Order is hereby sanctioned and confirmed and made binding on and may and shall be carried into effect by the Corporation and the company respectively.

Power to Corporation to work tramways.

5. Notwithstanding anything to the contrary in the Tramways Act 1870 or in the Tramways Orders contained the Corporation on and from the acquisition by them of the tramways may place and run carriages and trucks on and work and use the tramways and may demand and take the tolls and charges in respect of the tramways and the use of such carriages and trucks and otherwise specified in the Tramways Orders or some or one of them and may provide such stables buildings carriages trucks harness engines machinery apparatus horses steam cable electric and other plant appliances and things as may be requisite or expedient for the convenient working or user of the tramways by animal or mechanical power and all the rights powers and authorities conferred and obligations imposed on the company by the Tramways Orders shall so far as applicable and subject to the provisions of this Order extend and apply mutatis mutandis to the tramways and to the Corporation in relation thereto.

Provisions as to motive power.

6. The carriages and trucks used on the tramways may be moved by animal power or subject to the following provisions by mechanical power (that is to say):—

(1) The mechanical power shall not be used except with the consent of and according to a system approved by the Board of Trade:

(2) The Board of Trade shall make regulations (in this Order referred to as "the Board of Trade regulations") for securing to the public all reasonable protection against danger arising from the use under this Order of mechanical power on the tramways and for regulating the use of electrical power:

(3) The Corporation or any company or person using any mechanical power on the tramways contrary to the

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provisions of this Order or of the Board of Trade regulations shall for every such offence be liable to a penalty not exceeding ten pounds and also in the case of a continuing offence to a further penalty not exceeding five pounds for every day during which such offence is continued after conviction thereof:

(4) The Board of Trade if they are of opinion—

(A) That the Corporation or any company or person have or has made default in complying with the provisions of this Order or of the Board of Trade regulations whether a penalty in respect of such non-compliance has or has not been recovered; or

(B) That the use of mechanical power as authorised under this Order is a danger to the passengers or the public;

may by order either direct the Corporation or such company or person to cease to use such mechanical power or permit the same to be continued only subject to such conditions as the Board of Trade may impose and the Corporation or such company or person shall comply with every such order In every such case the Board of Trade shall make a special report to Parliament notifying the making of such order.

Land for generating station.

7. Subject to the provisions of this Order the Corporation may appropriate and use the piece of land described in the Second Schedule to this Order as a station for generating electrical power or for other purposes in connection with their tramway undertaking and may upon such land erect construct and maintain a station for generating electrical power for the purposes of this Order and may thereon construct provide and use dynamos and other electrical apparatus engines boilers and other machinery works buildings and things necessary or proper for and in connection with the generating of electricity and the working of the tramways thereby Provided that nothing in this Order shall authorise the Corporation to construct any station for generating electricity elsewhere than on the piece of land described in the said Second Schedule.

Special provisions as to use of electrical power.

8. The following provisions shall apply to the use of electrical power under this Order unless such power is entirely contained in and carried along with the carriages :—

(1) The Corporation shall employ either insulated returns or uninsulated metallic returns of low resistance :

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(2) The Corporation shall take all reasonable precautions in constructing placing and maintaining their electric lines and circuits and other works of all descriptions and also in working their undertaking so as not injuriously to affect by fusion or electrolytic action any gas or water pipes or other metallic pipes structures or substances or to interfere with the working of any wire line or apparatus from time to time used for the purpose of transmitting electrical power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus:

(3) The electrical power shall be used only in accordance with the Board of Trade regulations and in such regulations provision shall be made for preventing fusion or injurious electrolytic action of or on gas or water pipes or other metallic pipes structures or substances and for minimising as far as is reasonably practicable injurious interference with the electric wires lines and apparatus of other parties and the currents therein whether such lines do or do not use the earth as a return:

(4) The Corporation shall be deemed to take all reasonable precautions against interference with the working of any wire line or apparatus if and so long as they adopt and employ at the option of the Corporation either such insulated returns or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with the electric wires lines and apparatus of other parties and the currents therein as may be prescribed by the Board of Trade regulations and in prescribing such means the Board shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking:

(5) At the expiration of two years from the passing of the Act confirming this Order the provisions of this section shall not operate to give any right of action in respect of injurious interference with any electric wire line or apparatus or the currents therein unless in the construction erection maintaining and working of such wire line and apparatus all reasonable precautions including the use of an insulated return have been taken to prevent injurious interference therewith and with the currents therein by or from other electric currents:

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(6) If any difference arises between the Corporation and any other party with respect to anything hereinbefore in this section contained such difference shall unless the parties otherwise agree be determined by the Board of Trade or at the option of the Board by an arbiter to be appointed by the Board and the costs of such determination shall be in the discretion of the Board or of the arbiter as the case may be:

(7) The expression "Corporation" in this section shall include lessees licencees and any person owning working or running carriages over any tramway of the Corporation.

Alteration of telegraphic lines of Postmaster-General.

9. Notwithstanding anything in this Order contained if any of the works authorised to be executed by this Order involves or is likely to involve any alteration of any telegraphic line belonging to or used by the Postmaster-General the provisions of section 7 of the Telegraph Act 1878 shall apply (instead of the provisions of section 30 of the Tramways Act 1870) to any such alteration.

For protection of Postmaster-General.

10.—(A) In the event of any tramways of the Corporation being worked by electricity the following provisions shall have effect:—

(1) The Corporation shall construct their electric lines and other works of all descriptions and shall work their undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by His Majesty's Postmaster-General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of their undertaking to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein Any difference which arises between the Postmaster-General and the Corporation as to compliance with this subsection shall be determined by arbitration:

(2) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Corporation of their electric lines and works or by the working of the undertaking of the Corporation the Corporation shall pay the expense of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection:

(3) Before any electric line is laid down or any act or work for working the tramways by electricity is done within ten

yards of any part of a telegraphic line of the Postmaster-General (other than repairs) the Corporation or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Corporation and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work Any difference which arises between the Postmaster-General and the Corporation as to any requirement so made shall be determined by arbitration :

(4) If any telegraphic line of the Postmaster-General situate within one mile of any portion of the works of the Corporation is injuriously affected and he is of opinion that such injurious affection is or may be due to the construction of the Corporation's works or to the working of their undertaking the engineer-in-chief of the Post Office or any person appointed in writing by him may at all times when electrical energy is being generated by the Corporation enter any of the Corporation's works for the purpose of inspecting the Corporation's plant and the working of the same and the Corporation shall in the presence of such engineer-in-chief or such appointed person as aforesaid make any electrical tests required by the Postmaster-General and shall produce for the inspection of the Postmaster-General the records kept by the Corporation pursuant to the Board of Trade regulations :

(5) In the event of any contravention of or wilful non-compliance with this section by the Corporation or their agents the Corporation shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues :

(6) Provided that nothing in this section shall subject the Corporation or their agents to a fine under this section if they satisfy the court having cognizance of the case that the immediate doing of any act or the execution of any work in respect of which the penalty is claimed was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-

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postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice:

(7) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work:

(8) For the purposes of this section and subject as therein provided sections 2 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Order:

(9) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882:

(10) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbiter appointed by the Board of Trade on the application of either party whose decision shall be final and sections 30 to 32 both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Corporation or their agents were a company within the meaning of that Act:

(11) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against the Corporation by action or otherwise in relation to any of the matters aforesaid:

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

(B) If the Corporation use electrical power as the motive power of any omnibuses run by them under the provisions of the section of this Order of which the marginal note is "Temporary use of omnibuses" the Corporation shall in such user (unless such power is entirely contained in and carried along with such omnibuses in such a manner that no magnetic or other influence is created which is likely to cause injurious affection to a telegraphic line belonging to or used by the Postmaster-General) be subject to the provisions of this section.

Incidental works.

11. Subject to the provisions of this Order the Corporation may lay down construct erect and maintain on in under or over the surface of any street road or other public place such posts brackets

conductors wires tubes mains plates cables ropes and apparatus and may make and maintain such openings and ways in on or under any such surface as may be necessary or convenient either for the working of the tramways or for providing access to or forming connections with any generating station carriage-houses engines machinery or apparatus. A.D. 1903.

Attachment of brackets to buildings.

12. The Corporation may with the consent of the owner of any building attach to that building such brackets wires and apparatus as may be required for the working of the tramways by mechanical power:

Provided that—

(1) Where in the opinion of the Corporation any consent under this section is unreasonably refused they may make an application to the sheriff who shall have power to deal therewith in a summary way and after hearing the parties and taking such evidence (if any) as he thinks just and having regard to the character of the building and to the other circumstances of the case he may allow the attachment subject to such terms as to compensation or rent and otherwise as he may think reasonable or he may disallow the same and he may determine by which of the parties the costs of the application are to be paid and the decision of the sheriff shall be final:

(2) Any consent of an owner and any decision of the sheriff under this section shall not have effect after that owner ceases to be in possession of the building but any attachments fixed under the provisions of this section shall not be removed until the expiration of three months after any subsequent owner shall have given to the Corporation notice in writing requiring the attachments to be removed Where such notice is given the preceding provisions of this section shall apply and the sheriff shall have the same powers as under proviso (1):

(3) The owner may require the Corporation to temporarily remove the attachments where necessary during any reconstruction or repair of the building.

For the purpose of this section any occupier of a building whose tenancy or occupancy exceeds one year unexpired and in the case of any other tenancy or occupancy the person receiving the rent shall be deemed to be the owner.

Apparatus used for mechanical power to be

13. The provisions of sections 26 to 33 and 41 of the Tramways Act 1870 (except so much of section 28 as relates to the repair of the road between and on each side of the rails of a tramway) shall

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apply as if all posts tubes pipes wires and other apparatus used or to be used by the Corporation for the purposes of mechanical power were parts of the tramways.

deemed part of tramway.

Power to acquire patent rights.

14. For the purpose of using mechanical power the Corporation may acquire hold and use patent and other rights and licences relating to motive power or otherwise but not so as to acquire any exclusive right therein.

Power to appropriate and by agreement to acquire lands.

15. In addition to the piece of land which the Corporation are by this Order authorised to appropriate and use they may on such terms as they may deem proper appropriate and use for any purposes in connection with their tramway undertaking any lands for the time being belonging to them and may also from time to time by agreement purchase or otherwise acquire any other lands not exceeding three acres or any servitudes in or over lands which they may require for any of such purposes Provided that nothing in this Order shall exempt the Corporation from any action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them on lands appropriated or acquired under the powers of this section.

Restriction on taking houses of labouring class.

16. The Corporation shall not under the powers of this Order purchase or acquire ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belong to the labouring class as tenants or lodgers or except with the consent of the Secretary for Scotland ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

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

For the purposes of this section—

The expression "house" means any house or part of a house occupied as a separate dwelling; and

The expression "labouring class" means mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except

members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

Penalty for malicious damage.

17. 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 tramways anything which is calculated to obstruct or interfere with the working thereof 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 the sheriff court of Perthshire and every person convicted of such offence or of any offence under section 50 of the Tramways Act 1870 with respect to any of the tramways shall be liable to a penalty not exceeding twenty pounds.

Temporary use of omnibuses.

18. The Corporation and their lessees may provide and run by mechanical or animal power omnibuses in connection with any of the tramways when the running of carriages thereon is impracticable or during or pending the reconstruction alteration or repair thereof and may demand and take tolls and fares for the use of such omnibuses.

Corporation may use tramways for certain special purposes.

19. Notwithstanding anything contained in the Tramways Act 1870 or in the Tramways Orders the Corporation may before the hour of eight in the morning or after the hour of seven in the evening of any day in the week (Sundays excepted) use the tramways for the conveyance thereon of coal coke cinders stone bricks sand street dung and refuse and all other materials and things to or from any depôt yard or place of or belonging to the Corporation and they may also use the tramways for working and may work thereon any machine or apparatus or water-cart for sweeping or cleansing or watering the streets of the burgh.

As to fares on Sundays and holidays.

20. The Corporation shall not take or demand on a Sunday or any public holiday any higher tolls or charges than those levied by them on ordinary week days.

Cheap fares for labouring classes.

21.—(1) The Corporation at all times shall and they are hereby required to run a proper and sufficient service of carriages for artisans mechanics and daily labourers each way every morning and evening (Sundays and public holidays always excepted) at such hours not being later than eight in the morning or earlier than five in the evening respectively as may be most convenient for such workmen going to and returning from their work at fares not exceeding one halfpenny for every mile or fraction of that distance

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On Saturdays the Corporation in lieu of running such carriages after five o'clock in the evening shall run the same at such hours between one and three o'clock in the afternoon as may be most convenient for the said purpose.

(2) If complaint is made to the Board of Trade that such proper and sufficient service is not provided the Board after considering the circumstances of the locality may by order direct the Corporation to provide such service as may appear to the Board reasonable.

(3) The Corporation shall be liable to a penalty not exceeding five pounds for every day during which they fail to comply with any order under this section.

Byelaws.

22. Subject to the provisions of this Order the Board of Trade may make byelaws with regard to any of the tramways upon which mechanical power may be used for all or any of the following purposes (that is to say):—

For regulating the use of any bell whistle or other warning apparatus fixed to the engine or carriages:

For regulating the emission of smoke or steam from engines used on the tramways:

For providing that engines and carriages shall be brought to a stand at the intersection of cross streets and at such places and in such cases of horses being frightened or of impending danger as the Board of Trade may deem proper for securing safety:

For regulating the entrance to exit from and accommodation in the carriages used on the tramways and the protection of passengers from the machinery of any engine used for drawing or propelling such carriages:

For providing for the due publicity of all byelaws and Board of Trade regulations in force for the time being in relation to the tramways by exhibition of the same in conspicuous places on the carriages and elsewhere.

Any person offending against or committing a breach of any of the byelaws made by the Board of Trade under the authority of this Order shall be liable to a penalty not exceeding forty shillings.

Recovery of penalties.

23. Any penalty under this Order or under any byelaws or regulations made under this Order may be recovered in the sheriff court of Perthshire at Perth in manner provided by the Summary Jurisdiction (Scotland) Acts.

Amendment of Tramways

24. The provisions of the Tramways Act 1870 relating to the making of byelaws by the local authority with respect to the rate

of speed to be observed in travelling on the tramways shall not authorise the Corporation to make any byelaws sanctioning a higher rate of speed than that authorised by the Board of Trade regulations at which engines and carriages are to be driven or propelled on the tramways but the Corporation may if they think fit make byelaws under the provisions of the Tramways Act 1870 for restricting the rate of speed to a lower rate than that so prescribed.

Act 1870 as to byelaws by local authority.

25. The regulations authorised by the Tramways Act 1870 to be made by the promoters of any tramway and their lessees may with respect to any tramways or portions of tramways for the time being belonging to and worked by the Corporation be made by the Corporation alone.

Regulations.

26. All orders regulations and byelaws made by the Board of Trade under the authority of this Order shall be signed by a secretary or an assistant secretary of the Board.

Orders and byelaws.

27. The Corporation in addition to any money which they may have borrowed independently of this Order or which they are or may be authorised to borrow under the provisions of any Act of Parliament may from time to time borrow at interest on the credit and security of the tramway revenue and of the burgh general assessment leviable by them under the Police Act or partly of the tramway revenue and partly of the said burgh general assessment as they may resolve such sums of money not exceeding in the whole the sum of sixty thousand pounds as may be necessary for and in connection with the purposes of this Order and for paying the costs charges and expenses of and incident to the preparing and applying for and the confirmation of this Order or otherwise in relation thereto (all in this Act called "tramway purposes") and if after having borrowed the said sums or any part thereof the Corporation pay off the same otherwise than by means of the sinking fund hereinafter provided they may again borrow the amount so paid off and so from time to time Provided that if the burgh general assessment is by reason of its limitation insufficient along with the tramway revenue to enable the Corporation to raise the moneys required for tramway purposes on advantageous terms the Board of Trade may extend the limit of such assessment to such amount as they shall think fit Provided further that as regards any money borrowed under this Order for any purpose except the purchase of the tramway undertaking of the Company (including the expenses connected with the said purchase) and the cost of the reconstruction of the existing lines of

Power to borrow.

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tramway the Corporation may and shall borrow the same on the credit and security of the free annual revenue of the common good of the burgh (after deduction of the usual annual outgoings of the burgh) as well as of the tramway revenue and of the burgh general assessment but the said free annual revenue of the common good (after such deduction) shall be liable in relief of the burgh general assessment.

Bonds for borrowed money.

28. All bonds to be granted by the Corporation for money to be borrowed by them under the authority of this Order may be in the form as nearly as may be contained in the Police Act but shall be granted in the corporate name of the Corporation and shall be executed and completed in the manner prescribed by section 9 of the Town Councils (Scotland) Act 1900 and the Corporation may grant bonds accordingly for the moneys so to be borrowed by them and may assign the tramway revenue and the said burgh general assessment or as the case may be the tramway revenue the said burgh general assessment and the said free annual revenue of the common good of the burgh (after deduction as aforesaid) in security for the money to be so borrowed and of the interest thereof and all such bonds may be assigned in manner and according to the form provided in the Police Act and sections 375 376 377 and 378 of the Police Act shall be and are hereby made applicable mutatis mutandis to the moneys to be borrowed by the Corporation and to the bonds and assignations to be executed by them under the authority of this Order in the same manner as if such money and such bonds and assignations had been borrowed or executed under the authority of the Police Act Provided always that all bonds to be granted by the Corporation for money to be borrowed by them under the authority of this Order shall specify that such money was borrowed by virtue and under the authority of this Order.

Rates to include interest and sinking fund.

29. The Corporation shall subject to the provisions of this Order annually include in and as part of the burgh general assessment such sums as shall be necessary to meet any deficiency in the tramway revenue for paying the interest of any money borrowed by them for tramway purposes under the authority of this Order and the sums to be set apart annually as a sinking fund as hereinafter in this Order provided.

Present bonds and securities by Corporation

30. Nothing herein contained shall prejudice or affect any bonds or securities which may have been granted by the Corporation for money borrowed by them previous to the passing of the

Act confirming this Order but the same shall as to the rates funds and property comprised therein respectively have priority over all money borrowed under this Order. not to be prejudiced.

31. Any person lending or paying money under this Order to the Corporation shall not be bound to inquire as to the observance by them of any provisions of this Order or be bound to see to the application or be answerable for any loss or non-application of such money or of any part thereof. Protection of lenders from inquiry.

32. All money borrowed by the Corporation under the authority of this Order shall be applied to tramway purposes and to no other purpose whatsoever Provided always that no such borrowed money shall be applied to any purpose for which capital is not properly applicable. Application of money borrowed.

33. The Corporation shall from and out of tramway revenue and the burgh general assessment on the security of which they are authorised to borrow under the authority of this Order annually after the expiration of one year from the date of borrowing set apart as a sinking fund such sums as with the accumulations thereof by way of compound interest at a rate of three per centum per annum shall be from time to time calculated to be sufficient to pay off within five years all money borrowed for paying the costs charges and expenses of and incident to the preparing and applying for and the confirmation of this Order or otherwise in relation thereto and within thirty years all the other money borrowed by them under this Order from the respective dates of borrowing and such sinking fund shall be applied together with the accumulated interest thereof from time to time in repayment of money borrowed by them under the authority of this Order and for no other purpose whatsoever Provided that in case the income from investments of the sinking fund shall in any year fall short of the prescribed rate of three per centum per annum the deficiency shall be made good by the Corporation and in case the said income shall in any year be in excess of the said rate any such excess may be applied towards such annual contribution to the sinking fund Provided further that whenever any bond granted under the authority of this Order shall have been paid off or redeemed out of such sinking fund the Corporation shall thenceforward in each year until the whole of such borrowed moneys shall have been paid off and redeemed pay into the sinking fund and accumulate a further sum equal to the Sinking fund.

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interest which would have been payable on such bond or bonds if the same had not been paid off or redeemed.

Investment of sinking fund.

34. The Corporation shall invest the said sums to be so set apart as a sinking fund in the public funds or by way of deposit in any bank in Scotland incorporated under Act of Parliament or by Royal Charter or on heritable security or any other security authorised by Act of Parliament in which trust funds may be invested (other than securities of the Corporation and securities transferable by delivery) until such sinking fund shall be applied in manner herein-before provided.

Sinking fund may be adjusted in certain events.

35. If the Corporation out of the proceeds of the sale or disposition of lands or out of other moneys received by them on capital account other than borrowed moneys repay any principal moneys borrowed under the powers of this Order the payments to the sinking fund established under the provisions of this Order for the repayment of such principal moneys may be reduced to such extent and upon such terms as may be from time to time approved by the Secretary for Scotland.

Annual return to Secretary for Scotland with respect to sinking fund.

36. The Corporation shall within two months after the expiration of each year during which any sum is by this Order required to be set apart for a sinking fund transmit to the Secretary for Scotland a return in such form as may be prescribed by the Secretary for Scotland and verified by statutory declaration if so required by him showing the amount which has been so set apart in respect of that year and the description of the securities upon which the same has been invested and also showing the purposes to which any portion of such sinking fund and the interest or income thereof have been applied during the same period and the total amount remaining invested at the end of the year and in the event of any default in making such return the Corporation shall be liable to a penalty not exceeding twenty pounds which shall be recoverable by the Secretary for Scotland as a debt to the Crown is recoverable If it appear to the Secretary for Scotland by any such return or otherwise that the Corporation have failed to set apart the sum required by this Order to be set apart for the sinking fund or have applied any portion of the moneys set apart for that fund or any interest or income thereof to any purposes other than those authorised by this Order the Secretary for Scotland may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set

apart and invested as part of the sinking fund and such order shall be enforceable by decree of either division of the Inner House of the Court of Session in Scotland pronounced in a summary application presented for that purpose. A.D. 1903.

Bonds to be lien on tramway revenue and assessment and common good.

37. The bonds to be granted for money borrowed for tramway purposes under this Order shall until repayment thereof form a lien not only on the tramway revenue but also on the burgh general assessment or the said assessment and the free annual revenue of the common good of the burgh (after deduction of the usual annual outgoings of the burgh) as the case may be and shall entitle the creditor under the same to recover the contents thereof from the Corporation and their officers not only out of the said tramway revenue but also out of the first and readiest of such assessment or the first and readiest of such assessment and free annual revenue of said common good as the case may be without prejudice to the remedy provided in the two following sections.

For appointment of judicial factor.

38. In the event of any interest on any bond for money borrowed for tramway purposes or of any principal moneys to the amount of one thousand pounds borrowed on any such bond not being paid within one month after such payment shall have become due and demand thereof made in writing the holder or holders of any such bond to whom such interest or principal moneys are so payable may render his or their security effectual by the appointment from time to time of a judicial factor and the application for such appointment shall be made by summary petition to the Court of Session or in time of vacation to the Lord Ordinary on the Bills which appointment shall be made accordingly unless previously to such application being advised the amount of such interest or principal moneys as the case may be with interest and expenses shall have been paid or unless the said Court or Lord Ordinary as the case may be shall be satisfied that consignation thereof should under the circumstances be accepted in lieu of payment and such consignation be made accordingly and the interlocutor making such appointment shall not be subject to review or appeal.

Powers of judicial factor.

39. The judicial factor so appointed on finding security in common form shall exercise all the powers conferred by this Order upon the Corporation for managing and carrying on the tramway undertaking and after defraying the expense of such application and management the said judicial factor shall from time to time apply and pay over the balance of the sums received by him to the several parties entitled to payment therefrom and such judicial factory shall

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continue until all arrears of interest or principal sums with interest thereon as the case may be with expenses are paid and satisfied when the same shall be recalled.

Application of tramway revenue.

40. The tramway revenue shall subject to the provisions of this Order be applied—

(1) In maintaining the tramways and so much of the streets and roads in which the same are laid as is required to be maintained and kept in good repair and condition by the promoters of tramways by section 28 of the Tramways Act 1870:

(2) In paying all working and other expenses properly chargeable to revenue:

(3) In providing the interest on any moneys borrowed or raised by the Corporation under the powers of this Order together with the amount necessary to be paid into a sinking fund to provide for the repayment of the moneys so raised or borrowed:

(4) The surplus after providing for such payments as aforesaid may be transferred by the Corporation if they think fit to a reserve fund or renewal fund for the purposes of the tramway undertaking or into a suspense account and may be invested by the Corporation in or on any of the securities in or on which the sums by this Order directed to be set apart as a sinking fund are by this Order directed to be invested and such surplus and the proceeds of any investment thereof and the interest and produce of the same may be applied in extending and developing the tramway undertaking or in increasing the amount required to be paid into the sinking fund in respect of money borrowed by the Corporation for tramway purposes but subject as hereinafter mentioned no part of the surplus shall be paid to the credit of any rate until a reserve fund of at least ten per centum on the capital required for tramway purposes shall have been provided Provided that if and whenever there shall be remaining in the hands of the Corporation any surplus on account of tramway revenue after payment of the charges and making the transfers and appropriations hereinbefore provided for such surplus shall be carried to the burgh general assessment.

Statement and balance sheet and

41. The Corporation shall once in each year after the first year's working cause to be laid before them a statement and balance

sheet of the tramway accounts including the reserve and suspense accounts for the preceding year and an estimate of the revenue to be derived for the ensuing year from the working and use of the tramways and carriages and trucks thereon and also an estimate of the sums required to meet for such year the expenses of working management maintenance of lines works machinery and rolling-stock repairs renewals materials wages taxes and other outgoings and charges including allowances for depreciation and also the interest on borrowed money and the payment of the sums required to be annually made to the sinking fund and the Corporation shall thereupon fix annually the tolls fares and charges to be levied by them for the use of the tramways and of carriages and trucks used or propelled thereon for the said year then ensuing not exceeding the tolls fares and charges authorised by the Tramways Orders so that the revenue shall meet the expenditure as before specified for each year Provided that if in any year the revenue exceeds such expenditure such excess shall be dealt with by the Corporation as required by subsection (4) of the section of this Order of which the marginal note is "Application of tramway revenue" and that should there be a deficiency in any year it shall be provided for in the estimate for the following year by drawing from reserve account or varying the tolls fares and charges or reducing working expenses or be carried to a suspense account and reduced gradually over a period of years not exceeding five Provided also that in making the estimates aforesaid and balancing accounts at the end of such year the depreciation on machinery and plant shall be at the rate of three per centum on the first cost thereof.

Estimates to be laid before Corporation.

42. The Corporation shall forward to the Registrar of Joint Stock Companies for Scotland a printed copy of this Order and it shall be registered by him and if such copy is not forwarded within three months from the passing of the Act confirming this Order the Corporation shall incur a penalty not exceeding two pounds for every day after the expiration of those three months during which the copy is omitted to be forwarded and every penalty shall be recovered summarily.

Copy of Order to be forwarded to Registrar of Joint Stock Companies and registered.

There shall be paid to the Registrar by the Corporation on such copy being registered the like fee as is for the time being payable under the Companies Act 1862 on registration of any document other than a memorandum of association.

43. Nothing in this Order contained shall exempt the Corporation or the tramways from the provisions of any general Act

Provision as to general

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Tramway Acts.

relating to tramways passed before or after the commencement of this Order or from any future revision or alteration under the authority of Parliament of the maximum fares rates or charges authorised by the Tramways Orders.

Costs of Order.

44. All the costs charges and expenses of and incident to the preparing and applying for and the confirmation of this Order or otherwise in relation thereto shall be paid by the Corporation out of the burgh general assessment or out of the moneys to be borrowed by them under the authority of this Order or partly out of such assessment and partly out of such moneys to be borrowed as aforesaid or any of them and in such proportions as the Corporation think proper.

The SCHEDULES referred to in the foregoing Order.

THE FIRST SCHEDULE.

AGREEMENT between THE LORD PROVOST MAGISTRATES AND COUNCILLORS OF THE BURGH OF PERTH (hereinafter called "the Corporation") of the first part and THE PERTH AND DISTRICT TRAMWAYS COMPANY LIMITED (hereinafter called "the Company") of the second part WITNESSETH:

WHEREAS the Company are the owners of the existing tramways within the burgh of Perth and beyond the burgh boundaries to the village of Scone constructed under the authority of the Perth and District Tramways Order 1892 and the Perth and District Tramways (Extensions) Order 1897:

And whereas by the Perth and District Tramways Order 1899 the Company obtained power to reconstruct their tramways and adapt the same for electrical working:

And whereas the Corporation as the local authority within the burgh of Perth under the Tramways Act 1870 in pursuance of the provisions of section 43 of that Act and of the said several Tramways Orders before mentioned with the approval of the Board of Trade gave notice to the Company requiring them to sell to the Corporation so much of their tramway undertaking as is within the burgh of Perth:

And whereas the Corporation have made application to the Secretary for Scotland for a Provisional Order to empower them on and from the acquisition by them of the portion of the said tramways within the burgh to work and use the same and by such Provisional Order as deposited with the Secretary for Scotland power was also sought to the Corporation to purchase

and to the Company to sell to them the tramways of the Company situate beyond the burgh:

And whereas the Company took exception to the Corporation acquiring the tramways so far as within the burgh under the said procedure provided by the said section 43 of the Tramways Act 1870 and have also presented a petition to the Secretary for Scotland praying that the said Provisional Order be not granted unless the whole tramway undertaking of the Company both within and beyond the burgh was purchased by the Corporation on equitable terms:

And whereas both parties hereto have now agreed that the Corporation shall purchase from the Company and the Company shall sell to the Corporation the whole undertaking of the Company authorised by the said Orders hereinbefore recited respectively and all the rights powers and authorities conferred on the Company in relation thereto subject to the obligations contained in the said Orders upon the terms and conditions following:

THEREFORE both parties hereto do hereby agree as follows:—

First The Company shall sell to the Corporation and the Corporation shall purchase from the Company for the consideration and upon the terms and conditions hereinafter set forth the whole tramway undertaking belonging to and as vested in the Company and the whole rights powers authorities and privileges conferred on the Company under and by virtue of and subject to the obligations imposed on the Company by the Tramways Act 1870 the Perth and District Tramways Order 1892 the Perth and District Tramways (Extensions) Order 1897 and the Perth and District Tramways Order 1899 and all lands buildings works materials plant engines moveable and fixed rolling-stock horses tools implements appliances furnishings oils waste coke coal fodder stores and other articles and things belonging to the Company (all hereinafter included in the expression "the undertaking") freed and discharged of and from all mortgages bonds debts claims demands liabilities actions disputes or questions whatsoever affecting or which might affect or relate to the undertaking or any part thereof or to the Company at the price of twenty-one thousand eight hundred pounds.

Second The proportion of said price of twenty-one thousand eight hundred pounds effeiring to so much of the undertaking as is within the burgh of Perth shall be held to be the sum of seventeen thousand pounds and the proportion effeiring to the portion of the undertaking beyond the burgh boundary shall be the sum of four thousand eight hundred pounds and the Corporation shall be held to have acquired the portion of the undertaking within the burgh at the said sum of seventeen thousand pounds by virtue of the notice given by the Corporation with the approval of the Board of Trade to the Company on the thirteenth day of January nineteen hundred and three requiring the Company to sell to the Corporation so much of the undertaking as is within the burgh upon the terms specified in section 43 of the Tramways Act 1870 in accordance with the provisions of that section and of the several Tramways Orders hereinbefore mentioned And it is hereby provided and declared that the said apportionment of the price is

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made by and for the purposes of the Corporation only And the Company is hereby released from their obligation under their said Order of 1892 to contribute the sum of two hundred and fifty pounds towards the cost of the widening of the corner of High Street and South Methven Street.

Third The price of twenty-one thousand eight hundred pounds shall be paid on the fifteenth day of May nineteen hundred and three up to which date the undertaking shall continue to be worked and the revenues and profits thereof taken and the working and other expenses paid by the Company Should the price not be paid on said date the Corporation shall be bound to pay to the Company interest on the said price at the rate of three and one quarter per centum per annum until the date of the passing of the Act confirming the said Provisional Order and thereafter at the rate of three and one half per centum per annum until paid.

Fourth The Corporation shall obtain possession of the undertaking on the said fifteenth day of May nineteen hundred and three and thereafter the undertaking shall be carried on by the Company for behoof of the Corporation as provided in Article fifth hereof The Corporation shall be bound to take over and free and relieve the Company of all contracts and agreements as and from the said date of possession.

Fifth From and after the said fifteenth day of May nineteen hundred and three and until the passing of the Act confirming the said Provisional Order the Company shall retain their present control and management of the undertaking and shall carry on and manage the same in the ordinary course of business for the benefit and at the risk of the Corporation and may for such purpose expend such sums and incur such liabilities as may be necessary and shall maintain the usual service of cars Upon the passing of the Act confirming the said Provisional Order the Corporation shall forthwith take over the control and management of the undertaking.

Sixth While the Company continue to manage the undertaking as provided in Article fifth hereof they shall submit monthly statements of the receipts and expenditure of the undertaking and in the event of the receipts being less than the expenditure the Corporation hereby undertake to pay and make good to the Company any such deficiency No remuneration shall be paid to the Company for the services of the directors thereof in respect of such management.

Seventh The Company shall pay all rents feu duties public and local burdens insurance premiums and other like charges or proportions thereof applicable to the undertaking up to the said fifteenth day of May nineteen hundred and three and the Corporation shall be liable therefor or for the proportions thereof applicable to the period after the said date.

Eighth The Company shall forthwith withdraw their petition to the Secretary for Scotland against the granting of the said Provisional Order and the Company shall grant their consent to and approval of the said Provisional

Order and the Corporation shall use every endeavour to obtain the confirmation of this agreement by Parliament.

Ninth The Company shall be bound to execute all dispositions conveyances deeds and other writings necessary for vesting the undertaking in the Corporation.

Tenth The Corporation and the Company shall each be bound to pay their own respective costs and expenses in connection with this agreement and of any dispositions conveyances deeds or other writings necessary to carry the same into effect and also in connection with the negotiations for the purchase of the undertaking and the application for said Provisional Order and the petition against the same respectively The Corporation shall however pay all stamp duty or duties exigible in respect of this agreement and of any dispositions conveyances deeds or other writings necessary for carrying it into effect.

Eleventh This agreement is made subject to the sanction of the Secretary for Scotland and Parliament and to such alterations as may be made therein during the progress of and shall be scheduled to and confirmed by the said Provisional Order or any subsequent Provisional Order to be applied for by the Corporation and in the event of any such alteration being made on this agreement which in the opinion of Charles Alfred Cripps K.C. M.P. is material it shall be in the option of either party to withdraw from the same.

Twelfth If any difference or dispute shall arise between the parties hereto in regard to any matter touching the effect or meaning of these presents or as to the respective obligations of the parties or the fulfilment thereof the same shall be referred to an arbiter to be mutually agreed upon by the parties and failing such agreement to an arbiter to be appointed by the sheriff of the county of Perth on the application of both or either of the parties hereto.

In witness whereof these presents typewritten on this and the four preceding pages are subscribed in duplicate by the parties hereto all at Perth as follows videlicet They are subscribed for and on behalf of the Perth and District Tramways Company Limited by David MacGregor and James Coates two of the directors and by Thomas Dempster the secretary of the said Company and they are sealed with the common seal of the said Company all on the fourteenth day of April nineteen hundred and three before these witnesses Hector William MacCallum accountant Perth and David Usher clerk to Robertson Dempster & Co. solicitors Perth and they are subscribed for and on behalf of the said lord provost magistrates and councillors of the burgh of Perth in presence and by authority of a special meeting of the town council held at Perth on the sixteenth day of April nineteen hundred and three by Thomas Love esquire lord provost who presided over said meeting and by John Begg town clerk and

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sealed with their corporate seal all before these witnesses Robert Keay city chamberlain Perth and Henry Douglas clerk in the town clerk's office Perth.

ROBERT KEAY Witness.
HENRY DOUGLAS Witness.

THOMAS LOVE Lord Provost.
JOHN BEGG Town Clerk.

L.S.

H. WM. MACCALLUM Witness.
DAVID USHER Witness.

DAVID MACGREGOR Director.
JAS. COATES Director.
THOMAS DEMPSTER Secy.

L.S.

THE SECOND SCHEDULE.

LAND UPON WHICH ELECTRICITY MAY BE GENERATED.

A piece of land extending to three roods ten poles or thereabouts with the Perth Corporation electric lighting station buildings thereon situated at the Shore of Perth in the parish of Perth and that part or division thereo called the West Church parish of Perth and royal burgh and county of Perth bounded as follows viz. Upon the north by an imaginary straight line drawn from the road or street called the Shore Road of Perth at a point therein seventeen feet or thereby north of the north-west corner of the before-mentioned buildings and in line with the west building line of said station eastwards to a point one hundred and fifty-five feet or thereabouts from the first-mentioned point on the east by an imaginary straight line drawn from the last-mentioned point southwards to a point two hundred and twenty-five feet or thereabouts therefrom on the south by an imaginary straight line drawn westwards from the point forming the southern extremity of the east boundary line one hundred and sixty-six feet or thereabouts to a point on the east side of the said Shore Road and on the west by the said Shore Road along which it extends two hundred and twenty-eight feet or thereabouts northwards from the last-mentioned point.

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