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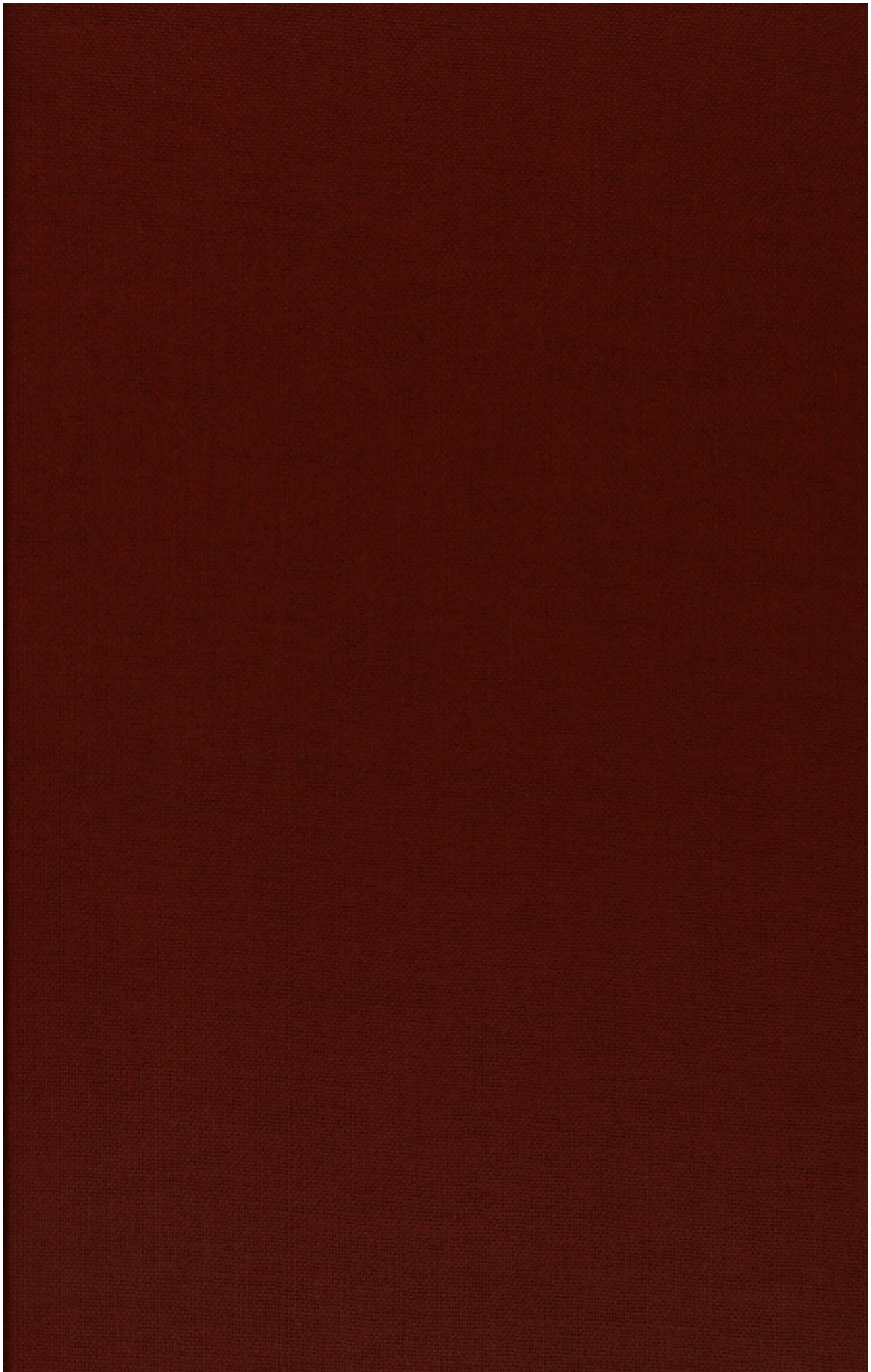
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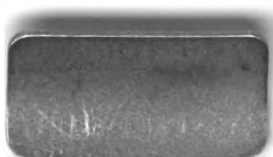
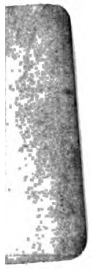
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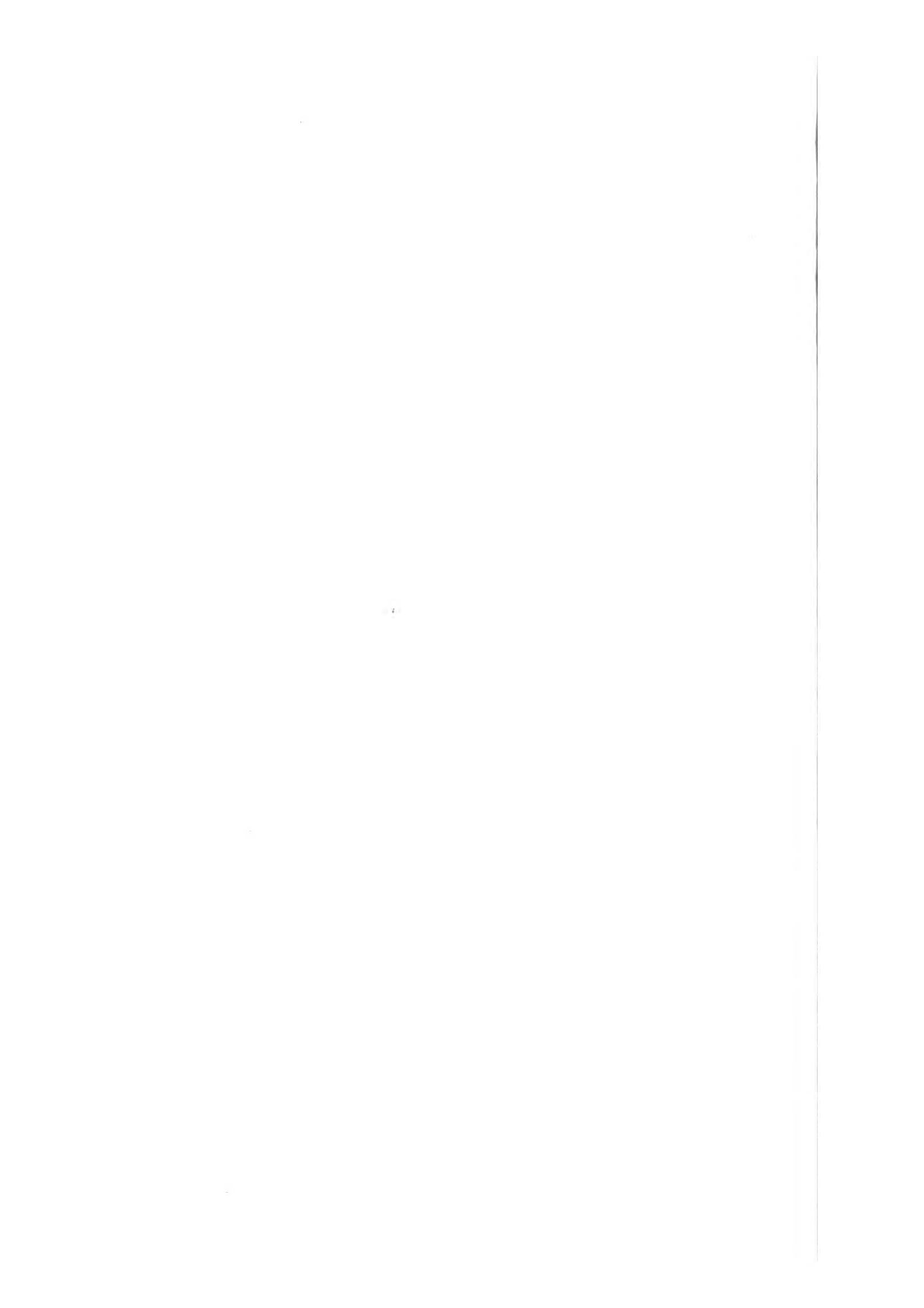
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THE
SESSIONAL PAPERS
PRINTED BY ORDER 3866
2
OF
THE HOUSE OF LORDS,
OR PRESENTED BY ROYAL COMMAND,
IN THE
Session 1905,
(5 EDWARD VII.)
ARRANGED IN VOLUMES.

VOL. V.

PUBLIC BILLS,

(Four Volumes.)

CONTINUED.

THE SUBJECTS ALPHABETICALLY ARRANGED:

ESK - - ISL

1905.

PUBLIC BILLS, 1905.

(FOUR VOLUMES.)

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A

B I L L

INTITULED

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Esk Valley Power-Gas. A.D. 1905.

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 V. ct. 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:—

10 **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 Esk Valley Power-Gas Order Confirmation Act 1905. Short title.

A.D. 1905.

SCHEDULE.

ESK VALLEY POWER-GAS.

Provisional Order to incorporate and confer powers on the Esk Valley Power-Gas Company and for other purposes.

Preamble. WHEREAS the erection of stations and works as herein-after 5 provided and the manufacture and supply of power-gas for the purposes of motive power and heating but not of illumination within the area of supply herein-after defined would be of public and local advantage :

And whereas the persons in this Order named with others are 10 willing at their own expense to construct such stations and works and undertake such manufacture and supply and it is expedient that they should be incorporated into a company (in this Order called "the Company") and that powers should be conferred on them for that purpose and for acquiring lands for the stations and 15 works and generally for carrying out the objects and provisions of this Order :

And whereas plans describing the lands to be taken or used compulsorily for the purposes of this Order with a book of reference containing the names of the owners or reputed owners lessees or 20 reputed lessees and of the occupiers of such lands were duly deposited with the Principal Sheriff Clerk of the County of Midlothian and are in this Order referred to as the deposited plans and book of reference :

And whereas the purposes aforesaid cannot be effected without 25 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:— 30

Short title.

1. This Order may be cited as the Esk Valley Power-Gas Order 1905 and shall come into operation at the date of the passing of the Act confirming the same which date is herein-after referred to as "the commencement of this Order."

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

A.D. 1905.

Part I.—Preliminary.

Part II.—General Purposes Lands &c.

Part III.—Supply of Power-Gas.

Order
divided into
parts.

5 Part IV.—Capital.

Part V.—Meetings and Appointment of Directors.

Part VI.—Protective Provisions.

Part VII.—Miscellaneous.

PART I.

10

PRELIMINARY.

3. The following Acts or portions of Acts (as far as they are applicable for the purposes of and are not varied by or inconsistent with the provisions of this Order) are incorporated with and form part of this Order (that is to say) :—

Incorpora-
tion of
general Acts.

15 The Companies Clauses Consolidation (Scotland) Act 1845 Part I (relating to cancellation and surrender of shares) and Part III (relating to debenture stock) of the Companies Clauses Act 1863 as amended by subsequent Acts ;

The Lands Clauses Acts ;

20 The Gasworks Clauses Act 1847 (except the provisions with respect to the amount of profit to be received by the Undertakers when the gasworks are carried on for their benefit and with respect to the yearly receipt and expenditure of the Undertakers and except any provisions which relate exclusively to the supply of gas for lighting purposes) and the Gasworks Clauses Act 1871 (except sections 11 and 12 and sections 24 to 33 and sections 35 and 36 and the schedules) :

30 Provided that notwithstanding anything contained in the Companies Clauses Consolidation (Scotland) Act 1845 a director of the Company may be interested or concerned in any contract with the Company and may participate in the profits of any work done for the Company in all respects as if he were not a director Nevertheless a director shall not be entitled to the benefit of this

35 proviso unless he discloses to his co-directors the nature of his interest at the meeting of the directors at which such contract is determined upon if his interest then exists or in any other case at the first meeting of directors after the acquisition of his interest nor shall a director vote as such in respect of any contract in which

40 he is interested and if he do so vote his vote shall not be counted.

A.D. 1905. — In the construction of the enactments so incorporated this Order is to be deemed “the special Act” and “the limits of the special Act” shall be the area in the county of Midlothian hereinafter defined.

Interpretation.

4. 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 and in this Order—

“The Company” means the Company incorporated by this Order :

“The undertaking” means the undertaking by this Order authorised :

“The Electric Lighting Acts” means the Electric Lighting Act’s 1882 and 1888 the Electric Lighting (Scotland) Act 1890 and the Electric Lighting (Clauses) Act 1899 :

“Power-gas” means any gas suitable for the purposes of motive or other power heating or any other purpose to which such gas can be applied except illumination :

“Local authority” means with respect to each part of the area of supply the council or other authority for that part responsible for the maintenance and repair of any street :

“The sheriff” means the sheriff of the Lothians and Peebles :

“Plan” means a plan drawn to a horizontal scale of at least one inch to eighty-eight feet or to the scale of the largest Ordnance Survey map published for the district and where possible a section drawn to the same horizontal scale as the plan and to a vertical scale of at least one inch to eleven feet or to such other scale as the Board of Trade may approve of for both plan and section together with such detail plan and sections as may be necessary :

“Daily penalty” means a penalty for each day on which any offence is continued after conviction.

Company incorporated.

5. James Hunter Annandale The Right Honourable Ernest William Baron Grimthorpe Arthur Antony Baumann Alexander Cowan Malcolm Macnaughton Charles William Somerville William Leonard Tod William Nimmo Tod Frederick McDougal Williams and all other persons who have already subscribed to or shall

[5 Edw. 7.] *Esk Valley Power-Gas Order Confirmation.* 5

hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and are hereby united into a Company for the purposes herein-after mentioned and for those purposes shall be and are hereby incorporated 5 by the name of the Esk Valley Power-Gas Company and by that name shall be a body corporate with perpetual succession and a common seal and with power to purchase take hold and dispose of lands and other property for the purposes of this Order.

A.D. 1905.

6. The domicile of the Company with reference to all judicial 10 proceedings or actions at law shall be and be deemed to be in Edinburgh. Domicile of Company.

PART II.

GENERAL PURPOSES LANDS &C.

7. The objects of the Company are within the area of supply 15 herein-after defined to manufacture use supply sell and distribute power-gas and manufacture sell and deal in sulphate of ammonia and any bye products or residuals of power-gas and to erect acquire lay down improve maintain use enlarge alter or discontinue the use of and sell let or otherwise dispose of any buildings works 20 machinery pumps plant vessels producers retorts engines fittings mains pipes and other apparatus which may be necessary or useful for those purposes or any of them and to construct maintain and use service roads railways and sidings and acquire and work any patents or licenses relating to the manufacture storage supply 25 production measurement and distribution of power-gas or sell or grant licenses to use the same and make and carry into effect contracts and agreements and generally do all such acts and things as may be necessary or useful for or incidental to the purposes aforesaid and the carrying into effect of the purposes of the 30 Company. General purposes of Company.

8.—(1) Before commencing the manufacture supply sale and distribution within the area of supply of power-gas the Company shall give notice to the Board of Trade together with information 35 as to the nature of the power-gas proposed to be manufactured and supplied by them. Board of Trade inquiry.

(2) Thereupon the Board of Trade may if they see fit appoint a competent and impartial person as referee to hold a public local inquiry in the area of supply and to report to the Board his opinion of the proposals of the Company.

A.D. 1905.

(3) The Company shall give such notice of the time and place of the local inquiry as may be required by the Board of Trade so that all local authorities within the area of supply and all persons interested may have an opportunity of being heard either for or against the proposals of the Company. 5

(4) The referee shall hear all such persons and shall report the effect of their evidence and his opinion thereon to the Board of Trade and the Board shall have power either to give (with or without modifications or additions) or to withhold their approval of the proposals of the Company and shall communicate their decision to the Company and to all local authorities appearing on the inquiry. 10

(5) The remuneration of the referee shall be fixed by the Board of Trade and shall as well as the expenses of all necessary notices and of providing a place for the inquiry be paid by the Company. 15

(6) If the Company shall at any time be desirous of manufacturing supplying selling and distributing within the area of supply any development of the power-gas supplied by them or any other power-gas the foregoing provisions of this section shall extend and apply thereto. 20

Power to acquire lands shown on deposited plans.

9. The Company may subject to the provisions of this Order enter upon take hold and use for the purposes of their undertaking compulsorily or by agreement all or any of the lands in the county of Midlothian shown on the deposited plans and described in the deposited book of reference except the lands numbered thirty-seven to forty-two (both inclusive) in the parish of Cockpen on such plans. 25

Gas lands.

10. The Company may on the lands described in the schedule to this Order or any portion thereof erect establish and maintain a station or stations for manufacturing power-gas and converting any materials or residual products arising from or in the process of the generation or manufacture of power-gas and for all or any of the purposes of this Order. 30

Storage and distributing works.

11. Subject to the provisions of this Order the Company may manufacture acquire maintain and use and sell let on hire and otherwise dispose of power-gas and other mains producers tubes pipes meters fittings and other apparatus for producing transmitting storing measuring regulating and distributing power-gas for public and private purposes or for converting the same into 40

[5 EDW. 7.] *Esk Valley Power-Gas Order Confirmation.* 7

motive power heat or otherwise but not for illumination and any other machinery apparatus and appliances necessary or useful for any of the purposes of this Order. A.D. 1905.

5 12. If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Company after giving ten days' notice to the owners lessees and occupiers of the land in question may apply to the sheriff for the correction thereof and if it appear to the sheriff 10 that the omission misstatement or wrong description arose from mistake he shall certify the same accordingly and shall in such certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described and such certificate shall be deposited with the principal sheriff clerk 15 of the county of Midlothian and a duplicate thereof shall also be deposited with the town clerk of the burgh or with the clerk of the parish council of the parish as the case may be in which the lands affected thereby are situate and such certificate and duplicate 20 respectively shall be kept by such principal sheriff clerk and town clerk and clerk of the parish council respectively with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Company to take the lands in accordance with such certificate.

Correction of errors in deposited plans and book of reference.

25 13. The Company may subject to the provisions of this Order enter upon pass over and use at all times the roads in this section after mentioned and may lay down maintain use repair remove and inspect mains pipes and other apparatus conveniences and appliances in under over and along such roads and also in under 30 and over the railways after mentioned viz. :—

Power to lay mains and acquire servitudes.

In the parish of Lasswade—

- 35 (1) The railway siding from the North British Railway (Polton branch line) at Polton Station where it crosses on the level the road leading from Hawthornden to Loanhead including the solum under the railway ;
- (2) The North British Railway (Edinburgh Loanhead and Roslin branch) at or near the point where it is joined by the Loanhead Colliery siding ;
- 40 (3) So much of the road leading from Niven's Knowe Road to Loanhead Colliery as lies between the

A.D. 1905.

junction of Niven's Knowe Road and the road known as The Loan and the southern boundary of the lands described under the heading "Burghlee Site" in the schedule to this Order :

- (4) So much of the road leading from Roslynlee Station to Rosewell as lies between the east side of the plantation immediately to the west of Whitehill Collieries and the lands described under the heading "Whitehill Site" in the schedule to this Order : 5
- (5) The road leading from Kirkettle Farmhouse past Holenbank Cottage till it has crossed the road leading from Firth Mains to Firth Mansion House. 10

In the parish of Glencorse—

- (6) The North British Railway Glencorse Extension of the Edinburgh Loanhead and Roslin Branch where it crosses on the level at the Penicuik Gasworks the road leading from Ladywood past Eastfield to Esk Bridge including the solum under the railway : 15
- (7) The North British Railway Penicuik Branch where it crosses on the level the road leading into Dalmore Mills including the solum under the railway ; 20

And the Company may break up the surface of the said roads railway level crossings and lands for all or any of the purposes aforesaid Provided that the Company shall make to the owners lessees and occupiers and other parties having any estate or interest in such lands compensation for the right or servitude of laying down and maintaining such mains pipes and other apparatus as herein-before described and may give notice to treat in respect of such right or servitude and the provisions of the Lands Clauses Acts inclusive of those with regard to arbitration and the summoning of a jury shall apply to the purchase of such right or servitude as if such purchase were a purchase of land within the meaning of such Acts. 25 30

Servitudes by agreement.

14. The Company may acquire by agreement servitudes over and under lands and property belonging to any company body or person and may exercise any of the powers by this Order conferred on the Company with respect to the placing of pipes and mains in or over such lands and property. 35

Persons under disability may grant servitudes &c.

15. 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 Company any 40

[5 EDW. 7.] *Esk Valley Power-Gas Order Confirmation.* 9

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 feu
 5 duties and ground annuals and rent charges 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.

A.D. 1905.

16. In addition to the other lands which the Company are by this Order authorised to purchase and acquire they may purchase
 10 take on lease or acquire by agreement and may hold for the purposes of their undertaking any lands not exceeding fifty acres but nothing in this Order shall exempt the Company from any action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any such
 15 lands or authorise the Company to erect any station for manufacturing or converting power-gas or any residual product upon any lands acquired under this Order other than on the lands described in the schedule to this Order.

Purchase of
lands by
agreement.

17. The powers of the Company for the compulsory purchase
 20 of lands for the purposes of this Order shall cease after the expiration of five years from the commencement of this Order.

Period for
compulsory
purchase of
lands.

18. The Company shall not under the powers of this Order purchase or acquire in any district within the meaning of the Public Health (Scotland) Act 1897 ten or more houses which on
 25 the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Secretary for Scotland ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently
 30 so occupied :

Restriction
as to houses
of labouring
class.

If the Company 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
 35 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
 40 any house or part of a house occupied as a separate dwelling and the expression "labouring class" means mechanics artisans labourers
 (136.)

A.D. 1905. — 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 5 persons who may be residing with them.

Power to lay down pipes for water &c.

19.—(1) It shall be lawful for the Company within the area of supply to lay down maintain repair alter and use pipes for conveying water and any materials matters or things used by them in or resulting from the process of manufacturing power-gas to or from 10 any manufacturing station of the Company and the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes shall so far as applicable extend and apply to the laying down repairing altering or removing of pipes for such purposes. 15

(2) Where any pipe to be laid by the Company under the powers of this section crosses over or under or is situate within three feet of any mains pipes or other works of any company or authority supplying water or gas the same shall be laid down under the superintendence and to the reasonable satisfaction of the 20 engineer of that company or authority as the case may be.

(3) The powers conferred upon the Company by this section shall not be exercisable without the consent in writing of the local or other authority liable to make maintain and repair the roads and streets along which the Company propose to lay such 25 pipes and any such consent may be given subject to such conditions as the said local or other authority may deem it advisable to attach thereto and shall apply only to each application of the Company such consent not to be unreasonably withheld and if any question arises as to whether that consent is unreasonably withheld or not 30 that question shall be decided by the Board of Trade.

Power to lay mains and pipes and to open up streets.

20. Subject to the provisions and restrictions of this Order and of the Acts incorporated herewith the Company may lay place maintain alter and remove mains pipes and other apparatus connected with the supply of power-gas in or under any street 35 and any railway tramway or canal when and where such railway tramway or canal crosses any street within the area of supply and may (so far as necessary for the purpose of this section) open break up and interfere with any such street railway tramway or canal or any sewer or drain or any gas or water mains or pipes or any 40 electric pneumatic or other wires lines tubes pipes or apparatus :

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Provided that nothing in this Order shall extend to or authorise any interference with any works of any Undertakers within the meaning of the Electric Lighting Acts 1882 and 1888 to which the provisions of section 15 of the former Act apply
 5 except in accordance with and subject to the provisions of that section :

A.D. 1905.

Provided also that the Company shall not in any way interfere with any electric pneumatic or other wires lines tubes pipes or apparatus of the Postmaster-General except in accordance with
 10 and subject to the provisions of the Telegraph Act 1878.

21. The Company may give to any local authority or company owning or controlling any sewer drain watercourse gas or water mains or pipes or any electric pneumatic or other wires lines tubes pipes or apparatus in or under any street within the area of supply
 15 in or under which the Company may desire to lay or place mains pipes or apparatus written notice requiring such local authority or company to produce for the inspection of the Company by their authorised officer any plans and sections in their possession showing the situation of every such sewer drain watercourse gas or water
 20 main or pipes wires lines tubes and apparatus as may belong to or be controlled by them respectively and every such local authority or company shall comply with the notice within ten days from the date thereof and the Company by such officer may take copies of such plans and sections All expenses properly incurred by any
 25 such local authority or company under this section shall be paid by the Company.

Provision for inspection by Company of plans of sewers mains pipes &c.

22. Where the exercise of any of the powers of the Company in relation to the execution of any works will involve the placing of any works in under along or across any street repairable by the
 30 local authority or any bridge carrying the same the following provisions shall have effect:—

Notice of works with plan to be served on local authority.

(A) One month before commencing the execution of the works (not being repairs renewals or amendments of existing works of which the character and position are not altered) the Company shall serve a notice on the local authority describing the proposed works together with
 35 a plan of the works showing the mode and position in which the works are intended to be executed and the manner in which it is intended that the street or bridge or any sewer drain or tunnel therein or thereunder is to
 40 be interfered with and shall upon being required to do

A.D. 1905.

so by the local authority give them any such further information in relation thereto as they desire ;

No part of the month of August shall be included in calculating the above-mentioned period of one month : 5

- (B) The local authority may in their discretion approve any such works or plans subject to such amendments or conditions as may seem fit or may disapprove them and may give notice of that approval or disapproval to the Company : 10
- (c) Where the local authority approve any such works or plan subject to any amendments or conditions with which the Company are dissatisfied or disapprove any such works or plan the Company may appeal to the Board of Trade and the Board of Trade may inquire into the matter and allow or disallow the appeal and may approve any such works or plan subject to such amendments or conditions as seem fit or may disapprove them : 15
- (D) If the local authority fail to give any such notice of approval or disapproval to the Company within one month after the service of the notice upon them they shall be deemed to have approved the works and plan : 20
- (E) Notwithstanding anything in this Order the Company shall not be entitled to execute any such works as above specified except so far as they may be of a description and in accordance with a plan which has been approved or is to be deemed to have been approved by the local authority or by the Board of Trade as above mentioned but where any such works description and plan are so approved or to be deemed to be approved the Company may cause those works to be executed in accordance with the description and plan subject in all respects to the provisions of this Order : 25 30
- (F) If the Company make default in complying with any of the requirements or restrictions of this section they shall (in addition to any other compensation which they may be liable to make under the provisions of this Order) make full compensation to the local authority for any loss or damage which they may incur by reason thereof and in addition thereto they shall be liable for 35 40

[5 Edw. 7.] *Esk Valley Power-Gas Order Confirmation*, 13

5 each default to a penalty not exceeding ten pounds and to a daily penalty not exceeding five pounds Provided that the Company shall not be subject to any such penalty as aforesaid if the court are of opinion that the case was one of emergency and that the Company complied with the requirements of this section so far as was reasonable under the circumstances, A.D. 1905.

10 23. Where the exercise of the powers of the Company will involve the placing of any works in under along or across any street or part of a street not repairable by the local authority and any bridge carrying the same or over or under any railway tramway or canal the following provisions unless otherwise agreed between the parties interested shall have effect (that is to say) :—

- 15 (A) One month before commencing the execution of the works (not being repairs renewals or amendments of existing works of which the character and position are not altered) the Company shall serve a notice on the body or person if any liable to repair the street or bridge or part of a street or bridge or the body or person for the time being entitled to work the railway or tramway or the owners of the canal (as the case may be) in this section referred to as "the owners" describing the proposed works together with a plan of the works showing the mode and position in which the works are intended to be executed and placed and shall upon being required to do so by any such owners give them any such further information in relation thereto as they desire :
- 20
- 25
- 30 (B) Every such notice shall contain a reference to this section and direct the attention of the owners to whom it is given to the provisions thereof :
- 35 (c) Within three weeks after the service of any such notice and plan on any owners those owners may if they think fit serve a requisition upon the Company requiring that any question in relation to the works or to compensation in respect thereof and any other question arising upon the notice or plan shall be settled by arbitration and thereupon that question unless settled by agreement shall be determined by arbitration accordingly :
- 40 (D) In settling any question under this section an arbiter shall have regard to any duties or obligations which the

As to streets not repairable by local authority railways tramways and canals.

A.D. 1905

owners may be under in respect of the street railway tramway or canal and may if he thinks fit require the Company to execute any temporary or other works so as to avoid any interference with any traffic so far as may be possible :

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- (E) Where no such requisition as aforesaid is served on the Company or where after any such requisition has been served on them any question required to be settled by arbitration has been so settled the Company may upon paying or securing any compensation which they may be required to pay or secure cause to be executed the works specified in such notice and plan as aforesaid and may repair renew and amend them (provided that their character and position are not altered) but subject in all respects to the provisions of this Order and only in accordance with the notice and plan so served by them as aforesaid or such modifications thereof respectively as may have been determined by arbitration as herein-before mentioned or as may be agreed between the parties :
- (F) All works to be executed by the Company under this section shall be carried out to the reasonable satisfaction of the owners and those owners shall have the right to be present during the execution of the works :
- (G) When the repair renewal or amendment of any existing works of which the character or position is not altered will involve any interference with any railway or with any tramway over or under which those works have been placed the Company shall unless it is otherwise agreed between the parties or in cases of emergency give to the owners not less than twenty-four hours' notice before commencing to effect the repair renewal or amendment and the owners shall be entitled by their officer to superintend the works the reasonable cost of such superintendence to be paid by the Company to the owners and the Company shall conform to such reasonable requirements as may be made by the owners or that officer :
- (H) If the Company make default in complying with any of the requirements or restrictions of this section they shall (in addition to any other compensation which they may be liable to make under the provisions of this

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Order) make full compensation to the owners affected thereby for any loss or damage which they may incur by reason thereof and in addition thereto they shall be liable for each default to a penalty not exceeding ten pounds and to a daily penalty not exceeding five pounds Provided that the Company shall not be liable to any such penalty as aforesaid if the court are of opinion that the case was one of emergency and that the Company complied with the requirements of this section so far as was reasonable in the circumstances.

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by local authority body or person for the time being unable to repair any street or part of a street or entitled to work any railway or tramway which the Company are empowered to break up for the purposes of this Order may if they think fit serve a notice on the Company stating that they desire to exercise or discharge all or any part of any of the powers and duties of the Company as therein specified in relation to the breaking up filling in reinstating or making good any streets bridges sewers drains tunnels or other works vested in or under the control or management of that local authority body or person and may amend or revoke any such notice by another notice similarly served.

Street authority &c. may give notice of desire to break up streets &c. on behalf of Company.

Where any such local authority body or person (in this section referred to as "the givers of the notice") have given notice that they desire to exercise or discharge any such specified powers and duties of the Company then so long as that notice remains in force the following provisions shall have effect unless it is otherwise agreed between the parties interested:—

(A) The Company shall not be entitled to proceed themselves to exercise or discharge any such specified powers or duties as aforesaid except where they have required the givers of the notice to exercise or discharge those powers or duties and the givers of the notice have refused or neglected to comply with that requisition as herein-after provided or in cases of emergency:

(B) In addition to any other notices which they are required to give under the provisions of this Order the Company shall not more than four days and not less than two days before the exercise or discharge of any such powers or duties so specified as aforesaid is required to be commenced serve a requisition on the givers of the notice stating the time when that exercise or discharge

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is required to be commenced and the manner in which any such powers or duties are required to be exercised or discharged :

- (c) Upon receipt of any such requisition as last aforesaid the givers of the notice may proceed to exercise or discharge 5 any such powers or duties as required by the Company subject to the like restrictions and conditions so far as they are applicable as the Company would themselves be subject to in that exercise or discharge :
- (d) If the givers of the notice decline or for twenty-four hours 10 after the time when any such exercise or discharge of any powers or duties is by any requisition required to be commenced neglect to comply with the requisition the Company may themselves proceed to exercise or discharge the powers or duties therein specified in like 15 manner as they might have done if such notice as aforesaid had not been given to them by the givers of the notice :
- (e) In any case of emergency the Company may themselves proceed at once to exercise or discharge so much of any 20 such specified powers or duties as aforesaid as may be necessary for the actual remedying of any defect from which the emergency arises without serving any requisition on the givers of the notice but in that case the Company shall within twelve hours after they 25 begin to exercise or discharge such powers or duties as aforesaid give information thereof in writing to the givers of the notice :
- (f) If the Company exercise or discharge any such specified powers or duties as aforesaid otherwise than in accord- 30 ance with the provisions of this section they shall be liable for each offence to a penalty not exceeding ten pounds and to a daily penalty not exceeding five pounds Provided that the Company shall not be subject to any such penalties as aforesaid if the court 35 are of opinion that the case was one of emergency and that the Company complied with the requirements of this section so far as was reasonable in the circumstances :
- (g) All expenses properly incurred by the givers of the notice 40 in complying with any requisition of the Company

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under this section shall be repaid to them by the Company and may be recovered summarily : A.D. 1905.

(H) The givers of the notice may if they think fit require the Company to give them such security for the repayment to them of any expenses to be incurred by them under this section as may be agreed upon between them and the Company or in default of agreement as may be determined by arbitration. If the Company fail to give any such security within seven days after being required so to do or in case of difference after the delivery of the arbiter's award they shall not be entitled to serve any further requisition upon the givers of the notice requiring them to exercise or discharge any powers or duties under this section until such security has been duly given :

Provided that nothing in this section shall in any way affect the rights of the Company to exercise or discharge any powers or duties conferred or imposed upon them by this Order in relation to the execution of any works beyond the actual breaking up filling in reinstating or making good any such street or part of a street or any such bridges sewers drains tunnels or other works or railway or tramway as in this section mentioned.

25. The Company may alter the position of any mains pipes wires or apparatus being under any street or place authorised to be broken up by them which may interfere with the exercise of their powers under this Order and any local authority body or person may in like manner alter the position of any mains or pipes of the Company being under any such street or place as aforesaid which may interfere with the lawful exercise of any powers vested in that local authority body or person in relation to that street or place subject to the following provisions unless it is otherwise agreed between the parties interested :—

(A) One month before commencing any such alteration the Company or the local authority body or person (as the case may be) in this section referred to as "the operators" shall serve a notice on the local authority body or person for the time being entitled to the mains pipes wires or apparatus (as the case may be) in this section referred to as "the owners" describing the proposed alterations together with a plan showing the manner in which it is intended that the alterations shall

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As to alteration of pipes wires &c. understreets.

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be made and shall upon being required to do so by any such owners give them any such further information in relation thereto as they may desire :

- (B) Within three weeks after the service of any such notice and plan on any owners those owners may if they think 5 fit serve a requisition on the operators requiring that any question in relation to the works or to compensation in respect thereof or any other question arising on such notice or plan as aforesaid shall be settled by arbitration and thereupon that question unless settled by agreement 10 shall be determined by arbitration accordingly :
- (C) In settling any question under this section an arbiter shall have regard to any duties or obligations which the owners may be under in respect of the mains pipes wires or apparatus and may if he thinks fit require the 15 operators to execute any temporary or other works so as to avoid interference with any purpose for which the mains pipes wires or apparatus are used so far as possible :
- (D) Where no such requisition as in this section mentioned is 20 served on the operators the owners shall be held to have agreed to the notice and plan served on them as aforesaid and in that case or where after any such requisition has been served on them any question required to be settled by arbitration has been so settled the operators 25 on paying or securing any compensation which they may be required to pay or secure may cause the alterations specified in such notice and plan as aforesaid to be made but subject in all respects to the provisions of this Order and only in accordance with the notice and plan 30 so served by them as aforesaid or such modification thereof respectively as may have been determined by arbitration as herein-before mentioned or as may be agreed between the parties :
- (E) At any time before any operators are entitled to commence 35 any such alterations as aforesaid the owners may serve a statement on the operators stating that they desire to execute the alterations themselves and where any such statement has been served on the operators they shall not be entitled to proceed themselves to execute the 40 alterations except where they have notified to the

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owners that they require them to execute the alterations and the owners have refused or neglected to comply with the notification as herein-after provided : A.D. 1905.

- 5 (F) Where any such statement as last aforesaid has been served on the operators they shall not more than forty-eight hours and not less than twenty-four hours before the execution of the alterations is required to be commenced serve a notice on the owners stating the time when the alterations are required to be commenced and the manner in which the alterations are required to be made :
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- 15 (G) Upon receipt of any such notice as last aforesaid the owners may proceed to execute the alterations as required by the operators subject to the like restrictions and conditions so far as they are applicable as the operators would themselves be subject to in executing the alterations :
- 20 (H) If the owners decline or for twenty-four hours after the time when any such alterations are required to be commenced neglect to comply with the notice the operators may themselves proceed to execute the alterations in like manner as they might have done if no such statement as aforesaid had been served upon them :
- 25 (I) All expenses properly incurred by any owners in complying with any such notice of any operators under this section shall be repaid to them by the operators and may be recovered summarily :
- 30 (J) Any owners may if they think fit by any statement served by them upon the operators under this section require the operators to give them such security for the repayment to them of any expenses to be incurred by them in executing any alterations as above mentioned as may be agreed upon between such owners and operators or in default of agreement as may be determined by arbitration and where any operators have been so required to give security they shall not be entitled to serve a notice upon the owners requiring them to execute such alterations until such security has been duly given :
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- 40 (K) If the operators make default in complying with any of the requirements or restrictions of this section they shall (in addition to any other compensation which they may be liable to make under the provisions of this Order) make full compensation to the owners affected thereby for any

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loss damage or penalty which they may incur by reason thereof and in addition thereto they shall be liable for each default to a penalty not exceeding ten pounds and to a daily penalty not exceeding five pounds :

Provided that the operators shall not be subject to any such penalty as aforesaid if the court are of opinion that the case was one of emergency and that the operators complied with the requirements of this section so far as was reasonable under the circumstances. 5

Laying of mains near sewers &c. or gas or water pipes or electric lines.

26.—(1) Where the Company require to dig or sink any trench for laying down or constructing any new gas mains (other than service pipes) or other works near to which any sewer drain water-course defence or work under the jurisdiction or control of any local authority or any main pipe syphon electric line or other work belonging to any gas electric supply electric tramway or water company has been lawfully placed or where any gas electric supply electric tramway or water company require to dig or sink any trench for laying down or constructing any new mains or pipes (other than service pipes) or other works near to which any mains or pipes of the Company have been lawfully placed the Company or the gas electric supply electric tramway or water company (as the case may be) in this section referred to as “the operators” shall unless it is otherwise agreed between the parties interested or in the case of sudden emergency give to the local authority or to the gas electric supply electric tramway or water company or to the Company as the case may be (in this section referred to as “the owners”) not less than fourteen days’ notice before commencing to dig or sink such trench as aforesaid and those owners shall be entitled by their officer to superintend the work and the operators shall conform with such reasonable requirements as may be made by the owners or the officer for protecting from injury every such sewer drain watercourse defence main pipe syphon electric line or work and for securing access thereto and they shall also if required by the owners thereof repair any damage that may be done thereto. 10 15 20 25 30 35

(2) Where the operators find it necessary to undermine but not alter the position of any main pipe electric line or work they shall temporarily support it in position during the execution of their works and before completion provide a suitable and proper foundation for it where so undermined. 40

(3) Any question or difference which may arise under this section shall be determined by arbitration.

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(4) If the operators make default in complying with the requirements of this section they shall make full compensation to all owners affected thereby for any loss damage penalty or costs which they may incur by reason thereof and in addition thereto
 5 they shall be liable for each default to a penalty not exceeding ten pounds and to a daily penalty not exceeding five pounds Provided that the operators shall not be subject to any such penalty if the court are of opinion that the case was one of emergency and that the operators complied with the requirements of this section so far
 10 as was reasonable under the circumstances or that the default in question was due to the fact that the operators were ignorant of the position of the sewer drain watercourse defence main pipe syphon electric line or work affected thereby and that that ignorance was not owing to any negligence on the part of the operators.

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(5) For the purposes of this section the expression "gas company" shall mean any body or person lawfully supplying gas the expression "electric tramway company" shall mean any body or person working electric tramways under the powers of any Act or Provisional Order the expression "water company" shall mean
 20 any body or person lawfully supplying water or water power and the expression "electric supply company" shall mean any body or person supplying energy in pursuance of the Electric Lighting Acts.

27. The area within which the Company may supply power-gas
 25 (in this Order called "the area of supply") shall be the parishes of Penicuik Glencorse Lasswade and Cockpen including the burghs of Penicuik Loanhead Lasswade and Bonnyrigg all in the county of Midlothian.

Area of supply.

PART III.

SUPPLY OF POWER-GAS.

28. The Company shall on being required so to do by the owner
 or occupier of any premises situate within the area of supply give
 and continue to give a supply of power-gas to such premises for any
 of the purposes for which the Company are authorised to supply
 35 power-gas and they shall furnish and lay any pipe that may be necessary for such purpose subject to the conditions following (that is to say) :—

Obligation of Company to supply power-gas.

The cost of so much of any pipe for the supply of power-gas
 to any owner or occupier as may be laid upon the property
 40 of such owner or in the possession of such occupier and of so

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much of any such pipe as may be laid for a greater distance than thirty feet from any gas main of the Company of a capacity suitable for the supply required in addition to the existing supply thereby given although not on such property shall be defrayed by such owner or occupier and 5 such pipes when laid shall become the property of the Company so far as laid in any street ;

Every owner or occupier of premises requiring a supply of power-gas shall—

Serve a notice upon the Company at their office specifying 10 the premises in respect of which such supply is required and the day (not being an earlier day than a reasonable time after the date of the service of such notice) upon which such supply is required to commence ; and

Enter into a written contract with the Company (if 15 required by them so to do) to take not less than one quarter of a million cubic feet per period of thirteen weeks and to continue to receive and pay for a supply of power-gas for a period of at least two years :

Provided that the Company shall not supply power-gas for use 20 in dwelling-houses hotels victualling houses shops places of worship infirmaries schools or museums within the district or limits of supply of any authority or company lawfully supplying gas therein.

Supply by meter.

29. The Company may require any consumer of power-gas supplied by them to consume such power-gas by a proportional 25 meter to be supplied and fixed by and at the expense of the Company instead of by a meter which is a legal meter within the meaning of the Sale of Gas Act 1859 and in every such case the provisions of this section shall apply in lieu of those of the said Act :

An inspector under the Sale of Gas Act 1859 may at the 30 request of any consumer of gas supplied by the Company by a proportional meter on giving not less than twenty-four hours' written notice to the Company of his intention examine and test any proportional meter within his jurisdiction as such inspector by which power-gas is supplied to such consumer and if necessary may remove 35 the meter for that purpose doing as little damage as may be :

If upon such examination and testing it appears that the meter measures or registers incorrectly more than three per centum in favour of the Company the same shall not be refixed or used again 40 unless and until altered and repaired at the expense of the Company so as to measure and register correctly and the fees and expenses of

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the inspector shall be borne and paid by the Company but if it appears that the meter measures or registers correctly or three per centum or less in favour of the Company then the fees and expenses of the inspector shall be borne and paid by the consumer : A.D. 1905.

5 A proportional meter means a meter which measures and records a constant fraction of the total quantity passing through the meter.

30. The Company shall not supply power-gas for the purpose of illumination and no power-gas supplied by the Company shall be used for that purpose If the Company or any consumer act in contravention of the provisions of this section the Company or such consumer as the case may be shall for every such offence be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding five pounds and such penalty may be recovered by the authority or company owning the gas undertaking within whose district such contravention occurs. Power-gas not to be supplied for illumination.

31. The Company may charge and receive in respect of power-gas supplied by them such sums as may be agreed between them and the consumer being at a rate or price not exceeding threepence per one thousand cubic feet if the quantity taken by the consumer be not less than four million cubic feet per quarter of thirteen weeks and not exceeding fourpence per one thousand cubic feet if the quantity taken by the consumer be less than the above Provided that if at any time it be proved to the satisfaction of the Board of Trade that the price of slack suitable for the purposes of the Company exceeds the price of five shillings per ton delivered at any of the stations of the Company then the Board of Trade may by order authorise an increase in the price of power-gas beyond the above maximum by one-eighth of a penny per one thousand cubic feet for every one shilling by which the price of slack per ton shall exceed the price of five shillings per ton delivered at any of the stations of the Company or by such other proportionate amount as the Board of Trade may determine and for such period in either case as the Board of Trade may fix with power to the Board to extend any such period so long as such excess of price continues : Charges for supply.

Provided that every person entitled to demand a supply of power-gas from the Company shall be entitled to such supply on the same terms as any other person who is receiving a corresponding supply for a similar purpose in like circumstances and the Company shall not in making any agreement for affording a supply of power-gas show any undue preference to any person :

A.D. 1905. — The Board of Trade may in order to ascertain the price of slack for the purposes of this section institute at the expense of the Company such inquiries as they may see fit.

Testing place.

32. The Company shall cause to be provided at each of their generating stations in the area of supply before they shall supply 5 power-gas from any such generating station a testing place with apparatus therein for the purpose of testing—

(A) The thermal value of the power-gas supplied;

(B) The composition of the power-gas supplied :

The said apparatus shall be in accordance with such rules and 10 regulations as may from time to time be prescribed by the Board of Trade and shall be so situated and arranged as to be used for the purpose of testing the thermal value and composition of power-gas supplied by the Company and the Company shall at all times thereafter keep and maintain such testing place and apparatus in 15 good repair and working order All expenses incurred by the Board of Trade in prescribing such rules and regulations shall be paid by the Company.

Appointment and powers of power-gas examiners.

33. The local authority of any district within the area of supply may from time to time appoint and keep appointed a 20 competent and impartial person to be a power-gas examiner to test the power-gas at the testing place at the generating station from which the supply in such district is derived and such examiner may there test the thermal value and composition of the power-gas supplied by the Company on any or every day between the hours of 25 eight o'clock in the morning and six o'clock in the afternoon.

Sheriff may appoint examiner.

34. Where no such power-gas examiner is appointed or where the testing of the gas is imperfectly attended to by the local authority the sheriff on the application of consumers of the power-gas not being less than five in number may by order in writing 30 appoint some competent and impartial person to be a power-gas examiner and such person may at any time within the hours aforesaid on producing the said order enter on the premises of the Company and there test the thermal value and composition of the power-gas supplied by them. 35

Mode of testing.

35. Any test taken in pursuance of this Order shall be taken in accordance with the rules prescribed from time to time by the Board of Trade and all expenses incurred by the Board in prescribing such rules shall be paid by the Company.

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36. The Company may if they think fit on each occasion of the testing of the power-gas by the examiner be represented by some officer but such officer shall not interfere in the testing.

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Representation
of Company at
testing.

37. The power-gas examiner shall on the day immediately following that on which the testing of the power-gas has been conducted make and deliver a report of the result of his testing to the local authority or sheriff by whom he was appointed and to the Company and such report shall be receivable in evidence.

Report of
examiners.

38. If it shall be proved to the satisfaction of the sheriff after hearing the parties that on any day the power-gas supplied by the Company is of less thermal value than it ought to be according to the provisions of this Order the Company shall in every such case forfeit and pay to the local authority or other persons making application for testing the power-gas such sum not exceeding ten pounds as the sheriff shall determine.

Penalty for
supplying
power-gas
deficient in
thermal
value.

39. Penalties imposed on the Company for one and the same offence by several Acts of Parliament shall not be cumulative and for such purpose this Order and the Acts incorporated herewith shall be deemed several Acts.

Penalties not
cumulative.

40. The power-gas supplied by the Company shall have a minimum heating value of one hundred and twenty-five British thermal units per cubic foot at thirty-two degrees Fahrenheit and thirty inches of mercury pressure the product of combustion being cooled to sixty degrees Fahrenheit.

Minimum
heating value
of power-gas
supplied.

41.—(1) It shall not be lawful for the Company at any time to supply power-gas—

Conditions
as to quality
of power-gas
supplied.

(A) Which contains more than fourteen per centum of carbon monoxide or such higher percentage as may be approved by a Secretary of State: Provided that the approval of the Secretary of State shall be signified in writing under his hand and may be given subject to such conditions as he may think fit and may be revoked at any time; or

(B) Which does not possess a distinctive and readily perceptible smell.

(2) For any contravention of this section by the Company the Company shall be liable on summary conviction to a fine not exceeding fifty pounds.

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- A.D. 1905. (3) It shall be the duty of the inspectors of factories and the inspectors of mines to enforce the provisions of this section within their districts so far as respects factories workshops and mines inspected by them respectively and such inspectors shall for this purpose have all powers and authorities conferred by section 119 of the Factory and Workshop Act 1901 and by section 41 of the Coal Mines Regulation Act 1887 and section 17 of the Metalliferous Mines Regulation Act 1872 respectively : 5
- Provided that no proceedings shall be taken against the Company by any such inspector in respect of any contravention of the provisions of this section discovered by him on any inspection of a factory workshop or mine unless he shall have given notice in writing to the Company at their principal office of such contravention and of the nature of the contravention as soon as possible after he discovers the same. 15
- Company not exempted from proceedings for nuisance. 42. Section 29 of the Gasworks Clauses Act 1847 incorporated herewith shall for the purposes of this Order be held to apply not only to the making and supplying of power-gas but also to the making or supplying sulphate of ammonia or any bye-product or residuals of power-gas. 20
- Byelaws by Company. 43. The Company may from time to time make alter and repeal byelaws for preventing the abstraction waste or misuse of power-gas supplied by them and for preventing any fraudulent or wrongful interference with any fittings engines machinery or apparatus or any meters or other instruments and may attach to the breach of any such byelaws penalties not exceeding five pounds for any single offence but such byelaws shall not be of any force until they have been intimated to the consumers and have received the approval of the Board of Trade. 25
- Entry for examination of machinery &c. 44. The Company may by their agents officers servants and workmen at all reasonable hours enter any lands or buildings supplied by them with power-gas for the purpose of examining repairing or replacing any engines machinery meters or other apparatus supplied or let by them making reasonable compensation to all persons injured by the exercise of the powers of this section. 30 35
- No monopoly to be created. 45. Nothing in this Order contained shall be construed as entitling the Company to any monopoly or exclusive right to supply power-gas within the area of supply.
- Provision as to general Acts relating to power-gas. 46. Nothing in this Order contained shall exempt the Company from the provisions of any general Act relating to the manufacture 40

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or supply of power-gas passed before or after the commencement of this Order or from any regulations which may be made under any such general Act. A.D. 1905.

PART IV.

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CAPITAL.

47. The capital of the Company shall be four hundred and fifty thousand pounds in forty-five thousand shares of ten pounds each. Capital.

48. The Company shall not issue any share created under the authority of this Order nor shall any such share vest in the person accepting the same unless and until a sum not being less than one-fifth of the amount of such share is paid in respect thereof. Issue of shares.

49. One-fifth of the amount of a share shall be the greatest amount of a call and two months at least shall be the interval between successive calls and three-fifths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share. Calls.

50. If any money is payable to a shareholder or mortgagee or debenture stockholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate or of his tutor or curator or curator bonis shall be a sufficient discharge to the Company. Receipt in case of persons not sui juris.

51. Subject to the provisions of this Order the Company with the authority of three-fourths of the votes of the shareholders present in person or by proxy at a general meeting of the Company specially convened for the purpose may divide any shares in their capital into half shares of which one shall be called "preferred half share" and the other shall be called "deferred half share" but the Company shall not divide any share under the authority of this Order unless and until not less than sixty per centum upon such share has been paid up and upon every such division fifty per centum upon the entire share shall be carried to the credit of the deferred half share (being the whole amount payable thereon) and the residue to the credit of the preferred half share. Power to divide shares.

52. The dividends which would be payable on any divided share if the same had continued an entire share shall be applied in payment of dividends on the two half shares in manner following (that is to say) first in payment of dividend after such rate not exceeding six pounds per centum per annum as shall be determined Dividends on half shares.

A.D. 1905, once for all at a general meeting of the Company specially convened for the purpose on the amount for the time being paid up on the preferred half share and the remainder if any in payment of dividend on the deferred half share and the Company shall not pay any greater amount of dividend on the two half shares than 5 would have been payable on the entire share if the same had not been divided.

Dividend on preferred half shares to be paid out of profits of year only. 53. Each preferred half share shall be entitled out of the profits of each year to the dividend which may have been attached to it by the Company as aforesaid in priority to the deferred half 10 share bearing the same number but if in any year ending the thirty-first day of December there shall not be profits available for the payment of the full amount of dividend on any preferred half share for that year no part of the deficiency shall be made good out of the profits of any subsequent year or out of any other funds 15 of the Company.

Half shares to be registered and certificates issued. 54. Forthwith after the creation of any half shares the same shall be registered by the directors and each half share shall bear the same number as the number of the entire share certificate in respect of which it was issued and the directors shall issue 20 certificates of the half shares accordingly and shall cause an entry to be made in the register of the entire shares of the conversion thereof but the directors shall not be bound to issue a certificate of any half share until the certificate of the existing entire share be delivered to them to be cancelled unless it be shown to their satisfaction that such certificate is destroyed or lost and on any certificate 25 being so delivered up the directors shall cancel it.

Terms of issue to be stated in certificates. 55. The terms and conditions on which any preferred half share or deferred half share created under this Order is issued shall be stated on the certificate of each such half share. 30

Forfeiture of preferred half shares. 56. The provisions of the Companies Clauses Consolidation (Scotland) Act 1845 with respect to the forfeiture of shares for non-payment of calls shall apply to all preferred half shares created under the authority of this Order and every such preferred half share shall for that purpose be considered an entire share distinct 35 from the corresponding deferred half share and until any forfeited preferred half share shall be sold by the directors all dividends which would be payable thereon if the same had not been forfeited shall be applied in or towards payment of any expenses attending the declaration of forfeiture thereof and of the arrears of calls for 40 the time being due thereon with interest.

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57. No preferred half share created under the authority of this Order shall be cancelled or be surrendered to the Company.

Preferred half shares not to be cancelled or surrendered.

58. The several half shares under this Order shall be half shares in the capital of the Company and every two half shares
5 (whether preferred or deferred or one of each) held by the same person shall confer such right of voting at meetings of the Company and (subject to the provisions herein-before contained) shall confer and have all such other rights qualifications privileges liabilities and incidents as attach and are incident to an entire share.

Half shares to be half shares in capital.

10 59. When any sum not less than seventy-five thousand pounds part of the capital of the Company shall have been subscribed under contract binding the parties thereto their heirs executors and administrators for the payment of the several sums in such portion of capital by them respectively subscribed it shall be lawful for the
15 Company to put in force the powers of this Order in relation to the compulsory taking of land for the purposes of this Order The deposit with the Board of Trade of a statutory declaration by two of the directors and the Secretary of the Company that the said sum of seventy-five thousand pounds has been subscribed as aforesaid
20 shall be sufficient evidence thereof.

Portion of capital to be subscribed before compulsory powers put in force.

60. The Company may from time to time borrow on mortgage of their undertaking any sum or sums not exceeding in the whole one-third part of the amount of the share capital of the Company at the time actually issued and accepted but no part of any such sum
25 or sums shall be borrowed until the shares in respect of which the borrowing power is exercised are issued and accepted as aforesaid and one-half thereof is paid up and the Company shall have proved to the sheriff who is to certify under the forty-second section of the Companies Clauses Consolidation (Scotland) Act 1845 before he so
30 certifies that such shares have been issued and accepted and that one-half thereof has been paid up and that not less than one-fifth part of the amount of each separate share issued and accepted has been paid on account thereof before or at the time of the issue or acceptance thereof and upon production to such sheriff of the books
35 of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

Power to borrow.

61. The Company may create and issue debenture stock subject to the provisions of Part III of the Companies Clauses Act 1863
40 but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time created

Debenture stock.

A.D. 1905. and issued or granted by the Company under this Order or any subsequent Order or Act shall subject to the provisions of any subsequent Order or Act rank *pari passu* (without respect to the dates of the securities or of the Orders or Acts of Parliament or resolutions by which the stock and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages. Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock.

For appointment of a judicial factor. 62. The mortgagees or debenture holders of the undertaking may enforce payment of arrears of interest or principal and interest due on their mortgages or debentures by the appointment of a judicial factor. In order to authorise the appointment of a judicial factor in respect of arrears of principal the amount owing to the mortgagees or debenture holders by whom the application for a judicial factor is made shall not be less than ten thousand pounds in the whole.

Application of moneys. 63. All moneys raised under this Order whether by shares debenture stock or borrowing shall be applied only to the purposes of this Order to which capital is properly applicable.

PART V.

20

MEETING AND APPOINTMENT OF DIRECTORS.

First ordinary meeting. 64. The first ordinary meeting of the Company shall be held within six months after the commencement of this Order.

Number of directors. 65. The number of directors shall be five but the Company may vary the number provided that the number be not at any time more than seven or less than five.

Qualification of directors. 66. The qualification of a director shall be the possession in his own right of not less than seventy-five shares.

Quorum. 67. The quorum of a meeting of directors shall be three.

First and subsequent directors. 68. Arthur Antony Baumann Malcolm Macnaughton and William Leonard Tod shall be the first directors of the Company and shall continue in office until the first ordinary meeting held after the commencement of this Order :

At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Order or any of them or may elect a new body of directors or directors to supply the place of those not continued in office the directors

[5 EDW. 7.] *Esk Valley Power-Gas Order Confirmation.* 31

appointed by this Order being if they continue qualified eligible for re-election : A.D. 1905.

At the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy
5 shall (subject to the power herein-before contained for varying the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation (Scotland) Act 1845.

The several persons elected at any such meeting being neither
10 removed nor disqualified nor having died or resigned shall continue to be directors until others are duly elected in their stead.

PART VI.

PROTECTIVE PROVISIONS.

69. For the protection of local authorities the following pro-
15 visions in regard to the laying of mains pipes or other apparatus for the supply of power-gas shall unless otherwise agreed between the Company and any such local authority apply and have effect (that is to say) :— For protec-
tion of local
authorities.

(1) The Company shall not without the consent in writing of
20 the local authority affected lay or place any mains pipes or other apparatus above the surface of any street or culvert within the area of supply nor shall they without the like consent lay or place any mains pipes or other apparatus in under along or above any part of any
25 street within the area of supply intended for the exclusive use of foot passengers except for the purpose of connecting consumers' premises with the mains of the Company nor shall they without the like consent open break up or interfere with any sewer or drain of
30 any such local authority :

(2) The Company shall not without the written consent of the
local authority affected open or break up at any one
35 time a greater consecutive length than two hundred yards of any street or public footpath less than one-quarter of a mile in length and in streets of greater length shall not at one time open or break up any continuous portion exceeding two hundred yards nor shall such openings or breakings up be carried out without leaving a clear space of three hundred yards

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between consecutive openings or breakings up unless with the like written consent and the Company shall efficiently fence off light and watch all portions of roads and streets affected by such operations :

- (3) The Company shall not without the written consent of the local authority affected in any way during the process of laying or placing their mains pipes and apparatus or during any subsequent alteration or repair thereof stop up impede or obstruct the public traffic passing along any street or public footpath for more of the said street or public footpath than is equivalent to one-half of the width of such street or public footpath respectively :
- (4) The mains and distribution pipes of the Company shall be so laid as not to unnecessarily interfere with the sewers water gas or electric supply mains of any such local authority and shall be so constructed that the upper surface of the Company's said mains and distribution pipes shall throughout their entire length where they pass under the streets and public footpaths in the area of supply be laid at such a depth as shall be approved of by the local authority :
- (5) The consent of the local authority affected in respect of any of the matters herein-before referred to shall not be unreasonably withheld :
- (6) If any difference shall arise under this section such difference shall be settled by an arbiter to be appointed by the Board of Trade on the application of either of the parties in difference.

For protection of mineral owners with- in area of supply.

70. In addition to any other provision contained in this Order the following provisions shall have effect for the protection and benefit of any mines and minerals and of the owner lessee and occupier thereof and of their successors lessees and assignees (in this section referred to as "the coal owner") (that is to say) :—

No coal owner shall unless otherwise agreed upon between such coal owner and the Company be liable for or be bound to make good any loss or damage which may be occasioned to the Company or to any lands buildings mains pipes or works of the Company by the working of any mines metals and minerals within the area of supply now owned leased or worked or which may hereafter be owned leased or worked

[5 EDW. 7.] *Esk Valley Power-Gas Order Confirmation.* 33

or acquired by such coal owner in such manner as to let down or otherwise disturb the surface of any works buildings or property of the Company thereon or thereunder. A.D. 1905.

5 71. For the protection of the county council of the county of Midlothian (hereinafter referred to as "the county council") the following provisions shall (unless otherwise agreed upon between the Company and the county council) apply and have effect (that is to say):— For protec-
tion of
county
council of
Midlothian.

10 (1) Nothing in this Order contained shall extend to lessen or control any right power or authority now vested or to be vested in the county council for altering amending or diverting any road or for altering rebuilding or repairing any bridge or the lengths of roadway adjacent thereto or any sewer drain pipe channel conduit or water or other works repairable by the county council which may be affected by the works of the Company but all such rights powers and authorities shall remain in as full force as if this Order had not been made and the county council shall not be liable to make any compensation whatever for any damage or injury to the works of the Company by the altering amending or diverting any such road or any portion thereof or by the altering rebuilding or repairing of any such bridge and lengths of roadway adjacent thereto or any sewer drain pipe channel conduit or water or other works repairable by the county council provided that such damage or injury to the works of the Company does not result from the want of reasonable care on the part of the county council and provided that in altering amending or diverting any road or any part thereof or in altering rebuilding or repairing any such bridge or lengths of roadway adjacent thereto or any sewer drain pipe channel conduit or water or other works repairable by the county council nothing shall be done to impede or interfere with the said works for any greater length of time than shall be necessary for the execution of the work and before commencing such alteration amendment rebuilding or diversion twenty-eight days' notice shall be given to the Company by the county council and the county council shall afford to the Company all necessary and reasonable temporary facilities for

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enabling them to carry on the works by this Order authorised and to continue the supply of gas during such alterations amendment diversion or rebuilding :

- (2) The Company shall on demand pay to the county council the reasonable costs which the county council may incur in the repair and reinstatement of so much of any road upon which the mains pipes and apparatus of the Company are laid as may be injured or damaged by reason of the traffic being concentrated thereon during the construction alteration or repair of the said mains pipes or apparatus or any part or parts thereof :
- (3) The Company shall maintain the parts of any road affected by the works by this Order authorised for such period (not being more than twelve months from the date of the efficient restoration thereof) as there shall be subsidence in the surface thereof caused by such works :
- (4) All additional expenditure on capital works as defined by the Local Government (Scotland) Act 1889 at any time after the commencement of this Order reasonably incurred by the county council in consequence of the construction or laying down or by reason of the existence of any mains pipes or other apparatus or property of the Company in any road or bridge repairable by the county council which but for the passing of this Order and the powers thereby conferred upon the Company would not otherwise have arisen shall be borne and paid by the Company :
- (5) The county council shall not be liable for any damage which the Company may sustain through the acts of the county council in constructing reconstructing improving enlarging altering repairing and maintaining any road or bridge sewer drain pipe channel conduit or water or other works or through the use of steam rollers or scarifiers or the reasonable exercise of any rights functions powers or privileges vested or to be vested in the county council or through the flooding of the mains or property of the Company but the provisions of this subsection shall not apply in any case where such damage results from the want of reasonable care on the part of the county council :

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- (6) The Company shall make full compensation to the county council or any of its committees for all loss and damage which may occur to the roads streets bridges sewers drains water and gas mains apparatus and other property of the county council or such committees respectively consequent upon or arising from the exercise or use of any powers by this Order conferred upon the Company including damage due to or arising from gas escaping from the mains or other works of the Company : A.D. 1905. —
- 5
- (7) The Company shall not be entitled to discharge or emit into the open air from any part of their works any steam or gas within twenty yards of any public highway :
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- (8) If any bridge repairable by the county council upon or along which any mains pipes or apparatus of the Company are laid be altered or rebuilt by the county council the county council may require the Company to alter temporarily or permanently any such mains pipes or apparatus in such manner as the circumstances of the case may require :
- 15
- (9) All mains pipes or other works to be laid or constructed in along or across or in any way affecting any road bridge culvert or approach repairable by the county council shall be constructed and laid under the superintendence and to the reasonable satisfaction of the surveyor of the county council (in this section referred to as "the county surveyor") and in such position having regard to all the circumstances including the position of other pipes mains or conduits as he shall by writing under his hand direct and in accordance with plans and sections to be approved by him in writing before the commencement of the work and in the case of any bridge the county surveyor shall be entitled to direct said mains pipes and apparatus to be laid along the outer side of the wall of such bridge and the Company shall in executing any such work conform to all reasonable requirements of the county surveyor and shall pay to the county council all special expenses incurred by them in relation to such superintendence approval and requirement :
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- (10) If any difference shall arise under this section between the Company and the county council or the county surveyor the matter in dispute shall be settled by an arbiter to be
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mutually appointed or failing such appointment by an engineer or other person to be appointed by the Board of Trade on the application of either party and the expense of the arbitration or reference (including the expenses of the parties) shall be borne and paid as the arbiter 5 may direct :

- (11) If the Company make default in complying with any of the requirements or restrictions of this section they shall in addition to any other compensation which they may be liable to make be liable for each default to a penalty 10 not exceeding ten pounds and in the case of continuing default to a daily penalty not exceeding forty shillings provided that the Company shall not be subject to any such penalty as aforesaid if the court are of opinion that the case was one of emergency and that the Company 15 complied with the requirements of this section so far as was reasonable under the circumstances :
- (12) Any notice or demand served on the Company by the county council or any of its officers may be forwarded by post in a registered letter addressed to the Company 20 at their principal office and the date of such service shall be deemed to be the day next but one after the posting of such notice or demand.

For protec-
tion of Edin-
burgh and
District
Water Trust.

72. For the protection of the Edinburgh and District Water Trust (in this section called "the trustees") the following provisions 25 shall unless otherwise agreed between the Company and the trustees have effect (that is to say) :—

- (1) In carrying out any of the works under this Order the Company shall not themselves alter or interfere with the existing mains branch and service pipes or other works 30 of the trustees or the lines and levels of the same or any apparatus valves accesses or entrances connected therewith nor prevent or injuriously affect or interrupt the flow of water but in the event of any alterations or interference with such works aforesaid being required 35 by the Company in the exercise of the powers conferred upon them by this Order such alterations or interference with such works shall be executed by the trustees and the trustees shall use every means in their power to have such alterations on or interference with their 40 respective works executed as economically as possible

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and with all reasonable despatch and in such a manner as will enable the Company to carry out its works without undue delay. The reasonable cost of so much of such alterations or interference with such works by the trustees as is reasonably due to the operations of the Company shall be paid by the Company to the trustees within three months after a detailed account thereof shall have been rendered to the Company and should any dispute arise as to what is due by the Company the same shall be determined by arbitration in manner in this section provided and the trustees' works as so altered shall remain part of the statutory undertaking of the trustees :

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- (2) In the event of any alterations on or deviations of any water mains branch or service pipes or other works and property of the trustees being necessary by or in consequence of the operations of the Company for more effectually securing and safeguarding the same or for the construction of such works as may be required for the protection of the trustees' undertaking such alterations or deviations or protection works shall be executed and completed by the trustees at the expense of the Company provided that no such works intended to be executed at the expense of the Company shall be commenced without giving at least fourteen days' written notice or if the circumstances are urgent then such notice as the circumstances permit to the Company with the particulars including plans and sections of the works intended and the estimated cost thereof and the same shall be executed as economically as possible and so as to interfere as little as possible with the works of the Company and the Company may elect to vary or alter their works so as to render unnecessary or lessen the proposed operations on the part of the trustees and require the intended alterations or deviations to be correspondingly varied :
- (3) The trustees shall at all times have right of access to their existing and future mains branch and service pipes and works connected therewith and to any protective works which may be constructed as herein provided for the purpose of the examination cleansing and renewal repair and duplication enlargement alteration and maintenance

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of the same and for making any additional works which they may consider necessary or may see fit or may be hereafter authorised to construct :

- (4) The Company shall before proceeding with any works or operations which interfere with or affect any of the 5 mains branch and service pipes and other works of the trustees give at least one month's previous written notice of the intention of the Company so to do to the clerk of the trustees and shall submit plans and sections showing the intended operations which plans 10 and sections shall so far as any of the mains or branch pipes or other works of the trustees shall or may be interfered with or affected be subject to the reasonable approval of the engineer of the trustees and the Company shall carry out such works only in accordance 15 with the plans so approved :
- (5) All additional expenditure which at any time after the commencement of this Order may be reasonably incurred by the trustees in consequence of the construction or laying down or by reason of the existence 20 of any mains pipes or other apparatus of the Company in any road street or bridge within the area of supply of the trustees which but for the passing of this Order and the exercise of the powers conferred on the Company would not have otherwise arisen shall be 25 borne and paid by the Company :
- (6) The trustees shall not be liable for any loss or damage which the Company may sustain by the exercise in a reasonable manner by such trustees of any statutory powers possessed by them for the time being for the 30 management inspection repair maintenance and renewal of their works or conferred by this Order or in connection with the construction and maintenance at any time of new and additional mains branch and service pipes and other works which may be found necessary for the 35 purposes of their undertaking but the provisions of this section shall not apply in any case where such damage results from the wilful act or wilful default or the want of reasonable care on the part of the trustees :
- (7) The Company on being so required shall free of charge 40 supply to the trustees a copy of so much of the map and sections to be made and kept by them under the

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provisions of this Order as relates to any district of the Company's area of supply within which are laid down or constructed or are authorised to be laid down or constructed water mains and pipes and sewers and drains of the trustees and shall once in every year on being so required cause the said copy to be duly corrected to date :

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- (8) If any difference shall arise at any time between the Company and the trustees or their respective engineers with respect to any of the matters referred to in or arising out of this section or with respect to the execution of any works such difference shall be referred to an arbiter to be nominated by the sheriff on the application of either of the said parties and the decision of the said arbiter in all such matters so referred shall be final it being however specially agreed that in reference to the fifteen inch and larger mains of the trustees and the apparatus and valves connected therewith the engineer of the trustees shall be entitled absolutely to decide the manner in which such mains shall be altered or interfered with and in these cases the said arbiter shall failing agreement decide whether and to what extent such alteration or interference was due to the operations of the Company and the amount reasonably chargeable against the Company in respect thereof The costs of the arbitration including the expenses of the parties shall be borne and paid as the arbiter may direct.

30 73. For the protection of the North British Railway Company (herein-after referred to as "the railway company") the following provisions shall unless otherwise agreed between the Company and the railway company apply and have effect (that is to say):—

For protec-
tion of North
British
Railway
Company.

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- (1) The Company shall not take or acquire by compulsion under the provisions of this Order any railways lands or property belonging to the railway company or in which the railway company are interested or any rights in over or under any such railways lands or property except the servitudes mentioned in the section of this Order of which the marginal note is "Power to acquire servitudes":

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- (2) The Company shall not under the powers of this Order lay down any pipe or other apparatus in upon over or under or in any way interfere with any railway or land or property belonging to the railway company or in which the railway company are interested except in virtue of 5 the servitudes mentioned in the said section of this Order if acquired by the Company under the provisions of the said section and except in streets or roads passing by bridges over or under any railway and other streets or roads in which the railway company may be 10 interested and subject to the provisions of this Order the Company may lay down mains pipes and other apparatus in streets and roads passing by bridges over or under any railway and other streets and roads in which the railway company may be interested and 15 also in the case of bridges over any railway along the outer walls of such bridges where for any reason it is not practicable to lay the mains pipes or other apparatus in the roadway of such bridges :
- (3) Where it is proposed to lay down mains pipes and other 20 apparatus across the property of the railway company at any point where there is no existing bridge either over or under the railway the Company shall construct and maintain a suitable culvert underneath the rail- way with suitable manholes at either end outside the 25 boundary of the property of the railway company to carry the said mains pipes and other apparatus below the railway at the said points :
- (4) Notwithstanding anything shown upon the deposited plans the width of the servitudes mentioned in the said 30 section of this Order in so far as such servitudes are over or upon any railways lands or property of the railway company at level crossings shall not exceed the widths of the culverts referred to herein or in the case of streets or roads passing by bridges over or under any 35 railway or other streets or roads in which the railway company may be interested shall not exceed ten feet :
- (5) In constructing laying down altering improving enlarging extending maintaining or renewing or in executing or effecting the repairs or renewals of any mains pipes 40 wires apparatus or other works in the exercise of the

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powers contained in this Order upon across under or adjoining or in any way affecting the railways lands and property now or hereafter belonging to or used or occupied by the railway company or the bridges over or under or any level crossings over any railway of the railway company the same shall be done under the superintendence and to the reasonable satisfaction of the engineer of the railway company and only according to such plans and in such position and manner as shall be previously submitted to and reasonably approved by him in writing or in case of difference as may be determined by arbitration in the manner in this section provided :

(6) All such works shall be done by and at the expense of the Company who shall also restore and make good to the reasonable satisfaction of the said engineer the roads over or under any bridge or over any level crossing of the railway of the railway company or over the approaches to any such bridge or level crossing so far as the same may be disturbed or interfered with by or owing to any operation of the Company Provided always that should the railway company elect so to do where any mains pipes wires or apparatus require to be laid under or across any railway or any level crossing or upon any bridge over the railway they may themselves lay the same at the costs charges and expenses of the Company as the same shall be determined by the engineer of the railway company :

(7) If any addition or alteration is in consequence of the exercise of the powers contained in this Order reasonably required on any bridge or other work belonging to the railway company upon across under or adjoining which it is proposed to lay any mains pipes wires apparatus or other works such addition or alteration shall be carried out by the railway company at the expense of the Company :

(8) All such works and operations and all matters incidental thereto shall be constructed executed and done so as to cause as little injury as may be to such railways bridges level crossings lands or property and so as to cause no interruption to the passing or conduct of traffic over such railways :

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A. D. 1905.

- (9) If any injury or interruption as aforesaid shall arise from or in any way be owing to any of the acts works or operations aforesaid or the bursting leakage or failure of any such mains pipes wires apparatus or works in under or near to any railway bridge level crossing 5
embankment cutting land or property of the railway company the Company shall make compensation to the railway company in respect thereof the amount of such compensation unless agreed upon to be determined by arbitration in the manner in this section provided : 10
- (10) If the railway company at any time or times hereafter require (of which they shall be the sole judges) to construct any additional or other works upon their lands or railways or to alter or repair their railways bridges level crossings or other works upon across over or under 15
which any of the works of the Company may have been constructed or laid the railway company may on giving to the Company twenty-eight days' notice in writing under the hand of their secretary or general manager and in case of emergency of which the 20
engineer of the railway company shall be the sole judge then on giving as long a notice as possible divert support or carry the said works of the Company across over or under their lands railways bridges or works at any other point in as convenient a manner as circum- 25
stances will admit and doing as little damage as may be without being liable to pay compensation in respect of such diversion supporting carrying or dealing with such works Provided that such works shall be done subject to the reasonable satisfaction of the engineer of the 30
Company and without unduly interfering with the supply of power-gas by the Company :
- (11) Nothing in this Order contained or that may follow hereupon shall prevent the railway company at any future time from altering improving or extending any 35
of their railways or works or property and the Company shall pay to the railway company any additional expenses the railway company may reasonably incur or be put to in carrying out any such alteration improvement or extension by reason of the making 40
or maintaining upon any property belonging to the railway company of the Company's works or by any

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operations of the Company upon or with regard to any such property nor shall anything in this Order entitle the Company to any compensation for any damage occasioned by such operations of the railway company upon or with regard to their own property unless such damage shall have been occasioned by the default or neglect of the railway company : A.D. 1905.

(12) Any dispute or difference which may arise between the railway company and the Company with reference to the provisions of this section or in any way arising thereout or as to any works to be carried out in pursuance thereof or as to the cost of such works or as to the reasonableness of any requirement of the engineer of the railway company shall be settled by arbitration by an engineer or other fit person to be appointed by the Board of Trade on the application of the railway company and the Company or either of them The costs of the arbitration including the expenses of the parties shall be borne and paid as the arbiter may direct.

PART VII.

MISCELLANEOUS.

74. Whenever the Company make default in supplying power-gas to any owner or occupier of premises to whom they may be and are required to supply power-gas in accordance with the foregoing provisions of this Order they shall be liable to such owner or occupier in respect of each default to a penalty not exceeding forty shillings for each day on which the default occurs : Penalty for failure to supply.

30 Provided that the penalties to be inflicted on the Company under this section shall not exceed in respect of any one default not being a wilful default on the part of the Company the sum of two hundred pounds And provided also that in no case shall any penalty be inflicted in respect of any default if the Court are of opinion that the default was caused by inevitable accident or damno fatali or was of so slight and unimportant a character as not materially to affect the value of the supply.

75.—(1) The Board of Trade at any time after the expiration of a period of ten years from the commencement of this Order on Revision of prices.

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A.D. 1905. the application of the Company or of any local authority within whose district a supply of power-gas is given may revise the maximum prices contained in this Order.

(2) The Board of Trade may if they think fit on the like applications make a similar revision at the expiration of a period of ten years from the date at which the last such revision has taken place.

(3) On any such revision the Board of Trade may modify the provisions of this Order as to price so far as may be necessary to carry out their decisions on the revision. 10

Accounts and audit.

76.--(1) The Company shall keep full true and plain accounts of their receipts and expenditure in respect of the undertaking prepared in a form approved by the Board of Trade and shall at least once in every year cause to be prepared a true balance sheet prepared in a form approved by the Board of Trade showing the capital assets property and liabilities of the Company and the said accounts and balance sheet shall in or within one month before each ordinary meeting be examined and audited in such manner and subject to such regulations as the Board of Trade may prescribe and shall be presented together with the report or certificate of the auditor to such ordinary meeting. 15 20

(2) A copy of the accounts and balance sheet for each financial year together with the report or certificate of the auditor shall within three months after the expiration of such year be forwarded by the Company to the county council of the county of Midlothian and the town council of each burgh within the area of supply and any such council shall be entitled to make a representation with respect to such accounts or balance sheet to the Board of Trade and the Board may thereupon require the Company to make such alterations therein as they may deem necessary for the rectification thereof. The Company shall keep copies of such accounts and balance sheet at their office and sell the same to any applicant at a price not exceeding one shilling for each such copy. If the Company make default in complying with the provisions of this subsection they shall be liable to a penalty not exceeding forty shillings for each day during which such default continues. 25 30 35

Division of surplus profits.

77.--(1) If in any financial year the profits of the Company shall be more than sufficient to pay a dividend at the rate of ten pounds per centum per annum on the share capital for the time being of the Company one third of the surplus shall be applied in forming a reserve fund subject and according to the provisions 40

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herein-after contained one third shall be applied in making a rate-
 able reduction of the charges for gas supplied to consumers in the
 financial year in which the surplus is earned and the remaining
 one third of the surplus shall be paid as a dividend upon the share
 5 capital additional to the ten pounds per centum per annum above
 referred to but if and when such reserve fund shall amount to the
 sum of one hundred thousand pounds then the surplus profits shall
 be applied as to one half in reduction of the charges to consumers
 as aforesaid and as to the other half in payment of such additional
 10 dividend upon the share capital as is herein-before mentioned in
 making such reduction.

A.D. 1905.

(2) The amount of reduction to which each consumer may be
 so entitled is in this section referred to as a rebate and any con-
 15 sumer who has paid his account for any financial year or any part
 of such year before the amount of his rebate is ascertained may
 recover from the Company the amount of his rebate by action in
 the Sheriff Court.

78.—(1) A reserve fund under this Order shall be formed by
 investing the moneys appropriated thereto and the resulting income
 20 of such investments in any securities in which trustees are for the
 time being empowered by law to invest trust moneys and accumu-
 lating the same at compound interest until the fund amounts to
 one hundred thousand pounds.

Reserve
 fund.

(2) The reserve fund so formed shall be applicable to meet
 25 any deficiency at any time occurring in the income of the Com-
 pany from the undertaking or to meet any extraordinary claim or
 demand at any time arising against the Company in respect of the
 undertaking and so that if the fund is at any time reduced below
 the sum of one hundred thousand pounds it may again be restored
 30 to that sum and so from time to time as often as such reduction
 happens.

(3) So long as the reserve fund amounts to or exceeds one
 hundred thousand pounds the resulting income thereof shall be
 applied to any of the general purposes of the Company to which
 35 the profits of the Company's undertaking are applicable.

79. The Company may erect and maintain upon the lands for
 the time being belonging to or leased by them cottages or dwelling-
 houses suitable for their officers workmen and servants.

Dwelling-
 houses for
 employees.

80. The Company and the proprietors or trustees of any water-
 40 works or other body or person may enter into and carry into effect
 contracts agreements and arrangements for and with respect to

Agreements
 with regard
 to supply of
 water.

A.D. 1905. the supply of water to the Company for the purposes of their undertaking by any such proprietors trustees body or person.

Security to be given by consumers.

81. Any person requiring a supply of power-gas shall give to the Company security for any moneys payable by such person in respect of the cost of any pipe or main which under the provisions of this Order is to be borne by such person and (if required to do so at any time during the continuance of the supply) security for the payment of all moneys which may become due to the Company in respect of the power-gas to be supplied to them under any contract and if such person fails within seven days after being required in writing by the Company to do so to give such security or if the same has been insufficient or invalid the Company may discontinue to supply power-gas to such person so long as such failure continues. Provided that where any such security is given by way of deposit the Company shall pay interest at the rate of four pounds per centum per annum on every sum of ten shillings deposited for every six months during which the same remains in their hands.

Map of area of supply to be made.

82.—(1) The Company shall forthwith after commencing to supply power-gas under this Order cause a map to be made of the area of supply and shall cause to be marked thereon the line and the depth below the surface of all their then existing mains and other underground works and shall once in every year cause that map to be duly corrected so as to show the then existing underground works. The Company shall also if so required by the Board of Trade or the Postmaster-General cause to be made sections showing the level of all their existing mains and underground works. The said map and sections shall be made on such scale or scales as the Board of Trade prescribe.

(2) Every map and section so made or corrected or a copy thereof marked with the date when it was so made or last corrected shall be kept by the Company at their principal office within the area of supply and shall at all reasonable times be open to the inspection of all applicants and those applicants may take copies of it or any part thereof. The Company may demand and take from every such applicant such fee not exceeding one shilling for each inspection of the map section or copy and such further fee not exceeding five shillings for each copy of it or any part thereof taken by the applicant as they prescribe.

(3) The Company shall if required by the Board of Trade or the Postmaster-General or by any local authority in the area of supply supply to them or him free of charge a copy of any such

[5 EDW. 7.] *Esk Valley Power-Gas Order Confirmation.* 47

map or section (but in the case of a local authority only so far as relates to the district of such authority) and cause that copy to be duly corrected so as to agree with the original or originals thereof as kept for the time being at the office of the Company. A.D. 1905.

- 5 (4) If the Company fail to comply with any of the requirements of this section they shall for each default be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding two pounds.

83. All charges rates and sums payable to or by the Company and all penalties under this Order or any byelaw made under this Order may be recovered either before a court of summary jurisdiction in manner provided by the Summary Jurisdiction (Scotland) Acts or by action in any court of competent jurisdiction Provided that charges rates and sums other than penalties or costs recoverable along with penalties shall only be recoverable as civil debts. Recovery of charges &c.

84. The Company shall be answerable for all accidents damages and injuries happening through or resulting from the act or default of the Company their contractors or servants by reason or in consequence of any of the Company's works and shall save harmless all corporations local authorities companies and persons their officers and servants from all damages and costs in respect of such accidents damages and injuries. Company to be responsible for all damages.

85. If within two years from the first day of January one thousand nine hundred and six the Company have not substantially commenced their works for the purpose of carrying out their powers under this Order or if within four years after the said first day of January the Company have not erected a generating station or generating stations and have not laid down distributing mains sufficient in the opinion of the Board of Trade and are not in a position to supply power-gas therefrom the Board of Trade may at any time thereafter order that any of the powers of the Company under this Order shall cease as to the whole or any part of the area of supply and on any such order being made all or any of those powers shall cease accordingly. Cesser of powers.

86. If owing to the abandonment of the undertaking or any part thereof any mains pipes or apparatus laid under the powers of this Order under any street or bridge shall for the space of three years be disused and such disuser be proved to the satisfaction of the Board of Trade the said Board may if they think fit by order sanction the removal of such mains pipes or apparatus and the authority having the control of the said street or bridge (in As to removal of mains &c. after abandonment.

A.D. 1805. this section referred to as "the road authority") may (subject however to any agreement between the road authority and the Company providing for the removal of such mains pipes or apparatus by the Company) forthwith remove the same with all reasonable care and the Company shall pay to the road authority 5 the reasonable cost of such removal and of the reinstatement of the said street or bridge in which the same was laid and if the Company fail to pay such cost within one month after the ascertainment of and application for the same the road authority may without any previous notice to the Company (but without prejudice 10 to any other remedy which they may have for the recovery of the amount) sell and dispose of the materials of the mains pipes or apparatus so removed either by public auction or private sale and for such sum or sums and to such person or persons as they think fit and may out of the proceeds of such sale pay and reimburse 15 themselves the reasonable cost of such removal and reinstatement of the said street or bridge and the cost of the sale and the balance (if any) of the proceeds of the sale shall be paid over by the road authority to the Company Provided that the Company shall before removing said mains pipes and apparatus under this section 20 deposit with the county council of the county of Midlothian the estimated cost of such removal.

If any difference arise between the Company and the road authority under this section the same shall be settled by an arbiter to be appointed by the Board of Trade on the application of either 25 of the parties in difference :

Agreements. 87. The Company and any person to whom the Company are entitled to give a supply of power-gas may enter into and carry into effect contracts agreements and arrangements for and with respect to all or any of the following matters (that is to say) :— 30

The supply by the Company of power-gas and of plant fittings or materials of any kind and machinery and appliances for utilising the same :

The prices to be charged for and the terms and conditions of such supply : 35

The execution or exercise by any such person on behalf of the Company or by the Company on behalf of such person of any works or powers in reference to the supply or use of power-gas within the area of supply.

Acquisition of minerals. 88. The Company may acquire or take on lease and any 40 person entitled so to do may sell convey or lease any mines and

[5 EDW. 7.] *Esk Valley Power-Gas Order Confirmation.* 49

workings of coal iron stone and minerals together with the shafts buildings and plant connected therewith and it shall be lawful for the Company to work such mines and to sell or otherwise dispose of the products and any waters derived therefrom and to
5 use any coal or waters so derived for consumption or use at any generating station or stations of the Company. A.D. 1905.

89. Notwithstanding anything in this Order or in any Act or Acts incorporated herewith the Company may out of any money by this Order authorised to be raised pay interest at such rate not
10 exceeding three pounds per centum per annum as the directors may determine to any shareholder on the amount from time to time paid up on the shares held by him respectively from the respective times of such payments until the expiration of four years from the first day of January one thousand nine hundred and six
15 or such less period as the directors may determine subject to the following conditions (that is to say) :—

- (A) No such interest shall begin to accrue until the Company shall have deposited with the Board of Trade a statutory declaration by two of the directors and the secretary of
20 the Company that one hundred thousand pounds at least of the share capital by this Order authorised has been actually issued and accepted and is held by shareholders who or whose executors administrators successors or assigns are legally liable for the same :
- (B) No such interest shall accrue in favour of any shareholder for any time during which any call on any of his shares is in arrear :
- (C) The aggregate amount to be so paid for interest shall not exceed twenty thousand pounds and the amount so paid shall not be deemed share capital in respect of which
30 the borrowing powers of the Company may be exercised but such borrowing powers shall be reduced to the extent of one-third of the amount paid for interest as aforesaid :
- (D) Notice that the Company has power so to pay interest out of capital shall be given in every prospectus advertisement or other document of the Company inviting
35 subscriptions for shares which may be issued by or on behalf of the Company prior to the expiration of the period for which such interest shall be payable under the provisions of this Order and in every certificate of
40 shares :

A.D. 1905.

(E) The half-yearly accounts of the Company shall show the amount of capital on which and the rate at which such interest has been paid in pursuance of this section.

Save as herein-before set forth no interest or dividend shall be paid out of any share or loan capital which the Company are by 5 this Order authorised to raise to any shareholder on the amount of the calls made in respect of the shares held by him but nothing in this Order shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies 10 Clauses Consolidation (Scotland) Act 1845.

Costs of Order.

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

15

The SCHEDULE referred to in the foregoing Order.

LANDS FOR POWER STATIONS.

MAURICEWOOD SITE.

(1) Certain lands and property situate in the parish of Glencorse in the county of Midlothian belonging or reputed to belong to James Haldane C.A. 20 and Findlay Blair Anderson C.A. both of 24 St. Andrew Square Edinburgh as Trustees under the Penicuik Trust Estate Act 1883 containing 10 acres or thereabouts bounded as follows (that is to say)—on the south by the incline leading from Mauricewood Colliery to the Glencorse extension of the North British Railway Edinburgh Loanhead and Roslin Branch Line 25 commencing at the point where the said incline crosses the road leading from Mauricewood Mansion House to the public road leading from Edinburgh to Penicuik and extending along the eastern side of said incline in an easterly direction for a distance of 110 yards or thereabouts thence on the south-east by a portion of the farm of Greenlaw Mains belonging to said Trustees along 30 which said lands extend in a northerly direction for a distance of 200 yards or thereabouts thence on the north also by a portion of the said farm of Greenlaw Mains along which said lands extend in a westerly direction for a distance of 266 yards or thereabouts thence on the west also by a portion of said farm along which boundary said lands extend in a southerly direction 35 for a distance of 100 yards or thereabouts and thence on the south-west by the said road leading from Mauricewood Mansion House to the public road leading from Edinburgh to Penicuik along which said lands extend for a distance of 186 yards or thereabouts.

BURGHLEE SITE.

A.D. 1905.

(2) Certain lands and property situate in the parish of Lasswade county of Midlothian belonging or reputed to belong to the said James Haldane and Findlay Blair Anderson as Trustees foresaid containing 10 acres or
 5 thereabouts bounded as follows (that is to say) on the east partly by a portion of the farm of Burghlee Mains belonging to the said Penicuik Trustees and partly by ground belonging to them and leased to the Shotts Iron Company Limited along which boundary said lands extend in a northerly direction for a distance of 293 yards or thereabouts commencing at
 10 a point in the boundary between the Dryden Estate and the Penicuik Estate at a distance of 254 yards or thereabouts measured in a south-westerly direction from the Burghlee Coal Pit thence on the north by the road leading from the Burghlee Pit to The Loan along which said lands extend in a north-easterly direction for a distance of 190 yards or thereabouts thence
 15 on the west by another portion of the said farm of Burghlee Mains along which said lands extend in a southerly direction for a distance of 366 yards or thereabouts and thence on the south by the Estate of Dryden along which said lands extend in a south-westerly direction 160 yards or thereabouts.

WHITEHILL SITE.

(3) Certain lands and property situate in the parish of Lasswade county of Midlothian belonging or reputed to belong to Robert George Wardlaw Ramsay of Whitehill and Tillicoultry containing 10 acres or thereabouts bounded as follows (that is to say)—on the east by the railway siding leading to the Whitehill Collieries from the North British Hardengreen and Peebles
 25 Railway Line along which eastern boundary said lands extend 180 yards or thereabouts commencing at a point on the west side of the said railway siding distant 500 yards or thereabouts measured in a north-westerly direction from the Whitehill Pit thence on the north-west by the North British Hardengreen and Peebles Railway Line along which said lands extend in a
 30 south-westerly direction for a distance of 360 yards or thereabouts thence on the south-west by other ground belonging to the said Robert George Wardlaw Ramsay along which said lands extend in a south-easterly direction for a distance of 166 yards or thereabouts and thence on the south-east also by
 35 ground belonging to the said Robert George Wardlaw Ramsay along which said lands extend in a north-easterly direction for a distance of 266 yards or thereabouts.

**Esk Valley Power-Gas
Order Confirmation.**
[H.L.]

A
B I L L

INTITULED

An Act to confirm a Provisional Order under
the Private Legislation Procedure (Scotland)
Act 1899 relating to Esk Valley Power-Gas.

The Marquess of Linlithgow.

Ordered to be printed 11th July 1905.

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[Price 5½d.]

(136.)

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B I L L

INTITULED

An Act to include Bribery amongst Extradition Crimes. A.D. 1905.

WHEREAS a Convention has been concluded between His Majesty and the President of the United States for including in the list of crimes on account of which extradition may be granted certain offences and amongst others bribery :

5 And whereas it is provided by the said Convention that it shall come into force within ten days after publication in conformity with the laws of the high contracting parties :

And whereas bribery is not at present included in the list of crimes in the First Schedule to the Extradition Act, 1870, and the
10 said Convention cannot be published in conformity with the laws of the United Kingdom until bribery is so included :

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,
15 and by the authority of the same, as follows :—

1. The Extradition Act, 1870, shall be construed as if bribery were included in the list of crimes in the First Schedule to that Act. Addition of bribery to list of extradition crimes.

2. This Act may be cited as the Extradition Act, 1905, and
20 *the* Extradition Acts, 1870 to 1895, and this Act may be cited together as the Extradition Acts, 1870 to 1905. Short title.

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Finance Bill.

ARRANGEMENT OF CLAUSES.

PART I.

CUSTOMS AND EXCISE.

Clause.

1. Duty on tea.
2. Continuance of additional customs duties and drawbacks on tobacco, beer, and spirits.
3. Continuance of additional excise duties and drawbacks on beer and spirits.
4. Abolition of warehouse delivery charges.

PART II.

STAMPS.

5. Abolition of stamp duty on export bonds, &c. and on delivery orders.

PART III.

INCOME TAX AND INHABITED HOUSE DUTY.

6. Income tax for 1905-1906.

PART IV.

NATIONAL DEBT.

7. Repayment of money raised under the Supplemental War Loan Acts of 1900.

PART V.

GENERAL.

8. Repeal, construction, and short title.

SCHEDULE.

A.D. 1905. **2.** The additional duties of customs on tobacco, beer, and spirits imposed by sections two, three, four, and five of the Finance Act, 1900 (including the increased duties imposed by section five of that Act), shall continue to be charged, levied, and paid until the first day of July nineteen hundred and six, and, as regards the period for which any additional drawback is allowed under the said section four, July nineteen hundred and six shall be substituted for August nineteen hundred and one.

Continuance of additional customs duties and drawbacks on tobacco, beer, and spirits. 63 & 64 Vict. c. 7.

3. The additional duties of excise on beer and spirits imposed by sections six and seven of the Finance Act, 1900, shall continue to be charged, levied, and paid until the first day of July nineteen hundred and six, and, as regards the period in respect of which any additional drawback is allowed under the said section six, July nineteen hundred and six shall be substituted for August nineteen hundred and one.

Continuance of additional excise duties and drawbacks on beer and spirits. 63 & 64 Vict. c. 7.

4. The rates charged under section six of the Finance Act, 1904, and section seven of the Customs and Excise Warehousing Act, 1869, on the delivery of goods from a warehouse for home consumption, shall cease to be chargeable.

Abolition of warehouse delivery charges. 4 Edw. 7. c. 7. 32 & 33 Vict. c. 103.

PART II.

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STAMPS.

5.—(1) The stamp duty charged by the Stamp Act, 1891, under the heading in the First Schedule to that Act, "Bond given pursuant to the directions of any Act, &c.," shall cease to be chargeable on bonds given in respect of the removal, transshipment, exportation, carriage coastwise, or shipment as stores of any goods, and the exemption under that heading shall be construed as if it included such bonds.

Abolition of stamp duty on export bonds, &c., and on delivery orders. 54 & 55 Vict. c. 39.

(2) The stamp duty charged by the Stamp Act, 1891, under the heading "Delivery Order" in the First Schedule to that Act shall cease to be chargeable.

PART III.

INCOME TAX AND INHABITED HOUSE DUTY.

6.—(1) Income tax for the year beginning on the sixth day of April nineteen hundred and five shall be charged at the rate of one shilling.

Income tax for 1905-1906.

[5 Edw. 7.]

Finance.

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(2) All such enactments relating to income tax as were in force on the fifth day of April nineteen hundred and five shall have full force and effect with respect to the duty of income tax hereby granted. A.D. 1905.

5 (3) The annual value of any property, which has been adopted for the purpose either of income tax under Schedules A. and B. in the Income Tax Act, 1853, or of inhabited house duty, during the year ending on the fifth day of April nineteen hundred and five, shall be taken as the annual value of such property for the same purpose during the next subsequent year; provided that this subsection— 16 & 17 Vict. c. 34.

(a) so far as respects the duty on inhabited houses in Scotland, shall be construed with the substitution of the twenty-fourth day of May for the fifth day of April; and

15 (b) shall not apply to the Metropolis as defined by the Valuation (Metropolis) Act, 1869. 32 & 33 Vict. c. 67.

PART IV.

NATIONAL DEBT.

7.—(1) Any sums required for paying off any Exchequer bonds issued under the Supplemental War Loan Acts of 1900, and falling due in December nineteen hundred and five, may, up to an amount not exceeding ten million pounds, be raised by means of the issue of Exchequer bonds, which shall be paid off in ten years from the date of issue at the rate of one-tenth part of the total issue in each year. Repayment of money raised under the Supplemental War Loan Acts of 1900. 63 & 64 Vict. c. 61. 64 Vict. c. 1.

(2) The bonds to be redeemed shall be drawn in each year in accordance with regulations made by the Treasury, and the bonds so drawn in any year shall be redeemed on the eighteenth day of April in that year by the application for the purpose of the requisite part of the new sinking fund of the previous financial year, at the rate of one hundred pounds sterling for every one hundred pounds of the bond.

(3) Exchequer bonds issued under this section shall, notwithstanding anything in section twenty-six of the Exchequer Bills and Bonds Act, 1866, be made out and issued with coupons for the interest becoming due thereon for a term of ten years from the date thereof. 29 & 30 Vict. c. 25.

(4) The amount of the permanent annual charge for the National Debt under section one of the Sinking Fund Act, 1875, 38 & 39 Vict. c. 45.

A.D. 1905. during the current and every subsequent financial year shall be the
 — sum of twenty-eight instead of twenty-seven million pounds.

(5) Any sums required for defraying any expenses incurred in connexion with raising or paying off any money raised under this section, and the principal of and interest on any Exchequer bonds issued under this section, shall be charged on and be payable out of the Consolidated Fund of the United Kingdom or the growing produce thereof, and as to the interest shall be paid as part of the permanent annual charge for the National Debt. 5

PART V.

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GENERAL.

Repeal, construction, and short title. 8.—(1) The Acts specified in the Schedule to this Act are hereby repealed to the extent mentioned in the third column of that Schedule.

39 & 40 Vict. c. 36. (2) Part I. of this Act so far as it relates to duties of customs shall be construed together with the Customs Consolidation Act, 1876, and the Acts amending that Act, and so far as it relates to duties of excise shall be construed together with the Acts which relate to the duties of excise and the management of those duties. 15

(3) This Act may be cited as the Finance Act, 1905.

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SCHEDULE.

A.D..1905.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
5	32 & 33 Vict. c. 103.	The Customs and Excise Warehousing Act, 1869.
10	39 & 40 Vict. c. 36.	The Customs Consolidation Act, 1876.
15	54 & 55 Vict. c. 39.	The Stamp Act, 1891 -
		Sections sixty-nine, seventy, and seventy-one. In the First Schedule the words "DELIVERY " ORDER - O O 1. And see sections " 69, 70, and 71."
	3 Edw. 7. c. 8.	The Finance Act, 1903
		Subsection (1) of section six.
	3 Edw. 7. c. 46.	The Revenue Act, 1903
		Section six.
	4 Edw. 7. c. 7.	The Finance Act, 1904
		Section six.

Finance.

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B I L L

INTITLED

An Act to grant certain duties of Customs and Inland Revenue, to alter other duties, and to amend the Law relating to Customs and Inland Revenue and the National Debt, and to make other provisions for the financial arrangements of the year.

(*Brought from the Commons 6th June 1905.*)

Ordered to be printed 6th June 1905.

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[*Price 1d.*]]

(103.)

[5 EDW. 7.] *Fraserburgh Harbour Order Confirmation.* [H.L.] 1

A

B I L L

INTITULED

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Fraserburgh Harbour. A.D. 1905.

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:—

- 10 **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 Fraserburgh Harbour Order Confirmation Act 1905. Short title.

A.D. 1905.

SCHEDULE.

FRASERBURGH HARBOUR.

Provisional Order to authorise the construction of piers and other works at the harbour of Fraserburgh in the county of Aberdeen to authorise the Fraserburgh Harbour Commissioners to borrow additional money to alter tonnage rates to alter the mode of electing the Commissioners and other purposes.

WHEREAS by the Fraserburgh Harbour Act 1878 (herein-after called "the Act of 1878") the then existing harbour at Fraserburgh was transferred to the Commissioners incorporated by that Act under the name of the Fraserburgh Harbour Commissioners (herein-after called "the Commissioners") and the Commissioners were authorised by that Act to construct additional works and further powers were conferred upon the Commissioners by the Fraserburgh Harbour Orders 1884 1891 and 1894:

And whereas owing to the great increase in recent years of the size of vessels engaged in the fishing industry which forms a very large part of the trade at Fraserburgh Harbour the harbour has become inadequate for the accommodation of such vessels and it is expedient that the Commissioners should be authorised to construct the new works in this Order described:

And whereas it is expedient that the Commissioners should be authorised to borrow further money for the purposes of those works and of their undertaking:

And whereas it is expedient that the mode of levying tonnage rates on vessels should be altered:

And whereas it is expedient that the mode of electing Commissioners should be altered and that the other powers in this Order mentioned should be conferred on the Commissioners:

And whereas plans and sections describing the lines situation and levels of the works authorised by this Order and plans of the lands which will be taken for the purposes of this Order and also a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the

[5 EDW. 7.] *Fraserburgh Harbour Order Confirmation.* 3

lands required or which may be taken for the purposes or under the powers of this Order were duly deposited with the principal sheriff-clerk of the county of Aberdeen at his offices at Aberdeen and Peterhead and are herein-after respectively referred to as the
5 deposited plans sections and book of reference :

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

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

1. This Order may be cited as the Fraserburgh Harbour Order 1905. Short title.

2. The Lands Clauses Acts and the Harbours Docks and Piers Clauses Act 1847 (except the provisions thereof with respect to lifeboats and with respect to keeping a tide and weather gauge unless the Board of Trade require the same to be kept or provided and sections 25 and 26) are except where expressly varied by this Order incorporated with and form part of this
15 Order and this Order shall be deemed to be a special Act within the meaning of those Acts. Incorporation of Acts.

3. 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 In this Order
25 the expression :

“The Harbour” means the harbour of Fraserburgh ;

“The Commissioners” means the Fraserburgh Harbour Commissioners ;

30 “The Act of 1878” means the Fraserburgh Harbour Act 1878 ;

“The Order of 1884” means the Fraserburgh Harbour Order 1884.

4. Subject to the provisions of this Order the Commissioners
35 may make and maintain in the lines and according to the levels shown on the deposited plans and sections the works herein-after described and the works and conveniences connected therewith and may enter upon take and use such of the lands delineated
(158.) Construction of works.

A.D. 1905. on the deposited plans and described in the deposited book of reference as may be required for those purposes The works herein-before referred to are :—

- (1) A pier commencing at a point on the west side of the south breakwater 100 feet or thereabouts from the termination of that breakwater extending thence in a north-westerly direction and terminating at a point 335 feet or thereabouts from the point of commencement; 5
- (2) A pier commencing at the north-eastern end of the termination of the north pier and extending thence in a south-westerly direction for 138 feet or thereabouts extending thence in a south-easterly direction and terminating at a point 300 feet or thereabouts from the south-western end of the termination of the north pier; 15
- (3) The deepening or excavation of the area to be inclosed by the construction of the piers herein-before described to a depth of 9 feet or thereabouts below the level of low water of ordinary spring tides; 20
- (4) A pier or jetty to be situate within the before-mentioned inclosed area commencing at a point on the seashore 300 feet or thereabouts measured in a south-easterly direction from the south side of the south pier and terminating at a point 550 feet or thereabouts in an easterly direction from the point of commencement; 25
- (5) A spur or pier commencing on the south-west side of the Balaclava Breakwater at a point thereon 200 feet or thereabouts from the end of that breakwater extending thence in a south-westerly direction and terminating at a point 150 feet or thereabouts from the point of commencement. 30

The piers will be constructed as solid work throughout their whole length.

Works to form part of harbour.

5. Subject to the provisions of this Order the works by this Order authorised and all the works executed or lands acquired by the Commissioners before the passing of the Act confirming this Order shall for all purposes of rates duties and charges and for all other purposes whatsoever be and form part of the harbour. 40

[5 EDW. 7.] *Fraserburgh Harbour Order Confirmation.*

5

6. In addition to the other lands which the Commissioners are by this Order authorised to purchase and acquire they may purchase take on lease or acquire by agreement and may hold for the purposes of their undertaking any lands not exceeding 5 ten acres and they may on such lands erect or construct and hold depôts yards wharves offices buildings sidings works and other conveniences in connexion with their undertaking but nothing in this Order shall exonerate the Commissioners from 10 any nuisance being caused or permitted by them on any such lands.

A.D. 1905.
Lands for extraordinary purposes.

7.—(1) Subject to the provisions of this Order the Commissioners may from time to time construct maintain alter and improve the harbour and for the purposes of and in connexion 15 with the harbour may acquire construct provide and maintain any jetties wharves slips landing-stages sewers drains water-courses roads approaches buoys moorings lights and other works and conveniences and may provide lay down and construct gas 20 or electric lighting mains and other apparatus rails tramways turntables and sidings on or along the quays and other works within or connected with the harbour.

Improvement and maintenance of harbour and works.

(2) No line of rails or tramway constructed under the powers of this Order shall be used for public conveyance of passengers unless and until the same shall have been inspected and certified 25 by the Board of Trade to be fit for such traffic.

(3) Any electric lighting mains or other apparatus or tramways constructed and provided under this Order shall be so constructed used and worked as to prevent any interference with telegraphic communication by means of any telegraphic line of 30 the Postmaster-General or with telephonic communication by means of any apparatus of the National Telephone Company Limited and also so as to prevent any interference with the telegraphic telephonic or electric signalling communication or the electric circuits or any other electric appliances used by or in 35 connexion with the railway of the Great North of Scotland Railway Company.

8. In addition to the other works by this Order authorised the Commissioners may where the construction of the works or 40 any of them authorised by this Order renders it necessary reclaim or otherwise interfere with the foreshore and they may alter

Dredging.

A.D. 1905. dredge scour and deepen the waterway within the limits of the harbour.

Provided that all materials excavated or dredged if deposited below high-water mark shall be deposited in such position and under such restrictions as may be fixed by the Board of Trade. 5

Penalty for obstructing works.

9. Every person who wilfully obstructs any person acting under the authority of the Commissioners in setting out the lines of the works or who pulls up or removes any poles or stakes driven into the ground for the purpose of setting out the lines of the works or defaces or destroys the works shall for every 10 such offence be liable to a penalty not exceeding five pounds.

Period for compulsory purchase of land:

10. The powers of the Commissioners for the compulsory purchase of lands for the purposes of this Order shall cease after the expiration of three years from the passing of the Act confirming this Order. 15

Period for completion of works.

11. If the works are not completed within seven years from the passing of the Act confirming this Order then on the expiration of that period the powers by this Order granted to the Commissioners for completing the works shall cease except as to so much thereof as is then completed. 20

Provided that the Board of Trade may on application in writing to them before the expiration of the said period by the Commissioners extend the period for completion of the said works for such period not exceeding ten years from the commencement of this Order as they may think fit by a consent 25 under the hand of the secretary or an assistant secretary of the said Board.

Powers of deviation.

12. Subject to the provisions of this Order and with the consent in writing of the Board of Trade the Commissioners may in the execution of the works deviate laterally from the 30 lines of the works within the limits of lateral deviation marked on the deposited plan and they may deviate vertically from the levels of the said works as shown on the deposited sections to any extent not exceeding five feet.

Works below high-water mark not to be commenced

13. The Commissioners shall not under the powers of this 35 Order construct on the shore of the sea or of any creek bay arm of the sea or navigable river communicating therewith where and so far up the same as the tide flows and reflows any

[5 EDW. 7.] *Fraserburgh Harbour Order Confirmation.* 7

work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of such approval being signified as last aforesaid and where any such work may have been constructed the Commissioners shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consents or approvals

5 If any such work be commenced or completed contrary to the provisions of this section the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the cost and charge of the Commissioners and the amount of such costs and charges shall be a debt due from the

10 Commissioners to the Crown and shall be recoverable as a Crown debt or summarily.

A.D. 1905.
without consent of Board of Trade.

14. From and after the commencement of this Order the Schedule A annexed to the Order of 1884 shall be and the same is hereby amended by the introduction at the end of Part I.

20 "Rates for Vessels" and before "Exemption" of the following provision

Provisions as to rateable tonnage.

In all cases the Commissioners shall have the option of charging either on the net registered tonnage or on one-third of the gross tonnage.

25 15. Fishing vessels belonging to countries with which for the time being treaties exist exempting such vessels from dues and port charges when forced by stress of weather to seek shelter in the ports or on the coasts of the United Kingdom shall when forced by stress of weather to make use of the harbour and not

30 breaking bulk while making use thereof be exempt from rates leviable under this Order.

Certain fishing vessels under stress of weather exempt from rates.

16. All persons going to or returning from any lifeboat or using any apparatus for saving life and being persons either belonging to the crew of a lifeboat or to the coastguard or being

35 persons for the time being actually employed in saving life or in exercising or using the lifeboat or the apparatus for saving life and also all persons brought ashore from any vessel in distress shall at all times have free ingress passage and egress to or along and on and from the piers and works by this Order authorised

40 without payment.

Exemption of lifeboat crews.

- A.D. 1905. 17. The amount authorised to be borrowed by the Commissioners under section 136 (Borrowing powers of the Commissioners) of the Act of 1878 is hereby increased to four hundred thousand pounds and except as in this Order expressly provided all the provisions of the Act of 1878 and of any other Act or Order at present applicable to money borrowed under the said Act shall apply to any money borrowed by the Commissioners under this Order. 5
- Alteration and increase of borrowing powers.
- Application of money borrowed. 18. All money borrowed under this Order shall be applied only for the purposes of the harbour to which capital money may properly be applied and not otherwise. 10
- Period of repayment of moneys borrowed. 19. The Commissioners shall pay off all moneys borrowed by them under this Order within the respective periods (in this Order respectively referred to as "the prescribed period") following (that is to say) :— 15
- As to moneys borrowed under this Order for harbour purposes within such period as the Commissioners may fix but not exceeding fifty years from the completion of the works by this Order authorised or from the first day of November one thousand nine hundred and ten whichever of those dates shall be the earlier; 20
- As to moneys borrowed for payment of the costs charges and expenses of this Order within five years from the commencement of this Order.
- Mode of payment off of borrowed moneys. 20. The Commissioners shall pay off all moneys borrowed by them under this Order either by equal yearly or half-yearly instalments of principal or principal and interest combined or by means of a sinking fund or partly by one of those methods and partly by another or others of them. 25
- Sinking fund. 21.—(1) If the Commissioners determine to repay by means of a sinking fund any moneys borrowed by virtue of this Order such sinking fund shall be formed and maintained either— 30
- (A) By payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed A sinking fund so formed is hereinafter called a non-accumulating sinking fund; or 35

[5 EDW. 7.] *Fraserburgh Harbour Order Confirmation.* 9

(B) By payment to the fund throughout the prescribed period of such equal annual sums as with accumulations at a rate not exceeding three per centum per annum will be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed. A sinking fund so formed is hereinafter called an accumulating sinking fund. A.D. 1905.

(2) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investments of the sinking fund shall unless applied in repayment of the loan in respect of which the sinking fund is formed be immediately invested in securities in which trustees are by law for the time being authorised to invest or in mortgages bonds debentures debenture stock stock or other securities (not being annuity certificates or securities payable to bearer) duly issued by any local authority (other than the Commissioners) the Commissioners being at liberty from time to time to vary and transpose such investments.

(3) In the case of a non-accumulating sinking fund the interest on the investments of the fund may be applied by the Commissioners towards the equal annual payments to the fund.

(4) The Commissioners may at any time apply the whole or any part of any sinking fund in or towards the discharge of the money for the repayment of which the fund is formed. Provided that in the case of an accumulating sinking fund the Commissioners shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by such sinking fund so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

(5)—(A) If and so often as the income of an accumulating sinking fund is not equal to the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any deficiency shall be made good by the Commissioners.

(B) If and so often as the income of an accumulating sinking fund is in excess of the income which would be derived from the amount invested if the same were invested at the rate per

(158.) B

A.D. 1905. — centum per annum on which the annual payments to the fund are based any such excess may be applied towards such annual payments.

(6) Any expenses connected with the formation maintenance investment application management or otherwise of any sinking fund under this Order shall be paid by the Commissioners in addition to the payments provided for by this Order. 5

(7) If it appears to the Commissioners at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Order together with the accumulations thereon (in the case of an accumulating sinking fund) will probably not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Commissioners to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose. 10 15

(8) If the Commissioners desire to accelerate the repayment of any loan they may increase the amount payable to any sinking fund.

(9) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Order together with the accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Commissioners be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Commissioners may reduce the payments to be made to the sinking fund either temporarily or permanently to such amounts as will be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed. 20 25 30

(10) If the amount in any sinking fund at any time together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Commissioners be sufficient to repay the loan in respect of which it is formed within the prescribed period the Commissioners may discontinue the annual payments to such sinking fund. 35

(11) Any surplus of any sinking fund remaining after the discharge of the whole of the moneys for the repayment of which it was formed shall be applied to such purpose as the Commissioners may determine. 40

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22. The payment of the first instalment or the first equal annual payment to the sinking fund shall be made within one year after the date of borrowing the sum in respect of which the payment is made except in the case of moneys borrowed for 5 harbour purposes in which case the first payment shall be made not later than the first day of November one thousand nine hundred and ten or one year after the date of the completion of the harbour works whichever of these two dates shall be the earlier.

A.D. 1905.
First instalment of sinking fund.

10 23.—(1) Before commencing the works the Commissioners shall apply to the Board of Trade for directions as to the lights to be exhibited and other means to be taken for preventing danger to navigation and shall in all respects obey any directions given upon that application or afterwards given as to the like matters 15 by the Board of Trade during the construction of the works and compliance with the directions so given shall satisfy and be in place of every other statutory requirement as to those matters during the construction of the works.

As to lights during construction of works.

(2) The Commissioners shall be liable to a penalty not 20 exceeding twenty pounds for every day during which they omit so to apply or refuse or neglect to observe any such direction.

24.—(1) After completion or permanent discontinuance or abandonment of the works authorised by this Order the Commissioners shall exhibit at the outer extremity of the piers or the 25 completed portions thereof or in such other place as may be required for all or any part of the time from sunset to sunrise according to the requirements of the traffic and the season of the year such lights (if any) and take such other steps for the prevention of danger to navigation as are directed by the Commissioners of Northern Lighthouses and shall apply to those 30 Commissioners for such directions.

As to lights after completion of works.

(2) The Commissioners shall be liable to a penalty not exceeding twenty pounds for every day during which they omit so to apply or refuse or neglect to observe any such directions.

35 25.—(1) In case of injury to or destruction or decay of the works the Commissioners shall lay down such buoys exhibit such lights or take such other means for preventing (as far as may be) danger to navigation as are directed by the Commissioners of Northern Lighthouses and shall apply to those Commissioners for 40 such directions.

Provision against danger to navigation.

(158.)

C

A.D. 1905.

(2) The Commissioners shall be liable to a penalty not exceeding ten pounds for every month during which they omit so to apply or refuse or neglect to obey any such directions.

Saving
rights of
Crown.

26. Nothing in this Order shall prejudicially affect any estate right power privilege or exemption of the King's most Excellent Majesty and in particular nothing herein contained shall authorise the Commissioners to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land hereditaments subjects or rights of whatsoever description belonging to His Majesty in the right of His Crown and under the management of the Commissioners of Woods or of the Board of Trade respectively without the consent in writing of the Commissioners of Woods or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose (which consent such Commissioners and such Board are hereby respectively authorised to give).

Survey of
works by
Board of
Trade.

27. If at any time the Board of Trade deems it expedient for the purposes of this Order to order a survey and examination of a work constructed by the Commissioners on in over through or across tidal lands or tidal water or of the intended site of any such work the Commissioners shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Commissioners to the Crown and be recoverable as a Crown debt or summarily.

Abatement
of work
abandoned
or decayed.

28. If a work constructed by the Commissioners on in over through or across tidal lands or a tidal water is abandoned or suffered to fall into decay the Board of Trade may abate and remove the work or any part of it and restore the site thereof to its former condition at the expense of the Commissioners and the amount of such expense shall be a debt due from the Commissioners to the Crown and be recoverable as a Crown debt or summarily.

Amendment
of section 4
of Order of
1884 as to
mode of
electing
Commis-
sioners.

29. From and after the passing of the Act confirming this Order the words "The election shall be by open poll and votes shall be given personally" in subsection (6) of section 4 of the Order of 1884 shall be and the same are hereby repealed and the following words "The election shall be carried out by a poll which shall be by ballot" shall be and are hereby substituted in lieu thereof.

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30. All costs charges and expenses of and incident to the preparing for obtaining passing and confirming this Order or otherwise in relation thereto shall be paid by the Commissioners out of the rates to be levied or the moneys authorised to be **5** borrowed by them.

A.D. 1905.
Costs of
Order.

**Fraserburgh Harbour
Order Confirmation.**
[H.L.]

A

B I L L

INTRODUCED

An Act to confirm a Provisional Order
under the Private Legislation Pro-
cedure (Scotland) Act 1899 relating
to Fraserburgh Harbour.

The Marquess of Linlithgow.

Ordered to be printed 31st July 1905.

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(158.)

[5 EDW. 7.] *Gas Orders Confirmation.* [H.L.]

A

B I L L

INTITULED

An Act to confirm certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act 1870 relating to Aberystwyth Gas Haslemere Gas Hayling Island Gas Sandiacre Gas and Stanford-le-Hope Gas. A.D. 1905.

WHEREAS under the authority of the Gas and Water Works Facilities Act 1870 the Board of Trade have made the Provisional Orders set out in the Schedule to this Act annexed: 33 & 34 Vict.
c. 70.

And whereas a Provisional Order made by the Board of Trade under the authority of the said Act is not of any validity or force whatever until the confirmation thereof by Act of Parliament:

And whereas it is expedient that the Provisional Orders made by the Board of Trade as aforesaid and set out in the Schedule to this Act be confirmed by Act of Parliament:

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. This Act may be cited as the Gas Orders Confirmation Act 1905. Short title.

2. The Orders as set out in the Schedule to this Act shall be and the same are hereby confirmed and all the provisions thereof in manner and form as they are set out in the said Schedule shall from and after the passing of this Act have full validity and effect. Confirmation
of Orders in
schedule.

A.D. 1905.SCHEDULE.

LIST OF ORDERS.

ABERYSTWYTH GAS.—Order empowering the Aberystwyth Gas Company to raise additional capital and for other purposes.

HASLEMERE GAS.—Order empowering the Haslemere Gas Company Limited to maintain and continue gasworks and to manufacture and supply 5 gas in certain parts of the counties of Surrey Southampton and West Sussex and for other purposes.

HAYLING ISLAND GAS.—Order empowering the Hayling Island Gas Company Limited to maintain and continue gasworks and to manufacture and supply gas in the parishes of South Hayling and North Hayling in the 10 county of Southampton.

SANDIACRE GAS.—Order authorising the maintenance and continuance of existing gasworks the construction of additional gasworks and the supply of gas in the parish of Sandiacre in the county of Derby and for other 15 purposes.

STANFORD-LE-HOPE GAS.—Order empowering the Stanford-le-Hope Gas Company Limited to construct and maintain gasworks and to supply gas in the parishes of Mucking Orsett Horndon-on-the-Hill Stanford-le-Hope Corringham Fobbing and Langdon Hills in the county of Essex and for 20 other purposes.

ABERYSTWYTH GAS.

A.D. 1905.

Order empowering the Aberystwyth Gas Company to raise additional capital and for other purposes. *Aberystwyth.*

Preliminary.

- 5 1. This Order may be cited as the Aberystwyth Gas Order 1905 and the Aberystwyth Gas Act 1873 (in this Order referred to as "the Act of 1873") the Aberystwyth Gas Act 1898 (in this Order referred to as "the Act of 1898") and this Order may be jointly cited as the Aberystwyth Gas Acts and Order 1873 to 1905. Short and collective titles.
- 10 2. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed which date is in this Order referred to as "the commencement of this Order." Commencement of Order.
3. The Act of 1873 the Act of 1898 and this Order shall be construed together except so far as such construction would be inconsistent with or Construction of Order.
- 15 repugnant to the provisions of this Order.
- 4.—(1) So far as the same relate to the powers conferred by this Order the provisions of the Companies Clauses Consolidation Act 1845 with Incorporation of Acts.
- respect to the following matters (that is to say) :—
- 20 The distribution of the capital of the Company into shares ;
- The transfer or transmission of shares ;
- The payment of subscriptions and the means of enforcing the payment of calls ;
- The forfeiture of shares for non-payment of calls ;
- The remedies of creditors of the Company against the shareholders ;
- 25 The borrowing of money by the Company on mortgage or bond ;
- The consolidation of the shares into stock ;
- The general meetings of the Company and the exercise of the right of voting by the shareholders ;
- The making of dividends ;
- 30 The giving of notices ; and
- The provision to be made for affording access to the special Act by all parties interested ;
- and Part I. (relating to cancellation and surrender of shares) Part II. (relating to additional capital) and Part III. (relating to debenture stock)
- 35 of the Companies Clauses Act 1863 the Companies Clauses Act 1869 the Gasworks Clauses Act 1847 and the Gasworks Clauses Act 1871 are hereby incorporated with this Order (except where the same are expressly varied by this Order or are inconsistent with the Act of 1873 the Act of 1898 or this Order) and form part of this Order.
- 40 (2) For the purposes of such incorporation the term "special Act" in the said Acts shall mean this Order and the term "the Company" shall mean the Undertakers.

A.D. 1905. 5. In this Order the expression "prescribed rates" means the rates
 ——— of dividend authorised by the Act of 1873 by the Act of 1898 and by
Aberystwyth. this Order on the capital of the Undertakers or such rates as reduced or
 Interpretation. increased in accordance with the provisions of the Act of 1898 and the
 several words terms and expressions to which by any Act in whole or in part 5
 incorporated with this Order and by the Gas and Water Works Facilities
 Act 1870 meanings are assigned have in this Order the same respective
 meanings and in the construction of this Order or of any such Acts for the
 purposes of this Order the expression "the undertaking" shall mean the
 undertaking of the Aberystwyth Gas Company authorised by the Act of 10
 1873 the Act of 1898 and this Order.

Undertakers.

Undertakers. 6. The Aberystwyth Gas Company shall be the Undertakers for the
 purposes of this Order and are in this Order referred to as "the Under-
 takers." 15

Capital.

Additional 7. In addition to the capital authorised to be raised by the Undertakers
 capital. by the Act of 1873 (in this Order referred to as "the existing capital")
 they may raise additional capital not exceeding in the whole twelve thousand
 pounds (in this Order referred to as "the additional capital") by the creation 20
 and issue of new ordinary shares or stock or new preference shares or stock
 or wholly or partially by one or more of those modes respectively but the
 Undertakers shall not issue any share of less nominal value than ten pounds
 nor shall any such share or stock vest in the person accepting the same unless 25
 upon the sale thereof shall have been paid in respect thereof Provided that
 it shall not be lawful for the Undertakers to create and issue under the
 powers of this Order any greater nominal amount of share capital than will
 be sufficient to produce including any premium which may be obtained on
 the sale thereof the sum of twelve thousand pounds: 30

Provided always that except with the consent in writing of a secretary
 or assistant secretary to the Board of Trade it shall not be lawful for the
 Undertakers to issue before the expiration of a period of twelve months
 from the commencement of this Order any greater nominal amount of the 35
 additional capital than will including any premium that may be obtained on
 the sale thereof under the provisions of this Order be sufficient to produce
 three thousand pounds.

Except as 8. Except as by this Order otherwise provided the additional capital
 otherwise pro- created by the Undertakers under this Order and the shares or stock therein
 vided new and the holders thereof respectively shall be subject and entitled to the same 40
 shares or stock powers provisions liabilities rights privileges and incidents (including the
 to be subject to right of voting) whatsoever in all respects as if that capital were part of
 same incidents the existing capital of the Undertakers of the same class or description and
 as existing shares or stock. the shares or stock in the additional capital were shares or stock in the
 shares or stock. existing capital. 45

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Gas Orders Confirmation.

5

9. The Undertakers shall when any shares or stock forming part of the additional capital are or is to be issued and before offering the same to the holder of any other shares or stock of the Undertakers and whether the ordinary shares or ordinary stock of the Undertakers are or is at a premium or not offer the same for sale by public auction or by tender in such manner at such times and subject to such conditions of sale as the Undertakers may determine. Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of shares or stock and that the reserved price put upon such shares or stock shall not be less than the nominal value thereof and notice of the amount of such reserved price shall be sent by the Undertakers in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders (as the case may be) and such letter may be opened after such day of auction or last day for the reception of tenders and not sooner and provided that no priority of tender shall be allowed to any holder of shares or stock of the Undertakers except that if the bidding or offer by tender of any holder of shares or stock be the same in amount as the bidding or offer made by any other person the bidding or offer of such holder shall be accepted in preference.
10. It shall be one of the conditions of any sale of shares or stock under this Order that the full price thereof including any premium given by any purchaser at such sale in respect thereof shall be paid to the Undertakers within three months after such sale.
11. The intention to sell any shares or stock by auction or by tender under the provisions of this Order shall be communicated by the Undertakers in writing to the town clerk of the borough of Aberystwyth and to the clerk of every district council whose district is wholly or partially included in the limits of supply and to the Secretary of the Committee of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders (as the case may be) and notice of such intention shall be duly advertised by the Undertakers once in each of two consecutive weeks in one or more newspapers circulating within the limits of supply.
12. When any shares or stock have been offered for sale by auction or by tender under the provisions of this Order and not sold the same may be disposed of by the directors of the Undertakers at a price not less than the reserved price put upon the same respectively for the purpose of sale by auction or tender or may be offered at such reserved price to the holders of the ordinary shares or ordinary stock of the Undertakers or to the employees of the Undertakers or to the consumers of gas supplied by the Undertakers or partly to one or partly to another or others in such manner as may be prescribed by a resolution passed by the directors of the Undertakers. Provided always that any shares or stock not so disposed of or so offered and not accepted within the time prescribed by such resolution may again be offered for sale by public auction or by tender in the manner and subject to the provisions of this Order with respect to the sale of shares and stock forming part of the additional capital and the reserved price put upon such

A.D. 1905.

Aberystwyth.
New shares or stock to be offered by auction or tender.

Purchase money of capital sold to be paid within three months.

Notice to be given of sale of shares or stock.

Shares or stock not sold by auction or by tender to be offered to shareholders employees and consumers.

A.D. 1905.
Aberystwyth.

shares or stock may upon such second or any subsequent auction or tender if the directors of the Undertakers think fit be less than the nominal value thereof and any shares or stock not then sold may be disposed of by the directors or offered to the holders of ordinary shares or ordinary stock or to such employees or consumers at the last-mentioned reserved price and so until the whole of such shares or stock are or is sold. 5

Application of premium arising on issue of shares or stock.

13. Any sum of money which may arise from the issue of any shares or stock under the provisions of this Order by way of premium after deducting therefrom the expenses of and incident to such issue shall not be considered as profits of the Undertakers but shall be expended in extending or improving the works of the Undertakers or in paying off money borrowed or owing on mortgage or otherwise by the Undertakers and shall not be considered as part of the capital of the Undertakers entitled to dividend. Provided that all such sums shall be deemed to be part of the paid-up capital of the Undertakers for the purpose of determining the amount which the Undertakers may borrow under this Order. 10 15

Limit of dividend on new capital.

14. Except as provided by section 15 (dividend dependent on price charged) of the Act of 1898 the Undertakers shall not in any year declare or make out of their profits any larger dividends on the additional capital than seven pounds in respect of every one hundred pounds actually paid up of so much of the additional capital as may be issued as ordinary capital or six pounds in respect of every one hundred pounds actually paid up of so much of the additional capital as may be issued as preference capital. 20

Scale of dividend on different classes of capital.

15. In case in any year or in any half-year (if the Undertakers declare a dividend half-yearly) the net revenue of the Undertakers applicable to dividend together with the sum (if any) to be taken from the reserve fund for the purpose of paying dividend are insufficient to pay the full amount of the prescribed rates of dividend on each class of ordinary shares or stock in the existing and additional capital the dividends shall subject to the provisions of section 15 of the Act of 1898 be payable on each class in accordance with the following scale: 25 30

- (1) If the dividend payable in respect of the capital entitled to a standard dividend of ten per centum per annum (in this section called "ten per cent. capital") shall not exceed five per centum per annum the dividend payable in respect of the capital entitled to a standard rate of dividend of seven per centum per annum (in this section called "seven per cent. capital") shall be the same as that payable in respect of the ten per cent. capital: 35
- (2) If the dividend payable in respect of the ten per cent. capital shall exceed five per centum per annum and shall not exceed seven per centum per annum the dividend payable in respect of the seven per cent. capital shall be at the rate of five per centum per annum: 40
- (3) If the dividend payable in respect of the ten per cent. capital shall exceed seven per centum per annum and shall not exceed nine per centum per annum the dividend payable in respect of the seven per cent. capital shall be two per centum per annum less than the dividend payable in respect of the ten per cent. capital: 45

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(4) If the dividend in respect of the ten per cent. capital shall exceed nine per centum per annum the dividend payable in respect of the seven per cent. capital shall be at the maximum authorised rate of dividend.

A.D. 1905.
Aberystwyth.

5 16. The Undertakers may borrow on mortgage of the undertaking such sum or sums as together with the amounts which they are by the Act of 1873 authorised to borrow shall not in the whole exceed one-third part of the amount of the capital by the said Act and by this Order authorised to be raised and at the time actually issued by shares or stock but no
10 part thereof shall be borrowed until the whole of the shares or stock at the time issued together with the premium (if any) realised on the sale thereof shall have been fully paid up and the Undertakers have proved to the justice who is to certify under section 40 of the Companies Clauses Consolidation Act 1845 before he so certifies that such shares and stock and
15 premium (if any) have been issued and fully paid up and upon production to such justice of the books of the Undertakers and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

Power to borrow.

20 17.—(1) The Undertakers may create and issue debenture stock subject to the conditions of Part III. of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 but notwithstanding anything contained therein or in the Act of 1873 the interest of all debenture stock and of all mortgages at any time created and issued or granted by the Undertakers under any previous Act of Parliament or this Order or any
25 subsequent Act or Order shall subject to the provisions of any subsequent Act or Order rank *pari passu* (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages Notice to the effect of this
30 enactment shall be endorsed on all mortgages and certificates of debenture stock.

Debenture stock.

(2) Section 35 (debenture stock) of the Act of 1873 is hereby repealed.

18. All moneys raised under this Order shall be applied to the purposes of the undertaking to which the capital is properly applicable.

Application of money.

35

Miscellaneous.

19. In order to enable the Undertakers to ensure a satisfactory supply of gas to their consumers the following provisions shall have effect :—

As to construction and placing of pipes &c. between mains and meters.

- 40 (1) The Undertakers may specify the size and material of the pipes with the fittings thereof which are to be laid by the consumer between the Undertakers' mains and the meter and (so far as the same are intended to be covered over) on the consumer's premises :
- (2) The Undertakers may if they think fit make different specifications for different classes of premises having regard to the probable maximum consumption of gas thereon at any one time :

A.D. 1905.
Aberystwyth.

- (3) The specification shall be published once in each of two newspapers circulating within the limits of supply and a copy thereof shall be kept exhibited in the office of the Undertakers :
- (4) Every meter to be used in a new building or a building not previously supplied with gas or in connection with a new or substituted pipe laid by the consumer between the main and the consumer's meter shall be placed as near as reasonably practicable to the Undertakers' main but within the outside wall of the building :
- (5) When any such pipe or meter as aforesaid has been laid or placed notice thereof shall be given to the Undertakers and the pipe shall not be covered over until after the expiration of twenty-four hours from the service of such notice on the Undertakers Any officer of the Undertakers duly appointed may between nine o'clock in the morning and five o'clock in the afternoon attend and inspect such pipes (with their fittings) and meter and if the officer is not permitted to make the inspection or if the pipes or fittings are not according to the Undertakers' specification or if the meter is not placed as required by this section the Undertakers may refuse to supply gas to the premises until the provisions of this section have been complied with :
- (6) Any person to whom the Undertakers refuse a supply of gas under the provisions of this section may appeal to a petty sessional court against such refusal and the court may after hearing the parties and considering any questions as to the reasonableness of the Undertakers' specification make such order as seems to them proper in the circumstances and may order by which of the parties the costs of and incident to the appeal shall be paid.

Charges for gas supplied by means of prepayment meters.

20.—(1) The Undertakers may charge for any gas supplied through a prepayment meter a charge rate or rent not greater than for gas supplied to private consumers through any other kind of meter or by any other method of supply.

(2) The Undertakers shall not charge for the hire of any prepayment meter and fittings to be used therewith any sum other than a sum of money calculated according to the quantity of gas supplied through such prepayment meters and the maximum sum to be so charged shall be at the rate of one shilling per one thousand cubic feet supplied in manner aforesaid such sum to include the hire of meter and the fittings used therewith.

The said charge shall include the providing letting fixing repairing and maintenance of the meter and fittings and the cost of collection and other costs incurred by the Undertakers in connection with the meter and fittings.

(3) The maximum charge for the hire of a prepayment meter without fittings shall be at the rate of sixpence per one thousand cubic feet and the Act of 1873 and the Act of 1898 applicable to ordinary meters shall apply so far as applicable to prepayment meters.

(4) For the purposes of this section the expression "prepayment meter" means any meter or appliance by which the quantity of gas supplied is regulated according to the amount of money prepaid therefor. A.D. 1905.
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21. Any materials fittings or other articles or things let for hire under the provisions of section 11 (power to supply gas fittings engines and other apparatus) of the Act of 1898 shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under any process of any court or any proceedings in bankruptcy against the persons in whose possession the same may be. Provided that such fittings have upon them respectively a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Undertakers as the actual owners thereof. Gas fittings not to be subject to distress.

22. Every consumer of gas supplied by the Undertakers who uses a gas engine shall if required to do so by the Undertakers use an anti-fluctuator and shall at all times at his own expense keep such anti-fluctuator in proper order and if any consumer shall make default in complying with the provisions of this section the Undertakers may cease to supply him with gas. The Undertakers shall have access to and be at liberty to take off remove test inspect and replace any such anti-fluctuator at all reasonable times such taking off removal testing inspecting and replacing to be done at the expense of the Undertakers if the anti-fluctuator be found in proper order but otherwise at the expense of such consumer. Anti-fluctuators for gas engines.

23.—(1) Twenty-four hours' notice in writing shall be given to the Undertakers by every gas consumer before he shall quit any premises supplied with gas by meter by the Undertakers and in default of such notice the consumer so quitting shall be liable to pay to the Undertakers the money accruing due in respect of such supply up to the next usual period for ascertaining the register of the meter on such premises or the date from which any subsequent occupier of such premises shall require the Undertakers to supply gas to such premises whichever shall first occur. Gas consumers to give notice to Undertakers before removing.

(2) Notice of the effect of this enactment shall be endorsed on every demand note for gas rent.

24. A notice to the Undertakers from a consumer for the discontinuance of a supply of gas shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the office for the time being of the Undertakers. Notice of discontinuance.

25. If a person requiring a supply of gas from the Undertakers for any premises occupies or has occupied other premises at which gas was supplied to him by the Undertakers and has not paid all gas or meter rent or other moneys due from him to the Undertakers they may refuse to furnish to him a supply of gas until he pays the same. Power to refuse to supply persons in debt for other premises.

26. In the event of any meter used by a consumer of gas being tested in manner provided by the Sale of Gas Act 1859 and being proved to register erroneously within the meaning of the said Act such erroneous registration shall be deemed to have first arisen during the then last preceding quarter of Period of error in defective meters.

- A.D. 1905. *Aberystwyth.* the year unless it be proved to have first arisen during the then current quarter The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Undertakers shall be paid by or to the Undertakers to or by the consumer as the case may be and shall be recoverable in the like manner as gas rents are recoverable by the Undertakers. 5
- No penalty in case of unavoidable cause. 27. No penalty shall be incurred by the Undertakers for neglect or refusal to give a supply of gas in accordance with the provisions of this Order or of the enactments incorporated therewith or for insufficiency of pressure defect of illuminating power or excess of impurity in the gas supplied by them in any case in respect of which the court having cognisance of the case are of opinion that such neglect refusal insufficiency defect or excess was caused by circumstances beyond the control of the Undertakers or was of so slight or unimportant a character as not materially to affect the value of the supply. 10 15
- Power to erect &c. cottages for officers and servants. 28. The Undertakers may on any land for the time being belonging to or leased by them erect fit up and maintain houses cottages and buildings for the officers and servants employed by the Undertakers for the purposes of their undertaking.
- Altering date for holding meetings. 29. After the commencement of this Order the ordinary meetings of the Undertakers shall be held in the months of February and August or at such other periods as shall be appointed for that purpose by an order of a general meeting. 20
- Interim dividend. 30. The directors may in any year without calling a meeting of shareholders for the purpose declare an interim half-yearly dividend out of the then ascertained profits of the Undertakers Provided that the amount of any interim half-yearly dividend so declared shall not exceed in any half-year one-half of the amount of the authorised dividend. 25
- Closing of transfer books previous to declaring interim dividend. 31. The directors may close the register of transfers for a period not exceeding fourteen days previous to a declaration of any interim dividend and they may fix a day for closing the same of which seven days' notice shall be given by advertisement in some newspaper published or circulating in the district within which the Undertakers' principal place of business is situate and any transfer made during the time when the transfer books are so closed shall as between the Undertakers and the person claiming under the same but not otherwise be considered as made subsequently to the declaration of any such dividend. 30 35
- Costs of Order. 32. All the costs charges and expenses of and incidental to the applying for preparing obtaining and confirming this Order and otherwise in relation thereto shall be paid by the Undertakers. 40

A.D. 1905.

Haslemere.

HASLEMERE GAS.

Order empowering the Haslemere Gas Company Limited to maintain and continue gasworks and to manufacture and supply gas in certain parts of the counties of Surrey Southampton and West Sussex and for other purposes.

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1. This Order may be cited as the Haslemere Gas Order 1905.

Short title.

2. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed which date is in this Order referred to as "the commencement of this Order."

Commencement of Order.

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3. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the Promoters of the undertaking) of the Gasworks Clauses Act 1847 and of the Gasworks Clauses Act 1871 are hereby incorporated with this Order (except where the same are expressly varied by this Order) and the said provisions of the said Gasworks Clauses Acts shall apply as well to the mains pipes and works of the Undertakers laid down or constructed before the commencement of this Order and situate within the limits of supply as defined by this Order as to any mains pipes or works which may be laid down or constructed under the authority of this Order.

Incorporation of Acts.

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4. In this Order the expression "the prescribed rates" means the rates of dividend authorised by this Order on the capital of the Undertakers or such rates as reduced or increased in accordance with the provisions of this Order and the several words terms and expressions to which by any Act in whole or in part incorporated with this Order and by the Gas and Water Works Facilities Act 1870 meanings are assigned have the same respective meanings and in the construction of this Order or of any such Act for the purposes of this Order the expression "the undertaking" shall include the gasworks and works connected therewith by this Order authorised to be maintained and continued.

Interpretation.

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5. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as "the limits of supply") shall be the parishes and parts of parishes specified in Schedule A to this Order annexed.

Limits of Order.

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Undertakers.

6. The Haslemere Gas Company Limited shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

Undertakers.

Capital.

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7. The share capital of the Undertakers for the purposes of the undertaking shall not exceed twenty-four thousand pounds consisting of the sum of (68.)

Capital.

A.D. 1905. ten thousand five hundred pounds share capital already raised by the Undertakers (in this Order referred to as "the original capital") and of the additional capital (in this Order referred to as "the additional capital") to be issued subject to the provisions of this Order not exceeding thirteen thousand five hundred pounds including any premiums which may be obtained on the sale of any shares or stock under the provisions of this Order unless the Undertakers are hereafter authorised to raise for such purposes further additional share capital by Provisional Order under the Gas and Water Works Facilities Act 1870 or by Act of Parliament.

Hastemere.

New shares or stock to be offered by auction or tender.

8. The Undertakers shall when any shares or stock forming part of the additional capital are to be issued and before offering the same to the holder of any other share or stock of the Undertakers and whether the ordinary shares or ordinary stock in the capital of the Undertakers are or is at a premium or not offer the same for sale by public auction or tender in such manner at such times and subject to such conditions of sale as the Undertakers may by special resolution determine. Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of shares or stock and that the reserved price put upon such shares or stock shall not be less than the nominal value thereof and notice of the amount of such reserved price shall be sent by the Undertakers in a sealed letter to the Board of Trade not less than twenty four hours before the day of auction or the last day for the reception of tenders as the case may be and such letter may be opened after such day of auction or last day for the reception of tenders and not sooner and provided that no priority of tender shall be allowed to any holder of shares or stock of the Undertakers except that if the bidding or offer by tender of any holder of shares or stock be the same in amount as the bidding or offer made by any other person for the same lot the bidding or offer of such holder shall be accepted in preference.

Purchase money of shares or stock to be paid within three months.

9. It shall be one of the conditions of any sale of shares or stock under the provisions of this Order that the full price thereof including any premium given by any purchaser at such sale shall be paid to the Undertakers within three months of such sale.

Notice to be given as to sale of shares or stock.

10. The intention to sell any shares or stock by auction or tender under the provisions of this Order shall be communicated by the Undertakers in writing to the clerk of every local authority having jurisdiction within the limits of supply and to the Secretary of the Committee of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders as the case may be and notice of such intention shall be duly advertised by the Undertakers once in each of two consecutive weeks in one or more newspapers circulating within the limits of supply.

Shares or stock not sold by auction or tender to be offered to holders of ordinary shares or stock.

11. When any shares or stock have been offered for sale by auction or tender under the provisions of this Order and not sold the same shall be offered at the reserved price put upon the same respectively for the purpose of sale by auction or tender to the holders of the ordinary shares or stock of the Undertakers in such manner as may be prescribed by a special resolution passed by the Undertakers. Provided that any shares or stock so offered and

[5 EDW. 7.]

Gas Orders Confirmation.

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not accepted within the time prescribed by such resolution shall again be offered for sale by public auction or tender in the manner and subject to the provisions of this Order with respect to the sale of shares or stock forming part of the additional capital and the reserve put upon any such shares or stock
 5 may upon such second or any subsequent auction or tender if the directors of the Undertakers think fit be less than the nominal value thereof and any shares or stock not then sold shall be again offered to the holders of ordinary shares or stock at the last-mentioned reserved price and so on until the whole amount of such shares or stock is sold.

A.D. 1905.

Hastemere.

10 12. Any sum of money which may arise from the issue of any shares or stock under the provisions of this Order by way of premium after deducting therefrom the expenses of and incident to such issue shall not be considered as profits of the Undertakers but shall be expended in extending or improving the works of the Undertakers or in paying off money borrowed or owing on
 15 mortgage by the Undertakers and shall not be considered as part of the capital of the Undertakers entitled to dividend.

Application of premium arising on issue of shares or stock.

20 13. Except as by this Order expressly provided the Undertakers shall not in any year declare or make out of their profits any larger dividends on the original capital and additional capital than ten pounds in respect of every one hundred pounds actually paid up of the original capital and seven pounds in respect of every one hundred pounds actually paid up of the additional capital.

Limits of dividend on capital.

25 14. In case in any year or in any half-year (if the Undertakers declare a dividend half-yearly) the net revenue of the Undertakers applicable to dividend is insufficient to pay the full amount of the prescribed rates on each class of ordinary shares or stock in the original capital and additional capital of the Undertakers a proportionate reduction shall be made in the dividends payable on each class.

Dividends on different classes of ordinary shares or stock to be paid proportionately.

30 15. The amount of all moneys borrowed by the Undertakers and secured by mortgage of the undertaking shall not at any time exceed in the whole one-third of the amount of the capital of the Undertakers at the time actually raised by the issue of shares or stock including any premiums that may be obtained on the sale of any shares or stock under the provisions of this Order and no higher rate of interest than five pounds per centum per
 35 annum shall be paid by the Undertakers without the consent of the Board of Trade in respect of any moneys borrowed by the Undertakers after the commencement of this Order and secured as aforesaid.

Limit of borrowing powers.

Purchase of Lands.

40 16. The Undertakers may for the purposes of the undertaking purchase take on lease or acquire (by agreement but not otherwise) and hold in addition to the lands described in Schedule C to this Order any lands which they may require. Provided that they shall not at any time hold for such purposes more than three acres of land in the whole in addition to the lands described in the said schedule and that they shall not create or permit
 45 a nuisance on any such lands and that no lands shall be used by the

Power to purchase additional lands.

A.D. 1905. Undertakers for the purpose of manufacturing gas or residual products or of storing gas except the lands described in the said schedule.

Haslemere.

Power to erect &c. cottages for officers and servants.

17. The Undertakers may on any land for the time being belonging to or leased by them erect fit up maintain and let houses cottages and buildings for the officers and servants employed by the Undertakers for the purposes of their undertaking. 5

Maintenance and Continuance of Gasworks Manufacture and Sale of Gas Coke and Residual Products.

Undertakers may maintain and continue gasworks on lands described in schedule and may make and sell gas &c.

18. The Undertakers on the lands shown on the map deposited for the purposes of this Order and described in Schedule C to this Order while they are possessed of the same may maintain and continue alter and enlarge renew or discontinue their existing gasworks and works connected therewith for the manufacture and storage of gas and of coal and coke and ammoniacal liquor and they may subject to the provisions of this Order manufacture and store gas on such lands and supply and sell the same within the limits of supply and may on the same lands store coal-tar coke pitch and asphaltum and manufacture and store ammoniacal liquor and sulphate of ammonia and may sell and dispose of the same at their works and elsewhere and may also deal in and sell lime at their works and elsewhere and they may also construct and maintain alter enlarge renew or discontinue houses offices buildings and other works connected with the undertaking. 10 15 20

Power to deal in gas meters gas stoves &c. and to supply gas for other than lighting purposes.

19.—(1) The Undertakers may at their works or elsewhere purchase hire supply sell or let on hire but shall not manufacture gas meters fittings engines machinery stoves and cooking and other apparatus and may also purchase hire sell let deal in and contract for doing work in connection with but shall not manufacture fittings tubes meters pipes apparatus stoves ranges and other apparatus for heating for domestic and other purposes by means of gas and all other articles and things in any way connected with gasworks or with the supply use or consumption of gas and may take charges and remuneration in respect thereof. 25 30

(2) Any fittings let for hire under the provisions of this section shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under any process of any court or any proceedings in bankruptcy against the persons in whose possession the same may be Provided that such fittings have upon them respectively a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Undertakers as the actual owners thereof. 35

Power to take licenses for patents &c.

20. The Undertakers may subject to the provisions of this Order (but only for the purposes of the undertaking within the limits of supply and not so as to acquire any exclusive right therein) contract for take acquire and use any leave license or authority to work use exercise and put in practice any invention under letters patent heretofore made or hereafter to be made granting any right or privilege of working using or vending any invention in relation to the manufacture storage supply utilisation or 40 45

[5 EDW. 7.]

Gas Orders Confirmation.

15

distribution of gas or the conversion manufacture or utilisation of any products obtainable in or arising from such manufacture or from the materials used therein.

A.D. 1905.

Haslemere.

21. The Undertakers may contract with any local authority company or persons within or beyond the limits of supply (but if beyond such limits only with the consent in writing of the local authority of and of any company or person supplying gas under parliamentary powers within the district within which the supply is to be afforded) for the supply to them respectively of gas in bulk upon such terms and conditions and for such periods not exceeding seven years from the making of the contract as may be agreed upon.

Power to contract for sale of gas in bulk.

22. In executing the works and exercising the powers by this Order respectively authorised and conferred so far as the same affects roads bridges and other property vested in or under the jurisdiction of the Surrey County Council the county council of Southampton and the county council of West Sussex respectively (each of whom is in this section referred to as "the council" the following provisions for the protection of the council shall have effect that is to say:—

For the protection of the county councils of Surrey Southampton and West Sussex.

- (1) All mains pipes wires and works to be laid in or along any main road or in upon or across any county or main road bridge shall be laid in such position in or at the side thereof as the council in writing under the hand of their surveyor may reasonably direct :
- (2) The provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes shall extend and apply to all main roads and county or main road bridges and to all other property of the council opened and broken up or interfered with by the Undertakers in the exercise of the powers of this Order Provided that the notice required by the eighth section of that Act shall be not less than seven days instead of three days :
- (3) The plan required by the ninth section of the last-mentioned Act shall be accompanied by a section of the proposed works and shall be delivered to the council or their surveyor by the Undertakers not less than in the case of a bridge one month and in all other cases fourteen days before the Undertakers commence to open or break up any main road or interfere with any county or main road bridge or other property of the council for the purpose of executing the works :
- (4) Nothing in this Order shall authorise the Undertakers to interfere with the structural part of any county or main road bridge without the consent in writing of the surveyor to the council which consent may be given upon such conditions as the council or such surveyor may reasonably determine :
- (5) Nothing in this Order contained shall interfere with the right of the council to alter the level or deviate or improve in any manner they think fit any main road in or along which any mains pipes

A.D. 1905.

Haslemere.

wires or works of the Undertakers shall have been laid and the Undertakers shall forthwith on receiving notice in writing under the hand of the clerk or surveyor to the council so to do alter the position of any such mains pipes wires or works in the manner and to the extent prescribed by such notice or as in case of difference shall be determined by arbitration in the manner hereinafter prescribed and the council shall not make any compensation to the Undertakers for any expense or loss to which the Undertakers may be put in consequence of any such alteration deviation or improvement :

- (6) Nothing in this Order contained shall interfere with the right of the council at any time or times to remove alter or rebuild any county or main road bridge or the approaches thereto over near or attached to which any mains pipes wires or works of the Undertakers are carried in the same manner as they might have removed altered or rebuilt such bridge or the approaches thereto if this Order had not been confirmed and such mains pipes wires or works had not been laid over or near or attached to such bridge and the council shall not make any compensation to the Undertakers for any expense or loss to which the Undertakers may be put in consequence of any such alteration deviation or improvement and in the event of any such bridge or the approaches thereto over or near or attached to which any such mains pipes wires or works are laid being removed altered or rebuilt as aforesaid the Undertakers shall at their own cost in all things alter the position of any works by which such mains pipes or wires are carried over or near or attached to such bridge or the approaches thereto as aforesaid Provided that during the removal alteration or rebuilding of such bridge or the approaches thereto as aforesaid the council shall at the cost of the Undertakers afford all reasonable facilities for temporarily carrying such mains pipes and wires across any stream or river so as not to interrupt the continual supply of gas or to diminish the pressure of such supply through such mains or pipes :
- (7) All works shall be so executed by the Undertakers as not to stop the traffic and so far as reasonably practicable as not in any way to impede or interfere with the traffic on any main road or over any county or main road bridge or the approaches thereto :
- (8) The Undertakers shall pay to the council the reasonable expenses incurred by them in relation to the reasonable superintendence by the council or their surveyor of any work to be done by the Undertakers under the provisions of this section of this Order :
- (9) If any difference at any time arises between the council and the Undertakers touching this section or anything to be done or not to be done thereunder such difference shall be settled by an engineer to be appointed by the President of the Institution of Civil Engineers on the application of either party :

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Gas Orders Confirmation.

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- (10) The council shall not be liable for or in respect of any damage or injury done to any work of the Undertakers by reason of such work being laid at a depth below the surface of any main road insufficient for its protection from injury arising from the use of any steam or other roller for the repair of such road or from the passage of the traffic in such road or in repairing any county or main road bridge or the approaches thereto or by reason of the non-repair of any such bridge or approaches.
- 5
23. All works for the maintenance repair or reinstatement of roads within the rural district of Hambledon which under this Order or any Act of Parliament incorporated therewith the Undertakers are required to execute may be executed by the council of the rural district of Hambledon and the Undertakers shall pay to the Hambledon Rural District Council the actual cost reasonably incurred by the council in so doing and in the event of any difference between the council and the Undertakers as to the amount of such payment the same shall be determined by arbitration in manner provided by the Arbitration Act 1889.
- 10
24. If at any time after the expiration of four years from the commencement of this Order the Undertakers are not furnishing or prepared on demand to furnish a sufficient supply of gas in accordance with the provisions of this Order in any part of the parish of Bramshott the local authority having jurisdiction within such part of the said parish or any company body or person may apply for an Act of Parliament or Provisional Order for the purpose of supplying gas in such parish or in such part thereof as aforesaid as if in either case there were no company authorised by this Order to supply gas therein.
- 15
25. For the protection of the London and South-Western Railway Company (in this section referred to as the "South-Western Company") the following provisions shall apply and have effect viz. :—
- 20
- (a) In laying down repairing or removing any mains or pipes or executing any other works in the exercise of the powers contained in this Order upon across over under or in any way affecting the South-Western Railway or any bridge over or under such railway or any approaches to any such bridge within the South-Western Company's boundary the same shall be done under the superintendence and to the reasonable satisfaction of the engineer of the South-Western Company and according to such plans
- 25
- (68.)

A.D. 1905.

Haslemere.

Maintenance and repair of roads in rural district of Hambledon.

Power to local authority of Bramshott Parish to supply gas if Undertakers fail to supply.

For protection of London and South-Western Railway Company.

A.D. 1905.

Haslemere.

sections and specifications and except in case of urgent necessity at such times as shall be previously submitted to and as shall be reasonably approved in writing by him and shall be executed by and at the expense in all things of the Undertakers and so as not to cause any injury to the said railway or to any such bridge 5 or the approaches thereto within the South-Western Company's boundary and shall within such boundary so execute any works as having regard to the existing level of the roadway shall interfere with or impede as little as possible any improvement or widening of such railway or bridge or the introduction of side openings 10 to such bridge. Provided that if the said engineer does not express his approval or disapproval of the said plans sections and specifications within fourteen days after the same have been submitted to him he shall be deemed to have approved thereof and if the said engineer shall refuse or neglect to superintend any 15 operation the Undertakers may execute the work without his superintendence.

- (b) If any injury or damage to the railway works or property of the South-Western Company or any interruption of the South-Western Company's traffic shall be in any way occasioned by 20 the Undertakers or by their contractors agents or workmen the Undertakers shall forthwith make full compensation to the South-Western Company in respect thereof.
- (c) All mains pipes and other works of the Undertakers upon across over under or in any way affecting the South-Western Railway 25 or any bridge over or under the same or the approaches thereto within the South-Western Company's boundary shall be at all times maintained in good repair by the Undertakers and in default of their being so maintained the South-Western Company may from time to time by notice in writing signed by their said engineer and delivered at the principal office for the time being of the 30 Undertakers require the Undertakers to forthwith put into good repair any such main pipe or other work as aforesaid as may be in want of repair and if the Undertakers for seven days after the receipt of such notice refuse or neglect to proceed with the 35 repair of the same and do not dispute the necessity thereof the South-Western Company may without any further notice to the Undertakers repair the same and all expenses reasonably incurred by them in or about such repair shall be repaid to them by the Undertakers. Provided that in case of accidents happening or 40 immediate danger being apprehended to the South-Western Railway or any bridge over or under such railway or the approaches thereto by reason of any such main pipe or other work as aforesaid being in want of repairs the South-Western Company may without giving such notice as aforesaid make such repairs as 45 may be necessary and the expenses of the same shall be repaid as hereinbefore provided.

- (d) If the South-Western Company require under their existing powers to widen or alter their railway or to widen lengthen strengthen re construct alter repair lift or support any bridge over or under their railway or the approaches to such bridge the Undertakers shall afford to the South-Western Company all reasonable and proper facilities for the purposes and the Undertakers shall pay to the South-Western Company any additional expense which the South-Western Company may incur in effecting such widening lengthening strengthening reconstructing altering repairing lifting or supporting or in the maintenance of any bridge approach or other work of the South-Western Company by reason of the existence or user of the mains pipes or other works constructed under the powers of this Order.
- (e) The Undertakers shall bear and on demand pay to the South-Western Company all reasonable costs of the superintendence by them of the construction of the works and repairs thereof and all reasonable costs of watching lighting and protection of the South-Western Railway with reference to and during such construction and repairs so far as such costs may be in case of difference determined by the arbitrator to have been necessary.
- (f) Any difference which may arise between the South-Western Company and the Undertakers touching any of the matters referred to in this section shall be decided by a single arbitrator to be appointed on the application of either party by the President of the Institution of Civil Engineers and any such arbitration shall be subject to the provisions of the Arbitration Act 1889.

A.D. 1905.
Haslemere.

26. If any difference arise between the Undertakers and any road authority or railway canal or other company whose lands or works the Undertakers have power to cross under the authority of this Order as to the mode of laying down repairing altering or enlarging their mains pipes or other works in over or upon such lands or works or the facilities to be afforded for the same such difference shall (unless the same is otherwise specially provided for by the provisions of this Order) be settled by an engineer or other fit person to be appointed by the Board of Trade at the request of either party.

Differences
with road
authorities or
railway or
other com-
panies.

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Quality of Gas.

27. The quality of the gas supplied by the Undertakers shall with respect to its illuminating power be such as to produce a light equal in intensity to the light produced by not less than fourteen sperm candles and shall in all respects be in accordance with the provisions of the Gasworks Clauses Act 1871.

Quality of gas.

Price of Gas.

28. The price to be charged by the Undertakers for gas supplied by them shall not exceed five shillings per thousand cubic feet and so in proportion for any less quantity supplied Provided that at any time after the expiration of three years from the commencement of this Order the

Price of gas.

(68.)

C 2

A.D. 1905. Board of Trade may if they think fit by order in writing signed by a secretary or an assistant secretary of the said Board alter the said maximum price either by substituting any other sum for the said sum of five shillings or by fixing a standard price with sliding scale as to profits and as from the date specified in such order (herein-after referred to as "the specified date") 5
Hastlemere. the provisions set forth in Schedule B to this Order annexed shall be in force and have effect and this Order shall be read and construed accordingly A copy of any such order made by the Board of Trade shall be published in the London Gazette and a copy of the said Gazette containing such order shall be conclusive evidence of the due making and validity of the same and of 10
 the contents thereof.

Pressure of Gas.

Pressure of gas. 29. All gas supplied by the Undertakers to any consumer of gas shall be supplied at such pressure as to balance from midnight to sunset a column of water not less than six-tenths of an inch in height and to balance from 15
 sunset to midnight a column of water not less than eight-tenths of an inch in height at the main as near as may be to the junction therewith of the service pipe supplying such consumer.

Testing Gas.

Testing gas. 30. The Undertakers shall within six months after the commencement of 20
 this Order cause to be provided at their works a testing place with apparatus therein according to the provisions of the Gasworks Clauses Act 1871 and the burner to be used for testing gas shall be a Sugg's London Argand No. 1 with a six-inch by one-and-three-quarter-inch glass chimney and if at any time the gas flame tails over the top of the glass a six-inch by two-inch 25
 chimney shall be used Provided that any other description of burner may be used which may for the time being be approved for the purpose by the Board of Trade and any gas examiner appointed under the Gasworks Clauses Act 1871 for the purposes of this Order may subject to the terms of his appointment at such testing place or elsewhere as and when he thinks fit test 30
 the pressure at which the gas is supplied and for that purpose may open any street road passage or place not being the immediate approach to any railway or canal bridge or railway station vested in or under the control of any local or road authority and two hours' previous notice shall be given to the Undertakers of the time and place at which such testing is to be conducted. 35

Miscellaneous.

Gas consumers to give notice to Undertakers before removing. 31. Twenty-four hours' notice in writing shall be given to the Undertakers by every gas consumer before he shall quit any premises supplied with gas by meter by the Undertakers and in default of such notice the consumer so quitting shall be liable to pay to the Undertakers the money accruing due in 40
 respect of such supply up to the next usual period for ascertaining the register of the meter on such premises or the date from which any subsequent occupier of such premises shall require the Undertakers to supply gas to such premises whichever shall first occur Provided that notice of the provisions of this section shall be endorsed upon every demand note for gas rent payable to the 45
 Undertakers.

32. Every consumer of gas supplied by the Undertakers who uses a gas engine shall if required to do so by the Undertakers use an anti-fluctuator and shall at all times at his own expense keep such anti-fluctuator in proper order and if any consumer shall make default in complying with the provisions of this section the Undertakers may cease to supply him with gas. The Undertakers shall have access to and be at liberty to take off remove test inspect and replace any such anti-fluctuator at all reasonable times such taking off removal testing inspecting and replacing to be done at the expense of the Undertakers if the anti-fluctuator be found in proper order but otherwise at the expense of such consumer.
33. A notice to the Undertakers from a consumer for the discontinuance of a supply of gas shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the office for the time being of the Undertakers.
34. In the event of any meter used by a consumer of gas being tested in manner provided by the Sale of Gas Act 1859 and being proved to register erroneously within the meaning of the said Act such erroneous registration shall be deemed to have first arisen during the last preceding quarter of the year unless it be proved to have first arisen during the current quarter. The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Undertakers shall be paid by or to the Undertakers to or by the consumer as the case may be and shall be recoverable in like manner as gas rents are recoverable by the Undertakers.
35. If a person requiring a supply of gas from the Undertakers has previously quitted premises at which gas was supplied to him by them without paying to them all gas or meter rent or other moneys due from him to the Undertakers they may refuse to furnish to him a supply of gas until he pay the same.
36. No penalty shall be incurred by the Undertakers for insufficiency of pressure defect of illuminating power or for excess of impurity in the gas supplied by them in any case in which it is proved that such insufficiency defect or excess was produced by an unavoidable cause or accident.
37. Where any money is deposited by any person by way of security with the Undertakers for the payment to them of any moneys which may become due to them by such person in respect of any supply of gas or of the purchase or hire of any meter the Undertakers shall pay interest at the rate of five pounds per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands.
38. Section 140 of the Companies Clauses Consolidation Act 1845 shall be and is hereby incorporated with this Order. Provided that for the purpose of such incorporation the expression "the company" in the said section shall be construed to mean the Undertakers.
39. All the costs charges and expenses of and incidental to the applying for preparing obtaining and confirming this Order and otherwise in relation thereto shall be paid by the Undertakers.

A.D. 1905.

Haslemere.
Anti-fluctua-
tors for gas
engines.

Notice on dis-
continuance.

Period of error
in defective
meters.

Power to re-
fuse to supply
persons in debt
for other pro-
perty.

Exemption
from penalties
in certain
cases.

Undertakers to
pay interest on
deposits.

Incorporation
of section 140
of 8 Vict. c. 16.

Costs of Order.

A.D. 1905.

*Haslemere.***SCHEDULES.****SCHEDULE A.****LIMITS OF SUPPLY.**

In the county of Surrey :

In the rural district of Hambledon :

5

The parish of Haslemere.

So much of the parish of Thursley as lies to the south of a line drawn from a point on the western boundary of the parish where the main London and Portsmouth road crosses that boundary at the reservoir of the Wey Valley Water Company and continuing thence along the said main road in an eastwardly direction until the said road turns to the north opposite Gibbet Hill thence in a straight line due east over Gibbet Hill to the eastern boundary of the parish near Hurt Hill Copse.

10

In the rural district of Farnham :

15

The parish of Shottermill.

So much of the parish of Frensham as lies to the south of a line drawn from the western boundary of the parish at the bridge carrying the road by Barford Mill over the river thence along the road in a north-eastwardly direction to the Crossways Inn thence along the road in a south-eastwardly direction to Butts Farm past the road leading to Green Cross and past Mayhews and Green Farms to a point where the road joins the road leading from Hindhead to Tilford thence along such last-mentioned road in a northwardly direction to Stock Farm and in an eastwardly direction past Marchant's Farm to the eastern boundary of the parish near Hyde Farm.

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25

In the county of Southampton :

In the rural district of Alton :

The parish of Greyshott.

30

In the rural district of Petersfield :

The parish of Bramshott.

In the county of West Sussex :

In the rural district of Midhurst :

The parishes of Linchmere Fernhurst North Ambersham and Lurgashall.

35

NOTE.—In this schedule where the boundary of the limits of supply is stated to be along a road the houses and premises on both sides of such road are included within the limits of supply.

SCHEDULE B.

A.D. 1905.

Haslemere,

The foregoing Order shall after the making by the Board of Trade of an Order in pursuance of the provisions in that behalf therein contained prescribing a standard price for gas supplied by the Undertakers with sliding
5 scale as to profits and as from the specified date be read and construed subject to the modifications following :—

(1) Sections 30 to 34 (both inclusive) of the Gasworks Clauses Act 1847 shall not continue to be incorporated with or to form part of the
10 foregoing Order and in construing the said Act for the purposes of the foregoing Order section 35 of the said Act shall be read and construed as though the words from “in case the whole” down to
15 “have been paid” all inclusive had been omitted therefrom and as though the expression “the prescribed rate” included the prescribed rates as defined by the foregoing Order together with any sum which under the provisions of this schedule might lawfully be carried to the insurance fund :

Sections 30 to 34 of Gasworks Clauses Act 1847 to cease to be incorporated.

(2) Notwithstanding anything contained in the foregoing Order the
20 standard price to be charged by the Undertakers for gas supplied by them to private consumers by meter shall be the price prescribed by such Order of the Board of Trade as aforesaid per thousand cubic feet :

Price of gas with sliding scale as to dividend.

Provided that the Undertakers may increase or reduce the price so charged by them for gas above or below the standard price subject to a reduction or increase in the dividend payable by the
25 Undertakers on the ordinary share capital or stock as follows :—

In respect of any year during any part of which the price charged by the Undertakers shall have been one penny or part of a penny above the standard price the dividend payable by the Undertakers shall in respect of each penny or part of a
30 penny by which the price shall have been increased be reduced below the standard rate of dividend by five shillings on every one hundred pounds of ordinary paid-up capital with a ten per centum standard rate of dividend and three shillings and sixpence on every one hundred pounds of ordinary paid-up capital with a seven per centum standard rate of dividend and so in proportion for any fraction of one hundred pounds ;

And in respect of any year during the whole of which the price charged by the Undertakers shall have been one penny or more below the standard price the dividend payable by the
40 Undertakers may in respect of each penny by which the standard price has been reduced be increased above the standard rate by five shillings on every one hundred pounds of ordinary paid-up capital with a ten per centum standard rate of dividend and three shillings and sixpence on every one hundred pounds of ordinary paid-up capital with a seven per centum standard rate of dividend and so on in proportion for any fraction of one
45 hundred pounds :

A.D. 1905.

Haslemere.

If profits exceed amount limited excess may be invested and form an insurance fund.

Application of further excess of profits over prescribed rates.

Power to create a reserve fund and application thereof.

- (3) If the clear profits of the undertaking in any year amount to a larger sum than is sufficient to pay the prescribed rates the excess beyond the sum necessary for that purpose may to the extent of one per centum per annum upon the paid-up capital of the Undertakers be invested in Government or other securities and the dividends and interest arising from such securities shall also be invested in the same or like securities in order that the same may accumulate at compound interest until the fund so formed amounts to a sum equal to one-twentieth part of the paid-up capital of the Undertakers which fund shall form an insurance fund to meet any extraordinary claim demand or charge which may at any time arise against or fall upon the Undertakers from accident strike or other circumstance which in the opinion of a court of summary jurisdiction due care and management could not have prevented and if such fund be at any time reduced it may thereafter be again made up to the said limit as often as such reduction happens Provided that when and so often as the said fund reaches the said limit of one-twentieth part of the paid-up capital the interest thereon shall be carried to the credit of the fund available for dividend Provided also that resort may be had to the insurance fund to meet any such extraordinary claim demand or charge as aforesaid although such fund may not at any time have reached or may have been reduced below the full amount of one-twentieth as aforesaid :
- (4) If the clear profits of the undertaking in any year amount to a larger sum than is sufficient to pay the prescribed rates the excess or such portion of it as is not carried to the insurance fund shall be carried to the credit of the divisible profits of the undertaking for the next following year :
- (5) Where in any year the prescribed rates on the ordinary share capital or stock of the Undertakers exceed the standard rate by reason of the price charged by the Undertakers for gas in such year being below the standard price then out of the amount of the divisible profits of the Undertakers applicable to the payment of such excess of dividends the Undertakers may in such year set apart such sum as they think fit by way of a reserve fund and all sums (if any) so set apart by the Undertakers and any reserve or other fund of a similar character of the Undertakers existing at the specified date in relation to the undertaking may be invested in Government or other securities and the dividends and interest arising from such securities may also be invested in the same or the like securities in order that the same may accumulate at compound interest and the fund so formed shall be called "the reserve fund" and shall be applicable to the payment of dividend in any year in which the clear profits of the Undertakers shall be insufficient to enable the Undertakers in such year to pay the prescribed rates and save as by this schedule specially provided no sum shall in respect of the undertaking in any year be carried by the Undertakers to any reserve fund :

[5 EDW. 7.]

Gas Orders Confirmation.

25

- (6) Nothing in this schedule contained shall alter vary or affect any contract or agreement duly made or any liability incurred or notice given before the specified date with respect to the gasworks or of the supply of gas by the Undertakers.

A.D. 1905.
 Haslemere.
 Saving of
 existing con-
 tracts.

5

SCHEDULE C.

GAS LANDS.

- A piece of land adjoining King's Road in the parish of Haslemere in the rural district of Hambledon in the county of Surrey containing 2 roods 6 perches or thereabouts and bounded on the north-west by King's Road aforesaid on the north east by property belonging or reputed to belong to Algernon Mordaunt Chapman on the south-east by property belonging or reputed to belong to William Heather and on the south-west by property belonging or reputed to belong to George Gardiner.

HAYLING ISLAND GAS.

*Hayling
Island.*

- 15 *Order empowering the Hayling Island Gas Company Limited to maintain and continue gasworks and to manufacture and supply gas in the parishes of South Hayling and North Hayling in the County of Southampton.*

1. This Order may be cited as the Hayling Island Gas Order 1905.

Short title.

- 20 2. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed which date is in this Order referred to as "the commencement of this Order."

Commence-
ment of Order.

- 25 3. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the Promoters of the undertaking) of the Gasworks Clauses Act 1847 and of the Gasworks Clauses Act 1871 are hereby incorporated with this Order (except where the same are expressly varied by this Order) and the said provisions of the said Gasworks Clauses Acts shall apply as well to the main pipes and works of the Undertakers
 30 laid down or constructed before the commencement of this Order and situate within the limits of supply as defined by this Order as to any mains pipes or works which may be laid down or constructed under the authority of this Order.

Incorporation
of Acts.

(68.)

D

- A.D. 1905. 4. In this Order the expression "the prescribed rates" means the rates of dividend authorised by this Order on the capital of the Undertakers or such rates as reduced or increased in accordance with the provisions of this Order. The expression "deposited map" shall mean the map deposited for the purposes of this Order and the several words terms and expressions to which by any Act in whole or in part incorporated with this Order and by the Gas and Water Works Facilities Act 1870 meanings are assigned have the same respective meanings and in the construction of this Order or of any such Act for the purposes of this Order the expression "the undertaking" shall include the gasworks and works connected therewith by this Order authorised to be maintained and continued.
- Hayling Island.*
Interpretation 5
- Limits of Order. 5. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as "the limits of supply") shall be the parishes of South Hayling and North Hayling in the county of Southampton. 15
- Undertakers.*
- Undertakers. 6. The Hayling Island Gas Company Limited shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."
- Capital.*
- Capital. 7. The share capital of the Undertakers for the purposes of the undertaking shall not exceed six thousand pounds consisting of the sum of three thousand pounds ordinary share capital (in this Order referred to as "the original capital") already raised by the Undertakers and of additional share capital (in this Order referred to as "the additional capital") to be issued subject to the provisions of this Order not exceeding three thousand pounds including any premiums which may be obtained on the sale of any shares under the provisions of this Order unless the Undertakers are hereafter authorised to raise for such purposes further additional share capital by Provisional Order under the Gas and Water Works Facilities Act 1870 or by Act of Parliament. 20 25 30
- New shares or stock to be offered by auction or tender. 8. The Undertakers shall when any shares or stock forming part of the additional capital are to be issued and before offering the same to the holder of any other share or stock of the Undertakers and whether the ordinary shares or stock of the Undertakers are or is at a premium or not offer the same for sale by public auction or tender in such manner at such times and subject to such conditions of sale as the Undertakers may by special resolution determine Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of shares or stock and that the reserved price put upon such shares or stock shall not be less than the nominal amount thereof and notice of the amount of such reserved price shall be sent by the Undertakers in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders as the case may be and such letter may be opened after such day of auction or last day for the reception of tenders 35 40 45

[5 EDW. 7.]

Gas Orders Confirmation.

27

and not sooner And provided that no priority of tender shall be allowed to any holder of shares or stock of the Undertakers except that if the bidding or offer by tender of any holder of shares or stock of the Undertakers be the same in amount as the bidding or offer by tender of any other person the bidding or offer by tender of such holder shall be accepted in preference.

A.D. 1905.

*Hayling
Island.*

9. It shall be one of the conditions of any sale of shares or stock under the provisions of this Order that the full price including any premium given by any purchaser at such sale shall be paid to the Undertakers within three months of such sale.

Purchase money of shares or stock to be paid within three months.

10. The intention to sell any shares or stock by auction or tender under the provisions of this Order shall be communicated by the Undertakers in writing to the clerk of every local authority having jurisdiction within the limits of supply and to the Secretary of the Committee of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders as the case may be and notice of such intention shall be duly advertised by the Undertakers once in each of two consecutive weeks in one or more newspapers circulating within the limits of supply.

Notice to be given as to sale of shares or stock.

11. When any shares or stock have been offered for sale by auction or tender under the provisions of this Order and not sold the same shall be offered at the reserved price put upon the same respectively for the purpose of sale by auction or tender to the holders of the ordinary shares or stock of the Undertakers in such manner as may be prescribed by a special resolution passed by the Undertakers Provided that any share or stock so offered and not accepted within the time prescribed by such resolution shall again be offered for sale by public auction or tender in the manner and subject to the provisions of this Order with respect to the sale of shares or stock forming part of the additional capital except that the reserved price put upon such shares or stock may upon such second or any subsequent auction or tender if the directors of the Undertakers think fit be less than the nominal amount thereof and any shares or stock not then sold shall be again offered to the holders of ordinary shares or stock at the last-mentioned reserved price and so on until the whole of such shares or stock is sold.

Shares or stock not sold by auction or tender to be offered to shareholders.

12. Any sum of money which may arise from the issue of any shares or stock under the provisions of this Order by way of premium after deducting therefrom the expenses of and incident to such issue shall not be considered as profits of the Undertakers but shall be expended in extending or improving the works of the Undertakers or in paying off money borrowed or owing on mortgage by the Undertakers and shall not be considered as part of the capital of the Undertakers entitled to dividend.

Application of premium arising on issue of shares or stock.

13. The Undertakers shall not in any year except as by this Order expressly provided declare or make out of their profits any larger dividend on the said capital than ten pounds in respect of every one hundred pounds of the original capital and seven pounds in respect of every one hundred pounds actually paid up of so much of the additional capital as may be issued

Limit of dividend on capital.

(68.)

D 2

A.D. 1905. as ordinary capital or five pounds in respect of every one hundred pounds actually paid up of so much of the additional capital as may be issued as preference capital.

Hayling
Island.

Dividends
on different
classes of
ordinary
shares to be
paid propor-
tionately.

14. In case in any year or in any half-year (if the Undertakers declare a dividend half-yearly) the net revenues of the Undertakers applicable to dividend are insufficient to pay the full amount of the prescribed rates on each class of ordinary shares or stock in the original capital and the additional capital a proportionate reduction shall be made in the dividends payable on each class. 5

Limit of
borrowing
powers.

15. The amount of all moneys borrowed by the Undertakers and secured by mortgage of the undertaking shall not at any time exceed in the whole one-fourth of the amount of the capital of the Undertakers actually raised by the issue of shares or stock including any premiums that may be obtained on the sale of any shares or stock under the provisions of this Order and no higher rate of interest than four pounds per centum per annum shall be paid by the Undertakers without the consent of the Board of Trade in respect of any moneys borrowed by the Undertakers after the commencement of this Order and secured as aforesaid. 10 15

Purchase of Lands.

Power to
purchase addi-
tional lands.

16. The Undertakers may for the purposes of the undertaking purchase or take on lease (by agreement but not otherwise) and hold in addition to the lands described in Schedule A to this Order any lands which they may require Provided that they shall not at any time hold for such purposes more than two acres of land in the whole in addition to the lands described in the said schedule and that they shall not create or permit a nuisance on any such lands and that no lands shall be used by the Undertakers for the purpose of manufacturing gas or residual products or of storing gas except the lands described in the said schedule. 20 25

Maintenance and Continuance of Gasworks and Sale of Gas Coke and Residual Products.

Undertakers
may maintain
and continue
gasworks and
construct new
gasworks on
lands described
in schedule
and may make
and sell gas.

17. The Undertakers on the lands shown on the deposited map and described in Schedule A to this Order while they are possessed of the same may maintain and continue alter enlarge improve re-erect renew or discontinue their existing gasworks and works connected therewith and may construct erect make and maintain alter and enlarge retorts retort houses gasholders receivers purifiers meters apparatus and works for the manufacture utilisation distribution and storage of gas and of coke tar ammoniacal liquor and other residual products obtained in the manufacture of gas and matters producible therefrom or used in the manufacture of gas and they may subject to the provisions of this Order manufacture and store gas on such lands and they may supply and sell the same within the limits of supply and may manufacture and store coal tar coke pitch asphaltum ammoniacal liquor oil and sulphate of ammonia and all other residual and manufactured products obtained in the manufacture of gas and matters producible therefrom or used in the manufacture of gas and may sell 30 35 40 45

and dispose of the same at their works and elsewhere and they may also maintain construct alter enlarge renew or discontinue houses offices buildings and other works connected with the undertaking.

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Island.*

18.—(1) The Undertakers may at the works or elsewhere purchase hire supply sell let on hire but shall not manufacture gas meters fittings engines machinery stoves and cooking and other apparatus and may also purchase hire sell let deal in and contract for doing work in connection with but shall not manufacture fittings tubes meters pipes apparatus stoves ranges and other apparatus for heating for domestic and other purposes by means of gas and all other articles and things in any way connected with gasworks or with the supply use or consumption of gas and may take charges and remuneration in respect thereof.

Power to Undertakers to purchase and supply gas appliances and apparatus.

(2) Any fittings let for hire under the provisions of this section shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under any process of any court or any proceedings in bankruptcy against the persons in whose possession the same may be :

Fittings not to be subject to distress.

Provided that such fittings have upon them respectively a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Undertakers as the actual owners thereof.

19. The Undertakers may subject to the provisions of this Order (but only for the purposes of the undertaking within the limits of supply and not so as to acquire any exclusive right therein) contract for take acquire and use any leave licence or authority to work use exercise and put in practice any invention under letters patent heretofore made or hereafter to be made granting any right or privilege of working using or vending any invention in relation to the manufacture storage supply utilisation or distribution of gas or the conversion manufacture or utilisation of any products obtainable in or arising from such manufacture or from the materials used therein.

Power to take licences for patents &c.

20. The Undertakers may contract with any local authority company or persons beyond the limits of supply (but only with the consent in writing of the local authority of and of any company or person supplying gas under Parliamentary powers within the district within which the supply is to be afforded) for the supply to them respectively of gas in bulk upon such terms and conditions and for such periods not exceeding seven years from the making of the contract as may be agreed upon.

Power to contract for sale of gas in bulk.

21. For the protection of the Hayling Railways Company and the London Brighton and South Coast Railway Company (hereinafter together referred to as "the railway companies") the following provisions shall have effect :

For protection of Hayling Railways Company and London Brighton and South Coast Railway Company.

(A) In laying down altering repairing or removing any gas mains or pipes or executing any other works in exercise of the powers contained in this Order in the parishes of South Hayling and North Hayling in the county of Southampton upon across over or under or in any way affecting the railways bridges works and property of the Hayling Railways Company (which railways

A.D, 1905.
 Hayling
 Island.

- bridges works and property are leased to the London Brighton and South Coast Railway Company (hereinafter referred to as "the Brighton Company") and which railways bridges works and property are hereinafter together referred to as "the railways of the railway companies") the same shall be done 5
 under the superintendence and to the reasonable satisfaction of the principal engineer of the Brighton Company and according to such plans and in such manner as shall be previously submitted to and as reasonably approved by him in writing or in the event of disapproval then in such manner as shall be 10
 determined by arbitration in manner hereinafter provided :
- (B) All such works shall be done by and at the expense of the Undertakers who shall also restore and make good to the reasonable satisfaction of the said engineer any portion of the railways of the railway companies which may be interfered 15
 with and all such works shall be carried out so as to cause as little injury as may be to the railways of the railway companies and so as not to cause any interference with the passage or conduct of traffic thereover Provided nevertheless that if the engineer of the Brighton Company shall think it 20
 necessary for the safety of any of the railways of the railway companies that any works of the Undertakers over under or in any way affecting the railways of the railway companies should be done or carried out by the Brighton Company and shall notify such desire to the Undertakers any such works 25
 shall be done or carried out by the Brighton Company accordingly at the cost of the Undertakers :
- (c) The Undertakers shall bear and on demand pay to the Brighton Company all reasonable costs of the superintendence by their engineer of the construction maintenance and renewal of the 30
 gas mains pipes and other works of the Undertakers over under or in any way affecting the railways of the railway companies when the same are done or carried out by the Undertakers and all proper costs of watching lighting and protection of the railways of the railway companies during such construction 35
 maintenance and renewal but such superintendence by the Brighton Company shall not relieve the Undertakers from liability for any accident which may be occasioned by or through the operations of the Undertakers or by their contractors agents and workmen : 40
- (D) If any injury or interruption of traffic shall arise from or be in any way owing to any of the works of the Undertakers or to the bursting leakage or failure of any such gas mains pipes or other works the Undertakers shall make full compensation to the railway companies in respect thereof : 45
- (E) The Brighton Company may at any time or times hereafter upon giving to the Undertakers not less than fourteen days' notice

- thereof in writing signed by their said engineer and delivered at the principal office of the Undertakers call upon the Undertakers to divert or alter the level of any gas main or pipe of the Undertakers passing over or under or in any way affecting the railways of the railway companies so as to admit of any repairs alterations or extensions of the railways of the railway companies which they may think necessary without being liable to pay the costs of such diversion or alteration or to pay any compensation in respect thereof:
- 5
- 10 (F) Any dispute or difference which may arise between the Undertakers and the railway companies or either of them with reference to the provisions of this section or in any way arising thereout or as to any works to be carried out in pursuance thereof shall be settled by arbitration by an engineer to be agreed upon between the Undertakers and the Brighton Company or failing agreement by an engineer to be appointed by the Board of Trade on the application of either party and the costs of such arbitration shall be in the discretion of the arbitrator.
- 15
- 20 22. If any difference arise between the Undertakers and any road authority or railway canal or other company whose lands or works the Undertakers have power to cross under the authority of this Order as to the mode of laying down repairing altering or enlarging their mains pipes or other works in over or upon such lands or works or the facilities to
- 25 be afforded for the same such difference shall be settled by an engineer or other fit person to be appointed by the Board of Trade at the request of either party.

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*Hayling
Island.*Difference
with road
authorities or
railway or
other com-
panies.*Quality of Gas.*

23. The quality of the gas supplied by the Undertakers shall with respect to its illuminating power be such as to produce a light equal in intensity to the light produced by not less than fourteen sperm candles and shall in all respects be in accordance with the provisions of the Gasworks Clauses Act 1871.
- 30

Quality of gas.

Price of Gas.

24. The price to be charged by the Undertakers for gas supplied by them shall not exceed six shillings per thousand cubic feet and so in proportion for any less quantity Provided that at any time after the expiration of three years from the commencement of this Order the Board of Trade may if they think fit by order in writing to be signed by a secretary or assistant secretary of the said Board alter the said maximum price either by substituting any other sum for the said sum of six shillings or by giving a standard price with a sliding scale as to profits and as from the date specified in such Order (hereinafter referred to as "the specified date") the price to be charged by the Undertakers for gas supplied by them shall be in accordance with such Order Provided
- 35
- 40
- 45

Price of gas.

A.D. 1905. further that in case such Order shall prescribe a standard price with sliding scale as to profits then as from the specified date the provisions set forth in Schedule B to this Order annexed shall be in force and have effect and this Order shall be read and construed accordingly A copy of such Order made by the Board of Trade shall be published in the London Gazette and a copy of the said Gazette containing such Order shall be conclusive evidence of the due making and validity of the same and of the contents thereof.

*Hayling
Island.*

Pressure of Gas.

Pressure of
gas. "

25. All gas supplied by the Undertakers to any consumer of gas shall be supplied at such pressure as to balance from midnight to sunset a column of water not less than six-tenths of an inch in height and to balance from sunset to midnight a column of water not less than eight-tenths of an inch in height at the main as near as may be to the junction therewith of the service pipe supplying such consumer.

Testing of Gas.

Testing of gas.

26. The Undertakers shall within six months after the commencement of this Order cause to be provided at their works a testing place with apparatus therein according to the provisions of the Gasworks Clauses Act 1871 and the burner to be used for testing gas shall be a Sugg's London Argand No. 1 with a six-inch by one-and-three-quarter-inch glass chimney and if at any time the glass flame tails over the top of the glass a six-inch by two-inch chimney shall be used and such chimney as may be found necessary for twelve candle power gas Provided that any other description of burner may be used which may for the time being be approved for the purpose by the Board of Trade and any gas examiner appointed under the Gasworks Clauses Act 1871 for the purposes of this Order may subject to the terms of his appointment at such testing place or elsewhere as and when he thinks fit test the pressure at which the gas is supplied and for that purpose may open any street road passage or place (not being the immediate approach to any railway or canal bridge or railway station) vested in or under the control of any local or road authority and two hours' previous notice shall be given to the Undertakers of the time and place at which such testing is to be conducted.

Miscellaneous.

Exemption
from penalty
in certain
cases.

27. No penalty shall be incurred by the Undertakers for insufficiency of pressure defect in illuminating power or for excess of impurity in the gas supplied by them in any case in which it is proved that such insufficiency defect or excess was produced by an unavoidable cause or accident.

Power to refuse
to supply persons
in debt
for other
property.

28. If a person requiring a supply of gas from the Undertakers has previously quitted premises at which gas was supplied to him by them without paying to them all gas or meter rent or other moneys due from

[5 EDW. 7.]

Gas Orders Confirmation.

33

him to the Undertakers they may refuse to furnish to him a supply of gas until he pays the same. A.D. 1905.

29. In the event of any meter used by a consumer of gas being tested in manner provided by the Sale of Gas Act 1859 and being proved to register erroneously within the meaning of the said Act such erroneous registration shall be deemed to have first arisen during the last preceding quarter of the year unless it be proved to have first arisen during the current quarter. *Hayling Island.*
Period of error in defective meters.

The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Undertakers shall be paid by or to the Undertakers to or by the consumer as the case may be and shall be recoverable in like manner as gas rents are recoverable by the Undertakers.

30. Section 140 of the Companies Clauses Consolidation Act 1845 shall be and is hereby incorporated with this Order Provided that for the purpose of such incorporation the expression "the Company" in the said section shall be construed to mean the Undertakers. 8 Vict. c. 16.
s. 140 incorporated.

31. Twenty-four hours' notice in writing shall be given to the Undertakers by every gas consumer before he shall quit any premises supplied with gas by meter by the Undertakers and in default of such notice the consumers so quitting shall be liable to pay to the Undertakers the money accruing due in respect of such supply up to the next usual period for ascertaining the register of the meter on such premises Provided that notice of the provisions of this section shall be endorsed upon every demand not for gas rent. Gas consumers to give notice to Undertakers before removing.

32. A notice to the Undertakers from a consumer for the discontinuance of a supply of gas shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the office for the time being of the Undertakers. Notice of discontinuance.

33. Where any money is deposited by any person by way of security with the Undertakers for the payment to them of any moneys which may become due to them by such person in respect of any supply of gas or of the purchase or hire of any meter the Undertakers shall pay interest at the rate of five pounds per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands. Undertakers to pay interest on deposits.

34. All the costs charges and expenses of and incidental to the applying for preparing obtaining and confirming this Order and otherwise in relation thereto shall be paid by the Undertakers. Costs of Order.

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*Hayling
Island.*

SCHEDULES.

SCHEDULE A.

GAS LANDS.

PART I.

A piece of land situate in Station Road (formerly known as Sinah Lane) 5
 in the parish of South Hayling in the county of Southampton containing by
 admeasurement forty poles or thereabouts bounded on the north by land
 belonging or reputed to belong to George Stanton Lynch Stanton on the
 south by the said Station Road on the east by land belonging or reputed to
 belong to Harry Frederick Trigg and Frederick Leng trustees under the 10
 will of the late Harry Richard Trigg and on the west by land belonging or
 reputed to belong to Samuel Barnet.

SCHEDULE B.

The foregoing Order shall after the making by the Board of Trade of
 an Order in pursuance of the provisions in that behalf therein contained 15
 prescribing a standard price for gas supplied by the Undertakers with sliding
 scale as to profits and as from the specified date be read and construed subject
 to the modifications following :--

Sections 30 to
 34 of Gasworks
 Clauses Act
 1847 to cease
 to be incor-
 porated.

(i) Sections 30 to 34 (both inclusive) of the Gasworks Clauses Act
 1847 shall not continue to be incorporated with or to form part 20
 of the foregoing Order and in construing the said Act for the
 purposes of the foregoing Order section 35 of the said Act shall
 be read and construed as though the words from "in case the
 whole" down to "have been paid" all inclusive had been omitted
 therefrom and as though the expression "the prescribed rate" 25
 included the prescribed rates as defined by the foregoing Order
 together with any sum which under the provisions of this schedule
 might lawfully be carried to the insurance fund :

Price of gas
 with sliding
 scale as to
 dividend.

(ii) Notwithstanding anything contained in the foregoing Order the
 standard price to be charged by the Undertakers for gas sup- 30
 plied by them to private consumers by meter shall be the price
 prescribed by such Order of the Board of Trade as aforesaid per
 thousand cubic feet :

Provided that the Undertakers may increase or reduce the
 price so charged by them for gas above or below the standard 35
 price subject to a reduction or increase in the dividend payable

by the Undertakers on the ordinary share capital or stock as follows :—

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Island.*

5 In respect of any year during any part of which the price charged by the Undertakers shall have been one penny or part of a penny above the standard price the dividend payable by the Undertakers shall in respect of each penny or part of a penny by which the price shall have been increased be reduced below the standard rate of dividend by five shillings on every one hundred pounds of ordinary paid-up capital with a ten per centum standard rate of dividend and three shillings and sixpence on every one hundred pounds of such capital with a seven per centum standard rate of dividend and so in proportion for any fraction of one hundred pounds ;

15 And in respect of any year during the whole of which the price charged by the Undertakers shall have been one penny or more below the standard price the dividend payable by the Undertakers may in respect of each penny by which the standard price has been reduced be increased above the standard rate by five shillings on every hundred pounds of ordinary paid-up capital with a ten per centum standard rate of dividend and by three shillings and sixpence on every hundred pounds of such capital with a seven per centum standard rate of dividend and so in proportion for any fraction of one hundred pounds :

30 (iii) If the clear profits of the undertaking in any year amount to a larger sum than is sufficient to pay the prescribed rates the excess beyond the sum necessary for that purpose to the extent of one per centum per annum upon the paid-up capital of the Undertakers be invested in Government or other securities and the dividends and interest arising from such securities shall also be invested in the same or like securities in order that the same may accumulate at compound interest until the fund so formed amounts to a sum equal to one-twentieth part of the paid-up capital of the Undertakers which sum shall form an insurance fund to meet any extraordinary claim demand or charge which may at any time arise against or fall upon the Undertakers from accident strike or other circumstance which in the opinion of a court of summary jurisdiction due care and management could not have prevented and if such fund be at any time reduced it may thereafter be again made up to the said limit as often as such reduction happens Provided that when and so often as the said fund reaches the said limit of one-twentieth part of the paid-up capital the interest thereon shall be carried to the credit of the fund available for dividend Provided also that resort may be had to the insurance fund to meet any extraordinary claim demand or charge as aforesaid although such fund may not at the time have

If profits exceed amount limited excess may be invested and form an insurance fund.

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*Hayling
Island.*Application of
further excess
of profits over
prescribed
rates.Power to create
a reserve fund
and applica-
tion thereof.Saving of
existing con-
tracts.

reached or may have been reduced below the full amount of one-twentieth as aforesaid :

- (iv) If the clear profits of the undertaking in any year amount to a larger sum than is sufficient to pay the prescribed rates the excess or such portion of it as is not carried to the insurance fund shall be carried to the credit of the divisible profits of the undertaking for the next following year : 5
- (v) Where in any year the prescribed rates on the ordinary capital of the Undertakers exceed the standard rates by reason of the price charged by the Undertakers for gas in such year being below the standard price then out of the amount of the divisible profits of the Undertakers applicable to the payment of such excess of dividends the Undertakers may in such year set apart such sum as they think fit by way of a reserve fund and all sums (if any) so set apart by the Undertakers and any reserve or other fund of a similar character of the Undertakers existing at the specified date in relation to the undertaking may be invested in Government or other securities and the dividends and interest arising from such securities may also be invested in the same or in like securities in order that the same may accumulate at compound interest and the fund so formed shall be called "the reserve fund" and shall be applicable to the payment of dividend in any year in which the clear profits of the Undertakers shall be insufficient to enable the Undertakers in such year to pay the prescribed rates and save as by this schedule specially provided no sum shall in respect of the undertaking in any year be carried by the Undertakers to any reserve fund : 10 15 20 25
- (vi) Nothing in this schedule contained shall alter vary or affect any contract or agreement duly made or any liability incurred or notice given before the specified date with respect to the gasworks of or the supply of gas by the Undertakers. 30

*Sandiacre.***SANDIACRE GAS.**

Order authorising the maintenance and continuance of existing gasworks the construction of additional gasworks and the supply of gas in the Parish of Sandiacre in the County of Derby and for other purposes. 33

Preliminary.

Short title.

1. This Order may be cited as the Sandiacre Gas Order 1905.

Commence-
ment of Order.

2. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed which date is in this Order referred to as "the commencement of this Order." 40

3.—(1) The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the Promoters of the undertaking) of the Gasworks Clauses Act 1847 and of the Gasworks Clauses Act 1871 are hereby incorporated with and form part of this Order (except where the same are expressly varied by or are inconsistent with this Order):

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Sandiacre.
Incorporation
of Acts.

(2) The said provisions of the Gasworks Clauses Acts shall apply as well to the mains pipes and works of the Undertakers laid down or constructed before the commencement of this Order as to any mains pipes or works which may be laid down or constructed under the authority of this Order.

(3) For the purposes of the incorporation of the said Acts the term "special Act" in those Acts shall be construed to mean this Order and the term "Company" shall mean the Undertakers.

4. The several words terms and expressions to which by any Act in whole or in part incorporated with this Order and by the Gas and Water Works Facilities Act 1870 meanings are assigned have in this Order the same respective meanings and in the construction of this Order or of any such Act for the purposes of this Order the expression "the undertaking" shall include the gasworks and the works connected therewith by this Order authorised to be maintained continued or constructed and the undertaking by this Order authorised and in the construction of this Order the expression "the prescribed rates" means the rates of dividend authorised by this Order on the capital of the Undertakers or such rates as reduced or increased in accordance with the provisions of this Order.

Interpretation.

5. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as "the limits of supply") shall be the parish of Sandiacre in the county of Derby.

Limits of
Order.

Undertakers.

6. T. Hooley Limited or their assigns shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers" Provided also that if at any time the undertaking is assigned to any body company or person such body company or person shall from the date of such assignment be the Undertakers for the purposes of this Order in lieu of the person or persons above mentioned but no such assignment shall have any validity or effect until after the approval of the Board of Trade to such assignment has been signified in writing signed by a secretary or assistant secretary of the said Board Provided that nothing in this Order contained shall prevent the Undertakers borrowing money on the security of mortgages of the undertaking not exceeding the amount by this Order prescribed or shall make the consent or approval of the Board of Trade necessary to the validity or effect of any such mortgage.

Undertakers.

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Sandiacre.

Capital.

Capital.

7. The capital of the Undertakers for the purposes of the undertaking shall not exceed twenty-seven thousand pounds consisting of the capital already expended on the undertaking by the Undertakers amounting to seventeen thousand nine hundred pounds (in this Order referred to as "the original capital") and of additional capital (in this Order referred to as "the additional capital") not exceeding nine thousand one hundred pounds unless any increase thereto be hereafter authorised by Provisional Order under the Gas and Water Works Facilities Act 1870 or by Act of Parliament.

Limit of dividend.

8.—(1) Except as by this Order provided the Undertakers shall not in any year declare or make out of their profits any larger dividends on the said capital than the rates of dividend herein-after mentioned namely ten pounds in respect of every one hundred pounds of the original capital and six pounds in respect of every one hundred pounds actually paid up of so much of the additional capital as is issued as preference capital and seven pounds in respect of every one hundred pounds actually paid up of so much of the additional capital as is issued as ordinary capital.

(2) Provided that if and so long as the undertaking is carried on by T. Hooley Limited as Undertakers and not by a company specially formed for the purpose all such additional capital shall be deemed to be ordinary capital and in the construction of the provisions of this Order the expression "actually paid up" shall mean actually expended on or actually being used for the purposes of the undertaking and the expression "the paid-up capital" shall mean the original capital together with so much of the additional capital as has been expended or as is being used for the purposes of the undertaking.

Limit of borrowing powers.

9. The amount of all moneys borrowed by the Undertakers and secured by mortgage of the undertaking shall not at any time exceed in the whole one-third of the amount of the paid-up capital and no higher rate of interest than five pounds per centum per annum shall be paid by the Undertakers without the consent of the Board of Trade in respect of any moneys borrowed by the Undertakers and secured as aforesaid after the commencement of this Order.

Application of money.

10. All moneys raised under this Order shall be applied to the purposes of the undertaking to which the capital is properly applicable.

Purchase of Land.

Power to purchase additional land.

11. The Undertakers may for the purposes of the undertaking purchase take on lease or acquire (by agreement but not otherwise) and hold in addition to the lands described in section (1) of Schedule A to this Order annexed the lands described in section (2) of that schedule and any other lands which they may require Provided that they shall not at any time hold for such purposes more than three acres of land in the whole in

addition to the lands described in the said schedule and that they shall not create or permit a nuisance on any such lands and that no lands shall be used by the Undertakers for the purpose of manufacturing gas or residual products except the lands described in the said schedule.

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Sandiace.

5 *Maintenance and Continuance of Gasworks Construction of further Gasworks Manufacture and Sale of Gas and Residual Products.*

10 12. The Undertakers may on the lands described in Schedule A to this Order annexed so long as they are possessed of the same maintain and continue and alter enlarge improve or discontinue their existing gasworks and works connected therewith and may construct erect make and maintain alter enlarge improve or discontinue additional gasworks retort-houses gasholders receivers purifiers meters apparatus and works for the manufacture distribution storage conversion and sale of gas and of residual products arising in or resulting or producible from or used in the manufacture of gas and matters producible therefrom and they may subject to the provisions of **15** this Order make and store gas upon such lands or some part or parts thereof and supply and sell the same within the limits of supply and may on the same lands make convert and store residual products as aforesaid and may **20** sell and dispose of the same at the works and elsewhere and they may also construct and maintain alter enlarge renew or discontinue houses offices buildings and other works connected with the undertaking.

Undertakers may maintain and continue existing gas works and may construct new gasworks on lands described in schedule and may make and sell gas &c.

25 13. In executing the works by this Act authorized where the same will affect any railway or any part of the works or property of the Midland Railway Company (herein-after called "the Midland Company") the Undertakers shall (except so far as it may be otherwise agreed between the Midland Company and the Undertakers) be subject to the following conditions:—

For protection of the Midland Railway Company.

30 (1) All works to be done by the Undertakers in the exercise of the powers conferred by this Act shall be executed under the superintendence (if the same be given) and to the reasonable satisfaction of the principal engineer for the time being of the Midland Company and according to plans and drawings to be previously submitted to and reasonably approved by him or in case of difference by an arbitrator appointed in pursuance of this **35** section. Provided that if for fourteen days after such plans and drawings shall have been submitted to the said engineer he shall fail to give notice to the Undertakers of his objections thereto he shall be deemed to have approved thereof:

40 (2) If within fourteen days after the receipt of any such plans and drawings the Midland Company give to the Undertakers notice that they desire themselves to construct so much of the works as will affect any railway or work belonging to them the Midland Company may themselves execute such works and recover the reasonable costs thereof from the Undertakers:

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Sandiacre.

- (3) All works which the Undertakers may execute under this section shall be so constructed as to cause no avoidable injury to the railways works and property of the Midland Company or avoidable interruption to the passage or conduct of traffic over the same and if in consequence of the execution of such works any 5 injury be caused to the said railways works and property or any interruption be caused to the traffic the Undertakers shall make full compensation to the Midland Company in respect of such injury or interruption the amount of such compensation unless agreed upon to be determined by arbitration : 10
- (4) The Undertakers shall bear and on demand pay to the Midland Company the reasonable expense of the employment by that Company during the execution of any work affecting their railways of a sufficient number of inspectors watchmen and signalmen to be appointed by that company for watching and signalling the same with reference to and during the execution of any such work of the Undertakers and for preventing as far as may be all interference obstruction danger and accident from any of the operations or from the acts or defaults of the Undertakers or their contractors : 15 20
- (5) Any dispute or difference which may arise between the Midland Company and the Undertakers with reference to the provisions of this section or in any way arising thereout or as to any works to be carried out in pursuance thereof shall be settled by arbitration by an engineer or other fit person to be appointed (in default of 25 agreement) by the Board of Trade on the application of the Midland Company or the Undertakers and the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

For protection
of the Derby
Canal Com-
pany.

14. The following provisions for the protection of the Derby Canal Company (in this section referred to as "the canal company") shall (except 30 so far as many be otherwise agreed between the canal company and the Undertakers) apply and have effect (that is to say) :—

- (1) All works to be constructed and acts done by the Undertakers affecting the works lands or bridges of the canal company or the traffic thereon shall be executed at the expense of the 35 Undertakers under the superintendence (if the same be given) and to the reasonable satisfaction of the engineer or manager for the time being of the canal company and according to plans and specifications to be previously submitted to and reasonably approved by the canal company or in case of difference by an 40 arbitrator appointed in pursuance of this section Provided that if the canal company or their engineer or manager shall not have expressed approval or disapproval of the said plans and specifications and (in the case of disapproval) have given notice of their or his objections to the Undertakers within fourteen days 45 after the same shall have been submitted to them they shall be deemed to have approved thereof :

- (2) Any works affecting the canal as aforesaid which the Undertakers may execute shall be constructed so as not to cause any avoidable injury or interruption to the said canal company their property or traffic as aforesaid and if in consequence of the execution of such works any injury be caused to the canal or property of the canal company or any interruption be caused to the traffic of the canal company the Undertakers shall make full compensation to the canal company in respect of such injury or interruption the amount of such compensation unless agreed upon to be determined by arbitration :
- (3) In case the said canal shall become derelict and the canal company shall be no longer under the obligation of maintaining any bridge over the canal it shall not be obligatory upon them to keep such bridge in order for the purpose of maintaining any pipe or pipes of the Undertakers which may be placed under over along or across such bridge :
- (4) Any dispute or difference which may arise between the canal company and the Undertakers with reference to the provisions of this section or in any way arising thereout or as to any works to be carried out in pursuance thereof shall be settled by arbitration by an engineer or other fit person to be appointed (in default of agreement) by the Board of Trade on the application of the canal company or the Undertakers and the provisions of the Arbitration Act 1889 shall apply to any such arbitration.
15. If any difference arise between the Undertakers and any railway canal or other company whose lands or works the Undertakers have power to cross under the authority of this Order as to the mode of laying down repairing altering or enlarging their mains pipes or other works in over or upon such lands or works or the facilities to be afforded for the same such difference shall be settled by an engineer or other fit person to be appointed by the Board of Trade at the request of either party.

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Difference with railway and other companies.

Quality of gas.

Pressure of gas.

- Quality of Gas.*
16. The quality of the gas supplied by the Undertakers shall with respect to its illuminating power be such as to produce a light equal in intensity to the light produced by not less than fourteen sperm candles and shall in all respects be in accordance with the provisions of the Gasworks Clauses Act 1871.
- Pressure of Gas.*
17. All gas supplied by the Undertakers to any consumer of gas shall be supplied at such pressure as to balance from midnight to sunset a column of water not less than six-tenths of an inch in height and to balance from sunset to midnight a column of water not less than eight-tenths of an inch in height at the main as near as may be to the junction therewith of the service pipe supplying such consumer.

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*Sandiacre.**Testing of Gas.*

Testing of gas.

18. The Undertakers shall within six months after the commencement of this Order cause to be provided at the works and shall thereafter maintain a testing place with apparatus therein according to the provisions of the Gasworks Clauses Act 1871 and the burner to be used for testing gas shall 5
be a Sugg's London Argand No. 1 with a six-inch by one-and-three-quarter-inch glass chimney and if at any time the gas flame tails over the top of the glass a six-inch by two-inch chimney shall be used. Provided that any other description of burner may be used which may for the time being be approved for the purpose by the Board of Trade and any gas examiner appointed under 10
the Gasworks Clauses Act 1871 for the purposes of this Order may subject to the terms of his appointment at such testing place or elsewhere as and when he thinks fit test the pressure at which the gas is supplied and for that purpose may open any street road passage or place not being the immediate approach to any railway or canal bridge or railway station vested in or under 15
the control of any local or road authority.

Price of Gas.

Price of gas.

19. The price to be charged by the Undertakers for gas supplied by them shall not exceed four shillings per thousand cubic feet and so in proportion for any less quantity supplied. Provided that at any time 20
after the expiration of three years from the commencement of this Order the Board of Trade may if they think fit by order in writing to be signed by a secretary or assistant secretary of the said Board alter the said maximum price either by substituting any other sum for the said sum of four shillings or by giving a standard price with sliding scale as to profits 25
and as from the date specified in such order (hereinafter referred to as "the specified date") the price to be charged by the Undertakers for gas supplied by them shall be in accordance with such order. Provided further that in case such order shall prescribe a standard price with sliding scale as to profits then as from the specified date the provisions set forth in Schedule B 30
to this Order annexed shall be in force and have effect and this Order shall be read and construed accordingly. A copy of such order made by the Board of Trade shall be published in the "London Gazette" and a copy of the said Gazette containing such order shall be conclusive evidence of the due making and validity of the same and of the contents thereof. 35

Miscellaneous.

Undertakers to pay interest on deposit.

20. Where any money is deposited by any person by way of security with the Undertakers for the payment to them of any moneys which may become due to them by such person in respect of any supply of gas or of the purchase or hire of any meter the Undertakers shall pay interest at the rate 40
of five pounds per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands.

21. In order to enable the Undertakers to ensure a satisfactory supply of gas to their consumers the following provisions shall have effect—

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- 5 (1) The Undertakers may specify the size and material of the pipes with the fittings thereof which are to be laid by the consumer between the Undertakers' mains and the meter and (so far as the same are intended to be covered over) on the consumer's premises :
- 10 (2) The Undertakers may if they think fit make different specifications for different classes of premises having regard to the probable maximum consumption of gas thereon at any one time :
- (3) The specification shall be published once in each of two newspapers circulating within the limits of supply and a copy thereof shall be kept exhibited in the office of the Undertakers :
- 15 (4) Every meter to be used in a new building or a building not previously supplied with gas or in connection with a new or substituted pipe laid by the consumer between the main and the consumer's meter shall be placed as near as reasonably practicable to the Undertakers' main but within the outside wall of the building :
- 20 (5) When any such pipe or meter as aforesaid has been laid or placed notice thereof shall be given to the Undertakers and the pipe shall not be covered over until after the expiration of twenty-four hours from the service of such notice on the Undertakers. Any officer of the Undertakers duly appointed may between nine o'clock in the morning and five o'clock in the afternoon attend and inspect such pipes (with their fittings) and meter and if the officer is not permitted to make the inspection or if the pipes or fittings are not according to the Undertakers' specification or if the meter is not placed as required by this section the Undertakers may refuse to supply gas to the premises until the provisions of this section have been complied with :
- 25 (6) Any person to whom the Undertakers refuse a supply of gas under the provisions of this section may appeal to a petty sessional court against such refusal and the court may after hearing the parties and considering any questions as to the reasonableness of the Undertakers' specification make such order as seems to them proper in the circumstances and may order by which of the parties the costs of and incident to the appeal shall be paid.

As to construction and placing of pipes &c. between mains and meters.

- 40 22.—(1) The Undertakers may sell let for hire and otherwise deal in fix repair and remove but shall not manufacture engines dynamos stove ranges pipes fittings and other apparatus appliances and things (in this section called "fittings") for lighting for motive power for the warming and ventilating of houses and buildings for the cooking of food and for all other purposes for which gas can or may be used and may provide all materials and do all work necessary or proper in that behalf and with respect thereto may demand and take such remuneration in money or such rents and charges

Power to supply gas fittings. Fittings not to be subject to distress.

- *A.D. 1905. for and make such terms and conditions as may be agreed upon between the
Sandiacre. Undertakers and the persons to or for whom the same are sold let fixed
 repaired or removed and such remuneration rents and charges shall be
 recoverable in the same manner as rents or sums due to the Undertakers
 for gas. 5
- (2) Any fittings let for hire under the provisions of this section shall
 not be subject to distress or to the landlord's remedy for rent or be liable to
 be taken in execution under any process of any court or any proceedings
 in bankruptcy against the person in whose possession the same may be
 Provided that such fittings have upon them respectively a distinguishing 10
 metal plate affixed to a conspicuous part thereof or a distinguishing brand
 or other mark conspicuously impressed or made thereon sufficiently indicating
 the Undertakers as the actual owners thereof.
- Anti-
 fluctuators for
 gas engines. 23. Every consumer of gas supplied by the Undertakers who uses a gas
 engine shall if required to do so by the Undertakers use an anti-fluctuator 15
 and shall at all times at his own expense keep such anti-fluctuator in proper
 order and if any consumer shall make default in complying with the
 provisions of this section the Undertakers may cease to supply him with
 gas The Undertakers shall have access to and be at liberty to take off
 remove test inspect and replace any such anti-fluctuator at all reasonable 20
 times taking off removal testing inspecting and replacing to be done at
 the expense of the Undertakers if the anti-fluctuator be found in proper order
 but otherwise at the expense of such consumer.
- Gas consumers
 to give notice
 to Undertakers
 before
 removing. 24.—(1) Twenty-four hours' notice in writing shall be given to the
 Undertakers by every gas consumer before he shall quit any premises 25
 supplied with gas by meter by the Undertakers and in default of such
 notice the consumer so quitting shall be liable to pay to the Undertakers
 the money accruing due in respect of such supply up to the next usual period
 for ascertaining the register of the meter on such premises or the date from
 which any subsequent occupier of such premises shall require the Undertakers 30
 to supply gas to such premises which ever shall first occur.
- (2) Notice of the effect of this enactment shall be endorsed on every
 demand note for gas rent.
- Notice of
 discontinuance. 25. A notice to the Undertakers from a consumer for the discontinuance
 of a supply of gas shall not be of any effect unless it be in writing signed by 35
 or on behalf of the consumer and be left at or sent by post to the office for
 the time being of the Undertakers.
- Power to refuse
 to supply
 persons in debt
 for other
 premises. 26. If a person requiring a supply of gas from the Undertakers for any
 premises occupies or has occupied other premises at which gas was supplied
 to him by the Undertakers and has not paid all gas or meter rent or other 40
 moneys due from him to the Undertakers they may refuse to furnish to him
 a supply of gas until he pays the same.
- Period of error
 in defective
 meters. 27. In the event of any meter used by a consumer of gas being tested
 in manner provided by the Sale of Gas Act 1859 and being proved to
 register erroneously within the meaning of the said Act such erroneous 45

[5 Edw. 7.]

Gas Orders Confirmation.

45

registration shall be deemed to have first arisen during the then last preceding quarter of the year unless it be proved to have first arisen during the then current quarter. The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Undertakers shall
5 be paid by or to the Undertakers to or by the consumer as the case may be and shall be recoverable in the like manner as gas rents are recoverable by the Undertakers.

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28. No penalty shall be incurred by the Undertakers for neglect or refusal to give a supply of gas in accordance with the provisions of this
10 Order or of the enactments incorporated therewith or for insufficiency of pressure defect of illuminating power or excess of impurity in the gas supplied by them in any case in which it is proved that such insufficiency defect or excess was produced by an unavoidable cause or accident.

No penalty in case of unavoidable cause.

29. The Undertakers may enter into and carry into effect contracts
15 with any local authority company or persons beyond the Undertakers limits of supply (but only with the consent in writing of the local authority of and of any company or person supplying gas under parliamentary powers within the district within which the supply is to be given) for the supply to them respectively of gas in bulk upon such
20 terms and conditions and for such periods not exceeding seven years as may be agreed upon.

Undertakers may contract with local authority and others for supply in bulk.

30. The Undertakers may on any land for the time being belonging
to or leased by them erect fit up and maintain houses cottages and
buildings for the officers and servants employed by the Undertakers for
25 the purposes of their undertaking.

Power to erect &c. cottages for officers and servants.

31. If within twelve calendar months from the commencement of
this Order the Shardlow Rural District Council (hereinafter referred to
as "the Council") shall be duly authorised and empowered to purchase
the undertaking and of their desire so to do shall give not less than six
30 months' notice in writing to the Undertakers requiring them to sell and transfer their undertaking to the Council the Undertakers within six months of the receipt of such notice shall sell their undertaking to the Council upon the terms and under and subject to the conditions and provisions of an agreement dated the seventeenth day of October one
35 thousand nine hundred and four and made between the Undertakers and the Council.

Undertakers to sell undertaking to local authority.

From and after such sale of the Undertaking to the Council as
aforesaid all the property real and personal and all rights powers and
privileges authorities duties obligations and liabilities of the Undertakers
40 in respect of the undertakings so sold and transferred held enjoyed exercisable or to be performed by the Undertakers at the time of such sale other than and except powers relating to share and loan capital and of general meetings of directors or otherwise relating to the constitution or management of the Undertakers shall subject to all the liabilities then
45 affecting the same be transferred to and vested in and may and shall be

A.D. 1905. enjoyed and exercised and performed by the Council as though the same
Sandiacre. had been acquired by and conferred upon the Council instead of the
 Undertakers.

8 Vict. c. 16.
 s. 140 incorpo-
 rated.

32. Section 140 of the Companies Clauses Consolidation Act 1845 shall be and is hereby incorporated with this Order Provided that for the purpose of such incorporation the expression "the company" in the said section shall be construed to mean the Undertakers.

Costs of Order.

33. All the costs charges and expenses of and incidental to the applying for preparing obtaining and confirming this Order and otherwise in relation thereto shall be paid by the Undertakers.

10

THE SCHEDULES referred to in the foregoing Order.

SCHEDULE A.

GAS LANDS.

(1) A piece of land containing 3389 square yards or thereabouts situate partly in the parish of Stapleford in the county of Nottingham and partly in the parish of Sandiacre in the county of Derby belonging or reputed to belong to and in the occupation of the Undertakers and upon which their existing works stand and bounded on the north by the piece of land next hereinafter described belonging or reputed to belong to John Taylor and James Oldfield (Trustees of the late James Lakin) on the south by a street called Gas Street on the east by lands belonging or reputed to belong to the said John Taylor and James Oldfield and on the west by lands belonging or reputed to belong to the Undertakers.

(2) A piece of land containing 3044 square yards or thereabouts comprising part of the enclosure numbered 108 on the $\frac{1}{2500}$ Ordnance Map published in 1900 situate partly in the said parish of Stapleford and partly in the said parish of Sandiacre belonging or reputed to belong to the said John Taylor and James Oldfield in the occupation of the said John Taylor and bounded on the north by lands belonging or reputed to belong to Albert Ball and on the south partly by the piece of land hereinbefore described and partly by other lands belonging or reputed to belong to the Undertakers on the east partly by lands belonging or reputed to belong to the said John Taylor and James Oldfield and partly by lands belonging or reputed to belong to Albert Ball and on the west by the Erewash Canal.

SCHEDULE B.

A.D. 1905.

Sandiacre.

The foregoing Order shall after the making by the Board of Trade of an Order in pursuance of the provisions in that behalf therein contained prescribing a standard price for gas supplied by the Undertakers with sliding scale as to profits and as from the specified date be read and construed subject to the modifications following :—

(1) Sections 30 to 34 (both inclusive) of the Gasworks Clauses Act 1847 shall not continue to be incorporated with or to form part of the foregoing Order and in construing the said Act for the purposes of the foregoing Order section 35 of the said Act shall be read and construed as though the words from “in case the whole” down to “have been paid” all inclusive had been omitted therefrom and as though the expression “the prescribed rate” included the prescribed rates as defined by the foregoing Order together with any sum which under the provisions of this schedule might lawfully be carried to the insurance fund :

Sections 30 to 34 of Gasworks Clauses Act 1847 to cease to be incorporated.

(2) Notwithstanding anything contained in the foregoing Order the standard price to be charged by the Undertakers for gas supplied by them to private consumers by meter shall be the price prescribed by such Order of the Board of Trade as aforesaid per thousand cubic feet :

Price of gas with sliding scale as to dividend.

Provided that the Undertakers may increase or reduce the price so charged by them for gas above or below the standard price subject to a reduction or increase in the dividend payable by the Undertakers on the ordinary share capital or stock as follows :—

In respect of any year during any part of which the price charged by the Undertakers shall have been one penny or part of a penny above the standard price the dividend payable by the Undertakers shall in respect of each penny or part of a penny by which the price shall have been increased be reduced below the standard rate of dividend by five shillings on every one hundred pounds of ordinary paid up capital with a ten per centum standard rate of dividend and three shillings and sixpence on every one hundred pounds of ordinary paid up capital with a seven per centum standard rate of dividend and so in proportion for any fraction of one hundred pounds ;

And in respect of any year during the whole of which the price charged by the Undertakers shall have been one penny or more below the standard price the dividend payable by the Undertakers may in respect of each penny by which the standard price has been reduced be increased above the standard rate by five shillings on every one hundred pounds of ordinary paid-up capital with a ten per centum standard rate of dividend

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If profits exceed amount limited excess may be invested and form an insurance fund.

Application of further excess of profits over prescribed rates.

Powers to create a reserve fund and application thereof.

and three shillings and sixpence on every one hundred pounds of ordinary paid-up capital with a seven per centum standard rate of dividend and so on in proportion for any fraction of one hundred pounds.

- (3) If the clear profits of the undertaking in any year amount to a larger sum than is sufficient to pay the prescribed rates the excess beyond the sum necessary for that purpose may to the extent of one per centum per annum upon the paid-up capital of the Undertakers be invested in Government or other securities and the dividends and interest arising from such securities shall also be invested in the same or like securities in order that the same may accumulate at compound interest until the fund so formed amounts to a sum equal to one-twentieth part of the paid-up capital of the Undertakers which sum shall form an insurance fund to meet any extraordinary claim demand or charge which may at any time arise against or fall upon the Undertakers from accident strike or other circumstance which in the opinion of a court of summary jurisdiction due care and management could not have prevented and if such fund be at any time reduced it may thereafter be again made up to the said limit as often as such reduction happens Provided that when and so often as the said fund reaches the said limit of one-twentieth part of the paid-up capital the interest thereon shall be carried to the credit of the fund available for dividend Provided also that resort may be had to the insurance fund to meet any such extraordinary claim demand or charge as aforesaid although such fund may not at the time have reached or may have been reduced below the full amount of one-twentieth as aforesaid :
- (4) If the clear profits of the undertaking in any year amount to a larger sum than is sufficient to pay the prescribed rates or such portion of it as is not carried to the insurance fund shall be carried to the credit of the divisible profits of the undertaking for the next following year :
- (5) Where in any year the prescribed rates on the ordinary share capital or stock of the Undertakers exceed the standard rate by reason of the price charged by the Undertakers for gas in such year being below the standard price then out of the amount of the divisible profits of the Undertakers applicable to the payment of such excess of dividends the Undertakers may in such year set apart such sum as they think fit by way of a reserve fund and all sums (if any) so set apart by the Undertakers and any reserve or other fund of a similar character of the Undertakers existing at the specified date in relation to the undertaking may be invested in Government or other securities and the dividends and interest arising from such securities may also be invested in the same or the like securities in order that the same may accumulate at compound interest and the fund so formed shall be called " the

[5 EDW. 7.]

Gas Orders Confirmation.

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- reserve fund" and shall be applicable to the payment of dividend in any year in which the clear profits of the Undertakers shall be insufficient to enable the Undertakers in such year to pay the prescribed rates and save as by this schedule specially provided no sum shall in respect of the undertaking in any year be carried by the Undertakers to any reserve fund:
- 5
- (6) Nothing in this schedule contained shall alter vary or affect any contract or agreement duly made or any liability incurred or notice given before the specified date with respect to the gasworks of or the supply of gas by the Undertakers.
- 10
- A.D. 1905
Sandiacre.
- Saving of
existing con-
tracts.

STANFORD-LE-HOPE GAS.

Stanford-le-Hope.

Order empowering the Stanford-le-Hope Gas Company Limited to construct and maintain gasworks and to supply gas in the Parishes of Mucking Orsett Horndon-on-the-Hill Stanford-le-Hope Corringham Fobbing and Langdon Hills in the County of Essex and for other purposes.

15

Preliminary.

1. This Order may be cited as the Stanford-le-Hope Gas Order 1905. Short title.
2. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed which date is in this Order referred to as "the commencement of this Order." Commence-
ment of Order.
3. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the Promoters of the undertaking) of the Gasworks Clauses Act 1847 and of the Gasworks Clauses Act 1871 are hereby incorporated with and form part of this Order (except where the same are varied by or are inconsistent with this Order) For the purposes of such incorporation the term "special Act" in the said Acts shall be construed to mean this Order and the term "company" shall mean the Undertakers. Incorporation
of Acts.
4. In this Order the expression "the prescribed rates" means the rates of dividend authorised by this Order on the capital of the Undertakers or such rates as reduced or increased in accordance with the provisions of this Order and the several words terms and expressions to which by any Act in whole or in part incorporated with this Order and by the Gas and Water Works Facilities Act 1870 meanings are assigned have in this Order the same respective meanings and in the construction of this Order or of any such Act for the purposes of this Order the expression "the undertaking" shall include the gasworks and works connected therewith by this Order Interpretation.

(68.)

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Stanford-le-Hope.

Limits of Order.

authorised to be constructed and maintained and the undertaking by this Order authorised.

5. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as "the limits of supply") shall be the parishes of Mucking Orsett Horndon-on-the-Hill Stanford-le-Hope Corringham Fobbing and Langdon Hills in the county of Essex. 5

Undertakers.

Undertakers.

6. The Stanford-le-Hope Gas Company Limited shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers." 10

Capital.

Capital.

7. The share capital of the Undertakers for the purposes of the undertaking authorised by this Order shall not exceed eighteen thousand pounds unless the Undertakers are hereafter authorised to raise for such purposes further additional capital by Provisional Order under the Gas and Water Works Facilities Act 1870 or by Act of Parliament. 15

Limit of dividend.

8. Except as by this Order expressly provided the Undertakers shall not in any year declare or make out of their profits any larger dividend than ten pounds in respect of every one hundred pounds actually paid up of the capital unless a larger dividend be at any time necessary to make up the deficiency of any previous dividend which shall have fallen short of the said yearly rate. 20

Limit of borrowing powers.

9. The amount of all moneys borrowed by the Undertakers and secured by mortgage of the undertaking shall not at any time exceed in the whole one-third of the amount of the capital of the Undertakers at any time actually raised by the issue of shares or stock and no higher rate of interest than five pounds per centum per annum shall be paid by the Undertakers without the consent of the Board of Trade in respect of any moneys borrowed by the Undertakers and secured as aforesaid after the commencement of this Order. 25 30

Application of money.

10. All moneys raised under this Order shall be applied to the purposes of the undertaking to which the capital is properly applicable.

Purchase of Land.

Power to purchase additional land.

11. The Undertakers may for the purposes of the undertaking purchase take on lease or acquire by (by agreement but not otherwise) and hold in addition to the lands described in Schedule A to this Order annexed any lands which they may require Provided that they shall not at any time hold for such purposes more than three acres of land in the whole in addition to the lands described in the said schedule and that they shall not create or permit a nuisance on any such lands and that no lands shall be used by the Undertakers for the purpose of manufacturing gas or residual products except the lands described in the said schedule. 35 40

*Construction and Maintenance of Gasworks, Manufacture and Sale
of Gas and Residual Products.*

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—
*Stanford-le-
Hope.*

12. The Undertakers may on the lands described in Schedule A to this Order annexed so long as they are possessed of the same construct erect make
5 and maintain alter enlarge improve or discontinue gasworks retorts retort-
houses gasholders receivers purifiers meters apparatus and works for the
manufacture distribution storage conversion and sale of gas and of residual
products arising in or resulting or producible from or used in the manufacture
of gas and matters producible therefrom and they may subject to the pro-
10 visions of this Order make and store gas upon such lands or some part or
parts thereof and supply and sell the same within the limits of supply and
may on the same lands make convert and store residual products as aforesaid
and may sell and dispose of the same at the works and elsewhere and they
may also construct and maintain alter enlarge renew or discontinue houses
15 offices buildings and other works connected with the undertaking.

Undertakers may construct and maintain gasworks on lands described in schedule and may make and sell gas, &c.

13. The following provisions shall be in force and have effect for the protection of the London Tilbury and Southend Railway Company (in this section referred to as "the railway company") : —

For protection of London Tilbury and Southend Railway Company.

(1) Any mains pipes or other works which the Undertakers may lay
20 down or execute under or over any railway or works of the
railway company shall be laid down and executed and sub-
sequently maintained and repaired by the Undertakers under the
direction and superintendence (if the same be given) and to the
reasonable satisfaction of the engineer for the time being of the
25 railway company and in accordance with plans and sections
previously submitted to and reasonably approved by him Pro-
vided that if for one month after any such plans and sections
have been submitted to the said engineer he shall fail to give
notice to the Undertakers specifying his objections thereto he
30 shall be deemed to have approved thereof.

(2) Any increased cost reasonably incurred by the railway company
in the maintenance of the surface of any road which they are
under liability to repair (caused by laying down or repairing
the said mains pipes or other works) shall be borne by the
35 Undertakers.

(3) If any question shall arise as to whether any works should reasonably
satisfy the railway company or their engineer or as to whether
their or his approval is unreasonably withheld or otherwise under
this section the same shall be determined by arbitration the
40 arbitrator being appointed in default of agreement by the
President of the Institution of Civil Engineers.

14. For the protection of the council for the rural district of Orsett (herein-after referred to as "the council") the following provisions shall be
in force and have effect—

For protection of council for rural district of Orsett.

(1) All mains pipes or connections to be laid by the Undertakers in or
45 under any street in the rural district of Orsett shall be laid at
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such a depth that a clear space of not less than two feet shall intervene between the surface of such street and the upper surface of such main pipe or connection.

(2) Notwithstanding anything in this Order or in any Act incorporated with this Order contained the council shall not be liable in respect of damage to the mains pipes or connections of the Undertakers resulting from the reasonable user by the council for the repair of the streets within their district of any steam or other roller of a reasonable weight.

(3) If any difference arises at any time between the council and the Undertakers touching this section the same shall be determined by an engineer or other fit person appointed by the Board of Trade on the application of the council or the Undertakers.

Difference
with railway
and other com-
panies.

15. If any difference arise between the Undertakers and any railway canal or other company other than the London Tilbury and Southend Railway Company whose lands or works the Undertakers have power to cross under the authority of this Order as to the mode of laying down repairing altering or enlarging their mains pipes or other works in over or upon such lands or works or the facilities to be afforded for the same such difference shall be settled by an engineer or other fit person to be appointed by the Board of Trade at the request of either party.

Quality of Gas.

Quality of gas.

16. The quality of the gas supplied by the Undertakers shall with respect to its illuminating power be such as to produce a light equal in intensity to the light produced by not less than fourteen sperm candles and shall in all respects be in accordance with the provisions of the Gasworks Clauses Act 1871.

Pressure of Gas.

Pressure of
gas.

17. All gas supplied by the Undertakers to any consumer of gas shall be supplied at such pressure as to balance from midnight to sunset a column of water not less than six-tenths of an inch in height and to balance from sunset to midnight a column of water not less than eight-tenths of an inch in height at the main as near as may be to the junction therewith of the service pipe supplying such consumer.

Testing of Gas.

Testing of gas.

18. The Undertakers shall before commencing to supply gas cause to be provided at their works a testing place with apparatus therein according to the provisions of the Gasworks Clauses Act 1871 and the burner to be used for testing gas shall be a Sugg's London Argand No. 1 with a six-inch by one-and-three-quarter-inch glass chimney and if at any time the gas flame tails over the top of the glass a six-inch by two-inch chimney should be used Provided that any other description of burner may be used which may for the time being be approved for the purpose by the Board of Trade

and any gas examiner appointed under the Gasworks Clauses Act 1871 for the purposes of this Order may subject to the terms of his appointment at such testing place or elsewhere as and when he thinks fit test the pressure at which the gas is supplied and for that purpose may open any street road
 5 passage or place not being the immediate approach to any railway or canal bridge or railway station vested in or under the control of any local or road authority.

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 Hope.

Price of Gas.

19. The price to be charged by the Undertakers for gas supplied by
 10 them shall not exceed five shillings per thousand cubic feet and so in proportion for any less quantity supplied Provided that at any time after the expiration of three years from the commencement of this Order the Board of Trade may if they think fit by order in writing signed by a secretary or an assistant secretary of the said Board alter the said maximum
 15 price either by substituting any other sum for the said sum of five shillings or by fixing a standard price with sliding scale as to profits and as from the date specified in such Order (herein-after referred to as "the specified date") the provisions set forth in Schedule B to this Order annexed shall be in force and have effect and this Order shall be read and construed accordingly
 20 A copy of any such Order made by the Board of Trade shall be published in the London Gazette and a copy of the said Gazette containing such Order shall be conclusive evidence of the due making and validity of the same and of the contents thereof.

Price of gas.

Miscellaneous.

20. Where any money is deposited by any person by way of security with the Undertakers for the payment to them of any moneys which may become due to them by such person in respect of any supply of gas or of the purchase or hire of any meter the Undertakers shall pay interest at the rate of five pounds per centum per annum on every sum of ten shillings deposited
 30 by way of such security for every six months during which the same remains in their hands.

Undertakers
 to pay interest
 on deposit.

21. In order to enable the Undertakers to ensure a satisfactory supply of gas to their consumers the following provisions shall have effect :—

As to construction and
 placing of
 pipes &c.
 between mains
 and meters.

- 35 (1) The Undertakers may specify the size and material of the pipes with the fittings thereof which are to be laid by the consumer between the Undertakers' mains and the meter and (so far as the same are intended to be covered over) on the consumer's premises :
- 40 (2) The Undertakers may if they think fit make different specifications for different classes of premises having regard to the probable maximum consumption of gas thereon at any one time :
- (3) The specification shall be published once in each of two newspapers circulating within the limits of supply and a copy thereof shall be kept exhibited in the office of the Undertakers :
- 45 (4) Every meter to be used in a new building or a building not previously supplied with gas or in connection with a new or

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substituted pipe laid by the consumer between the main and the consumer's meter shall be placed as near as reasonably practicable to the Undertakers' main but within the outside wall of the building :

(5) When any such pipe or meter as aforesaid has been laid or placed notice thereof shall be given to the Undertakers and the pipe shall not be covered over until after the expiration of twenty-four hours from the service of such notice on the Undertakers Any officer of the Undertakers duly appointed may between nine o'clock in the morning and five o'clock in the afternoon attend and inspect such pipes (with their fittings) and meter and if the officer is not permitted to make the inspection or if the pipes or fittings are not according to the Undertakers' specification or if the meter is not placed as required by this section the Undertakers may refuse to supply gas to the premises until the provisions of this section have been complied with :

(6) Any person to whom the Undertakers refuse a supply of gas under the provisions of this section may appeal to a petty sessional court against such refusal and the court may after hearing the parties and considering any questions as to the reasonableness of the Undertakers' specification make such order as seems to them proper in the circumstances and may order by which of the parties the costs of and incident to the appeal shall be paid.

Power to supply gas fittings. Fittings not to be subject to distress.

22.—(1) The Undertakers may sell let for hire and otherwise deal in fix repair and remove but shall not manufacture engines dynamos stoves ranges pipes fittings and other apparatus appliances and things (in this section called "fittings") for lighting for motive power for the warming and ventilating of houses and buildings for the cooking of food and for all other purposes for which gas can or may be used and may provide all materials and do all work necessary or proper in that behalf and with respect thereto may demand and take such remuneration in money or such rents and charges for and make such terms and conditions as may be agreed upon between the Undertakers and the persons to or for whom the same are sold let fixed repaired or removed and such remuneration rents and charges shall be recoverable in the same manner as rents or sums due to the Undertakers for gas.

(2) Any fittings let for hire under the provisions of this section shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under any process of any court or any proceedings in bankruptcy against the persons in whose possession the same may be Provided that such fittings have upon them respectively a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Undertakers as the actual owners thereof.

Anti-fluctuators for gas engines.

23. Every consumer of gas supplied by the Undertakers who uses a gas engine shall if required to do so by the Undertakers use an anti-fluctuator and shall at all times at his own expense keep such anti-fluctuator in proper

order and if any consumer shall make default in complying with the provisions of this section the Undertakers may cease to supply him with gas. The Undertakers shall have access to and be at liberty to take off remove test inspect and replace any such anti-fluctuator at all reasonable times such
 5 taking off removal testing inspecting and replacing to be done at the expense of the Undertakers if the anti-fluctuator be found in proper order but otherwise at the expense of such consumer.

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24.—(1) Twenty-four hours' notice in writing shall be given to the Undertakers by every gas consumer before he shall quit any premises
 10 supplied with gas by meter by the Undertakers and in default of such notice the consumer so quitting shall be liable to pay to the Undertakers the money accruing due in respect of such supply up to the next usual period for ascertaining the register of the meter on such premises or the date from which any subsequent occupier of such premises shall require the Undertakers to
 15 supply gas to such premises whichever shall first occur.

Gas consumers to give notice to Undertakers before removing.

(2) Notice of the effect of this enactment shall be endorsed on every demand note for gas rent.

25. A notice to the Undertakers from a consumer for the discontinuance of a supply of gas shall not be of any effect unless it be in writing signed
 20 by or on behalf of the consumer and be left at or sent by post to the office for the time being of the Undertakers.

Notice of discontinuance.

26. If a person requiring a supply of gas from the Undertakers for any premises occupies or has occupied other premises at which gas was supplied to him by the Undertakers and has not paid all gas or meter rent or other
 25 moneys due from him to the Undertakers they may refuse to furnish to him a supply of gas until he pays the same.

Power to refuse to supply persons in debt for other premises.

27. In the event of any meter used by a consumer of gas being tested in manner provided by the Sale of Gas Act 1859 and being proved to register erroneously within the meaning of the said Act such erroneous registration
 30 shall be deemed to have first arisen during the then last preceding quarter of the year unless it be proved to have first arisen during the then current quarter. The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Undertakers shall be paid by or to the Undertakers to or by the consumer as the case may be and
 35 shall be recoverable in the like manner as gas rents are recoverable by the Undertakers.

Period of error in defective meters.

28. No penalty shall be incurred by the Undertakers for neglect or refusal to give a supply of gas in accordance with the provisions of this Order or of the enactments incorporated therewith or for insufficiency of pressure
 40 defect of illuminating power or excess of impurity in the gas supplied by them in any case in which it is proved that such insufficiency defect or excess was produced by an unavoidable cause or accident.

No penalty in case of unavoidable cause.

29. The Undertakers may enter into and carry into effect contracts with any local authority company or persons beyond the Undertakers' limits of
 45 supply (but only with the consent in writing of the local authority of and of any company or person supplying gas under parliamentary powers within the

Undertakers may contract with local authority and others for supply in bulk.

A.D. 1905. district within which the supply is to be given) for the supply to them respectively of gas in bulk upon such terms and conditions and for such periods not exceeding seven years as may be agreed upon.

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Power to erect &c. cottages for officers and servants.

30. The Undertakers may on any land for the time being belonging to or leased by them erect fit up and maintain houses cottages and buildings for the officers and servants employed by the Undertakers for the purposes of their undertaking.

8 Vict. c. 16. s. 140. incorporated.

31. Section 140 of the Companies Clauses Consolidation Act 1845 shall be and is hereby incorporated with this Order Provided that for the purpose of such incorporation the expression "the Company" in the said section shall be construed to mean the Undertakers.

Costs of Order.

32. All the costs charges and expenses of and incidental to the applying for preparing obtaining and confirming this Order and otherwise in relation thereto shall be paid by the Undertakers.

SCHEDULES.

15

SCHEDULE A.

A piece of land situate in the parish of Horndon-on-the-Hill in the county of Essex bounded on the north by land belonging or reputed to belong to Herbert Clarence Long on the west by Poley Road on the east by the railway of the London Tilbury and Southend Railway Company and on the south by land belonging or reputed to belong respectively to the General Property Trust Limited and to Allan Thomas Cocking such piece of land having a length of about 450 feet a width of about 218 feet and an area of about 2 acres and 1 rood.

SCHEDULE B.

25

The foregoing Order shall after the making by the Board of Trade of an order in pursuance of the provisions in that behalf contained in the said foregoing Order prescribing a standard price for gas supplied by the Undertakers with sliding scale as to the profits and as from the specified date be read and construed subject to the modifications following:—

Sections 30 to 34 of Gasworks Clauses Act 1847 to cease to be incorporated.

- (i) Sections 30 to 34 (both inclusive) of the Gasworks Clauses Act 1847 shall not continue to be incorporated with or form part of the foregoing Order and in construing the said Act for the purposes of the foregoing Order section 35 of the said Act shall be read and construed as though the words from "in case the whole" down to "have been paid" all inclusive had been omitted therefrom

and as though the expression "the prescribed rate" included the rate of dividend prescribed by the foregoing Order together with any sum which under the provisions of this schedule might lawfully be carried to the insurance fund.

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Stanford-le-Hope.

5 (ii) Notwithstanding anything contained in the foregoing Order the standard price to be charged by the Undertakers for gas supplied by them to private consumers by meter shall be the price prescribed by such order of the Board of Trade as aforesaid per thousand cubic feet :

Price of gas with sliding scale as to dividend.

10 Provided that the Undertakers may increase or reduce the price so charged by them for gas above or below the standard price subject to a reduction or increase in the dividend payable by the Undertakers on the ordinary shares or stock in the share capital of the Undertakers as follows :—

15 In respect of any year during any part of which the price charged by the Undertakers shall have been one penny or part of a penny above the standard price the dividend payable by the Undertakers shall in respect of each penny or part of a penny by which the price shall have been

20 increased be reduced below the standard rate of dividend by five shillings on every hundred pounds of ordinary paid-up capital and so in proportion for any fraction of one hundred pounds :

25 And in respect of any year during the whole of which the price charged by the Undertakers shall have been one penny or more below the standard price the dividend payable by the Undertakers may in respect of each penny by which the standard price has been reduced be increased

30 above the standard rate of dividend by five shillings on every one hundred pounds of ordinary paid-up capital and so in proportion for any fraction of one hundred pounds.

35 (iii) If the clear profits of the undertaking in any year amount to a larger sum than is sufficient to pay the prescribed rate the excess beyond the sum necessary for that purpose may to the extent of one per centum per annum upon the paid-up capital of the Undertakers be invested in government or other securities and the dividends and interest arising from such securities shall also

40 be invested in the same or like securities in order that the same may accumulate at compound interest until the fund so formed amounts to a sum equal to one-twentieth part of the paid-up capital of the Undertakers which sum shall form an insurance fund to meet any extraordinary claim demand or charge which may at any time arise against or fall upon the Undertakers

45 from accident strike or other circumstance which in the opinion of a court of summary jurisdiction due care and management could not have prevented and if such fund be at any time reduced it may thereafter be again made up to the said limit

If profits exceed amount limited excess may be invested and form an insurance fund.

A.D. 1905.

Stanford-le-Hope

as often as such reduction happens Provided that when and so often as the said fund reaches the said limit of one-twentieth part of the paid-up capital the interest thereon shall be carried to the credit of the fund available for such dividend Provided also that resort may be had to the insurance fund to meet any such extraordinary claim demand or charge as aforesaid although such fund may not at the time have reached or may have been reduced below the full amount of one-twentieth as aforesaid :

Application of further excess of profit over prescribed rate

(iv) If the clear profits of the undertaking in any year amount to a larger sum than is sufficient to pay the prescribed rate the excess or such portion of it as is not carried to the insurance fund shall be carried to the credit of the divisible profits of the undertaking for the next following year :

Power to create a reserve fund and application thereof.

(v) Where in any year the prescribed rate on the ordinary share capital or stock of the Undertakers exceeds the standard rate by reason of the price charged by the Undertakers for gas in such year being below the standard price then out of the amount of the divisible profits of the Undertakers applicable to the payment of such excess of dividends the Undertakers may in such year set apart such sum as they think fit by way of a reserve fund and all sums (if any) so set apart by the Undertakers and any reserve or other fund of a similar character of the Undertakers existing at the specified date in relation to the undertaking may be invested in government or other securities and the dividends and interest arising from such securities may also be invested in the same or the like securities in order that the same may accumulate at compound interest and the fund so formed shall be called "the reserve fund" and shall be applicable to the payment of dividend in any year in which the clear profits of the Undertakers shall be insufficient to enable the Undertakers in such year to pay the prescribed rate and save as by this schedule specially provided no sum shall in respect of the undertaking in any year be carried by the Undertakers to any reserve fund :

Saving of existing contracts.

(vi) Nothing in this schedule contained shall alter vary or affect any contract or agreement duly made or any liability incurred or notice given before the specified date with respect to the gasworks of or the supply of gas by the Undertakers.

[5 EDW. 7.] *Gas and Water Orders Confirmation.* [H.L.] 1

A

B I L L

INTITULED

An Act to confirm certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act 1870 relating to Bolsover Gas Denbigh Water Formby Gas Hayling Water and Staveley Gas. A.D. 1905.

WHEREAS under the authority of the Gas and Water Works Facilities Act 1870 the Board of Trade have made the Provisional Orders set out in the schedule to this Act annexed: 33 & 34 Vict.
c. 70.

And whereas a Provisional Order made by the Board of Trade under the authority of the said Act is not of any validity or force whatsoever until the confirmation thereof by Act of Parliament:

And whereas it is expedient that the Provisional Orders made by the Board of Trade as aforesaid and set out in the schedule to this Act be confirmed:

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. This Act may be cited as the Gas and Water Orders Confirmation Act 1905. Short title.

2. The Orders as set out in the schedule to this Act shall be and the same are hereby confirmed and all the provisions thereof in manner and form as they are set out in the said schedule shall from and after the passing of this Act have full validity and effect. Confirmation
of Orders in
schedule.

A.D. 1905.

SCHEDULE.**LIST OF ORDERS.**

- BOLSOVER GAS.**—Order empowering the Bolsover Gaslight and Coke Company Limited to raise additional capital and for other purposes.
- DENBIGH WATER.**—Order enabling the Denbigh Waterworks Company to raise additional capital and for other purposes. 5
- FORMBY GAS.**—Order empowering the Formby Gas Company Limited to raise additional capital for the purposes of their undertaking and for other purposes.
- HAYLING WATER.**—Order empowering the South Hayling Water Company Limited to raise additional capital and for other purposes. 10
- STAVELEY GAS.**—Order empowering the Staveley Gas Light and Coke Company Limited to maintain and continue gasworks and to manufacture and supply gas in the parish of Staveley in the county of Derby and for other purposes. 15
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BOLSOVER GAS.

A.D. 1905.

Bolsover

Order empowering the Bolsover Gaslight and Coke Company Limited to raise additional capital and for other purposes.

1. This Order may be cited as the Bolsover Gas Order 1905. Short title.
- 5 2. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed which date is in this Order referred to as "the commencement of this Order." Commencement of Order.
- 10 3. The Bolsover Gas Order 1894 (in this Order referred to as "the Order of 1894") and this Order shall be construed together except so far as such construction will be inconsistent with or repugnant to the provisions of this Order and in this Order the expression "the undertaking" means the undertaking authorised by that Order as amended by this Order. Construction of Order.

Undertakers.

- 15 4. The Bolsover Gaslight and Coke Company Limited shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers." Undertakers.

New Capital.

- 20 5. The limitations prescribed by the Order of 1894 in respect of the amount of the share capital of the Undertakers for the purposes of the undertaking shall not prevent the Undertakers from raising for such purposes further share capital (in this Order referred to as the "new capital") not exceeding ten thousand pounds including any premiums that may be obtained on the sale of any shares or stock under the provisions of this Order provided that the share capital of the Undertakers for the purposes of the undertaking shall not exceed in the whole fifteen thousand pounds unless the Undertakers are hereafter authorised to raise further share capital by Provisional Order under the Gas and Water Works Facilities Act 1870 or by Act of Parliament. New capital.
- 25 6. The Undertakers shall when any shares or stock forming part of the new capital are to be issued and before offering the same to the holder of any other share or stock of the Undertakers and whether the ordinary shares or ordinary stock of the Undertakers are or is at a premium or not offer the same for sale by public auction or tender in such manner at such times and subject to such conditions of sale as the Undertakers may by special resolution determine. Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of shares or stock and that the reserved price put upon such shares or stock shall not be less than the nominal amount thereof and notice of the amount of such reserved price shall be sent by the Undertakers in a sealed letter to the

- A.D. 1905. Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders as the case may be and such letter may be opened after such day of auction or last day for the reception of tenders and not sooner and provided that no priority of tender shall be allowed to any holder of shares or stock of the Undertakers except that if the bidding or offer by tender made by any holder of shares or stock be the same in amount as the bidding or offer made by any other person for the same lot the bidding or offer of such holder shall be accepted in preference. 5
- Bolsorer.*
- Purchase money of capital sold to be paid within three months. 7. It shall be one of the conditions of any sale of shares or stock under the provisions of this Order that the full price thereof including any premium given by any purchaser at such sale shall be paid to the Undertakers within three months after such sale. 10
- Notice to be given as to sale of shares or stock. 8. The intention to sell any shares or stock by auction or tender under the provisions of this Order shall be communicated by the Undertakers in writing to the clerk of every local authority having jurisdiction within the limits of supply and to the secretary of the committee of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders as the case may be and notice of such intention shall be duly advertised by the Undertakers once in each of two consecutive weeks in one or more newspapers circulating within the limits of supply. 15 20
- Shares or stock not sold by auction or tender to be offered to shareholders. 9. When any shares or stock have been offered for sale by auction or tender under the provisions of this Order and not sold the same shall be offered at the reserved price put upon the same respectively for the purpose of sale by auction or tender to the holders of the ordinary shares or ordinary stock of the Undertakers in such manner as may be prescribed by a special resolution passed by the Undertakers. Provided that any share or stock so offered and not accepted within the time prescribed by such resolution shall again be offered for sale by public auction or tender in the manner and subject to the provisions of this Order with respect to the sale of shares or stock forming part of the new capital and the reserve put upon any such shares or stock may upon such second or any subsequent auction or tender if the directors of the Undertakers think fit be less than the nominal value of such shares or stock and any shares or stock not then sold shall be again offered to the holders of ordinary shares or ordinary stock at the last-mentioned reserved price and so until the whole of such shares or stock is sold. 25 30 35
- Application of premium arising on issue of shares or stock. 10. Any sum of money which may arise from the issue of any shares or stock under the provisions of this Order by way of premium after deducting therefrom the expenses of and incident to such issue shall not be considered as profits of the Undertakers but shall be expended in extending or improving the works of the Undertakers or in paying off money borrowed or owing on mortgage by the Undertakers and shall not be considered as part of the capital of the Undertakers entitled to dividend. 40 45

[5 EDW. 7.] *Gas and Water Orders Confirmation.*

5

11. Except as by section 29 of the Order of 1894 expressly provided the Undertakers shall not in any year declare or make out of their profits any larger dividends on the new capital than seven pounds in respect of every hundred pounds actually paid up of so much of such new capital as may be issued as ordinary capital or six pounds in respect of every one hundred pounds actually paid up of so much of such new capital as may be issued as preference capital.

A.D. 1905.

Bolsorer.
Limits of dividend on capital.

12. In case in any year or in any half year (if the Undertakers declare a dividend half-yearly) the net revenues of the Undertakers applicable to dividend are insufficient to pay the full amount of the prescribed rates on each class of ordinary shares or stock in the capital authorised to be raised by the Order of 1894 and the new capital a proportionate reduction shall be made in the dividends payable on each class.

Dividends on different classes of ordinary shares to be paid proportionately.

13. The amount of all moneys borrowed by the Undertakers and secured by mortgage of the undertaking shall not at any time exceed in the whole one fourth of the amount of capital of the Undertakers at the time actually raised by the issue of shares or stock including any premium that may be obtained on sale of any shares or stock under the provisions of this Order and no higher rate of interest than five pounds per centum per annum shall be paid by the Undertakers without the consent of the Board of Trade in respect of any moneys borrowed by the Undertakers after the commencement of this Order and secured as aforesaid.

Limit of borrowing powers.

14. All moneys raised under this Order shall be applied for the purposes of the undertaking to which capital is properly applicable.

Application of moneys.

25

Gas Supply.

15. Every consumer of gas supplied by the Undertakers who uses a gas engine shall if required to do so by the Undertakers use an anti-fluctuator and shall at all times at his own expense keep such anti-fluctuator in proper order and if any consumer shall make default in complying with the provisions of this section the Undertakers may cease to supply him with gas. The Undertakers shall have access to and be at liberty to take off remove test inspect and replace any such anti-fluctuator at all reasonable times such taking off removing testing inspecting and replacing to be done at the expense of the Undertakers if the anti-fluctuator be found in proper order but otherwise at the expense of such consumer.

Anti-fluctuators for gas engines.

16. If a person requiring a supply of gas from the Undertakers for any premises occupies or has occupied other premises at which gas was supplied to him by the Undertakers and has not paid all gas or meter rent due from him to the Undertakers they may refuse to furnish to him a supply of gas until he pays the same.

Power to refuse to supply persons in debt for other premises.

17. The Undertakers may if they think fit allow discounts or rebates not exceeding in any case twenty per centum to the consumers of gas in consideration of prompt payment of gas rent or of large consumption upon such scale and subject to such conditions and regulations as may be prescribed

Discounts.

A.D. 1905. by the Undertakers Provided that such discounts or rebates shall be of
Bolsover. equal amount under like circumstances to all consumers Provided also that
 notice of the effect of this enactment shall be endorsed on every demand note
 for gas rent.

Exemption of
 fittings &c. let
 for hire from
 distress for
 rent.

18. Any fittings engines stoves ranges pipes or other apparatus or 5
 appliances let for hire under the provisions of the Order of 1894 shall not be
 subject to distress or to the landlord's remedy for rent or be liable to be
 taken in execution under any process of any court or in proceedings in
 bankruptcy against the persons in whose possession the same may be provided
 that such fittings engines stoves ranges pipes or other apparatus or appliances 10
 have upon them respectively a distinguishing metal plate affixed to a con-
 spicuous part thereof or a distinguishing brand or other mark conspicuously
 impressed or made thereon sufficiently indicating the Undertakers as the
 actual owners thereof.

Costs of Order.

19. All the costs charges and expenses of and incidental and preliminary 15
 to the applying for preparing obtaining and confirming this Order and
 otherwise in relation thereto shall be paid by the Undertakers.

DENBIGH WATER.

Denbigh.

*Order enabling the Denbigh Waterworks Company to raise
 additional capital and for other purposes.*

20

Short title.

1. This Order may be cited as the Denbigh Waterworks Order 1905.

Commence-
 ment.

2. This Order shall come into force and have effect upon the day when
 the Act confirming this Order is passed which date is in this Order referred
 to as "the commencement of this Order."

Construction
 of Order.

3. The Denbigh Waterworks Act 1863 (in this Order referred to as 25
 "the Act of 1863") the Denbigh Water Order 1873 and the Denbigh Water
 Order 1882 (in this Order collectively referred to as "the Undertakers' Act
 and Orders") and this Order shall be construed together except so far as
 such construction would be inconsistent with or repugnant to the provisions
 of this Order. 30

Incorporation
 of Orders.

4. The provisions of the Companies Clauses Consolidation Acts 1845 to
 1889 with respect to the several matters following (that is to say):—

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

The payment of subscriptions and the means of enforcing the payment 35
 of calls;

The forfeiture of shares for non-payment of calls;

The remedies of the creditors of the company against the shareholders;

The borrowing of money by the company on mortgage or bond;

The consolidation of the shares into stock; 40

[5 EDW. 7.] *Gas and Water Orders Confirmation.*

7

The general meetings of the company and the exercise of the right of voting by the shareholders ; A.D. 1905.
Denbigh.

The making of dividends ;

The giving of notices ; and

5 The provision to be made for affording access to the special Act by all parties interested ;

and Part I. (relating to cancellation and surrender of shares) and Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 and the Waterworks Clauses Acts 1847 and 1863 are (except where expressly varied by this Order) incorporated with and form part of this Order.

15 For the purpose of such incorporation the term "special Act" in the said Acts shall be construed to mean this Order and the term "company" shall mean the Undertakers.

Undertakers.

5. The Denbigh Waterworks Company incorporated by the Act of 1863 shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers." Undertakers.

20

Additional Capital.

6. In addition to the capital already authorised to be raised by the Undertakers they may— Power to raise additional capital.

(1) Raise any further sums not exceeding in the whole ten thousand pounds by the creation and issue at their option of new ordinary shares or stock or partly by new ordinary shares or stock and partly by new preference shares or stock (in this Order referred to as the "new capital") but the Undertakers shall not issue under the authority of this Order any share of less nominal value than ten pounds nor shall any such share or any stock issued under the authority of this Order vest in the person accepting the same unless and until the full price of such share or stock including any premium obtained on the sale thereof as hereinafter provided shall have been paid in respect thereof. Provided that it shall not be lawful for the Undertakers to create and issue under the powers of this Order any greater nominal amount of capital than will be sufficient to produce including any premiums which may be obtained on the sale of the shares or stock authorised to be issued under the authority of this Order the sum of ten thousand pounds and provided further that no more than five thousand pounds in the whole shall be raised under this Order by means of preference shares or stock :

(2) Borrow on mortgage in respect of the new capital any sum or sums not exceeding in the whole one-fourth part of the amount payable in respect of the new capital at the time actually issued including

A.D. 1905.

Denbigh.

the premiums (if any) realised on the sale thereof but no part thereof shall be borrowed until shares or stock for so much of the new capital in respect of which such borrowing powers are sought to be exercised together with the premiums (if any) realised on the sale thereof have been fully paid up and the Undertakers have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that such shares or stock and premiums (if any) have been fully paid and upon production to such justice of the books of the Undertakers and such other evidence as he may think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

As to conversion of borrowed money into capital.

7. The Undertakers shall not have power to raise the money by this Order authorised to be borrowed on mortgage or by the creation and issue of debenture stock or any part thereof respectively by the creation of shares or stock instead of by borrowing or to convert into share capital any money borrowed under the provisions of this Order.

New shares or stock to be subject to same incidents as other shares or stock.

8. The new capital created by the Undertakers under this Order and the new shares or stock therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if the new capital were part of the existing capital of the Undertakers of the same class or description and the new shares or stock were shares or stock in the capital The capital in new shares or stock shall form part of the capital of the Undertakers.

Dividend on new capital.

9. Every person who becomes entitled to shares or stock in the new capital shall in respect of the same be a holder of shares or stock in the capital of the Undertakers and shall be entitled to a dividend with the other holders of shares or stock of the same class or description proportioned to the whole amount from time to time called up and paid on the share or stock so held by him.

Restrictions as to votes in respect of preferential shares or stock.

10. Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any shares or stock in the new capital to which a preferential dividend shall be assigned nor be qualified in respect of such shares to act as a director.

New shares or stock to be offered by auction or tender.

11. Notwithstanding anything in this Order contained the Undertakers shall when any shares or stock created under the powers of this Order are to be issued and before offering the same to the holder of any other shares and stock of the Undertakers and whether the ordinary shares or ordinary stock of the Undertakers are or is at a premium or not offer the same for sale by public auction or by tender in such manner at such times and subject to such conditions of sale as the Undertakers may determine Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of shares or stock and that the reserved price put upon such shares or stock shall not be less than the nominal value thereof and notice of the amount of such reserved price shall be sent by the Undertakers in a sealed letter to the Board of Trade not less than twenty-four hours before the day

[5 EDW. 7.] *Gas and Water Orders Confirmation.*

9

of auction or the last day for the reception of tenders as the case may be and such letter may be opened after such day of auction or last day for the reception of tenders and not sooner and provided that no priority of tender shall be allowed to any holder of shares or stock of the Undertakers except
 5 that if the bidding or offer by tender made by any holder of shares or stock be the same in amount as the bidding or offer by tender made by any other person the bidding or offer of such holder shall be accepted in preference.

A.D. 1906.

Denbigh.

12. It shall be one of the conditions of any sale of shares or stock under this Order that the full price thereof including any premiums given by
 10 any purchaser at such sale shall be paid to the Undertakers within three months after such sale.

Purchase money of capital sold to be paid within three months.

13. The intention to sell any shares or stock by auction or by tender under the provisions of this Order shall be communicated in writing to the clerk of every local authority having jurisdiction within the limits of supply
 15 of the Undertakers and to the Secretary of the Committee of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders as the case may be and notice of such intention shall be duly advertised once in each of two consecutive weeks in one or more local newspapers circulating within such limits of supply.

Notice to be given as to sale of shares or stock.

14. When any shares or stock created under the powers of this Order have been offered for sale by auction or tender and not sold the same shall be offered at the reserved price put upon the same respectively for the purpose of sale by auction or tender to the holders of ordinary shares or ordinary stock of the Undertakers in manner provided by the Companies Clauses
 25 Act 1863 Provided always that any shares or stock so offered and not accepted within the time prescribed by the said Act shall again be offered for sale by public auction or by tender in the manner and subject to the provisions of this Order with respect to the sale of shares or stock created under the powers of this Order and the reserve put upon such shares or stock may upon
 30 such second or any subsequent auction or tender if the directors of the Undertakers think fit be less than the nominal value thereof and any shares or stock not then sold by auction or tender shall be again offered to the holders of ordinary shares or ordinary stock at not less than the last-mentioned reserved price and so on until the whole of such shares or stock
 35 is sold.

Shares or stock not sold by auction or tender to be offered to shareholders.

15. Any sum of money which shall arise from the issue of any shares or stock under the provisions of this Order by way of premium after deducting therefrom the expenses of and incident to such issue shall not be considered as profits of the Undertakers but shall be expended in extending or improving
 40 the works of the Undertakers or in paying off money borrowed or owing on mortgage by the Undertakers and shall not be considered as part of the capital of the Undertakers entitled to dividend Provided that for the purpose of ascertaining the maximum amount of the reserve fund of the Undertakers the sums received by way of premium as aforesaid shall be
 45 reckoned as part of the nominal capital of the Undertakers.

Application of premium arising on issue of shares or stock.

(52.)

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- A.D. 1905. 16. The Undertakers may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time after the commencement of this Order created and issued or granted by the Undertakers under any previous Act or Order or this Order or any subsequent Act or Order shall rank *pari passu* (without respect to the dates of the securities or of the Acts of Parliament Orders or resolutions by which the stock and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages Notice of the effect of this enactment shall be endorsed on all such mortgages and certificates of debenture stock. 5
- Denbigh.*
Debenture stock.
- Existing mortgages to have priority. 17. All mortgages and bonds granted by the Undertakers in pursuance of the powers of the Undertakers' Act and Orders before the commencement of this Order and which shall be subsisting at the date of such commencement shall during the continuance of such mortgages and bonds and subject to the provisions of the Acts under which such mortgages and bonds were respectively granted have priority over all mortgages to be granted under the authority of this Order but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Undertakers. 15
- For appointment of receiver. 18. Every provision of the Undertakers' Act and Orders with respect to the appointment of a receiver is hereby repealed but without prejudice to any appointment heretofore made or any proceedings pending at the commencement of this Order under any such provision and after the commencement of this Order the mortgagees of the Undertakers may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver and in order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than two thousand pounds in the whole. 25
- Rates of dividend on shares or stock in new capital. 19. The Undertakers shall not in any one year make out of their profits any larger dividend on the new capital than at the rate of seven pounds in respect of every one hundred pounds actually paid up of so much of the new capital as shall be issued as ordinary capital or at the rate of six pounds in respect of every one hundred pounds actually paid up of so much of the new capital as may be issued as preference capital. 35
- Dividends on different classes of ordinary capital to be paid proportionately. 20. In case in any half-year the net revenue of the Undertakers applicable to dividend should be insufficient to pay the full amount of the prescribed maximum rate of dividend on each class of ordinary shares or ordinary stock in the capital of the Undertakers a rateable reduction shall be made in the dividend of each class. 40
- Limit of interest on money borrowed. 21. The Undertakers shall not without the consent of the Board of Trade pay interest at a higher rate than four pounds ten shillings per centum per annum in respect of any money borrowed on mortgage or raised by the creation and issue of debenture stock under the authority of this Order. 45

22. All moneys raised under this Order whether by shares stock debenture stock or borrowing shall be applied only to the purposes of this Order or of the Undertakers' Act and Orders to which capital is properly applicable.

A.D. 1905.

Denbigh.

Application of moneys raised under this Order.

5 23. The Undertakers may enter into and carry into effect agreements with any local authority company or person for the supply of water beyond the limits of supply to any such authority company or person respectively in bulk for any purpose and for such remuneration and on such terms and conditions and for such period as may be agreed upon Provided that such
10 supply shall not be given except with the consent of any company or person supplying water under parliamentary authority within the district to be supplied and of the local authority of that district nor if and so long as such supply would interfere with the supply of water for domestic purposes within the limits of supply.

Contracts for supplying water in bulk.

15 24. For preventing waste misuse undue consumption or contamination of the water of the Undertakers the following provisions shall be in force and have effect.

Regulations for preventing waste &c. of water.

The said provisions are as follows:—

- 20 (1) The Undertakers may from time to time make regulations for the purpose of preventing the waste undue consumption or misuse or contamination of water and may by such regulations prescribe the size nature materials workmanship and strength and the mode of arrangement connection disconnection alteration and repair of the pipes meters cocks ferrules valves soil-pans water-closets baths tanks cisterns and other apparatus fittings means contrivances receptacles or appliances whatsoever to be used and forbid any arrangements and the use of the several things
25 before mentioned or any or either of them which may allow or tend to waste or undue consumption misuse erroneous measurement or contamination :
- 30 (2) No such regulations shall be of any force or effect unless and until the same shall have been submitted to and confirmed by the Local Government Board who are hereby empowered to confirm the same :
- 35 (3) No such regulations shall be confirmed until after the expiration of one month after notice in writing to submit the same for confirmation together with a copy of the proposed regulations shall have been given by or on behalf of the Undertakers to the local authorities within the limits of supply who may within the
40 said period of one month make such representations to the Local Government Board as they see fit :
- 45 (4) A copy of all such regulations in force for the time being shall be kept at the office of the Undertakers and all persons may at reasonable times inspect such copy without payment and the Undertakers shall cause to be delivered a printed copy of all regulations for the time being in force to every person applying

(52.)

B 2

A.D. 1905.
Denbigh.

for the same on payment of a sum not exceeding twopence for each copy :

- (5) A printed copy of any such regulations dated and purporting to have been made as aforesaid and to be sealed with the seal of the Undertakers and to have been confirmed by the Local Government Board shall be evidence until the contrary be proved in all legal proceedings of the due making confirmation publication and existence of such regulations without further or other proof: 5
- (6) In case of failure of any person to observe such regulations as are for the time being in force the Undertakers may if they think fit after twenty-four hours' notice in writing enter and by and under the direction of their duly authorised officer repair replace or alter any pipe meter valve cock ferrule tank cistern bath soil-pan watercloset or other apparatus means contrivance or receptacle fittings or appliances belonging to or used by such person and not being in accordance with the requirements of such regulations and the expense of every such repair replacement or alteration shall be repaid to the Undertakers by the person on whose credit the water is supplied and may be recovered by them as water rates are recoverable: 10 15 20
- (7) Any person who shall offend against any of such regulations shall (without prejudice to any other right or remedy for the protection of the Undertakers or punishment of the offender) be liable to a penalty not exceeding five pounds for each offence and to a further daily penalty not exceeding forty shillings for each day or part of a day whereon such offence shall occur after conviction thereof and the Undertakers may in addition thereto recover the amount of any damages sustained by them. 25

Costs of Order. 25. All costs charges and expenses of and incidental to the applying for preparing obtaining and confirming of this Order and otherwise in relation thereto shall be paid by the Undertakers. 30

FORMBY GAS.

Formby. *Order empowering the Formby Gas Company Limited to raise additional capital for the purposes of their undertaking and for other purposes.* 35

Preliminary.

- Short title.* 1. This Order may be cited as the Formby Gas Order 1905.
- Commencement of Order.* 2. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed which date is in this Order referred to as "the commencement of this Order." 40

[5 Edw. 7.] *Gas and Water Orders Confirmation.* 13

3. The Formby Gas Order 1878 (in this Order referred to as “the Order of 1878”) as amended by this Order and this Order shall be construed together except so far as such construction would be inconsistent with or repugnant to the provisions of this Order and in this Order the expression “the undertaking” means the undertaking authorised by the Order of 1878 as amended by this Order.

A.D. 1905.
Formby.
Construction
of Order.

4. The provisions of the Gasworks Clauses Act 1847 and the Gasworks Clauses Act 1871 are incorporated with this Order (except where expressly varied by the Order of 1878 or this Order) and form part of this Order For the purposes of such incorporation the term “special Act” in the said Acts respectively shall be construed to mean this Order.

Incorporation
of Acts.

5. The several words and expressions to which by any Act wholly or partially incorporated with this Order and by the Gas and Water Works Facilities Act 1870 meanings are assigned have in this Order the same respective meanings unless there be something in the subject or context repugnant to such construction.

Interpretation.

Undertakers.

6. The Formby Gas Company Limited shall be the Undertakers for the purposes of this Order and are in this Order referred to as “the Undertakers.”

Undertakers.

New Capital.

7. The limitation prescribed by the Order of 1878 with respect to the amount of the share capital of the Undertakers for the purposes of the undertaking shall not prevent the Undertakers from raising for such purposes further share capital (in this Order referred to as “the additional capital”) not exceeding sixteen thousand pounds including any premium that may be obtained on the sale of any shares under the provisions of this Order Provided that the share capital of the Undertakers for the purposes of their undertaking shall not exceed in the whole twenty-six thousand pounds unless the Undertakers are hereafter authorised to raise further share capital by Provisional Order under the Gas and Water Works Facilities Act 1870 or by Act of Parliament.

New capital.

8. The Undertakers shall when any shares or stock created under the powers of this Order are or is to be issued and before offering the same to the holder of any other shares or stock of the Undertakers and whether the ordinary shares or ordinary stock of the Undertakers are or is at a premium or not offer the same for sale by public auction or tender in such manner at such times and subject to such conditions of sale as the Undertakers may by special resolution determine Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of shares or stock and that the reserved price put upon such shares or stock shall not be less than the nominal value thereof and notice of the amount of such reserved price shall be sent by the Undertakers in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction

New shares or
stock to be
offered by
auction or
tender.

A.D. 1905. or the last day for the reception of tenders as the case may be and such
Formby. letter may be opened after such day of auction or last day for the reception
of tenders and not sooner and provided that no priority of tender shall be
allowed to any holder of shares or stock of the Undertakers except that if
the bidding or offer by tender of any holder of shares or stock be the same 5
in amount as the bidding or offer made by any other person for the same
lot the bidding or offer of such holder shall be accepted in preference.

Purchase
money of
capital sold
to be paid
within three
months.

9. It shall be one of the conditions of any sale of shares or stock under
the provisions of this Order that the full price thereof including any premiums
given by any purchaser at such sale shall be paid to the Undertakers within 10
three months after such sale.

Notice to be
given as to
sale of shares
or stock.

10. The intention to sell any shares or stock by auction or tender
under the provisions of this Order shall be communicated by the Undertakers
in writing to the clerk of every local authority having jurisdiction within the
limits of supply and to the Secretary of the Committee of the London Stock 15
Exchange at least twenty-eight days before the day of auction or the last
day for the reception of tenders as the case may be and notice of such
intention shall be duly advertised by the Undertakers once in each of two
consecutive weeks in one or more newspapers circulating within the limits
of supply. 20

Shares or stock
not sold by
auction or
tender to be
offered to
holders of
ordinary
shares or stock.

11. When any shares or stock have been offered for sale by auction
or tender under the provisions of this Order and not sold the same may be
disposed of by the directors of the Undertakers at a price not less than the
reserved price put upon the same respectively for the purpose of sale by 25
auction or tender or may be offered at such reserved price to the holders of
the ordinary shares or ordinary stock of the Undertakers in such manner
as may be prescribed by a special resolution passed by the Undertakers or
to the consumers of gas supplied by the Undertakers or to employees of the
Undertakers or their other customers or partly to one and partly to another
or others Provided always that any shares or stock not so disposed of or 30
so offered and not accepted within the time prescribed by such resolution
or in the case of shares or stock offered to such employees or consumers and
customers within the time limited by the directors of the Undertakers shall
again be offered for sale by public auction or tender in the manner and 35
subject to the provisions of this Order with respect to the sale of shares
or stock forming part of the additional capital and the reserve put upon such
shares or stock may upon such second or any subsequent offer for sale by
auction or tender if the directors of the Undertakers think fit be less than
the nominal value thereof and any shares or stock not then sold may be
disposed of by the directors or offered to the holders of ordinary shares 40
or ordinary stock or such employees or consumers and customers at not less
than the last-mentioned reserved price and so on until the whole amount
of such shares or stock is sold.

Application
of premium
arising on
issue of shares
or stock.

12. Any sum of money which may arise from the issue of any shares or
stock under the provisions of this Order by way of premium after deducting 45
therefrom the expenses of and incident to such issue shall not be considered

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as profits of the Undertakers but shall be expended in extending or improving the works of the Undertakers or in paying off money borrowed or owing on mortgage by the Undertakers and shall not be considered as part of the capital of the Undertakers entitled to dividend. A.D. 1905.
Formby.

- 5 13. The Undertakers shall not in any year declare or make out of their profits any larger dividends on the additional capital than seven pounds in respect of every one hundred pounds actually paid up of so much of the additional capital as may be issued as ordinary capital or five pounds in respect of every one hundred pounds actually paid up as aforesaid of so much
10 of the additional capital as may be issued as preference capital. Dividend on additional capital limited.
14. In case in any year or in any half year (if the Undertakers declare a dividend half-yearly) the net revenues of the Undertakers applicable to dividend are insufficient to pay the full amount of the prescribed rates of dividend on each class of ordinary shares or stock of the Undertakers a
15 proportionate reduction shall be made in the dividends payable on each class other than preference shares or stock. Dividends on different classes of ordinary shares to be paid proportionately.
15. The amount of all moneys borrowed by the Undertakers and secured by mortgage of the undertaking shall not at any time exceed in the whole one fourth of the amount of the capital of the Undertakers for the purposes
20 of the undertaking actually raised by the issue of shares or stock under the provisions of this Order and no higher rate of interest than five pounds per centum per annum shall be paid by the Undertakers without the consent of the Board of Trade in respect of any moneys borrowed by the Undertakers after the commencement of this Order and secured as aforesaid. Limit of borrowing powers.
- 25 16. All moneys raised under this Order shall be applied to the purposes of the undertaking to which capital is properly applicable. Application of moneys.

Price of Gas.

17. From and after the first quarter day after the commencement of this Order section 12 of the Order of 1878 shall be amended by the substitution
30 of the words five shillings for the words six shillings and sixpence and the said section shall be read and construed accordingly. Price of gas.
18. For the protection of the district council for the time being having jurisdiction in the parish of Formby the following provision shall have effect :—
35 Undertakers to extend their mains for public lighting.
- 40 The Undertakers shall within eighteen months of the commencement of this Order provide and lay at their own cost all necessary mains for the public lighting of the following streets and highways in the parish of Formby to wit Cheapside Cockle Lane Sefton Road so much of Kirklake Road as lies between Formby Railway Station and Saint Luke's Parish Room and so much of King's Road as lies between its junction with Duke Street and its junction with Phillips Lane.

A.D. 1905.

Miscellaneous.

Formby.
As to construction and placing of pipes &c. between mains and meters.

19. In order to enable the Undertakers to ensure a satisfactory supply of gas to their consumers the following provisions shall have effect:—

- (1) The Undertakers may specify the size and material of the pipes with the fittings thereof which are to be laid by the consumer either in the first instance or on the occasion of any renewal between the Undertakers' mains and the meter and (so far as the same are intended to be covered over) on the consumer's premises: 5
- (2) The Undertakers may if they think fit make different specifications for different classes of premises having regard to the probable maximum consumption of gas thereon at any one time: 10
- (3) The specification shall be published once in each of two newspapers circulating in the limits of supply of the Undertakers and a copy thereof shall be kept exhibited in the office of the Undertakers:
- (4) Every meter to be used in a new building or a building not previously supplied with gas or in connection with a new or substituted pipe laid by the consumer between the main and the consumer's meter shall be placed as near as reasonably practicable to the Undertakers' main but within the outside wall of the building: 15
- (5) When any such pipe or meter as aforesaid has been laid or placed notice thereof shall be given to the Undertakers and the pipe shall not be covered over until the expiration of twenty-four hours from the service of such notice on the Undertakers. Any officer of the Undertakers duly appointed may between nine o'clock in the morning and five o'clock in the afternoon attend and inspect such pipes (with their fittings) and meter and if the officer is not permitted to make the inspection or if the pipes or fittings are not according to the Undertakers' specification or if the meter is not placed as required by this section the Undertakers may refuse to supply gas to the premises until the provisions of this section have been complied with: 20
- (6) Any persons to whom the Undertakers refuse a supply of gas under the provisions of this section may appeal to a petty sessional court against such refusal and the court may after hearing the parties and considering any questions as to the reasonableness of the Undertakers' specification make such order as seems to them proper in the circumstances and may order by which of the parties the costs of and incident to the appeal shall be paid. 25

Fittings let for hire not subject to distress.

20. No gas engines gas stoves fittings articles and things (in this section called "fittings") connected with the supply or use of gas let for hire by the Undertakers shall be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under any process of any court or any proceedings in bankruptcy against the persons in whose possession the same may be. Provided that such fittings have upon them respectively a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or 35 40 45

other mark conspicuously impressed or made thereon sufficiently indicating the Undertakers as the actual owners thereof. A.D. 1905.

Formby.

Anti-fluctuators for gas engines.

21. Every consumer of gas supplied by the Undertakers who uses a gas engine shall if required to do so by the Undertakers use an anti-fluctuator and shall at all times at his own expense keep such anti-fluctuator in proper order and if any consumer shall make default in complying with the provisions of this section the Undertakers may cease to supply him with gas. The Undertakers shall have access to and be at liberty to take off remove test inspect and replace any such anti-fluctuator at all reasonable times such taking off removal testing inspecting and replacing to be done at the expense of the Undertakers if the anti-fluctuator be found in proper order but otherwise at the expense of such consumer.

22. Twenty-four hours' notice in writing shall be given to the Undertakers by every gas consumer before he shall quit any premises supplied with gas by meter by the Undertakers and in default of such notice the consumer so quitting shall be liable to pay to the Undertakers the money accruing due in respect of such supply up to the next usual period for ascertaining the register of the meter on such premises or the date from which any subsequent occupier shall require the Undertakers to supply gas to such premises whichever shall first occur. Notice of the effect of this enactment shall be endorsed on every demand note for gas rent payable to the Undertakers. Gas consumers to give notice to Undertakers before leaving.

23. A notice to the Undertakers from a consumer for the discontinuance of a supply of gas shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the office for the time being of the Undertakers. Notice of discontinuance.

24. If a person requiring a supply of gas from the Undertakers occupies or has occupied other premises at which gas was supplied to him by the Undertakers and has not paid all gas or meter rent or other moneys due from him to the Undertakers they may refuse to furnish to him a supply of gas until he pays the same. Power to refuse to supply persons in debt for other premises.

25. In the event of any meter used by a consumer of gas being tested in manner provided by the Sale of Gas Act 1859 and being proved to register erroneously within the meaning of the said Act such erroneous registration shall be deemed to have first arisen during the then last preceding quarter of the year unless it be proved to have first arisen during the then current quarter. The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Undertakers shall be paid by or to the Undertakers to or by the consumer as the case may be and shall be recoverable in like manner as gas rents are recoverable by the Undertakers. Period of error in defective meters.

26. The Undertakers may but only with the consent of the owner of the soil of such street or road upon the application of the owner or occupier of any premises abutting on or being erected in any street or road laid out or made but not dedicated to public use supply such premises with gas and Power to lay pipes in streets not dedicated to public use.

- A.D. 1905. *Formby.* may lay and take up alter relay or renew in across or along such street or road such pipes as may be requisite or proper for furnishing such supply and the provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes and for the protection of pipes when laid so far as they are applicable for the purposes of this section shall extend and apply mutatis mutandis to and for the purposes thereof. 5
- Discounts. 27. The Undertakers may if they think fit allow discounts or rebates to consumers of gas or other customers of the Undertakers in consideration of prompt payment of gas rents or other debts or large consumption not exceeding in any case fifteen per centum upon such scale and subject to such conditions and regulations as may be prescribed by the Undertakers Provided that all discounts or rebates shall be of equal amount under like circumstances to all consumers Provided also that notice of the effect of this enactment shall be endorsed upon every demand note for gas rent. 10 15
- Undertakers may acquire patent rights. 28. The Undertakers may acquire hold and use patent rights or licences not being exclusive for the use of inventions in relation to the manufacture of gas or in relation to the distribution or supply of gas and also in relation to the manufacture conversion or utilisation of residual products and materials arising in or resulting from the manufacture of gas. 20
- Undertakers may contract with local authority for supply in bulk. 29. The Undertakers may contract with any local authority company or person beyond the Undertakers' limits of supply (but only with the consent in writing of the local authority of and of any company or person supplying gas under parliamentary powers within the district within which the supply is to be given) for the supply to them respectively of gas in bulk upon such terms and conditions and for such periods not exceeding in any case seven years from the making of the contract as shall be agreed upon. 25
- Costs of Order. 30. All the costs charges and expenses of and incidental to the applying for preparing obtaining and confirming this Order and otherwise in relation thereto shall be paid by the Undertakers. 30

*Hayling.***HAYLING WATER.**

Order empowering the South Hayling Water Company Limited to raise additional capital and for other purposes. 35

- Short title. 1. This Order may be cited as the Hayling Water Order 1905.
- Commencement of Order. 2. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed which date is in this Order referred to as "the commencement of this Order."
- Construction of Order. 3. The South Hayling Water Order 1895 the Hayling Water Order 1898 and the Hayling Water Order 1900 (in this Order referred to as "the 40

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Order of 1900") and this Order shall be construed together except so far as such construction would be inconsistent with or repugnant to the provision of this Order. A.D. 1905.
Hayling.

4. The South Hayling Water Company Limited shall be the Undertakers Undertakers.
5 for the purposes of this Order and are in this Order referred to as "the Undertakers."

5. The limitation prescribed by the Order of 1900 with respect to the amount of the share capital of the Undertakers for the purposes of the undertaking shall not prevent the Undertakers from raising for such purposes Additional capital.
10 additional share capital (in this Order referred to as "the new capital") not exceeding eight thousand pounds including any premiums that may be obtained on the sale of any shares under the provisions of this Order Provided that the share capital of the Undertakers for the said purposes shall not exceed in the whole eighteen thousand four hundred pounds unless the
15 Undertakers are hereafter authorised to raise further share capital by Provisional Order under the Gas and Water Works Facilities Act 1870 or by Act of Parliament.

6. The Undertakers shall when any shares or stock forming part of the new capital are to be issued and before offering the same to the holders of New shares or stock to be offered by auction or tender.
20 any other share or stock of the Undertakers and whether the ordinary shares or ordinary stock of the Undertakers are or is at a premium or not offer the same for sale by public auction or tender in such manner at such times and subject to such conditions of sale as the Undertakers may by special resolution determine Provided that at any such sale no single lot shall comprise more
25 than one hundred pounds nominal value of shares or stock and that the reserved price put upon such shares or stock shall not be less than the nominal value thereof and notice of the amount of such reserved price shall be sent by the Undertakers in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of
30 tenders as the case may be and such letter may be opened after such day of auction or last day for the reception of tenders and not sooner and provided that no priority of tender shall be allowed to any holder of shares or stock of the Undertakers except that if the bidding or offer by tender of any holder of shares or stock be the same in amount as the bidding or offer made by any
35 other person the bidding or offer of such holder of shares or stock shall be accepted in preference.

7. It shall be one of the conditions of any sale of shares or stock under the provisions of this Order that the full price of each share including any premium given by any purchaser at such sale shall be paid to the Undertakers Purchase money of capital sold by auction to be paid within three months.
40 within three months after such sale.

8. The intention to sell any shares or stock by auction or tender under the provisions of this Order shall be communicated by the Undertakers in writing to the clerk of every local authority having jurisdiction within the limits of supply and to the secretary of the committee of the London Stock Notice to be given of sale of shares or stock.
45 Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders as the case may be and notice of such intention

A.D. 1905. shall be duly advertised by the Undertakers once in each of two consecutive weeks in one or more newspapers circulating within the limits of supply.

Hayling.

Shares or stock not sold by auction or tender to be offered to shareholders.

9. When any shares or stocks have been offered for sale by auction or tender under the provisions of this Order and not sold the same shall be offered at the reserved price put upon the same respectively for the purpose of sale by auction or tender to the holders of the ordinary shares or ordinary stock of the Undertakers in such manner as the Undertakers may by special resolution determine. Provided that any share or stock so offered and not accepted within the time prescribed by such resolution shall again be offered for sale by public auction or tender in the manner and subject to the provisions of this Order with respect to the sale of shares and stock forming part of the new capital and the reserve put upon such shares may upon such second or any subsequent auction or tender if the directors of the Undertakers think fit be less than the nominal value thereof and any shares or stock not then sold shall be again offered to the holders of ordinary shares or ordinary stock at the last-mentioned reserved price and so until the whole of such shares or stock is sold.

Application of premium arising on issue of shares or stock.

10. Any sum of money which may arise from the issue of any shares or stock under the provisions of this Order by way of premium after deducting therefrom the expenses of and incident to such issue shall not be considered as profits of the Undertakers but shall be expended in extending or improving the works of the Undertakers or in paying off money borrowed or owing on mortgage by the Undertakers and shall not be considered as part of the capital of the Undertakers entitled to dividend.

Limit of dividend on new capital.

11. The Undertakers shall not in any year declare or make out of their profits any larger dividends on the new capital than seven pounds in respect of every one hundred pounds actually paid up of so much of the new capital as may be issued as ordinary share capital or five pounds in respect of every one hundred pounds actually paid up of so much of the new capital as may be issued as preference share capital.

Limit of borrowing powers.

12. The amount of all moneys borrowed by the Undertakers and secured by mortgage of the undertaking shall not at any time exceed in the whole one fourth of the amount of the capital of the Undertakers actually raised by the issue of shares or stock including any premiums that may be obtained on the sale of any shares under the provisions of this Order and no higher rate of interest than five pounds per centum per annum shall be paid by the Undertakers without the consent of the Board of Trade in respect of any moneys borrowed by the Undertakers after the commencement of this Order and secured as aforesaid.

Dividends on different classes of shares or stock to be paid proportionately.

13. In case in any year or in any half year (if the Undertakers declare a dividend half yearly) the net revenues of the Undertakers applicable to dividend are insufficient to pay the full amount of dividend at the prescribed maximum rate on each class of ordinary shares or stock in the capital of the Undertakers a proportionate reduction shall be made in the dividends payable on each class.

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A.D. 1905.

14. All moneys raised under this Order shall be applied to the purposes of the undertaking to which capital is properly applicable.

Hayling.
Application of
money.
Costs of Order.

15. All the costs charges and expenses of and incidental to the applying for obtaining and confirming this Order and otherwise in relation thereto shall be paid by the Undertakers.

STAVELEY GAS.

Staveley.

Order empowering the Staveley Gas Light and Coke Company Limited to maintain and continue Gasworks and to manufacture and supply Gas in the parish of Staveley in the county of Derby and for other purposes.

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1. This Order may be cited as the Staveley Gas Order 1905.

Short title.

2. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed which date is in this Order referred to as "the commencement of this Order."

Commence-
ment of Order.

15 3. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking) of the Gasworks Clauses Act 1847 and of the Gasworks Clauses Act 1871 are hereby incorporated with this Order (except where the same are expressly varied by this Order) and the said provisions of the said Gasworks Clauses Acts shall apply as well to the mains pipes and works of the Undertakers laid down or constructed before the commencement of this Order and situate within the limits of supply as defined by this Order as to any mains pipes or works which may be laid down or constructed under the authority of this Order.

Incorporation
of Acts.

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4. In this Order the expression "the prescribed rates" means the rates of dividend authorised by this Order on the capital of the Undertakers or such rates as reduced or increased in accordance with the provisions of this Order and the several words terms and expressions to which by any Act in whole or in part incorporated with this Order and by the Gas and Water Works Facilities Act 1870 meanings are assigned have in this Order the same respective meanings and in the construction of this Order or of any such Act for the purposes of this Order the expression "the undertaking" shall include the gasworks and works connected therewith by this Order authorised to be maintained and continued.

Interpretation.

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5. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as "the limits of supply") shall be the parish of Staveley in the county of Derby.

Limits of
Order.

A.D. 1905.

*Undertakers.**Staveley.*
Undertakers.

6. The Staveley Gas Light and Coke Company Limited shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

Capital.

5

Capital.

7. The share capital of the Undertakers for the purposes of the undertaking shall not exceed eleven thousand pounds consisting of the share capital already raised by the Undertakers of four thousand five hundred pounds (in this Order referred to as "the original capital") and of additional share capital (in this Order referred to as "the additional capital") to be issued subject to the provisions of this Order not exceeding six thousand five hundred pounds including any premiums which may be obtained on the sale of any shares under the provisions of this Order unless the Undertakers are hereafter authorised to raise for such purposes further additional share capital by Provisional Order under the Gas and Water Works Facilities Act 1870 or by Act of Parliament.

New shares or
stock to be
offered by
auction or
tender.

8. The Undertakers shall when any shares or stock forming part of the additional capital are to be issued and before offering the same to the holder of any other share or stock of the Undertakers and whether the ordinary shares or ordinary stock in the capital of the Undertakers are or is at a premium or not offer the same for sale by public auction or tender in such manner at such times and subject to such conditions of sale as the Undertakers may by special resolution determine. Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of shares or stock and that the reserved price put upon such shares or stock shall not be less than the nominal value thereof and notice of the amount of such reserved price shall be sent by the Undertakers in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders as the case may be and such letter may be opened after such day of auction or last day for the reception of tenders and not sooner and provided that no priority of tender shall be allowed to any holder of shares or stock of the Undertakers except that if the bidding or offer by tender made by any holder of shares or stock be the same in amount as the bidding or offer made by any other person for the same lot the bidding or offer of such holder shall be accepted in preference and preference may in like manner be given to any employee of the Undertakers or any consumer of gas supplied by the Undertakers whose bidding or offer by tender is the same in amount as the bidding or offer by tender made by any other person not being a holder of shares or stock of the Undertakers or employee or consumer as aforesaid.

Purchase
money of
shares or stock
to be paid
within three
months.

9. It shall be one of the conditions of any sale of shares or stock under the provisions of this Order that the full price thereof including any premium given by any purchaser at such sale shall be paid to the Undertakers within three months of such sale.

Notice to be
given as to
sale &c. of
shares or stock.

10. The intention to sell any shares or stock by auction or tender under the provisions of this Order shall be communicated by the Undertakers in

writing to the clerk of every local authority having jurisdiction within the limits of supply and to the secretary of the committee of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders as the case may be and notice of such intention shall be duly advertised by the Undertakers once in each of two consecutive weeks in one or more newspapers circulating within the limits of supply.

A.D. 1905.
Staveley.

11. When any shares or stock have been offered for sale by auction or tender under the provisions of this Order and not sold the same shall be offered at the reserved price put upon the same respectively for the purpose of sale by auction or tender to the holders of the shares or stock of the Undertakers in such manner as may be prescribed by a special resolution passed by the Undertakers or to the employees of the Undertakers or to the consumers of gas supplied by the Undertakers or partly to one and partly to another or others of them. Provided always that any shares or stock not so disposed of or so offered and not accepted in the case of shares or stock offered to the holders of shares or stock within the time prescribed by the said special resolution or in the case of shares or stock offered to such employees or consumers within the time limited by the directors of the Undertakers shall again be offered for sale by public auction or by tender in the manner and subject to the provisions of this Order with respect to the sale of shares or stock forming part of the additional capital except that the reserved price put upon such shares or stock may upon such second or any subsequent auction or tender if the directors of the undertaking think fit be less than the nominal value thereof and any shares or stock not then sold shall be again offered to the holders of ordinary shares or stock or to such employees or consumers at the last-mentioned reserved price and so on until the whole of such shares or stock is sold.

Shares or stock not sold by auction or tender to be offered to shareholders employees or consumers.

12. Any sum of money which may arise from the issue of any shares or stock under the provisions of this Order by way of premium after deducting therefrom the expenses of and incident to such issue shall not be considered as profits of the Undertakers but shall be expended in extending or improving the works of the Undertakers or in paying off money borrowed or owing on mortgage by the Undertakers and shall not be considered as part of the capital of the Undertakers entitled to dividend.

Application of premium arising on issue of shares or stock.

13. Except as in this Order otherwise provided the Undertakers shall not in any year declare or make out of their profits any larger dividends on the original and additional capital than ten pounds in respect of every one hundred pounds actually paid up of the original capital and seven pounds in respect of every one hundred pounds actually paid up of so much of the additional capital as may be issued as ordinary capital or five pounds in respect of every one hundred pounds actually paid up of so much of the additional capital as may be issued as preference capital.

Limits of dividend on capital.

14. In case in any year or in any half year if the Undertakers declare a dividend half yearly the net revenues of the Undertakers applicable to dividend are insufficient to pay the full amount of the prescribed rates on each class of

Dividends on different classes of shares or stock to be paid proportionately.

A.D. 1905. ordinary shares or stock in the original and additional capital a proportionate reduction shall be made in the dividends payable on each class.

Staveley.

Limit of borrowing powers.

15. The amount of all moneys borrowed by the Undertakers and secured by mortgage of the undertaking shall not at any time exceed in the whole one fourth of the amount of the capital of the Undertakers at the time actually raised by the issue of shares or stock including any premiums that may be obtained on the sale of any shares or stock under the provisions of this Order and no higher rate of interest than five pounds per centum per annum shall be paid by the Undertakers without the consent of the Board of Trade in respect of any moneys borrowed by the Undertakers after the commencement of this Order and secured as aforesaid. 5 10

Purchase of Land.

Power to purchase additional land.

16. The Undertakers may for the purposes of the undertaking purchase or take on lease (by agreement but not otherwise) and hold in addition to the lands described in Schedule A to this Order annexed any lands which they may require Provided that they shall not at any time hold for such purposes more than three acres of land in the whole in addition to the lands described in the said schedule and that they shall not create or permit a nuisance on any such lands and that no lands shall be used by the Undertakers for the purpose of manufacturing gas or residual products or of storing gas except the lands described in the said schedule. 15 20

Maintenance and Continuance of Gasworks Manufacture and Sale of Gas Coke and Residual Products.

Undertakers may maintain and continue gasworks on lands described in Schedule A and may make and sell gas &c.

17. The Undertakers on the lands shown on the map deposited for the purposes of this Order and described in Schedule A to this Order while they are possessed of the same may maintain and continue alter and enlarge renew or discontinue their existing gasworks and works connected therewith for the manufacture and storage of gas and of coal and coke and ammoniacal liquor and they may subject to the provisions of this Order manufacture and store gas on such lands and supply and sell the same within the limits of supply and may on the same lands store coar-tar coke pitch and asphaltum and manufacture and store ammoniacal liquor and sulphate of ammonia and may sell and dispose of the same at their works and elsewhere and they may also deal in and sell lime at their works and elsewhere and they may also construct and maintain alter enlarge renew or discontinue houses offices buildings and other works connected with the undertaking. 25 30 35

Power to supply gas fittings. Fittings not to be subject to distress.

18.—(1) The Undertakers may sell let for hire and otherwise deal in fix repair and remove but shall not manufacture engines dynamos stoves ranges pipes fittings and other apparatus appliances and things (in this section called "fittings") for lighting for motive power for the warming and ventilating of houses and buildings for the cooking of food and for all other purposes for which gas can or may be used and may provide all materials and do all work necessary or proper in that behalf and with respect thereto may demand and take such remuneration in money or such rents and charges for and make such 40

terms and conditions as may be agreed upon between the Undertakers and the persons to or for whom the same are sold let fixed repaired or removed and such remuneration rents and charges shall be recoverable in the same manner as rents or sums due to the Undertakers for gas.

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- 5 (2) Any fittings let for hire under the provisions of this section shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under any process of any court or any proceedings in bankruptcy against the persons in whose possession the same may be
10 Provided that such fittings have upon them respectively a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Undertakers as the actual owners thereof.

- 15 19. The Undertakers may subject to the provisions of this Order (but only for the purposes of the undertaking within the limits of supply and not so as to acquire any exclusive right therein) contract for take and use any leave licence or authority to work use exercise and put in practice any invention under letters patent heretofore made or hereafter to be made granting any right or privilege of working using or vending any invention in relation to the manufacture supply or distribution of gas or the conversion
20 manufacture or utilisation of any product obtainable in or arising from such manufacture or from the materials used therein.

Power to take licences for patents &c.

- 25 20. The Undertakers may contract with any local authority company or person beyond the limits of supply (but only with the consent in writing of the local authority of and of any company or person supplying gas under parliamentary powers within the district within which the supply is to be given) for the supply to them respectively of gas in bulk upon such terms and conditions and for such periods not exceeding in any case seven years from the making of the contract as shall be agreed upon.

Power to contract for sale of gas in bulk.

- 30 21. In executing the works by this Order authorised where the same will affect any railway or any part of the works or property of the Midland Railway Company (hereinafter called "the Midland Company") the Undertakers shall (except so far as it may be otherwise agreed between the Midland Company and the Undertakers) be subject to the following conditions :--

For protection of the Midland Railway Company.

- 35 (1) All works to be done by the Undertakers in the exercise of the powers conferred by this Order shall be executed under the superintendence (if the same be given) and to the reasonable satisfaction of the principal engineer for the time being of the Midland Company and according to plans and drawings to be
40 previously submitted to and reasonably approved by him or in case of difference by an arbitrator appointed in pursuance of this section Provided that if for fourteen days after such plans and drawings shall have been submitted to the said engineer he shall fail to give notice to the Undertakers of his objections thereto he
45 shall be deemed to have approved thereof :

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A.D. 1905.
Stareley.

- (2) If within fourteen days after the receipt of any such plans and drawings the Midland Company give to the Undertakers notice that they desire themselves to construct so much of the works as will affect any railway or work belonging to them the Midland Company may themselves execute such works and recover the reasonable costs thereof from the Undertakers : 5
- (3) All works which the Undertakers may execute under this section shall be so constructed as to cause as little injury as may be to the railways works and property of the Midland Company or interruption to the passage or conduct of traffic over the same and if in consequence of the execution of such works any injury be caused to the said railways works and property or any interruption be caused to the traffic the Undertakers shall make full compensation to the Midland Company in respect of such injury or interruption the amount of such compensation unless agreed upon to be determined by arbitration : 10 15
- (4) The Undertakers shall bear and on demand pay to the Midland Company the reasonable expense of the employment by that Company during the execution of any work affecting their railways of a reasonable number of inspectors watchmen and signalmen to be appointed by that Company for watching and signalling the same with reference to and during the execution of any such work of the Undertakers and for preventing as far as may be all interferences obstruction danger and accident from any of the operations or from the acts or defaults of the Undertakers or their contractors : 20 25
- (5) Any dispute or difference which may arise between the Midland Company and the Undertakers with reference to the provisions of this section or in any way arising thereout or as to any works to be carried out in pursuance thereof shall be settled by arbitration by an engineer or other fit person to be appointed (in default of agreement) by the Board of Trade on the application of the Midland Company or the Undertakers and the provisions of the Arbitration Act 1889 shall apply to any such arbitration. 30
22. If any difference arise between the Undertakers and any road authority or railway canal or other company (other than the Midland Railway Company) whose lands or works the Undertakers have power to cross under the authority of this Order as to the mode of laying down repairing altering or enlarging their mains pipes or other works in or upon such lands or works or the facilities to be afforded for the same such difference shall be settled by an engineer or other fit person to be appointed by the Board of Trade at the request of either party. 35 40

Differences with road authorities or railway or other companies.

Quality of Gas.

23. The quality of the gas supplied by the Undertakers shall with respect to its illuminating power be such as to produce a light equal in intensity to the light produced by not less than fourteen sperm candles and 45

[5 EDW. 7.] *Gas and Water Orders Confirmation.* 27

shall in all respects be in accordance with the provisions of the Gasworks Clauses Act 1871. A.D. 1905.

Staveley.

Price of Gas.

24. The price to be charged by the Undertakers for gas supplied by them shall not exceed five shillings per thousand cubic feet and so in proportion for any less quantity supplied. Provided that at any time after the expiration of three years from the commencement of this Order the Board of Trade may if they think fit by order in writing to be signed by a secretary or assistant secretary of the said Board alter the said maximum price either by substituting any other sum for the said sum of five shillings or by giving a standard price with sliding scale as to profits and as from the date specified in such order (hereinafter referred to as "the specified date") the price to be charged by the Undertakers for gas supplied by them shall be in accordance with such order. Provided further that in case such order shall prescribe a standard price with sliding scale as to profits then as from the specified date the provisions set forth in Schedule B to this Order annexed shall be in force and have effect and this Order shall be read and construed accordingly. A copy of such order made by the Board of Trade shall be published in the London Gazette and a copy of the said Gazette containing such order shall be conclusive evidence of the due making and validity of the same and of the contents thereof.

Pressure of Gas.

25. All gas supplied by the Undertakers to any consumer of gas shall be supplied at such pressure as to balance from midnight to sunset a column of water not less than six-tenths of an inch in height and to balance from sunset to midnight a column of water not less than eight tenths of an inch in height at the main as near as may be to the junction therewith of the service pipe supplying such consumer.

Testing Gas.

26. The Undertakers shall within six months after the commencement of this Order cause to be provided at their works a testing place with apparatus therein according to the provisions of the Gasworks Clauses Act 1871 and the burner to be used for testing gas shall be a Sugg's London Argand No. 1 with a six-inch by one-and-three-quarter-inch glass chimney and if at any time the gas flame tails over the top of the glass a six-inch by two-inch chimney shall be used. Provided that any other description of burner may be used which may for the time being be approved for the purpose by the Board of Trade and any gas examiner appointed under the Gasworks Clauses Act 1871 for the purposes of this Order may subject to the terms of his appointment at such testing place or elsewhere as and when he thinks fit test the pressure at which the gas is supplied and for that purpose may open any street road passage or place (not being the immediate approach to any railway or canal bridge or railway station) vested in or under the control of any local or road authority and two hours' previous notice shall be given to the Undertakers of the time and place at which such testing is to be conducted.

A.D. 1905.

Miscellaneous.

Staveley.
As to construction and placing of pipes &c. between mains and meters.

27. In order to enable the Undertakers to ensure a satisfactory supply of gas to their consumers the following provisions shall have effect:—

- (1) The Undertakers may specify the size and material of the pipes with the fittings thereof which are to be laid by the consumer either in the first instance or on the occasion of any renewal between the Undertakers' mains and the meter and (so far as the same are intended to be covered over) on the consumer's premises : 5
- (2) The Undertakers may if they think fit make different specifications for different classes of premises having regard to the probable maximum consumption of gas thereon at any one time : 10
- (3) The specification shall be published once in each of two newspapers circulating within the limits of supply and a copy thereof shall be kept exhibited in the office of the Undertakers :
- (4) Every meter to be used in a new building or a building not previously supplied with gas or in connection with a new or substituted pipe laid by the consumer between the main and the consumer's meter shall be placed as near as reasonably practicable to the Undertakers' main but within the outside wall of the building : 15
- (5) When any such pipe or meter as aforesaid has been laid or placed notice thereof shall be given to the Undertakers and the pipe shall not be covered over until after the expiration of twenty-four hours from the service of such notice on the Undertakers Any officer of the Undertakers duly appointed may between nine o'clock in the morning and five o'clock in the afternoon attend and inspect such pipes (with their fittings) and meter and if the officer is not permitted to make the inspection or if the pipes or fittings are not according to the Undertakers' specification or if the meter is not placed as required by this section the Undertakers may refuse to supply gas to the premises until the provisions of this section have been complied with : 20 25 30
- (6) Any person to whom the Undertakers refuse a supply of gas under the provisions of this section may appeal to a petty sessional court against such refusal and the court may after hearing the parties and considering any questions as to the reasonableness of the Undertakers' specification make such order as seems to them proper in the circumstances and may order by which of the parties the costs of and incident to the appeal shall be paid. 35

Power to lay pipes in streets not dedicated to public use.

28. The Undertakers may but only with the consent of the owner of the soil of such street or road upon the application of the owner or occupier of any premises abutting on or being erected in any street or road laid out or made but not dedicated to public use supply such premises with gas and may lay and take up alter relay or renew in across or along such street or road such pipes as may be requisite or proper for furnishing such supply and the provisions of the Gasworks Clauses Act 1847 with respect to the breaking 40 45

up of streets for the purpose of laying pipes and for the protection of pipes when laid so far as they are applicable for the purposes of this section shall extend and apply mutatis mutandis to and for the purposes thereof.

A.D. 1905.

Starkey.

29. Every consumer of gas supplied by the Undertakers who uses a gas engine shall if required to do so by the Undertakers use an anti-fluctuator and shall at all times at his own expense keep such anti-fluctuator in proper order and if any consumer shall make default in complying with the provisions of this section the Undertakers may cease to supply him with gas. The Undertakers shall have access to and be at liberty to take off remove test inspect and replace any such anti-fluctuator at all reasonable times such taking off removal testing inspecting and replacing to be done at the expense of the Undertakers if the anti-fluctuator be found in proper order but otherwise at the expense of such consumer.

Anti-fluctua-
tors for gas
engines.

30. Twenty-four hours' notice in writing shall be given to the Undertakers by every consumer of gas supplied by the Undertakers before he shall quit any premises supplied with gas by meter by the Undertakers and in default of such notice the consumer so quitting shall be liable to pay to the Undertakers the money accruing due in respect of such supply up to the next usual period for ascertaining the register of the meter on such premises or the date from which any subsequent occupier of such premises shall require the Undertakers to supply gas to such premises whichever shall first occur. Notice of the effect of this enactment shall be endorsed upon every demand note for gas rent payable to the Undertakers.

Gas consumers
to give notice
to Undertakers
before remov-
ing.

31. A notice to the Undertakers from a consumer for the discontinuance of a supply of gas shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the office for the time being of the Undertakers.

Notice to
discontinue
supply of gas.

32. If a person requiring a supply of gas from the Undertakers has previously quitted premises at which gas was supplied to him by them without paying to them all gas or meter rent or other moneys due from him to the Undertakers they may refuse to furnish to him a supply of gas until he pays the same.

Power to re-
fuse to supply
persons in debt
for other
property.

33. In the event of any meter used by a consumer of gas being tested in manner provided by the Sale of Gas Act 1859 and being proved to register erroneously within the meaning of the said Act such erroneous registration shall be deemed to have first arisen during the last preceding quarter of the year unless it be proved to have first arisen during the current quarter. The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Undertakers shall be paid by or to the Undertakers to or by the consumer as the case may be and shall be recoverable in like manner as gas rents are recoverable.

Period of
error in de-
fective meters.

34. No penalty shall be incurred by the Undertakers for insufficiency of pressure defect of illuminating power or for excess of impurity in the gas supplied by them in any case in which it is proved that such insufficiency defect or excess was produced by unavoidable cause or accident.

No penalty in
case of
unavoidable
cause.

- A.D. 1905. *Staveley.*
Discounts. 35. The Undertakers may if they think fit allow discounts or rebates to consumers of gas or other customers of the Undertakers in consideration of prompt payment of gas rents or other debts or large consumption not exceeding in any case fifteen per centum upon such scale and subject to such conditions and regulations as may be prescribed by the Undertakers Provided that all discounts or rebates shall be of equal amount under like circumstances to all consumers and provided also that notice of this enactment shall be endorsed on every demand note for gas rent. **5**
- Dwelling-houses for workmen. 36. The Undertakers may on any land for the time being belonging to or leased by them erect fit up and maintain houses cottages and buildings for the officers and servants employed by the Undertakers for the purposes of their undertaking. **10**
- Undertakers to pay interest on deposit. 37. Where any money is deposited by any person by way of security with the Undertakers for the payment to them of any moneys which may become due to them by such person in respect of any supply of gas or of the purchase or hire of any meter the Undertakers shall pay interest at the rate of five pounds per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands. **15**
- 8 Vict. c 16. s. 140 incorporated. 38. Section 140 of the Companies Clauses Consolidation Act 1845 shall be and is hereby incorporated with this Order Provided that for the purposes of such incorporation the expression "the company" in the said section shall be construed to mean the Undertakers. **20**
- Costs of Order. 39. All the costs charges and expenses of and incidental to the applying for preparing obtaining and confirming this Order and otherwise in relation thereto shall be paid by the Undertakers. **25**

SCHEDULES.

SCHEDULE A.

GAS LANDS.

A piece of land situate in the parish of *Staveley* in the county of Derby containing 2,500 square yards or thereabouts upon which the works of the Undertakers are erected and bounded on the north-west by the Chesterfield Canal belonging or reputed to belong to the Great Central Railway Company on the south-west by land belonging or reputed to belong to the Chesterfield Brewery Company Limited and numbered 995 in the parish of *Staveley* as shewn on the $\frac{1}{25000}$ Ordnance Map dated 1898 marked "Derbyshire xviii. 16" on the north-east by vacant land belonging or reputed to belong to the Duke **30**

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[5 Edw. 7.] *Gas and Water Orders Confirmation.* 31

of Devonshire and the approach road to the gasworks from the town of A.D. 1905.
 Staveley and on the south-east by a field belonging or reputed to belong to Staveley.
 the Duke of Devonshire.

SCHEDULE B.

- 5 The foregoing Order shall after the making by the Board of Trade of an order in pursuance of the provisions in that behalf therein contained prescribing a standard price for gas supplied by the Undertakers with sliding scale as to profits and as from the specified date be read and construed subject to the modifications following :—
- 10 (i.) Sections thirty to thirty-four (both inclusive) of the Gasworks Sections 30 to 34 of Gasworks Clauses Act 1847 to cease to be incorporated.
 Clauses Act 1847 shall not continue to be incorporated with or to form part of the foregoing Order and in construing the said Act for the purposes of the foregoing Order section thirty-five of the said Act shall be read and construed as though the words from “in case the whole” down to “have been paid” all inclusive had been omitted therefrom and as though the expression “the prescribed rate” included the prescribed rates as defined by the foregoing Order together with any sum which under the provisions of this schedule might lawfully be carried to the insurance fund.
- 15 (ii.) Notwithstanding anything contained in the foregoing Order the Price of gas with sliding scale as to dividend.
 20 standard price to be charged by the Undertakers for gas supplied by them to private consumers by meter shall be the price prescribed by such order of the Board of Trade as aforesaid per thousand cubic feet:
- Provided that the Undertakers may increase or reduce the price so charged by them for gas above or below the standard price subject to a reduction or increase in the dividend payable by the Undertakers on the ordinary share capital or stock as follows :—
- 25
- In respect of any year during any part of which the price charged by the Undertakers shall have been one penny or part of a penny above the standard price the dividend payable by the Undertakers shall in respect of each penny or part of a penny by which the price shall have been increased be reduced below the standard rate of dividend by five shillings on every one hundred pounds of ordinary paid-up capital with a ten per centum standard rate of dividend and three shillings and sixpence on every one hundred pounds of ordinary paid up capital with a seven per centum standard rate of dividend and so in proportion for any fraction of one hundred pounds ;
- 30
- 35
- And in respect of any year during the whole of which the price charged by the Undertakers shall have been one penny or more below the standard price the dividend payable by the Undertakers may in respect of each penny by which the standard price has been reduced be increased above the standard rate by five shillings on every one hundred pounds
- 40

A.D. 1905.
Staveley.

of ordinary paid-up capital with a ten per centum standard rate of dividend and three shillings and sixpence on every one hundred pounds of ordinary paid-up capital with a seven per centum standard rate of dividend and so in proportion for any fraction of one hundred pounds.

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If profits exceed amount limited excess may be invested and form an insurance fund.

(iii.) If the clear profits of the undertaking in any year amount to a larger sum than is sufficient to pay the prescribed rates the excess beyond the sum necessary for that purpose may to the extent of one per centum per annum upon the paid-up capital of the Undertakers be invested in Government or other securities and the dividends and interest arising from such securities shall also be invested in the same or like securities in order that the same may accumulate at compound interest until the fund so formed amounts to a sum equal to one-twentieth part of the paid-up capital of the Undertakers which sum shall form an insurance fund to meet any extraordinary claim demand or charge which may at any time arise against or fall upon the Undertakers from accident strike or other circumstance which in the opinion of a court of summary jurisdiction due care and management could not have prevented and if such fund be at any time reduced it may thereafter be again made up to the said limit as often as such reduction happens Provided that when and so often as the said fund reaches the said limit of one-twentieth part of the paid-up capital the interest thereon shall be carried to the credit of the fund available for dividend Provided also that resort may be had to the insurance fund to meet any such extraordinary claim demand or charge as aforesaid although such fund may not at the time have reached or may have been reduced below the full amount of one twentieth as aforesaid.

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Application of further excess of profits over prescribed rates.

(iv.) If the clear profits of the undertaking in any year amount to a larger sum than is sufficient to pay the prescribed rates the excess or such portion of it as is not carried to the insurance fund shall be carried to the credit of the divisible profits of the undertaking for the next following year.

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Power to create a reserve fund and application thereof.

(v.) Where in any year the prescribed rates on the ordinary share capital or stock of the Undertakers exceed the standard rates by reason of the price charged by the Undertakers for gas in such year being below the standard price then out of the amount of the divisible profits of the Undertakers applicable to the payment of such excess of dividends the Undertakers may in such year set apart such sum as they think fit by way of a reserve fund and all sums (if any) so set apart by the Undertakers and any reserve or other fund of a similar character of the Undertakers existing at the specified date in relation to the undertaking may be invested in Government or other securities and the dividends and interest arising from such securities may also be invested in the same or the like securities in order that the same may accumulate at compound interest and the fund so formed shall be called "the reserve fund" and shall be applicable to the payment of dividend in any year in which the clear profits of the Undertakers shall be insufficient to enable the Undertakers in such year to pay the prescribed rates and save as

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[5 EDW. 7.] Gas and Water Orders Confirmation.

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by this schedule specially provided no sum shall in respect of the undertaking in any year be carried by the Undertakers to any reserve fund. A.D. 1905.

Staveley.

(vi.) Nothing in this schedule contained shall alter vary or affect any contract or agreement duly made or any liability incurred or notice given before the specified date with respect to the gasworks of or the supply of gas by the Undertakers. Saving of existing contracts.

CONFIRMATION 1905
GAS AND WATER ORDERS

B I L L

THE GAS AND WATER ORDERS
CONFIRMATION ACT 1905
AND THE GAS AND WATER
ORDERS CONFIRMATION
ACT 1905

THE GAS AND WATER
ORDERS CONFIRMATION
ACT 1905

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ACT 1905

THE GAS AND WATER
ORDERS CONFIRMATION
ACT 1905

**Gas and Water Orders
Confirmation. [H.L.]**

A

B I L L

INTITULED

An Act to confirm certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act 1870 relating to Bolsover Gas Denhigh Water Formby Gas Hayling Water and Staveley Gas.

The Lord Privy Seal (M. Salisbury).

Ordered to be printed 14th April 1905.

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(52.)

[5 Edw. 7.] *Gas and Water Orders Confirmation (No. 2).* [H.L.] 1

A

B I L L

INTITULED

An Act to confirm certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act 1870 relating to Dorking Water Maidenhead Water Tavistock Gas Wey Valley Water and Ystalyfera Gas. A.D. 1905.

WHEREAS under the authority of the Gas and Water Works Facilities Act 1870 the Board of Trade have made the Provisional Orders set out in the schedule to this Act annexed: 33 & 34 Vict.
c. 70.

And whereas a Provisional Order made by the Board of Trade under the authority of the said Act is not of any validity or force whatever until the confirmation thereof by Act of Parliament:

And whereas it is expedient that the Provisional Orders made by the Board of Trade as aforesaid and set out in the schedule to this Act be confirmed by Act of Parliament:

And whereas the limits of supply as defined by the Wey Valley Water Order 1905 hereby confirmed include a portion of the area within which the corporation of the borough of Godalming were by the Godalming Corporation Water Act 1899 authorised to supply water but the said corporation have not in fact supplied water within the portion aforesaid and it has been agreed between the said corporation and the undertakers for the purposes of the said order that the said undertakers shall be authorised by the said order to supply water therein and that so much of the said Act as authorises the said corporation to supply water therein shall be repealed:

Be it therefore enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and

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A.D. 1905. Temporal and Commons in this present Parliament assembled
— and by the authority of the same as follows:—

Short title. **1.** This Act may be cited as the Gas and Water Orders
Confirmation (No. 2) Act 1905.

Confirmation **2.** The several Orders as set out in the schedule to this Act 5
of Orders in shall be and the same are hereby confirmed and all the provisions
schedule. thereof in manner and form as they are set out in the said
 schedule shall from and after the passing of this Act have full
 validity and effect.

Amendment **3.** So much of the Frith Hill Godalming and Farncombe 10
of the Frith Water Order 1890 and the Godalming Corporation Water Act
Hill Godal- 1899 as authorise the corporation of the borough of Godalming
ming and to supply water within the parish of Puttenham is hereby
Farncombe repealed and from and after the passing of this Act all the
Water Order powers duties and obligations of the said corporation with 15
1890 and reference to the supply of water within the said parish shall
62 & 63 Vict. absolutely cease and determine and the said order and Act shall
c. ccix. be read and construed accordingly and the Wey Valley Water
 Order 1905 shall have full validity and effect as if the said parish
 had never been included within the limits within which the said 20
 corporation were authorised to supply water.

SCHEDULE.

A.D. 1905.

- DORKING WATER.**—Order empowering the Dorking Water Company to extend their limits of supply.
- 5 **MAIDENHEAD WATER.**—Order empowering the Maidenhead Waterworks Company to extend their limits of supply and to raise additional capital.
- 10 **TAVISTOCK GAS.**—Order empowering the Tavistock Lighting Coal and Coke Company Limited to maintain and continue their existing gasworks and to erect and maintain new gasworks and to make store and supply gas within the urban district and parish of Tavistock and within the parish of Whitchurch both in the county of Devon and for other purposes.
- WEY VALLEY WATER.**— Order empowering the Wey Valley Water Company to extend their limits of supply and raise additional capital and for other purposes.
- 15 **YSTALYFERA GAS.**—Order authorising the maintenance and continuance of gasworks and the manufacture and supply of gas within parts of the parishes of Llanguicke and Cilybebyll otherwise Killybebill both in the county of Glamorgan and parts of the parish of Ystradgynlais Lower in the county of Brecknock.

A.D. 1905.

DORKING WATER.

Dorking. *Order empowering the Dorking Water Company to extend their limits of Supply.*

- Short title. 1. This Order may be cited as the Dorking Water Order 1905.
- Commencement of Order. 2. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed which date is in this Order referred to as "the commencement of this Order." 5
- Construction of Order. 3. The Dorking Water Act 1869 (in this Order referred to as "the Act of 1869") the Dorking Water Order 1879 and the Dorking Water Act 1900 and this Order shall be construed together except so far as such construction would be inconsistent with or repugnant to the provisions of this Order. 10
- Incorporation of Acts. 4. The Waterworks Clauses Acts 1847 and 1863 are except where the same are expressly varied by this Order incorporated with and form part of this Order For the purposes of such incorporation the term "special Act" in the said Acts shall be construed to mean this Order. 15
- Interpretation. 5. The several words terms and expressions to which by any Act incorporated with this Order or by the Gas and Water Works Facilities Act 1870 meanings are assigned shall in this Order have the same respective meanings.
- Undertakers. 6. The Dorking Water Company incorporated by the Act of 1869 shall be the Undertakers for the purposes of this Order and are in this Order referred to as the "Undertakers." 20
- Extension of limits of supply. 7. The Undertakers shall have and may exercise subject to the provisions of this Order within the following new limits namely the parishes of Capel and Ockley both in the county of Surrey all the like powers privileges and authorities for or in relation to the supply of water and shall be subject to all the like duties liabilities and obligations in respect thereof as they now have and are subject to within the limits of supply as defined by the Act of 1869 and from and after the commencement of this Order the limits of that Act shall be deemed to include the said new limits. 25 30
- Where Undertakers not furnishing sufficient supply local authority or Company may supply. 8. If at any time after the expiration of five years from the commencement of this Order the Undertakers are not furnishing or prepared on demand to furnish within the new limits a sufficient supply of water in accordance with the provisions of the Act of 1869 and this Order in any part of the district of any local authority within the new limits such local authority may provide a supply of water in the whole or any part of their district within the new limits in accordance with the provisions of the Public Health Act 1875 or any company body or person may apply for an Act of Parliament or 35

[5 EDW. 7.] *Gas and Water Orders Confirmation (No. 2).* 5

Provisional Order for the purpose of supplying water in any part of such district not sufficiently supplied by the Undertakers as if in either case there were no company authorised by this Order to supply water therein. A.D. 1905.
Dorking.

If any difference shall arise between the Undertakers and any such local authority company body or person as to the sufficiency of the supply of water in any part of such district such difference shall be settled on the application of either party by the Board of Trade.

9. In executing the works and exercising the powers by this Order respectively authorised and conferred so far as the same affect roads bridges and other property vested in or under the jurisdiction of the Surrey County Council (in this section called "the council") the following provisions for the protection of the council shall have effect (that is to say):— For protection of Surrey County Council.

- 15 (1) All aqueducts conduits and lines of pipes to be laid in or along any main road or in upon or across any county or main road bridge shall be laid in such position in or at the side thereof as the council in writing under the hand of their surveyor may reasonably direct :
- 20 (2) The provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes shall extend and apply to all main roads and county or main road bridges and to all other property of the council opened and broken up or interfered with by the Undertakers in the exercise of the powers of this Order provided that the notice required by the thirtieth section of that Act shall be not less than seven days instead of three days :
- 25 (3) The plan required by the thirty-first section of the last-mentioned Act shall be accompanied by a section of the proposed works and shall be delivered to the council or their surveyor by the Undertakers not less than in the case of a bridge one month and in all other cases fourteen days before the Undertakers commence to open or break up any main road or interfere with any county or main road bridge for the purpose of executing the works :
- 30 (4) Nothing in this Order shall authorise the Undertakers to interfere with the structural part of any county or main road bridge without the consent in writing of the surveyor of the council which consent may be given upon such conditions as the council or such surveyor may reasonably determine :
- 35 (5) Nothing in this Order contained shall interfere with the right of the council to alter the level or deviate or improve in any manner they think fit any main road in or along which any aqueduct conduit or line of pipes of the Undertakers shall have been laid and the Undertakers shall forthwith on receiving notice in writing under the hand of the clerk or surveyor to the council so to do alter the position of any such aqueduct conduit or line of pipes
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A.D. 1905.

Dorking.

in the manner and to the extent prescribed by such notice or as in case of difference shall be determined by arbitration in the manner herein-after prescribed and the expense of any such alteration deviation or improvement shall be paid to the Undertakers by the council :

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- (6) Nothing in this Order contained shall interfere with the right of the council at any time or times to remove alter or rebuild any county or main road bridge or the approaches thereto over near or attached to which any aqueduct conduit or line of pipes of the Undertakers is carried in the same manner as they might have removed altered or rebuilt such bridge or the approaches thereto if this Order had not been confirmed and such aqueduct conduit or line of pipes had not been constructed or laid over or near or attached to such bridge and in the event of any such bridge or the approaches thereto over or near or attached to which any such aqueduct conduit or line of pipes is laid being removed altered or rebuilt as aforesaid the Undertakers shall at their own cost in all things alter the position of such aqueduct conduit or line of pipes and any works by which such aqueduct conduit or line of pipes is carried over or near or attached to such bridge or the approaches thereto as aforesaid Provided that during the removal alteration or rebuilding of such bridge or the approaches thereto as aforesaid the council shall at their own expense afford all reasonable facilities for temporarily carrying such aqueduct conduit or line of pipes across any stream or river so as not to interrupt the continual supply of water or to diminish the pressure of such supply through such aqueduct conduit or line of pipes :
- (7) All works shall be so executed by the Undertakers as not to stop the traffic and so far as reasonably practicable as not in any way to impede or interfere with the traffic on any main road or over any county or main road bridge or the approaches thereto :
- (8) The Undertakers shall pay to the council the reasonable expenses incurred by them in relation to the reasonable superintendence by the council or their surveyor of any work to be done by the Undertakers under the provisions of this section :
- (9) If any difference at any time arises between the council and the Undertakers touching this section or anything to be done or not to be done thereunder such difference shall be settled by an engineer to be appointed by the President of the Institution of Civil Engineers on the application of either party :
- (10) The council shall not be liable for or in respect of any damage or injury done to any work of the Undertakers by reason of such work being laid at a depth below the surface of any main road

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[5 EDW. 7.] *Gas and Water Orders Confirmation (No. 2).* 7

insufficient for its protection from injury arising from the use of any steam or other roller or from the passage of the traffic in such road or in repairing any county or main road bridge or the approaches thereto or by reason of the non-repair of any such bridge or approaches.

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Dorking.

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10. For the protection of the London Brighton and South Coast Railway Company (herein-after referred to as "the Brighton Company") the following provisions shall have effect:—

For protection
of London
Brighton and
South Coast
Railway Com-
pany.

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(A) In laying down altering and repairing or removing any mains pipes or conduits or executing any other works in exercise of the powers contained in this Order in the parishes of Capel and Ockley in the county of Surrey upon across over or under or in any way affecting the railways bridges works and property of the Brighton Company (herein-after together referred to as "the railways of the Brighton Company") the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of the Brighton Company and according to such plans and in such manner as shall be previously submitted to and approved by him in writing or in the event of disapproval then in such manner as shall be determined by arbitration in manner herein-after provided:

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(B) All such works shall be done by and at the expense of the Undertakers who shall restore and make good to the reasonable satisfaction of the said engineer any portion of the railways of the Brighton Company which may be interfered with and all such works shall be carried out so as to cause as little injury as may be to the railways of the Brighton Company and so as not to cause any interference with the passage or conduct of traffic thereover. Provided nevertheless that if the engineer of the Brighton Company shall think it necessary for the safety of the railways of the Brighton Company that any works of the Undertakers over under or in any way affecting the railways of the Brighton Company shall be done or carried out by the Brighton Company and shall notify such desire to the Undertakers any such works shall be done or carried out by the Brighton Company accordingly at the cost of the Undertakers:

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(C) The Undertakers shall bear and on demand pay to the Brighton Company all costs of the superintendence by the said engineer of the construction maintenance and renewal of the mains pipes conduits and other works of the Undertakers over or under or in any way affecting the railways of the Brighton Company when the same are done or carried out by the Undertakers and all proper costs of watching lighting and protection of the railways of the Brighton Company during such construction maintenance and renewal but such superintendence by the Brighton Company

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shall not relieve the Undertakers from liability for any accident which may be occasioned by or through the operations of the Undertakers or by their contractors agents and workmen :

- (D) If any injury or interruption of traffic shall arise from or be in any way owing to any of the works of the Undertakers or to the bursting leakage or failure of any such mains pipes conduits or works the Undertakers shall make full compensation to the Brighton Company in respect thereof : 5
- (E) The Undertakers shall from time to time pay to the Brighton Company any additional expense which the Brighton Company may incur in effecting any widening or alteration of the railways of the Brighton Company by reason of the existence of any mains pipes or conduits of the Undertakers upon across over or under or in any way affecting the railways of the Brighton Company : 10 15
- (F) The Brighton Company may at any time or times hereafter upon giving to the Undertakers not less than seven days' notice thereof in writing signed by the said engineer and delivered at the principal office of the Undertakers call upon the Undertakers to divert or alter the level of any main pipe or conduit of the Undertakers passing over or under or in any way affecting the railways of the Brighton Company so as to admit of any repairs alterations or extensions of the railways of the Brighton Company which they may think necessary without being liable to pay the costs of such diversion or alteration or to pay any compensation in respect thereof : 20 25
- (G) Any dispute or difference which may arise between the Undertakers and the Brighton Company with reference to the provisions of this section or in any way arising thereout or as to any works to be carried out in pursuance thereof shall be settled by arbitration by an engineer to be agreed upon between the Undertakers and the Brighton Company or failing agreement by an engineer to be appointed by the Board of Trade on the application of either party and the costs of such arbitration shall be in the discretion of the arbitrator. 30 35

Costs of Order.

11. All the costs charges and expenses of and incidental to applying for preparing obtaining and confirming this Order and otherwise in relation thereto shall be paid by the Undertakers.

MAIDENHEAD WATER.

A.D. 1905.

Order empowering the Maidenhead Waterworks Company to extend their limits of supply and to raise additional capital. Maidenhead.

1. This Order may be cited as the Maidenhead Water Order 1905. Short title.
- 5 2. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed which date is in this Order referred to as "the commencement of this Order." Commencement of Order.
- 10 3. The Maidenhead Waterworks Act 1875 (in this Order referred to as "the Act of 1875") the Maidenhead Water Order 1893 and the Maidenhead Water Order 1900 (in this Order respectively referred to as "the Order of 1893" and "the Order of 1900") and this Order shall be construed together except so far as such construction would be inconsistent with or repugnant to the provisions of this Order. Construction of Order.
- 15 4. So far as the same relate to the powers conferred by this Order the provisions of the Companies Clauses Consolidation Acts 1845 to 1889 with respect to the several matters following (that is to say):— Incorporation of Acts.
- The distribution of the capital of the company into shares;
- The transfer or transmission of shares;
- 20 The payment of subscriptions and the means of enforcing the payment of calls;
- The forfeiture of shares for non-payment of calls;
- The remedies of creditors of the company against the shareholders;
- The borrowing of money by the company on mortgage or bond;
- The consolidation of the shares into stock;
- 25 The general meetings of the company and the exercise of the right of voting by the shareholders;
- The making of dividends;
- The giving of notices; and
- 30 The provision to be made for affording access to the special Act by all parties interested;
- 35 and Part I. (relating to cancellation and surrender of shares) Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 and the Companies Clauses Act 1869 and the Waterworks Clauses Acts 1847 and 1863 are except where expressly varied by this Order incorporated with and form part of this Order.

For the purpose of such incorporation the term "special Act" in the said Acts shall be construed to mean this Order and the term "company" shall mean the Undertakers.

(69.)

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A.D. 1905. 5. The several words terms and expressions to which by any Act in whole or in part incorporated with this Order and by the Gas and Water Works Facilities Act 1870 meanings are assigned have in this Order the same respective meanings.

Extension of limits of supply.

6. The Undertakers shall have and may exercise within the following 5 new limits hereinafter referred to as "the new limits" namely the parishes of Shottesbrook and Waltham St. Lawrence and that portion of the parish of White Waltham which lies south of the northern side of the main line of railway of the Great Western Railway Company and was not included in the limits of supply as extended by the Order of 1893 all which parishes are 10 within the rural district of Cookham in the county of Berks all the like powers privileges and authorities for or in relation to the supply of water and be subject to all the like duties liabilities and obligations in respect thereof as they now have and are subject to within the limits of supply as defined by the Act of 1875 and as extended by the Order of 1893 and the expression 15 "limits of this Act" in the Act of 1875 and the expression "the limits of supply" in the Order of 1893 shall be deemed from and after the commencement of this Order to include the said new limits.

Where Undertakers not furnishing sufficient supply local authority or company may supply.

7. If at any time after the expiration of six years from the commencement of this Order the Undertakers are not furnishing a sufficient supply of 20 water in accordance with the provisions of the Act of 1875 or the Order of 1893 and this Order in any part of the district included within the new limits the local authority having jurisdiction within such part of the said district may provide such supply in accordance with the provisions of the Public Health Act 1875 or any company body or person may apply for an Act of 25 Parliament or Provisional Order for the purpose of supplying water in such part of the said district as if in either case there were no company authorised by this Order to supply water therein.

If any difference shall arise between the Undertakers and any such local authority company body or person as to the sufficiency of the supply of 30 water in any part of such district such difference shall be settled on the application of either party by the Board of Trade.

Undertakers.

Undertakers. 8. The Maidenhead Waterworks Company incorporated by the Act of 1875 shall be the Undertakers for the purposes of this Order and are in this 35 Order referred to as "the Undertakers."

Additional Capital.

Additional capital.

9. In addition to the capital already authorised to be raised by the Undertakers under the Act of 1875 the Order of 1893 or the Order of 1900 (in this Order referred to as "the original capital") they may— 40

- (1) Raise any further sums not exceeding in the whole nine thousand pounds by the issue of new ordinary shares or stock or new

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- 5 preference shares or stock or wholly or partly by any one or more
of those modes respectively (in this Order referred to as "the
10 additional capital") but the Undertakers shall not issue any share
under the authority of this Order of less nominal value than ten
pounds nor shall any such share or stock issued under the
authority of this Order vest in the person accepting the same
unless and until the full nominal amount of such share or stock
together with any premium obtained on the sale thereof as
herein-after provided has been paid in respect thereof. Provided
15 that it shall not be lawful for the Undertakers to create and issue
under the powers of this Order any greater nominal amount of
capital than will be sufficient to produce including any premiums
which may be obtained on the sale thereof the sum of nine
thousand pounds; and
- 15 (2) Borrow on mortgage such sum or sums of money as together with
the amount which before the commencement of this Order they
were authorised to borrow upon the security of the undertaking
20 shall not exceed one-third part of the aggregate amount of the
existing capital and the additional capital actually raised by the
issue of shares or stock including the premiums (if any) realised
on the sale thereof but no part thereof shall be borrowed until the
whole of the shares or stock in respect of which the power of
25 borrowing is being exercised including the premiums (if any)
realised on the sale thereof shall have been fully paid up and the
Undertakers have proved to the justice who is to certify under
the fortieth section of the Companies Clauses Consolidation Act
1845 before he so certifies that such shares or stock including
30 the premiums (if any) realised on the sale thereof have been fully
paid up and upon production to such justice of the books of the
Undertakers and such other evidence as he may think sufficient
he shall grant a certificate that the proof aforesaid has been given
which certificate shall be sufficient evidence thereof.
10. The Undertakers shall not have power to raise the money by this
35 Order authorised to be borrowed on mortgage or by the issue of debenture
stock or any part thereof by the creation of shares or stock instead of
borrowing or to convert into capital the amount borrowed under the
provisions of this Order.
- 40 11. Except as by this Order otherwise provided the additional capital
created by the Undertakers under this Order and the new shares or stock
therein and the holders thereof respectively shall be subject and entitled to
the same powers provisions liabilities rights privileges and incidents what-
soever in all respects as if that additional capital were part of the original
capital of the Undertakers of the same class or description and the new
shares or stock were shares or stock in that capital.

A.D. 1905.

Maidenhead.

As to conver-
sion of bor-
rowed money
into capital.

Except as
otherwise pro-
vided new
shares or stock
to be subject
to the same
incidents as
other shares or
stock.

A.D. 1905.

Maidenhead.
New shares or stock to be offered by auction or tender.

12. The Undertakers shall when any shares or stock created under the powers of this Order are to be issued and before offering the same to the holder of any other shares or stock of the Undertakers and whether the ordinary shares or ordinary stock of the Undertakers are or is at a premium or not offer the same for sale by public auction or tender in such manner at such times and subject to such conditions of sale as the Undertakers may by special resolution determine. Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of shares or stock and that the reserved price put upon such shares or stock shall not be less than the nominal value thereof and notice of the amount of such reserved price shall be sent by the Undertakers in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders as the case may be and such letter may be opened after such day of auction or last day for the reception of tenders and not sooner and provided that no priority of tender shall be allowed to any holder of shares or stock of the Undertakers except that if the bidding or offer by tender of any holder of shares or stock be the same in amount as the bidding or offer by tender made by any other person the bidding or offer of such holder shall be accepted in preference.

Purchase money of capital sold by auction to be paid within three months.

13. It shall be one of the conditions of any sale of shares or stock under the provisions of this Order that the whole nominal amount thereof together with any premium given by any purchaser at such sale in respect thereof shall be paid to the Undertakers within three months after such sale.

Notice to be given as to sale of shares and stock.

14. The intention to sell any shares or stock by auction or tender under the provisions of this Order shall be communicated by the Undertakers in writing to the clerk of every local authority having jurisdiction within the limits of supply and to the secretary of the committee of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders as the case may be and notice of such intention shall be duly advertised by the Undertakers once in each of two consecutive weeks in one or more newspapers circulating within the limits of supply.

Shares or stock not sold by auction or by tender to be offered to shareholders.

15. When any shares or stock have been offered for sale by auction or tender under the provisions of this Order and not sold the same shall be offered at the reserved price put upon the same respectively for the purpose of sale by auction or tender to the holders of the ordinary shares or ordinary stock of the Undertakers in the manner provided by the Companies Clauses Act 1863. Provided that any shares or stock so offered and not accepted within the time prescribed by the said Act shall again be offered for sale by public auction or tender in the manner and subject to the provisions of this Order with respect to the sale of shares and stock created under the powers of this Order except that the reserved price put upon such shares or stock may at such second or any subsequent sale if the directors of the Undertakers think fit be less than the nominal value thereof and any shares or stock not then sold may be disposed of by the directors or offered to the holders of

[5 EDW. 7.] *Gas and Water Orders Confirmation (No. 2).* 13

ordinary shares or ordinary stock at the last-mentioned reserve price and so on until the whole of such shares or stock is sold.

A.D. 1905.

Maidenhead.

16. Any sum of money which may arise from the issue of any shares or stock under the provisions of this Order by way of premium after deducting therefrom the expenses of and incident to such issue shall not be considered as profits of the Undertakers but shall be expended in extending or improving the works of the Undertakers or in paying off money borrowed or owing on mortgage by the Undertakers and shall not be considered as part of the capital of the Undertakers entitled to dividend.
17. The Undertakers shall not in any year make out of their profits any larger dividend on the additional capital than seven pounds in respect of every one hundred pounds actually paid up of so much of such capital as may be issued as ordinary capital or six pounds in respect of every one hundred pounds actually paid of so much of such capital as may be issued as preference capital.
18. In case in any year or in any half-year (if the Undertakers declare a dividend half-yearly) the net revenues of the Undertakers applicable to dividend are insufficient to pay the full amount of the prescribed maximum rate of dividend on each class of ordinary shares or stock in the capital of the Undertakers a proportionate reduction shall be made in the dividends payable on each class.
19. The Undertakers may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein or in any Act previous to this Order contained the interest of all debenture stock and of all mortgages at any time after the commencement of this Order created and issued or granted by the Undertakers under any previous Act or this Order or any subsequent Act or Order shall (subject to the provisions of any subsequent Act or Order) rank *pari passu* (without respect to the dates of the securities or of the Acts of Parliament Orders or resolutions by which the stock and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages. Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock.
20. All mortgages granted by the Undertakers under the authority of the Act of 1875 or the Orders of 1893 and 1900 before the commencement of this Order and subsisting at the date of such commencement shall during the continuance of such mortgages and subject to the provisions of the said Act and Orders have priority over all mortgages granted under the authority of this Order but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Undertakers and notwithstanding anything in the said Act contained all debenture stock at any time created and issued by the Undertakers after the commencement of this Order whether under the said Act or Orders or this Order shall rank *pari passu*.

Application of premium arising on issue of shares or stock.

Limits of dividend on additional capital.

Dividends on different classes of shares or stocks to be paid rateably.

Debenture stock.

Existing mortgages to have priority.

A.D. 1905.

Maidenhead.
Limit of interest on moneys borrowed.

Appointment of a receiver.

21. The Undertakers shall not without the consent of the Board of Trade pay interest at a higher rate than five pounds per centum per annum in respect of any moneys borrowed on mortgage or raised by the creation and issue of debenture stock under the authority of this Order.

22. Section 20 of the Order of 1900 is hereby repealed and as from the commencement of this Order the mortgagees of the undertaking under the Act of 1875 or the Orders of 1893 and 1900 and this Order may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one-tenth part of the total amount for the time being owing by the Undertakers on mortgage.

Application of money.

23. All moneys raised under this Order shall be applied to the purposes of the water undertaking authorised by the Act of 1875 the Order of 1893 the Order of 1900 and this Order to which capital is properly applicable.

Works.

For protection of Great Western Railway Company.

24.—(1) Any mains or pipes which the Undertakers may lay down in or along any road crossing either over under or on the level of the Great Western Railway Company (herein-after referred to as "the Great Western Company") shall so far as they may affect such railway be laid down by the Undertakers at such time as may be reasonably required by and under the direction and superintendence and to the reasonable satisfaction of the engineer for the time being of the Great Western Company and in accordance with plans and sections (when necessary in the opinion of such engineer) previously submitted to and approved of by him in writing and any of such mains or pipes from time to time renewed or repaired by the Undertakers shall be renewed and repaired in the same manner and under the like conditions and the reasonable charges of such engineer shall be borne by the Undertakers. Provided that where any mains or pipes require to be laid under or over any level crossing of the said railway the Great Western Company may if they elect so to do themselves lay such mains or pipes at the costs charges and expenses of the Undertakers.

(2) The said mains or pipes shall be laid down maintained repaired and used by the Undertakers as not to cause any damage or injury to or to impede the free and uninterrupted use of the said railway and works.

(3) The Undertakers shall at all times keep the Great Western Company indemnified against all damages losses expenses or injuries which they or the traffic on the said railway may sustain or incur by reason or in consequence of the laying down maintaining and using such main and pipes as aforesaid.

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- (4) If the Great Western Company at any time hereafter require to construct any additional or other works upon their lands or railways or to alter renew or repair the railways bridges viaducts or works upon across over or under which any of the works of the Undertakers may have been
 5 constructed or laid the Great Western Company may on giving to the Undertakers seven days' notice in writing under the hand of their secretary or general manager for the time being and in case of emergency of which their engineer shall be the sole judge without notice divert support or carry the said works of the Undertakers across over or under their lands
 10 railways bridges or works at any other point or otherwise deal with the same in as convenient a manner as circumstances will permit and doing as little damage as may be without being liable to pay compensation in respect thereof.
25. If any difference arise between the Undertakers and any railway
 15 or other company whose lands or works the Undertakers have power to cross under the authority of this Order for the purpose of meeting the demands for water within the limits of supply as to the mode of laying down repairing altering or enlarging their conduits mains pipes or works in over or upon such lands or works or the facilities to be afforded for
 20 the same such difference shall be settled by an engineer or other fit person to be appointed by the Board of Trade at the request of either party.
26. Notwithstanding anything in section 39 of the Act of 1875 contained the Undertakers shall provide and keep a supply of pure and wholesome water constantly laid on under pressure throughout the borough
 25 of Maidenhead.
27. All the provisions of section 83 of the Waterworks Clauses Act 1847 with respect to the sending to the clerk of the peace of the account required by that section to be kept by the Undertakers shall extend and apply to the sending of a copy of the said account to the town clerk of
 30 the borough of Maidenhead as fully and effectually as if the said town clerk had been mentioned in the said section.
28. All the costs charges and expenses of and incidental to the applying for preparing obtaining and confirming this Order and otherwise in relation thereto shall be paid by the Undertakers.

A.D. 1905.
Maidenhead.Differences
with railway
or other Com-
panies.Constant
supply in
Maidenhead.Account to be
sent to the
Corporation of
Maidenhead.

Costs of Order.

A.D. 1905.

TAVISTOCK GAS.

Tavistock. Order empowering the Tavistock Lighting Coal and Coke Company Limited to maintain and continue their existing Gasworks and to erect and maintain new Gasworks and to make store and supply Gas within the Urban District and 5 Parish of Tavistock and within the Parish of Whitchurch both in the County of Devon and for other purposes.

Short title.

1. This Order may be cited as the Tavistock Gas Order 1905.

Commencement of Order.

2. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed which date is in this Order referred 10 to as "the commencement of this Order."

Incorporation of Acts.

3. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking) of the Gasworks Clauses Act 1847 (except sections 30 to 34 both inclusive) 15 and of the Gasworks Clauses Act 1871 are hereby incorporated with this Order (except where the same are expressly varied by this Order) and the said provisions of the said Gasworks Clauses Acts shall apply as well to the mains pipes and works of the undertakers laid down or constructed before the commencement of this Order and situate within the limits of 20 supply as defined by this Order as to any mains pipes or works which may be laid down or constructed under the authority of this Order Provided that for the purpose of such incorporation section 35 of the said Gasworks Clauses Act 1847 shall be read and construed as though the words from "in case the whole" down to "have been paid" all inclusive had 25 been omitted therefrom and as though the expression "the prescribed rate" included the prescribed rates as defined by this Order together with any sum which under the provisions of this Order might lawfully be carried to the insurance fund.

Interpretation.

4. In this Order the expression "the prescribed rates" means the 30 rates of dividend authorised by this Order on the capital of the Undertakers or such rate as reduced or increased in accordance with the provisions of this Order and the several words terms and expressions to which by any Act in whole or in part incorporated with this Order and by the Gas and Water Works Facilities Act 1870 meanings are assigned have the same 35 respective meanings and in the construction of this Order or of any such Act for the purpose of this Order the expression "the undertaking" shall include the gasworks and works connected therewith by this Order authorised to be maintained continued and erected.

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5. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred, to as "the limits of supply") shall be the whole of the urban district and parish of Tavistock and the whole of the parish of Whitechurch both in the county of Devon.

A.D. 1905.
Tavistock.
Limits of supply.

5 *Undertakers.*

6. The Tavistock Lighting Coal and Coke Company Limited shall be the Undertakers for the purpose of this Order and are in this Order referred to as "the Undertakers."

Capital.

10 7. The share capital of the Undertakers for the purpose of the undertaking shall not exceed fifteen thousand pounds consisting of the share capital of thirteen thousand pounds already raised by the Undertakers (in this Order referred to as "the original capital") and of additional capital (in this Order referred to as "the additional capital") to be issued subject to the provisions of this Order not exceeding two thousand pounds including any premiums that may be obtained on the sale of any shares or stock under the provisions of this Order unless the Undertakers are hereafter authorised to raise for such purposes further additional capital by Provisional Order under the Gas and Water Works Facilities Act 1870 or by Act of Parliament.

Capital.

8. The Undertakers shall when any shares or stock forming part of the additional capital are or is to be issued and before offering the same to the holder of any other shares or stock of the Undertakers and whether the ordinary shares or ordinary stock of the Undertakers are or is at a premium or not offer the same for sale by public auction or by tender in such manner at such times and subject to such conditions of sale as the Undertakers may by special resolution determine. Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of shares or stock and that the reserved price put upon such shares or stock shall not be less than the nominal value thereof and notice of the amount of such reserved price shall be sent by the Undertakers in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders (as the case may be) and such letter may be opened after such day of auction or last day for the reception of tenders and not sooner and provided that no priority of tender shall be allowed to any holder of shares or stock of the Undertakers except that if the bidding or offer by tender of any holder of shares or stock be the same in amount as the bidding or offer by tender of any other person the bidding or offer of such holder shall be accepted in preference.

New shares or stock to be offered by auction or tender.

9. It shall be one of the conditions of any sale of shares or stock under this Order that the full price thereof including any premium given by any purchaser at such sale in respect thereof shall be paid to the Undertakers within three months after such sale.

Purchase money of capital sold by auction to be paid within three months.

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A.D. 1905.

Taxistock.
Notice to be given of sale of shares or stock.

10. The intention to sell any shares or stock by auction or by tender under the provisions of this Order shall be communicated by the Undertakers in writing to the clerk of every district council having jurisdiction within the limits of supply and to the secretary of the committee of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders (as the case may be) and notice of such intention shall be duly advertised by the Undertakers once in each of two consecutive weeks in one or more newspapers circulating within the limits of supply. 5

Shares or stock not sold by auction or tender to be offered to holders of ordinary shares or stock.

11. When any shares or stock have been offered for sale by auction or by tender under the provisions of this Order and not sold the same shall be offered at the reserved price put upon the same respectively for the purpose of sale by auction or tender to the holders of the ordinary shares or ordinary stock of the Undertakers in the manner prescribed by special resolution passed by the Undertakers. Provided that any shares or stock so offered and not accepted within the time prescribed by such resolution shall again be offered for sale by public auction or tender in the manner and subject to the provisions of this Order with respect to the sale of shares or stock forming part of the additional capital and the reserve put upon such shares or stock may upon such second or any subsequent auction or tender if the directors of the Undertakers think fit be less than the nominal value thereof and any shares or stock not then sold shall be again offered to the holders of ordinary shares or ordinary stock at the last-mentioned reserved price and so on until the whole amount of such shares or stock is sold. 10 15 20

Application of premium arising on issue of shares.

12. Any sum of money which may arise from the issue of any shares under the provisions of this Order by way of premium after deducting therefrom the expenses of and incident to such issue shall not be considered as profits of the Undertakers but shall be expended in extending or improving the works of the Undertakers or in paying off money borrowed or owing on mortgage by the Undertakers and shall not be considered as part of the capital of the Undertakers entitled to dividend. 25 30

Limits of dividend on capital.

13. Except as by this Order expressly provided the Undertakers shall not in any year declare or make out of their profits any larger dividends on the said original and additional capital than ten pounds in respect of every one hundred pounds actually paid up of the original capital and seven pounds in respect of every one hundred pounds actually paid up of so much of the additional capital as may be issued as ordinary capital or five pounds in respect of every one hundred pounds actually paid up of so much of the additional capital as may be issued as preference capital. 35

Dividends on different classes of shares or stock to be paid proportionately.

14. In case in any year or in any half-year if the Undertakers declare a dividend half-yearly the net revenues of the Undertakers applicable to dividend are insufficient to pay the full amount of dividend at the prescribed rate on each class of ordinary stock or shares in the capital of the Undertakers a proportionate reduction shall be made in the dividends payable on each class. 40 45

[5 EDW. 7.] *Gas and Water Orders Confirmation (No. 2).* 19

15. The amount of all moneys which the Undertakers may borrow and secure by mortgage of the undertaking shall not at any time exceed in the whole one-fourth of the amount of the capital of the Undertakers at the time actually raised by the issue of shares or stock including any premiums that may be obtained on sale of any shares or stock under the provisions of this Order and except with the sanction of the Board of Trade no higher rate of interest than five pounds per centum per annum shall be paid by the Undertakers in respect of any moneys borrowed by them and secured as aforesaid after the commencement of this Order.
16. All moneys raised under this Order shall be applied to the purposes of the undertaking to which the capital is properly applicable.
17. If the clear profits of the undertaking in any year amount to a larger sum than is sufficient to pay the prescribed rates the excess beyond the sum necessary for that purpose may to the extent of one per centum per annum upon the paid-up capital of the Undertakers be invested in Government or other securities and the dividends and interest arising from such securities shall also be invested in the same or like securities in order that the same may accumulate at compound interest until the fund so formed amounts to a sum equal to one-twentieth part of the paid-up capital of the Undertakers which sum shall form an insurance fund to meet any extraordinary claim demand or charge which may at any time arise against or fall upon the Undertakers from accident strike or other circumstance which in the opinion of a court of summary jurisdiction due care and management could not have prevented and if such fund be at any time reduced it may thereafter be again made up to the said limit as often as such reduction happens. Provided that when and so often as the said fund reaches the said limit of one-twentieth part of the paid-up capital the interest thereon shall be carried to the credit of the fund available for dividend. Provided also that resort may be had to the insurance fund to meet any such extraordinary claim demand or charge as aforesaid although such fund may not at the time have reached or may have been reduced below the full amount of one-twentieth as aforesaid.
18. If the clear profits of the undertaking in any year amount to a larger sum than is sufficient to pay the prescribed rates the excess or such portion of it as is not carried to the insurance fund shall be carried to the credit of the divisible profits of the undertaking for the next following year.
19. Where in any year the prescribed rates on the ordinary capital of the Undertakers exceed the standard rate by reason of the price charged by the Undertakers for gas in such year being below the standard price then out of the amount of the divisible profits of the Undertakers applicable to the payment of such increase the Undertakers may in such year set apart such sum as they think fit by way of a reserve fund and all sums (if any) so set apart by the Undertakers and any reserve or other fund of a similar character of the Undertakers existing at the commencement of this Order may be invested in government or other securities and the dividends and interest

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Borrowing
powers.Application of
money.If profits
exceed amount
limited excess
may be in-
vested and
form an in-
surance fund.Application of
further excess
of profits over
prescribed
rates.Power to
create a reserve
fund and
application
thereof.

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arising from such securities may also be invested in the same or the like securities in order that the same may accumulate at compound interest and the fund so formed shall be called "the reserve fund" and shall be applicable to the payment of dividend in any year in which the clear profits of the Undertakers are insufficient to enable the Undertakers in such year to pay 5 the prescribed rates and save as by this Order specially provided no sum shall in any year be carried by the Undertakers to any reserve fund.

Purchase of Land.

Power to purchase land by agreement.

20. The Undertakers may for the purposes of the undertaking purchase take on lease or acquire by agreement but not otherwise and hold in addition 10 to the lands described in the First and Second Schedules to this Order annexed any lands which they may require. Provided that they shall not create or permit a nuisance on any such lands and that they shall not at any time hold for such purposes more than three acres of land in the whole including the lands described in the said schedules and that no lands shall 15 be used by the Undertakers for the purpose of manufacturing gas or residual products or of storing gas except the lands described in the said schedules.

Maintenance and Continuance of Gasworks Manufacture and Sale of Gas Coke and Residual Products.

Power to maintain and to construct gasworks.

21. The Undertakers on the land being the site of the existing gas- 20 works shown on the map deposited for the purposes of this Order and described in the First Schedule while they are possessed of the same may until the date named for the completion of the new works herein-after referred to continue and maintain their existing gasworks and works connected therewith and may on the land also shown on the said deposited map and described in the 25 Second Schedule construct erect make and complete not later than the 25th day of March 1908 and thereafter maintain alter and enlarge retorts gas-holders receivers purifiers meters apparatus and works for the manufacture and storage of gas and of coke and other residual products obtained in the manufacture of gas and matters producible therefrom (herein-after referred to 30 as "the new works") and on completion of the new works the Undertakers shall discontinue their existing gasworks and they may subject to the provisions of this Order make and store gas on the lands described in the First and Second Schedules but as to the land described in the First Schedule only until the date above mentioned and supply and sell the same within 35 the limits of supply subject to the provisions of this Order and may on the said lands described in the First and Second Schedules but as to the land described in the First Schedule only until the date above mentioned manufacture and store coal tar coke pitch asphaltum and ammoniacal liquor oil and all other residual products obtained in the manufacture of gas and matters 40 producible therefrom and may sell and dispose of the same at the works and elsewhere and they may also deal in and sell lime at the works and elsewhere and they may also construct and maintain alter extend enlarge renew or discontinue houses offices buildings and other works connected with the undertaking. 45

[5 EDW. 7.] *Gas and Water Orders Confirmation (No. 2).* 21

- 22.—(1) The Undertakers may at their works or elsewhere purchase hire supply sell or let on hire but shall not manufacture gas meters fittings gas stoves and cooking and other apparatus and may also purchase hire sell let deal in and contract for doing work in connection with but shall not
- 5** manufacture fittings tubes meters pipes apparatus stoves ranges and apparatus for heating for domestic and other purposes by means of gas and all articles and things in any way connected with gasworks or with the supply use or consumption of gas and may make and take charges and remuneration in respect thereof.
- 10** (2) All fittings and appliances let for hire under the provisions of this section shall not be subject to distress or to the landlord's remedy for rent nor to be taken in execution under any process of any court or any proceedings in bankruptcy against the persons in whose possession the same may be Provided that such fittings have upon them a distinguishing metal
- 15** plate affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Undertakers as the actual owners thereof.
- 20** 23. The Undertakers may subject to the provisions of this Order (but only for the purposes of the undertaking within the limits of supply and not so as to acquire any exclusive right therein) contract for take and use any leave licence or authority to work use exercise and put in practice any invention under letters patent heretofore made or hereafter to be made granting any right or privilege of working using or vending any invention in relation to the manufacture supply or distribution of gas or the conversion
- 25** manufacture or utilisation of any products obtainable in or arising from such manufacture or from the materials used therein.
- 30** 24. For the protection of the Great Western Railway Company and the London and South Western Railway Company (herein-after respectively referred to as "the company") the following provisions shall be in force and have effect:—
- 35** (A) In laying down repairing or removing any mains or pipes or executing any other works in the exercise of the powers contained in this Order upon across over under or in any way affecting the railway of the company or any bridge over or under such railway or any approaches to any such bridge within the company's boundary the same shall be done under the superintendence and to the reasonable satisfaction of the engineer of the company and according to such plans sections and specifications and except in case of urgent necessity at such times as shall be previously submitted to and as shall be reasonably approved in writing by him and shall be executed by and at the expense in all things of the Undertakers and so as not to cause any injury to the said railway or to any such bridge or the approaches thereto within the company's boundary and shall
- 40**

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Power to Undertakers to purchase and supply gas appliances and apparatus.

Fittings not to be subject to distress.

Power to take licences for patents.

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within such boundary so execute any works as having regard to the existing level of the roadway shall interfere with or impede as little as possible any improvement or widening of such railway or bridge or the introduction of side openings to such bridge. Provided that if the said engineer does not express his approval or disapproval of the said plans sections and specifications within fourteen days after the same have been submitted to him he shall be deemed to have approved thereof and if the said engineer shall refuse or neglect to superintend any operation the Undertakers may execute the work without his superintendence: 5 10

(B) If any injury or damage to the railway works or property of the company or any interruption of the company's traffic shall be in any way occasioned by the Undertakers or by their contractors agents or workmen the Undertakers shall forthwith make full compensation to the company in respect thereof: 15

(C) All mains pipes and other works of the Undertakers upon across over under or in any way affecting the railway of the company or any bridge over or under the same or the approaches thereto within the company's boundary shall be at all times maintained in good repair by the Undertakers and in default of their being so maintained the company may by notice in writing signed by their said engineer and delivered at the principal office for the time being of the Undertakers require the Undertakers to forthwith put into good repair any such main pipe or other work as aforesaid and if the Undertakers for seven days after the receipt of such notice refuse or neglect to proceed with repair of the same and do not dispute the necessity thereof the company may without any further notice to the Undertakers repair the same and all expenses reasonably incurred by them in or about such repair shall be repaid to them by the Undertakers. Provided that in case of accidents happening or immediate danger being apprehended to the railway of the company or any bridge over or under such railway or the approaches thereto by reason of any such main pipe or other work as aforesaid being out of repair the company may without giving such notice as aforesaid make such repairs as may be necessary and the expenses of the same shall be repaid as herein-before provided: 20 25 30 35

(D) If the company require to widen or alter their railway or to widen lengthen strengthen reconstruct alter repair lift or support any bridge over or under their railway or the approaches to such bridge the Undertakers shall afford to the company all reasonable and proper facilities for the purposes and the Undertakers shall pay to the company any additional expenses which the company may incur in effecting such widening lengthening strengthening reconstructing altering repairing lifting or supporting or in the maintenance of any bridge approach or other 40 45

work of the company by reason of the existence or user of the mains pipes or other works constructed under the powers of this Order : A.D. 1905.
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5 (E) The Undertakers shall bear and on demand pay to the company all reasonable costs of the superintendence by them of the construction of the works and repairs thereof and all reasonable costs of watching lighting and protection of the railway with reference to and during such construction and repairs so far as such costs may be in case of difference determined by the arbitration to have been necessary :

10 (F) Any difference which may arise between the company and the Undertakers touching any of the matters referred to in this section shall be decided by arbitration by an engineer or other fit person to be appointed by the Board of Trade on the application of the company and the Undertakers or either of them.

20 25. If any difference arise between the Undertakers and any railway canal or other company whose lands or works the Undertakers have power to cross under the authority of this Order as to the mode of laying down repairing altering or enlarging their mains pipes or other works in over or upon such lands or works or the facilities to be afforded for the same such difference shall be settled by an engineer or other fit person to be appointed by the Board of Trade at the request of either party. Differences with railway and other companies.

Quality of Gas.

25 26. The quality of the gas supplied by the Undertakers shall with respect to its illuminating power be such as to produce a light equal in intensity to the light produced by not less than fourteen sperm candles and shall in all respects be in accordance with the provisions of the Gasworks Clauses Act 1871. Quality of gas.

Price of Gas.

30 27. The standard price to be charged by the Undertakers for gas supplied by them to private consumers by meter shall be three shillings and ninepence per thousand cubic feet and so in proportion for any less quantity supplied Provided that the Undertakers may increase or reduce the price so charged by them for gas above or below the standard price subject to a reduction or increase in the dividend payable by the Undertakers on the ordinary capital of the Undertakers as follows :— Price of gas.

40 In respect of any year during any part of which the price charged by the Undertakers shall have been one penny or part of a penny above the standard price the dividend payable by the Undertakers shall in respect of each penny or part of a penny by which the price shall have been increased be reduced below the standard rate of dividend by five shillings on every hundred pounds of ordinary

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paid-up capital with a ten per centum standard rate of dividend and three shillings and sixpence on every hundred pounds of ordinary paid-up capital with a seven per centum standard rate of dividend and so in proportion for any fraction of one hundred pounds :

And in respect of any year during which the price charged by the Undertakers shall have been one penny or more below the standard price the dividend payable by the Undertakers may in respect of each penny by which the standard price has been reduced be increased above the standard rate by five shillings on every hundred pounds of ordinary paid-up capital with a ten per centum standard rate of dividend and three shillings and sixpence on every hundred pounds of ordinary paid-up capital with a seven per centum standard rate of dividend and so in proportion for any fraction of one hundred pounds.

Pressure of Gas.

Pressure of gas. 28. All gas supplied by the Undertakers to any consumer of gas shall be supplied at such pressure as to balance from midnight to sunset a column of water not less than six-tenths of an inch in height and to balance from sunset to midnight a column of water not less than eight-tenths of an inch in height at the main as near as may be to the junction therewith of the service pipe supplying such consumer.

Testing of Gas.

Testin . 29. The Undertakers shall within six months after the commencement of this Order cause to be provided at their works a testing place with apparatus therein according to the provisions of the Gasworks Clauses Act 1871 and before commencing to supply gas from any other works after the expiration of the said period of six months they shall at such works provide a similar testing place with similar apparatus and the burner to be used for testing gas shall be a Sugg's London Argand No. 1 with a six-inch by one and three-quarter inch glass chimney and if at any time the gas flame tails over the top of the glass a six-inch by two-inch chimney shall be used. Provided that any other description of burner may be used which may for the time being be approved for the purpose by the Board of Trade and any gas examiner appointed under the Gasworks Clauses Act 1871 for the purposes of this Order may from time to time subject to the terms of his appointment at such testing place or elsewhere as and when he thinks fit test the pressure at which the gas is supplied and for that purpose may open any street road passage or place not being the immediate approach to any railway or canal bridge or railway station vested in or under the control of any local or road authority.

Miscellaneous.

Exemption from penalty in case of unavoidable cause. 30. No penalty shall be incurred by the Undertakers for insufficiency of pressure defect of illuminating power or for excess of impurity in the gas supplied by them in any case in which it is proved that such insufficiency defect or excess was produced by an unavoidable cause or accident.

31. Where any money is deposited by any person by way of security with the Undertakers for the payment to them of any moneys which may become due to them by such person in respect of any supply of gas or of the purchase or hire of any meter the Undertakers shall pay interest at the rate of five pounds per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands. A.D. 1905.
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Undertakers to pay interest on deposit.
32. The Undertakers may contract with any local authority company or persons beyond the limits of supply (but only with the consent in writing of the local authority of and of any company or person supplying gas under parliamentary powers within the district within which the supply is to be afforded) for the supply to them respectively of gas in bulk upon such terms and conditions and for such periods not exceeding in any case seven years from the making of the contracts as may be agreed upon. Power to supply gas in bulk.
33. In the event of any gas meter used by a consumer of gas being tested in manner provided by the Sale of Gas Act 1859 and being proved to register erroneously within the meaning of the said Act such erroneous registration shall be deemed to have first arisen during the last preceding quarter of the year unless it be proved to have first arisen during the current quarter The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Undertakers shall be paid by or to the Undertakers to or by the consumer as the case may be and shall be recoverable in like manner as gas rents are recoverable. Period of error in defective meter.
34. Every consumer of gas supplied by the Undertakers who uses a gas engine shall if required to do so by the Undertakers use an anti-fluctuator and shall at all times at his own expense keep such anti-fluctuator in proper order and if any consumer shall make default in complying with the provisions of this section the Undertakers may cease to supply him with gas The Undertakers shall have access to and be at liberty to take off remove test inspect and replace any such anti-fluctuator at all reasonable times such taking off removal testing inspecting and replacing to be done at the expense of the Undertakers if the anti-fluctuator be found in proper order but otherwise at the expense of such consumer. Anti-fluctuators for gas engines.
35. If a person requiring a supply of gas from the Undertakers has previously quitted premises at which gas was supplied to him by them without paying to them all gas or meter rent or other moneys due from him to the Undertakers they may refuse to furnish him a supply of gas until he pay the same. Power to refuse to supply persons in debt for other property.
36. If the urban district council of Tavistock or other local authority for the time being having jurisdiction within the limits of supply (in this section referred to as "the council") shall at any time before the expiration of five years from the commencement of this Order be duly authorised and empowered to purchase the undertaking and shall by notice in writing to be given six months before the 25th day of March in any year before the

- A.D. 1905. *Tavistock.* expiration of the five years aforesaid require the Undertakers to sell to them the undertaking on the 25th day of March next following then the Undertakers shall sell to them and the council shall purchase the undertaking as defined by this Order and all lands buildings works materials utensils and plant of the Undertakers held or owned by them for the purpose of the undertaking for such sum in gross and on such terms and conditions as may be determined by agreement between the Undertakers and the council or failing such agreement as shall be determined by arbitration in accordance with the provisions of the Lands Clauses Acts. 5
- Gas consumers to give notice to Undertakers before removing. 37.—(1) Twenty-four hours' notice in writing shall be given to the Undertakers by every gas consumer before he shall quit any premises supplied with gas by meter by the Undertakers and in default of such notice the consumer so quitting shall be liable to pay to the Undertakers the money accruing due in respect of such supply up to the next usual period for ascertaining the register of the meter on such premises or the date from which any subsequent occupier of such premises shall require the Undertakers to supply gas to such premises whichever shall first occur. 10 15
- (2) Notice of the effect of this enactment shall be endorsed on every demand note for gas rent
- Notice of discontinuance. 38. A notice to the Undertakers from a consumer for the discontinuance of a supply of gas shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the office for the time being of the Undertakers. 20
- 8 & 9 Vict. c. xvii. s. 142 incorporated. 39. Section 140 of the Companies Clauses Consolidation Act 1845 shall be and is hereby incorporated with this Order Provided that for the purpose of such incorporation the expression "the company" in the said section shall be construed to mean the Undertakers. 25
- Costs. 40. All the costs charges and expenses of and incidental to the applying for preparing obtaining and confirming this Order and otherwise in relation thereto shall be paid by the Undertakers. 30

SCHEDULES.

FIRST SCHEDULE.

SITE OF EXISTING GAS WORKS.

All that piece of land having a frontage on Ford Street in the parish of Tavistock in the county of Devon and containing 0a. 3r. 0p. or thereabouts and numbered 1536 on the $\frac{1}{2500}$ inch Ordnance map Devonshire sheet C.V. 8 1888 edition held under an agreement dated 21st June 1904 made between (1)

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the most noble Herbrand 11th Duke of Bedford K.G. of the one part and the Tavistock Lighting Coal and Coke Company Limited of the other part upon which the present gas works and buildings known as the Tavistock Gas Works are now erected.

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Tavistock

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SECOND SCHEDULE.

SITE OF PROPOSED NEW GAS WORKS.

10 All that piece of land containing 1a. 2r. 12p. being a portion of the close or field called Doidge's West Bridge Meadow numbered 1478 on the $\frac{1}{2500}$ inch Ordnance map 105—12—1888 edition situate at West Bridge in the parish of Tavistock in the county of Devon and held under a building agreement dated 20th October 1904 made between the most noble Herbrand 11th Duke of Bedford K.G. of the one part and the Tavistock Lighting Coal and Coke Company Limited of the other part (the Undertakers) on which the proposed new works are intended to be erected.

15

WEY VALLEY WATER.

Order empowering the Wey Valley Water Company to extend their Limits of Supply and raise Additional Capital and for other purposes. *Wey Valley.*

1. This Order may be cited as the Wey Valley Water Order 1905. Short title.
- 20 2. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed which date is in this Order referred to as "the commencement of this Order." Commencement of Order.
- 25 3. The Wey Valley Frimley and Farnham Water Act 1898 (in this Order referred to as "the Act of 1898") so far as it relates to the Undertakers and this Order shall be construed together except so far as such construction would be inconsistent with or repugnant to the provisions of this Order. Construction of Order.
- 30 4. So far as the same relate to the powers conferred by this Order the provisions of the Companies Clauses Consolidation Acts 1845 to 1889 with respect to the following matters (that is to say) :— Incorporation of Acts.
 - The distribution of the capital of the company into shares ;
 - The transfer or transmission of shares ;
 - The payment of subscriptions and means of enforcing the payment of calls ;

(69.)

D 2

A.D. 1905. *Wey Valley.* The forfeiture of shares for non-payment of calls ;
 The remedies of the creditors of the company against the shareholders ;
 The borrowing of money by the company on mortgage or bond ;
 The consolidation of shares into stock ;
 The general meetings of the company and the exercise of the right of 5
 voting by the shareholders ;
 The making of dividends ;
 The giving of notices ; and
 The provision to be made for affording access to the special Act by all
 parties interested ; 10

and Part I. (relating to cancellation and surrender of shares) Part II. (relating
 to additional capital) and Part III. (relating to debenture stock) of the
 Companies Clauses Act 1863 the Companies Clauses Act 1869 and the
 Waterworks Clauses Acts 1847 and 1863 are (except where expressly varied
 by this Order) incorporated with and form part of this Order : 15

Provided that section 44 of the Waterworks Clauses Act 1847 shall for
 the purposes of this Order have effect as if the words “ with the consent in
 “ writing of the owner or reputed owner of any such house or of the agent of
 “ such owner ” were omitted therefrom.

For the purpose of such incorporation the term “ special Act ” in the said 20
 Acts shall be construed to mean this Order and the term “ company ” shall
 mean the Undertakers.

Interpretation. 5. The several words and expressions to which by any Act incorporated
 with this Order and by the Gas and Water Works Facilities Act 1870
 meanings are assigned have in this Order the same respective meanings. 25

Undertakers. 6. The Wey Valley Water Company incorporated by the Act of 1898
 shall be the Undertakers for the purposes of this Order and are in this Order
 referred to as “ the Undertakers.”

Extension of
 limits of
 supply. 7. The Undertakers shall have and may exercise subject to the provisions
 of this Order within the following new limits (that is to say) within the 30
 parishes of Puttenham and Wanborough in the rural district of Guildford in the
 county of Surrey and notwithstanding the provisions of section 42 of the Act
 of 1898 within the parishes of Fernhurst Linchmere and North Ambersham in
 the rural district of Midhurst in the county of West Sussex all and the like
 powers privileges and authorities for or in relation to the supply of water and 35
 be subject to all and the like duties and obligations in respect thereof as they
 now have and are subject to within the limits of the Act of 1898 and the
 expressions “ the limits of this Act ” and “ the company’s district ” in the Act
 of 1898 shall from and after the commencement of this Order be deemed to
 include the said new limits and the expression “ limits of supply ” in this 40
 Order means the district within which the Undertakers are by virtue of the
 Act of 1898 and this Order authorised to supply water and the Undertakers
 may continue maintain and use any mains pipes and works laid down or

constructed by them in the new limits as if the same had been laid down and constructed by them under the powers of this Order.

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Wey Valley.

8. If at any time after the expiration of five years from the commencement of this Order the Undertakers are not furnishing or prepared on demand to furnish within the new limits a sufficient supply of water in accordance with the provisions of the Act of 1898 and this Order in any part of the district of any local authority included within the limits of supply the local authority of any such district may provide a supply in the whole or any part of their district within the new limits in accordance with the provisions of the Public Health Act 1875 or any company body or person may apply for an Act of Parliament or Provisional Order for the purpose of supplying water in any part of such district not sufficiently supplied by the Undertakers as if in either case there were no company authorised by this Order to supply water therein.

Where Undertakers do not furnish a sufficient supply local authority or company may supply.

15 If any difference shall arise between the Undertakers and any such local authority company body or person as to the sufficiency of the supply of water in any part of such district such difference shall be settled on the application of either party by the Board of Trade.

20 9.—(1) The provisions of section 44 of the Act of 1898 shall extend and apply to so much of the new limits as are within the counties of Surrey and West Sussex respectively and to the county councils of Surrey and West Sussex and to the Undertakers in relation thereto as if that section had been expressly re-enacted in this Order with reference thereto and the name of the county council of West Sussex had been inserted therein in lieu of the county council of the administrative county of Southampton.

For protection of Surrey and West Sussex County Councils.

30 (2) No water obtained by the Company under the provisions of the Act of 1898 or this Order from Works No. 6 and No. 8 by the Act of 1898 authorised shall be sold or supplied by them in bulk or otherwise outside or for consumption or use outside the county of Surrey except for consumption or use within the parishes of Bentley Binstead Kingsley Headley Grayshott and Bramshott all in the county of Hants and the parishes of Fernhurst Linch Linchmere and North Ambersham all in the county of West Sussex.

35 10.—(1) Nothing in this Order contained shall authorise any water obtained by the Company from the parish of Wanborough to be sold or supplied by them in bulk or otherwise outside or for consumption or use outside the county of Surrey.

For protection of Guildford Rural District Council.

40 (2) If and whenever the Undertakers in the exercise of any power in that behalf possessed by them sink any well in the parish of Wanborough they shall before supplying water obtained from such well to any other part of their area of supply furnish continuously at the same rates and upon the same conditions as the Undertakers are bound to supply water within other parts of their area of supply to the inhabitants of that parish such water as may be demanded by them for their reasonable sanitary and domestic requirements.

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Wey Valley.
For protection
of John
Grover.

11. For the protection of John Grover or other the owner for the time being of the existing well herein-after mentioned (in this section called "the owner") the following provisions shall unless otherwise agreed between the owner and the Undertakers apply and have effect (that is to say) :—

The Undertakers shall not without the consent of the owner at any 5
time either directly or indirectly sink or deepen any well or make
any boring or drive any adits within 300 yards of the existing well
on the lands of the owner in the parish of Linchmere from which he is
now supplying water to houses situate on the said lands.

For protection
of London and
South Western
Railway Com-
pany.

12. For the protection of the London and South Western Railway 10
Company (in this section referred to as the "South Western Company") the
following provisions shall apply and have effect viz. :—

(A) In laying down repairing or removing any mains or pipes or
executing any other works in the exercise of the powers contained
in this Order upon across over under or in any way affecting 15
the railways or any bridge over or under such railways or any
approaches to any such bridge within the South Western
Company's boundary the same shall be done under the super-
intendence and to the reasonable satisfaction of the engineer of 20
the South Western Company and according to such plans sections
and specifications and except in case of urgent necessity at such
times as shall be previously submitted to and as shall be reasonably
approved in writing by him and shall be executed by and at the
expense in all things of the Undertakers and so as not to cause 25
any injury to the said railways or to any such bridge or the
approaches thereto within the South Western Company's boundary
and shall within such boundary so execute any works as having
regard to the existing level of the roadway shall interfere with
or impede as little as possible any improvement or widening of 30
such railway or bridge or the introduction of side openings to such
bridge Provided that if the said engineer does not express his
approval or disapproval of the said plans sections and specifications
within fourteen days after the same have been submitted to him
he shall be deemed to have approved thereof and if the said 35
engineer shall refuse or neglect to superintend any operation the
Undertakers may execute the work without his superintendence :

(B) If any injury or damage to the railway works or property of the
South Western Company or any interruption of the South 40
Western Company's traffic shall be in any way occasioned by
the Undertakers or by their contractors agents or workmen
the Undertakers shall forthwith make full compensation to the
South Western Company in respect thereof :

(c) All mains pipes and other works of the Undertakers upon across 45
over under or in any way affecting the South Western Railway
or any bridge over or under the same or the approaches thereto

within the South Western Company's boundary shall be at all times maintained in good repair by the Undertakers and in default of their being so maintained the South Western Company may from time to time by notice in writing signed by their said engineer and delivered at the principal office for the time being of the Undertakers require the Undertakers to forthwith put into good repair any such main pipe or other work as aforesaid as may be in want of repair and if the Undertakers for seven days after the receipt of such notice refuse or neglect to proceed with the repair of the same and do not dispute the necessity thereof the South Western Company may without any further notice to the Undertakers repair the same and all expenses reasonably incurred by them in or about such repair shall be repaid to them by the Undertakers Provided that in case of accidents happening or immediate danger being apprehended to the South Western Railway or any bridge over or under such railway or the approaches thereto by reason of any such main pipe or other work as aforesaid being in want of repairs the South Western Company may without giving such notice as aforesaid make such repairs as may be necessary and the expenses of the same shall be repaid as herein-before provided :

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Wey Valley.

(D) The Undertakers shall bear and on demand pay to the South Western Company all reasonable costs of the superintendence by them of the construction of the works and repairs thereof and all reasonable costs of watching lighting and protection of the railway with reference to and during such construction and repairs so far as such costs may be in case of difference determined by the arbitrator to have been necessary :

(E) Any difference which may arise between the South Western Company and the Undertakers touching any of the matters referred to in this section shall be decided by a single arbitrator to be appointed on the application of either party by the President of the Institution of Civil Engineers and any such arbitration shall be subject to the provisions of the Arbitration Act 1889.

13. If any difference arises between the Undertakers and any railway canal or other company (other than the London and South Western Railway Company) whose land or works the Undertakers have power to cross under the authority of this Order for the purposes of meeting the demands for water within the limits of supply as to the mode of laying down repairing altering or enlarging their conduits or pipes or the facilities to be afforded for the same the same shall be settled by an engineer to be appointed by the Board of Trade at the request of either party.

As to pipes crossing the works of a railway or other company.

14. Nothing contained in this Order shall extend to or be construed to extend to prejudice or derogate from the estates rights interests privileges liberties or franchises of the Conservators of the River Thames or to prohibit

Saving for Conservators of Thames.

A.D. 1905. *Wey Valley.* defeat alter or diminish any powers authority or jurisdiction which at the commencement of this Order [the Conservators did or might lawfully claim use or exercise.

Additional capital.

15. In addition to the capital already authorised to be raised by the Undertakers they may—

- (1) Raise any further sums not exceeding in the whole thirty thousand pounds by the issue of new ordinary shares or stock or new preference shares or stock or wholly or partly by any one or more of those modes respectively (in this Order referred to as “the new capital”) but the Undertakers shall not issue any share under the authority of this Order of less nominal value than ten pounds nor shall any such share or stock issued under the authority of this Order vest in the person accepting the same unless and until the full price of such share or stock including any premium obtained on the sale thereof as herein-after provided shall have been paid in respect thereof Provided that it shall not be lawful for the Undertakers to create and issue under the powers of this Order any greater nominal amount of capital than will be sufficient to produce including any premiums which may be obtained on the sale thereof the sum of thirty thousand pounds; and
- (2) Borrow on mortgage in respect of the new capital by this Order authorised to be raised any sum or sums not exceeding in the whole one-fourth part of the amount of the new capital at the time actually issued by shares or stock including the premiums (if any) realised on the sale thereof but no part thereof shall be borrowed until the whole of the shares or stock in respect of which the power of borrowing is being exercised including the premiums (if any) realised on the sale thereof shall have been fully paid up and the Undertakers have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that such shares and stock including the premiums (if any) realised on the sale thereof have been fully paid up and upon production to such justice of the books of the Undertakers and of such other evidence as he may think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

As to conversion of borrowed money into capital.

16. The Undertakers shall not have power to raise the money by this Order authorised to be borrowed on mortgage or by the creation and issue of debenture stock or any part thereof respectively by the creation of shares or stock instead of by borrowing or to convert into capital any money borrowed under the provisions of this Order.

Except as otherwise provided new

17. Except as by this Order otherwise provided the new capital created by the Undertakers under this Order and the new shares or stock therein and

the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that new capital were part of the existing capital of the Undertakers of the same class or description and the new shares or stock
 5 were shares or stock in that capital Provided that except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any new shares or stock to which a preferential dividend shall be assigned.

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Wey Valley.
 shares or stock to be subject to the same incidents as other shares or stock.

18. The provisions contained in the First Schedule to the Act of 1898
 10 shall apply to the new capital as if the same had been expressly incorporated with this Order with reference thereto and in construing those provisions for the purposes of this Order the expression "the company" shall mean the Undertakers.

Incorporating provisions of Act of 1898 as to offering new capital by auction or tender.

19. The Undertakers may create and issue debenture stock subject to
 15 the provisions of Part III. of the Companies Clauses Act 1863 and of section 29 of the Act of 1898.

Power to create debenture stock.

20. All money to be raised by the Undertakers on mortgage or debenture stock under the provisions of this Order shall have priority against the Undertakers and the property from time to time of the Undertakers over all other
 20 claims on account of any debts incurred or engagements entered into by them after the commencement of this Order Provided always that this priority shall not affect any claim against the Undertakers or their property in respect of any rentcharge granted or to be granted by them in pursuance of the Lands Clauses Acts or in respect of any rent or sum reserved by or
 25 payable under any lease granted or made to the Undertakers which is entitled to rank in priority to or pari passu with the interest on their mortgages or debenture stock nor shall anything in this section contained affect any claim for land taken used or occupied by the Undertakers for the purposes of their undertaking and works or injuriously affected by the construction thereof
 30 or by the exercise of any powers conferred on the Undertakers.

Priority of money raised on mortgage or debenture stock over certain other claims.

21. All mortgages granted by the Undertakers in pursuance of or in conformity with any Acts before the commencement of this Order and subsisting at the date of such commencement shall during the continuance of such mortgages and subject to the provisions of the Acts in pursuance
 35 of or in conformity with which the same were granted have priority over any mortgages granted under the authority of this Order but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Undertakers.

Existing mortgages to have priority.

22. Section 28 (For appointment of receiver) of the Act of 1898 is
 40 hereby repealed as from the commencement of this Order but without prejudice to any appointment heretofore made or to the continuance of any proceedings then pending The mortgagees of the Undertakers may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver and in order to authorise the

Appointment of receiver.

A.D. 1905. appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one thousand five hundred pounds in the whole.

Wey Valley.

Limits of dividend on new capital.

23. The Undertakers shall not in any year declare or make out of their profits any larger dividend on the new capital than seven pounds in respect of every one hundred pounds actually paid up of so much of such capital as may be issued as ordinary capital unless a larger dividend be at any time necessary to make up the deficiency of any previous dividend which shall have fallen short of the said sum of seven pounds per centum per annum or than five pounds in respect of every one hundred pounds actually paid up of so much of the new capital as may be issued as preference capital.

Preference shares or stock may be created subject to redemption.

24. Any preference shares or stock created and issued under the powers of this Order may be issued subject to the conditions that the same may be redeemed by the Undertakers at such times and on such terms and conditions as shall be expressed on the certificates of such shares or stock.

Limit of interest on money borrowed.

25. The Undertakers shall not without the consent of the Board of Trade pay interest at a higher rate than five pounds per centum per annum in respect of any moneys borrowed on mortgage or raised by the creation and issue of debenture stock under the authority of this Order.

Application of moneys.

26. All moneys raised under this Order shall be applied to the purposes of the undertaking authorised by the Act of 1898 and this Order (including the purposes of an agreement dated the sixteenth day of October one thousand nine hundred and one made in pursuance of the Act of 1898 between the Frimley and Farnborough District Water Company and the Undertakers) to which capital is properly applicable.

Power to apply funds.

27. The Undertakers may apply to any of the purposes of this Order to which capital is properly applicable any sums of money which they have already raised or are authorised to raise under the Act of 1898 or this Order or which may be under their control (including any moneys paid to them by the Frimley and Farnborough District Water Company under the said agreement of the sixteenth day of October one thousand nine hundred and one) and which are not required for the purposes to which they are by the said Act or Order made specially applicable.

Further powers to acquire lands by agreement.

28. In addition to any other lands which the Undertakers are under the Act of 1898 authorised to take or purchase the Undertakers may by agreement take purchase and hold for the purposes of this Order and for the general purposes of their undertaking any lands within their limits of supply not exceeding in the whole ten acres in extent or any easement (not being an easement of water in which any persons other than the grantors have an interest) in over or under any such lands Provided that the Undertakers shall not upon any such lands create or permit any nuisance and that no buildings shall be erected on such lands except such as are required for the purposes of the undertaking.

[5 EDW. 7.] *Gas and Water Orders Confirmation (No. 2).* 35

29. All the costs charges and expenses of and incidental to the applying for preparing obtaining and confirming this Order and otherwise in relation thereto shall be paid by the Undertakers.

A.D. 1905.
Wey Valley.
Costs of Order.

YSTALYFERA GAS.

- 5 *Order authorising the maintenance and continuance of Gasworks and the manufacture and supply of Gas within parts of the Parishes of Llangwicke and Cilybebyll otherwise Killybebill both in the County of Glamorgan and parts of the Parish of Ystradgynlais Lower in the County of Brecknock.* *Ystalyfera.*
- 10 1. This Order may be cited as the Ystalyfera Gas Order 1905. *Short title.*
2. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed which date is in this Order referred to as "the commencement of this Order." *Commencement of Order.*
- 15 3. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking) of the Gasworks Clauses Act 1847 and of the Gasworks Clauses Act 1871 are hereby incorporated with this Order (except where the same are expressly varied by this Order) and the said provisions of the said Gasworks Clauses Acts shall apply as well to the mains pipes and works of the Undertakers laid down or constructed before the commencement of this Order and situate within the limits of supply as defined by this Order as to any mains pipes or works which may be laid down or constructed under the authority of this Order. *Incorporation of Acts.*
- 20 4. In this Order the expression "the prescribed rates" means the rates of dividend authorised by this Order on the capital of the Undertakers or such rates as reduced or increased in accordance with the provisions of this Order and the several words terms and expressions to which by any Act in whole or in part incorporated with this Order and by the Gas and Water Works Facilities Act 1870 meanings are assigned have in this Order the same respective meanings and in the construction of this Order or of any such Act for the purposes of this Order the expression "the undertaking" shall include the gasworks and works connected therewith by this Order authorised to be maintained continued and extended. *Interpretation.*

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A.D. 1905.
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Ystalyfera.
 Limits of
 Order.

5. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as "the limits of supply") shall be—

- (A) So much of the parish of Llanguicke in the county of Glamorgan as is known as the Altygrug Ward of that parish : 5
- (B) So much of the parish of Cilybebyll (otherwise Killybebill) in the county of Glamorgan as lies to the north of an imaginary line commencing at the gasworks of the Ystalyfera Gas Company and drawn in a south-easterly direction to the Ynis-y-geinon Junction of the Midland Railway Company thence proceeding in a north-easterly direction along the Neath and Brecon Railway to and terminating at the point where that railway is intersected by the extreme north-eastern boundary of the said parish of Cilybebyll (otherwise Killybebill) : 10
- (C) So much of the parish of Ystradgynlais Lower in the county of Brecknock as lies north of the northern boundary of the parish of Cilybebyll (otherwise Killybebill) at the point where the boundary of the said parish of Cilybebyll (otherwise Killybebill) intersects the Neath and Brecon Railway and thence along the Neath and Brecon Railway in an easterly direction to the Abercraf Railway Station thence in a northerly direction along the boundary of the parish of Ystradgynlais Higher to Dunfant thence along an imaginary line drawn in a westerly direction to the Lamb Bridge Upper Cwmtwrch thence in a south-easterly direction along the boundary of the said parish of Ystradgynlais Lower to and terminating at the new bridge over the River Twrch near the Swan Hotel. 15
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Undertakers.

6. John Newton of Ystradgynlais in the county of Brecknock trading under the name of the Ystalyfera Gas Company the owner or reputed owner of the gasworks situate at Ystalyfera in the county of Glamorgan and his executors administrators and assigns shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers" Provided that if at any time the undertaking is assigned to any other body company or person such body company or person shall from the date of such assignment be the Undertakers for the purposes of this Order in lieu of the person or persons above mentioned but no such assignment shall have any validity or effect until after the approval of the Board of Trade to such assignment has been signified in writing signed by a secretary or assistant secretary of the said Board Provided that nothing in this Order contained shall prevent the Undertakers borrowing money on the security of mortgages of the undertaking not exceeding the amount by this Order prescribed or shall make the consent or approval of the Board of Trade necessary to the validity or effect of any such mortgage. 30
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Capital.

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Ystalyfera.
Capital.

7. The capital of the Undertakers shall for the purposes of the undertaking consist of the original capital of six thousand five hundred pounds already expended upon the undertaking and of additional capital not exceeding eight thousand five hundred pounds and the original and additional capital of the Undertakers shall not for the purposes of the undertaking exceed fifteen thousand pounds unless any increase thereto be hereafter authorised by Provisional Order under the Gas and Water Works Facilities Act 1870 or by Act of Parliament.

8. Except as by this Order expressly provided the Undertakers shall not in any year make out of their profits any larger dividend on the original capital than ten pounds in respect of every one hundred pounds of such original capital actually paid up nor on the additional capital by this Order authorised than seven pounds in respect of every one hundred pounds of such additional capital actually paid up. Provided that if and so long as the undertaking is carried on by an individual or individuals as Undertakers and not by a duly constituted company in the construction of this Order the expression "actually paid up" shall be deemed to mean actually expended on or actually being used for the purposes of the undertaking.

Limits of dividend on capital.

9. The amount of all moneys borrowed by the Undertakers and secured by mortgage of the undertaking shall not at any time exceed in the whole one-third of the amount of the capital of the Undertakers at that time actually paid up and no higher rate of interest than five pounds per centum per annum shall be paid by the Undertakers without the consent of the Board of Trade in respect of any moneys borrowed by the Undertakers after the commencement of this Order and secured as aforesaid.

Limits of borrowing powers.

Lands.

10. The Undertakers may for the purposes of the undertaking purchase or take on lease by agreement but not otherwise and hold in addition to the lands described in Schedule A to this Order annexed any lands which they may require. Provided that they shall not create or permit a nuisance on any such lands and they shall not at any time hold for such purposes more than three acres of land in the whole in addition to the lands described in the said schedule.

Power to purchase additional lands.

11. The Undertakers may on any land for the time being belonging to or leased by them erect fit up maintain and let houses cottages and buildings for the officers and servants employed by the Undertakers for the purposes of their undertaking.

Power to erect &c. cottages for officers and servants.

12. For the protection of the Great Western Railway Company and the Midland Railway Company (herein-after together referred to as "the railway companies") the following provisions shall apply:—

For protection of Great Western and Midland Railway Companies.

(A) In laying down altering improving enlarging extending maintaining or renewing or in executing or effecting the repairs or renewals

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of any mains pipes or other works in the exercise of the powers contained in this Order upon across under or adjoining or in any way affecting the railways canals lands and property now or hereafter belonging to or used or occupied by the railway companies or the bridges approaches viaducts stations or other works 5 or any level crossings over the railways of the railway companies the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of the railway companies respectively and only according to such plans and in such manner as shall be submitted to and as shall be previously 10 reasonably approved by him in writing or in case of difference as may be determined by arbitration in manner herein-after provided Provided that if such principal engineer shall not approve or disapprove any plans or proposals so submitted to him within 15 twenty-eight days after the same are delivered or shall refuse or neglect to superintend the work the Undertakers may proceed with the same without the approval of the plans as aforesaid or without the superintendence of the said engineer :

- (B) All such works shall be done by and at the expense of the Undertakers (except as in this section otherwise provided) who shall 20 also restore and make good to the reasonable satisfaction of the said engineer the roads over or under any bridge of the railway or canal or over any level crossing of the railway of the railway companies or over the approaches to any such bridge or level crossing so far as the same may be disturbed or interfered with 25 by or owing to any operations of the Undertakers Provided always that should the railway companies elect so to do where any mains or pipes require to be laid under or across any level crossing of their railway they may themselves lay the same at the costs charges and expense of the Undertakers but so never- 30 theless that any mains or pipes so laid by the railway companies shall be laid under the superintendence and to the reasonable satisfaction of the Undertakers' engineer :
- (c) All such works and operations and all matters incidental thereto shall be constructed executed and done so as to cause as little 35 injury as may be to such railways canals bridges level crossings approaches viaducts stations works lands or property and so as to cause no interruption to the passage or conduct of traffic over such railways and canals or at to or from any station thereon :
- (d) If any injury or interruption as aforesaid shall arise from or in any 40 way be owing to any of the acts works operations and matters aforesaid or the leakage or failure of any such mains pipes or works in under or near to any railway canal bridge level crossing embankment cutting approach viaduct station land works or property of the railway companies the Undertakers shall make 45

compensation to the railway companies in respect thereof the amount of such compensation unless agreed upon to be determined by arbitration in the manner herein-after provided :

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Ystalyfera.

5 (E) If the railway companies at any time or times hereafter require (of which they shall be the sole judges) to construct any additional or other works upon their lands or railways or to alter or repair their railways canals bridges viaducts or works upon across over or under which any of the works of the Undertakers may have been constructed or laid the railway companies may on giving 10 to the Undertakers fourteen days' notice in writing under the hand of their secretary or general manager and in case of emergency of which their engineer shall be the sole judge then on giving as long a notice as possible divert support or carry the said works of the Undertakers across over or under their 15 lands railways bridges or works at any other point or otherwise deal with the same in as convenient a manner as circumstances will admit and doing as little damage as may be without being liable to pay compensation in respect of such diversion supporting carrying or dealing with such works Provided that such works shall be done subject to the reasonable satisfaction of the engineer 20 of the Undertakers and without unduly interfering with the supply of gas by the Undertakers :

(F) Except as in this section otherwise provided any dispute or difference which may arise between the railway companies and the Undertakers with reference to the provisions of this section or in any way arising thereout or as to any works to be carried out in pursuance thereof shall be settled by arbitration by an engineer or other fit person to be appointed by the Board of Trade on the application of the railway companies and the Undertakers 25 or either of them.

13. The reinstatement of roads within the county of Glamorgan broken up under the powers of this Order shall include the application of a sufficient layer of surface metalling of the same specification as that employed by the road authority for the particular road and where the road is ordinarily 35 repaired by the use of steam or other roller shall include the use of such roller on the places where the road has been broken up until the surface thereof has been made uniform with the unbroken surface adjoining.

For protection
of Glamorgan-
shire County
Council.

14. If any difference arises between the Undertakers and any road authority railway canal or other company whose land or works the Undertakers have power to cross under the authority of this Order for the purpose 40 of meeting the demands for water within the limits of supply as to the mode of laying down repairing altering or enlarging their conduits or pipes or as to the facilities to be afforded for the same or as to any other matter herein referred to the same shall be settled by an engineer to be appointed by the Board of Trade at the request of either party. 45

Differences
with road
authority or
railway or
other company.

A.D. 1905. *Maintenance and Continuance of Gasworks Manufacture and Sale of Gas
Coke and Residual Products.*

Ystalyfera.

Undertakers
may maintain
and continue
gasworks on
lands described
in Schedule A
and may make
and sell gas &c.

15. The Undertakers on the lands being the site of the existing gasworks shown on the map deposited for the purposes of this Order and described in Schedule A to this Order annexed while they are possessed of the same may 5
maintain and continue alter and enlarge renew and discontinue retorts retort-
houses gas-holders receivers purifiers meters apparatus and works for the
manufacture and storage of gas and of coke and other residual products
obtained in the manufacture of gas and matters producible therefrom and
they may subject to the provisions of this Order upon the said lands make 10
and store gas and supply and sell the same within the limits of supply
and may manufacture coal-tar coke pitch asphaltum and ammoniacal liquor
oil and all other residual products obtained in the manufacture of gas
and matters producible therefrom and may store the same and may sell and
dispose of the same at their works and elsewhere and may also deal in and 15
sell lime at their works and elsewhere and they may construct and maintain
alter extend enlarge and renew or discontinue houses offices buildings and
other works connected with the undertaking.

Power to
supply gas
meters &c.

16.—(1) The Undertakers may purchase hire supply sell let on hire but shall not manufacture gas meters fittings gas stoves and cooking and 20
other apparatus and may also purchase hire sell let or deal in and contract
for doing and execute work in connection with but shall not manufacture
fittings tubes meters pipes apparatus stoves ranges and other apparatus for
heating for domestic and other purposes by means of gas and all articles
and things in any way connected with gasworks or with the supply use 25
or consumption of gas and may take charges and remuneration in respect
thereof.

Fittings not to
be subject to
distress.

(2) Any fittings let for hire under the provisions of this section shall not be subject to distress or to the landlord's remedy for rent or be liable 30
to be taken in execution under any process of any court or any proceedings
in bankruptcy against the persons in whose possession the same may be
Provided that such fittings have upon them respectively a distinguishing
metal plate affixed to a conspicuous part thereof or a distinguishing brand or
other mark conspicuously impressed or made thereon sufficiently indicating
the Undertakers as the actual owners thereof. 35

Power to take
licences for
patents.

17. The Undertakers may subject to the provisions of this Order (but only for the purposes of the undertaking within the limits of supply and not 40
so as to acquire any exclusive right therein) contract for take and use any
licence or authority to work use exercise or put in practice any invention
under letters patent heretofore made or hereafter to be made granting any
right or privilege of working using or vending any invention in relation to
the manufacture supply or distribution of gas or the conversion manufacture
or utilisation of any products obtainable in or arising from such manufacture.

[5 EDW. 7.] *Gas and Water Orders Confirmation (No. 2).* 41

Quality of Gas.

A.D. 1905.

18. The quality of the gas supplied by the Undertakers shall with respect to its illuminating power be such as to produce a light equal in intensity to the light produced by not less than fourteen sperm candles and shall in all respects be in accordance with the provisions of the Gasworks Clauses Act 1871.

Istalyfera.
Quality of gas.

Price of Gas.

19. The price to be charged by the Undertakers for gas supplied by them shall not exceed six shillings per thousand cubic feet of gas and so in proportion for any less quantity. Provided that at any time after the expiration of three years from the commencement of this Order the Board of Trade may if they think fit by order in writing to be signed by a secretary or assistant secretary of the said Board alter the said maximum price either by substituting any other sum for the said sum of six shillings or by giving a standard price with a sliding scale as to profits and as from the date specified in such order (herein-after referred to as "the specified date") the price to be charged by the Undertakers for gas supplied by them shall be in accordance with such order. Provided further that in case such order shall prescribe a standard price with sliding scale as to profits then as from the specified date the provisions set forth in Schedule B to this Order annexed shall be in force and have effect and this Order shall be read and construed accordingly. A copy of such order made by the Board of Trade shall be published in the London Gazette and a copy of the said Gazette containing such order shall be conclusive evidence of the due making and validity of the same and of the contents thereof.

Price of gas.

Pressure of Gas.

20. All gas supplied by the Undertakers to any consumer of gas shall be supplied at such pressure as to balance from midnight to sunset a column of water not less than six-tenths of an inch in height and to balance from sunset to midnight a column of water not less than eight-tenths of an inch in height at the main as near as may be to the junction therewith of the service pipe supplying such consumer.

Pressure of gas.

Testing of Gas.

21. The Undertakers shall within six months after the commencement of this Order cause to be provided at their works and shall thereafter maintain a testing place with apparatus therein according to the provisions of the Gasworks Clauses Act 1871 and the burner to be used for testing gas shall be a Sugg's London Argand No. 1 with a six-inch by one and three-quarter inch glass chimney and if at any time the gas flame tails over the top of the glass a six-inch by two-inch chimney shall be used. Provided that any other description of burner may be used which may for the time being be approved for the purpose by the Board of Trade and any gas examiner appointed under the Gasworks Clauses Act 1871 for the purposes of this Order may subject to the

Testing of gas.

A.D. 1905. *Ystalyfera.* terms of his appointment at such testing place or elsewhere as and when he thinks fit test the pressure at which the gas is supplied and for that purpose may open any street road passage or place (not being the immediate approach to any railway or canal bridge or railway station) vested in or under the control of any local or road authority. 5

Miscellaneous.

Power to refuse to supply persons in debt for other property. 22. If a person requiring a supply of gas from the Undertakers has previously quitted premises at which gas was supplied to him by them without paying to them all gas or meter rent or other moneys due from him to the Undertakers they may refuse to furnish to him a supply of gas until he pays the same. 10

Anti-fluctuators for gas engines. 23. Every consumer of gas supplied by the Undertakers who uses a gas engine shall if required to do so by the Undertakers use an anti-fluctuator and shall at all times at his own expense keep such anti-fluctuator in proper order and if any consumer shall make default in complying with the provisions of this section the Undertakers may cease to supply him with gas. The Undertakers shall have access to and be at liberty to take off remove test inspect and replace any such anti-fluctuator at all reasonable times such taking off removal testing inspecting and replacing to be done at the expense of the Undertakers if the anti-fluctuator be found in proper order but otherwise at the expense of such consumer. 15 20

As to construction and placing of pipes &c. between mains and meters. 24. In order to enable the Undertakers to insure a satisfactory supply of gas to their consumers the following provisions shall have effect :---
 (1) The Undertakers may specify the size and material of the pipes with the fittings thereof which are to be laid by the consumer either in the first instance or on the occasion of any renewal between the Undertakers' mains and the meter and (so far as the same are intended to be covered over) on the consumer's premises : 25
 (2) The Undertakers may if they think fit make different specifications for different classes of premises having regard to the probable maximum consumption of gas thereon at any one time : 30
 (3) The specification shall be published once in each of two newspapers circulating in the limits of supply of the Undertakers and a copy thereof shall be kept exhibited in the office of the Undertakers :
 (4) Every meter to be used in a new building or a building not previously supplied with gas or in connection with a new or substituted pipe laid by the consumer between the main and the consumer's meter shall be placed as near as reasonably practicable to the Undertakers' main but within the outside wall of the building : 35 4)
 (5) When any such pipe or meter as aforesaid has been laid or placed notice thereof shall be given to the Undertakers and the pipe shall not be covered over until the expiration of twenty-four hours from the service of such notice on the Undertakers Any

- officer of the Undertakers duly appointed may between nine o'clock in the morning and five o'clock in the afternoon attend and inspect such pipes (with their fittings) and meter and if the officer is not permitted to make the inspection or if the pipes or fittings are not according to the Undertakers' specification or if the meter is not placed as required by this section the Undertakers may refuse to supply gas to the premises until the provisions of this section have been complied with :
- 5
- 10 (6) Any person to whom the Undertakers refuse a supply of gas under the provisions of this section may appeal to a petty sessional court against such refusal and the court may after hearing the parties and considering any questions as to the reasonableness of the Undertakers' specification make such order as seems to them proper in the circumstances and may order by which of the parties the costs of and incident to the appeal shall be paid.
- 15
25. Twenty-four hours' notice in writing shall be given to the Undertakers by every gas consumer before he shall quit any premises supplied with gas by meter by the Undertakers and in default of such notice the consumer so quitting shall be liable to pay to the Undertakers the money accruing due in respect of such supply up to the next usual period for ascertaining the register of the meter on such premises.
- 20
26. A notice to the Undertakers from a consumer for the discontinuance of a supply of gas shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the office for the time being of the Undertakers.
- 25
27. The Undertakers may contract with any local authority company or persons beyond the limits of supply (but only with the consent in writing of the local authority of and of any company or person supplying gas under parliamentary powers within the district within which the supply is to be afforded) for the supply to them respectively of gas in bulk upon such terms and conditions and for such periods not exceeding seven years from the making of the contract as may be agreed upon.
- 30
28. In the event of any meter used by a consumer of gas being tested in manner provided by the Sale of Gas Act 1859 and being proved to register erroneously within the meaning of the said Act such erroneous registration shall be deemed to have first arisen during the last preceding quarter of the year unless it be proved to have first arisen during the current quarter. The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Undertakers shall be paid by or to the Undertakers to or by the consumer as the case may be and shall be recoverable in like manner as gas rents are recoverable by the Undertakers.
- 35
- 40
29. No penalty shall be incurred by the Undertakers for insufficiency of pressure defect of illuminating power or for excess of impurity in the gas supplied by them in any case in which it is proved that such insufficiency defect or excess was produced by an unavoidable cause or accident.
- 45

A.D. 1905.

Ystalyfera.

Gas consumers to give notice to Undertakers before removing.

Notice of discontinuance.

Power to contract for sale of gas in bulk.

Period of error in defective meters.

No penalty in case of unavoidable cause.

A.D. 1905. *Ystalyfera.* 30. Where any money is deposited by any person by way of security with the Undertakers for the payment to them of any moneys which may become due to them by such person in respect of any supply of gas or of the purchase or hire of any meter the Undertakers shall pay interest at the rate of five pounds per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands. 5

Costs of Order. 31. All the costs charges and expenses of and incidental to the applying for preparing obtaining and confirming this Order and otherwise in relation thereto shall be paid by the Undertakers. 10

SCHEDULES.

SCHEDULE A.

GAS LANDS.

A piece or parcel of land situate in the parish of Llangwicke in the county of Glamorgan containing by admeasurement 2 roods 35 perches or thereabouts and bounded on the north by property belonging to or reputed to belong to Fleming Gough and in the occupation of the Ystalyfera Iron and Tin Plate Company Limited on the south by property belonging to or reputed to belong to Fleming Gough and in the occupation of Ioan Davies on the west by the stream belonging to the Great Western Railway Company and running from the River Tawe to the Swansea Canal on the north and east by an occupation road leading to the gasworks and land in the occupation of Ioan Davies and also by property belonging to or reputed to belong to Fleming Gough. 15 20

SCHEDULE B. 25

The foregoing Order shall after the making by the Board of Trade of an order in pursuance of the provisions in that behalf therein contained prescribing a standard price for gas supplied by the Undertakers with sliding scale as to profits and as from the specified date be read and construed subject to the modifications following:— 30

Sections 30 to 34 of Gasworks Clauses Act 1847 shall cease to be incorporated.

(1) Sections 30 to 34 (both inclusive) of the Gasworks Clauses Act 1847 shall not continue to be incorporated with or form part of the foregoing Order and in construing the said Act for the purposes of the foregoing Order section 35 of the said Act shall be read and construed as though the words from "in case the whole" down to "have been paid" all inclusive had been omitted therefrom and as though the expression "the prescribed rate" 35

[5 EDW. 7.] *Gas and Water Orders Confirmation (No. 2).* 45

included the prescribed rates as defined by the foregoing Order together with any sum which under the provisions of this schedule might lawfully be carried to the insurance fund. A.D. 1905.
Ystalyfera,

(2) Notwithstanding anything contained in the foregoing Order the standard price to be charged by the Undertakers for gas supplied by them to private consumers by meter shall be the price prescribed by such Order of the Board of Trade as aforesaid per thousand cubic feet: Price of gas with sliding scale as to dividend.

Provided that the Undertakers may increase or reduce the price so charged by them for gas above or below the standard price subject to a reduction or increase in the dividend payable by the Undertakers on the ordinary share capital or stock as follows:—

In respect of any year during any part of which the price charged by the Undertakers shall have been one penny or part of a penny above the standard price the dividend payable by the Undertakers shall in respect of each penny or part of a penny by which the price shall have been increased be reduced below the standard rate of dividend by five shillings in every one hundred pounds of ordinary paid-up capital with a ten per centum standard rate of dividend and three shillings and sixpence on every one hundred pounds of such capital with a seven per centum standard rate of dividend and so on in proportion for any fraction of one hundred pounds;

And in respect of any year during the whole of which the price charged by the Undertakers shall have been one penny or more below the standard price the dividend payable by the Undertakers may in respect of each penny by which the standard price has been reduced be increased above the standard rate by five shillings on every one hundred pounds of ordinary paid-up capital with a ten per centum standard rate of dividend and three shillings and sixpence on every one hundred pounds of such capital with a seven per centum standard rate of dividend and so in proportion for any fraction of one hundred pounds.

(3) If the clear profits of the undertaking in any year amount to a larger sum than is sufficient to pay the prescribed rates the excess beyond the sum necessary for that purpose may to the extent of one per centum per annum upon the paid-up capital of the Undertakers be invested in Government or other securities and the dividends and interest arising from such securities shall also be invested in the same or like securities in order that the same may accumulate at compound interest until the fund so formed amounts to a sum equal to one-twentieth part of the paid-up capital of the Undertakers which sum shall form an insurance fund to meet any extraordinary claim demand or charge which may at any time arise against or fall upon the Undertakers from accident strike or other circumstance which in the opinion of a court of summary jurisdiction due care and management could not have prevented and if such fund be at any time reduced it may thereafter be again made up to the said limit as often as such reduction happens Provided that when and

If profits exceed amount limited excess may be invested and form an insurance fund.

A.D. 1905. *Ystalyfera.* so often as the said fund reaches the said limit of one-twentieth part of the paid-up capital the interest thereon shall be carried to the credit of the fund available for dividend. Provided also that resort may be had to the insurance fund to meet any extraordinary claim demand or charge as aforesaid although such fund may at the time have reached or may have been reduced below the full amount of one-twentieth as aforesaid. 5

Application of further excess of profits over prescribed rates. (4) If the clear profits of the undertaking in any year amount to a larger sum than is sufficient to pay the prescribed rates the excess or such portion of it as is not carried to the insurance fund shall be carried to the credit of the divisible profits of the undertaking for the next following year. 10

Power to create a reserve fund and application thereof. (5) Where in any year the prescribed rates on the ordinary capital of the Undertakers exceed the standard rates by reason of the price charged by the Undertakers for gas in such year being below the standard price then out of the amount of the divisible profits of the Undertakers applicable to the payment of such excess of dividends the Undertakers may in such year set apart such sum as they think fit by way of a reserve fund and all sums (if any) so set apart by the Undertakers and any reserve or other fund of a similar character of the Undertakers existing at the specified date in relation to the undertaking may be invested in Government or other securities and the dividends and interest arising from such securities may also be invested in the same or in like securities in order that the same may accumulate at compound interest and the fund so formed shall be called "the reserve fund" and shall be applicable to the payment of dividend in any year in which the clear profits of the Undertakers shall be insufficient to enable the Undertakers in such year to pay the prescribed rates and save as by this schedule specially provided no sum shall in respect of the undertaking in any year be carried by the Undertakers to any reserve fund. 15 20 25

Saving for existing contracts. (6) Nothing in this schedule contained shall alter vary or affect any contract or agreement duly made or any liability incurred or notice given before the specified date with respect to the gasworks of or the supply of gas by the Undertakers. 30

**Gas and Water Orders Confirmation
(No. 2.) Bill [H.L.]**

A M E N D M E N T S

T O B E M O V E D I N C O M M I T T E E

B Y

B Y T H E L O R D P R I V Y S E A L (*M. Salisbury*).

D O R K I N G W A T E R O R D E R.

Clause 9, page 5, line 39, leave out the first ("or") and insert ("of")

T A V I S T O C K G A S O R D E R.

Clause 24, page 23, line 10, leave out ("arbitration") and insert ("arbitrator")

Y S T A L Y F E R A G A S O R D E R.

Clause 14 page 39, line 39, after ("authority") insert ("other than the Glamorganshire County Council")

line 40, leave out ("for the purpose")

line 41, leave out ("of meeting the
" demands for water within the limits of supply")

line 42, after ("their") insert ("mains")
and leave out ("conduits or"), and after ("pipes") insert ("or
" other works in over or upon such lands or works")

line 43, leave out ("or as to any other
" matter herein")

line 44, leave out ("referred to the
" same") and insert ("such difference")

Gas and Water Orders Confirmation (No. 2.) Bill [H.L.]

AMENDMENTS

TO BE MOVED IN COMMITTEE

BY

THE LORD PRIVY SEAL (*M. Salisbury*).

5th June 1905.

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(69 a.)

[5 EDW. 7.] *Glasgow Corporation Order Confirmation.* [H.L.] 1

A

B I L L

INTITULED

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Glasgow Corporation. A.D. 1905.

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

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

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

2. This Act may be cited as the Glasgow Corporation Order Confirmation Act 1905. Short title

A.D. 1905,

SCHEDULE.

GLASGOW CORPORATION.

Provisional Order to extend the Boundaries of the city of Glasgow to authorise the transfer to the Corporation of the Bazaar the Cheese Market the Clothes Market and the Bird and Dog Market and to authorise the Corporation to charge Market Rents Rates and Tolls thereat to authorise the Corporation to register Stables to amend the Glasgow Police Acts 1866 to 1904 to increase certain Police Assessments to authorise the Corporation to borrow money for the purposes of the Order and for other purposes.

WHEREAS the Police Burgh of Kinning Park adjoins the city and Royal burgh of Glasgow (herein-after referred to as "the city") and the town council of the Burgh of Kinning Park have applied to the Corporation of the city (herein-after referred to as "the Corporation") for the incorporation of that burgh with the city and it is expedient that the boundaries of the city should be extended so as to include that burgh:

And whereas the bazaar the cheese market the clothes market and the bird and dog market (herein-after referred to as "the transferred markets") constitute a portion of the Common Good Fund and property of the City and whereas the Corporation also own other markets in the city which are managed by them under the Glasgow Corporation Markets Acts 1865 to 1904 and it is expedient and will be for the public advantage that the transferred markets should form part of the market undertaking of the Corporation under those Acts:

And whereas it is expedient that the Corporation should be authorised to borrow money for the payment to the said Common Good Fund and property of the purchase-price of the transferred markets and for the purpose of enlarging extending and improving those markets:

And whereas many of the stables in the city are in an insanitary condition and badly constructed and ventilated and are

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dangerous to the health of horses and other animals kept therein and to the health of the community and it is expedient that the Corporation should be authorised to keep a register of and to inspect all stables within the city and to require such stables to
 5 be registered in terms of the provisions of this Order and to be constructed and kept in accordance with byelaws to be made by the Corporation :

A.D. 1905.

And whereas it is expedient that the other powers in this Order mentioned with reference to the registering and inspecting of
 10 stables should be conferred on the Corporation :

And whereas it is expedient that further provision should be made for the recovery by the Corporation of their assessments rates rents and charges in arrear and that the Corporation should be authorised to levy increased assessments for police purposes
 15 and that the agreement between the Corporation and the county council of the County of Renfrew and the First or Upper District Committee of that county with reference to sewage works set forth in the Fourth Schedule to this Order should be confirmed and that the Corporation should be authorised to borrow further
 20 moneys for the purposes of that agreement :

And whereas the Corporation under the provisions of the Glasgow Corporation Gas Acts 1869 to 1902 were authorised to borrow various sums of money amounting in the whole to three million two hundred thousand pounds and these borrowing powers
 25 have become exhausted by the application with the sanction of the Secretary for Scotland of one million four hundred thousand pounds of the said sum for the purposes of the electricity undertaking of the Corporation and by the expenditure already involved in connection with the gas undertaking of the Corporation and
 30 the erection of the first section of the new Provan Gas Works And whereas it is expedient that the Corporation should be authorised to borrow further moneys for the purpose of completing that section of the said works for the erection of the remaining sections thereof for laying additional mains and for other purposes in
 35 connection with the gas undertaking of the Corporation :

And whereas for the other purposes of this Order it is expedient that the Corporation should be authorised to raise further moneys :

(122.)

A. 2

4 *Glasgow Corporation Order Confirmation.* [5 EDW. 7.]

A.D. 1905.

And whereas it is expedient that certain of the Acts and Orders relating to the city should be repealed or amended as by this Order provided including the sections and portions of sections of the said Acts and Orders specified in the First Schedule to this Order :

5

And whereas it is expedient that the other powers in this Order contained should be conferred upon 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
and citations.

1. This Order may be cited as the Glasgow Corporation Order 1905. 15

This Order and the Glasgow Corporation Markets Acts 1865 to 1904 may be cited together as the Glasgow Corporation Markets Acts 1865 to 1905.

This Order and the Glasgow Police Acts 1866 to 1904, may be cited together as the Glasgow Police Acts 1866 to 1905. 20

This Order and the Glasgow Sewage Acts 1891 to 1904 may be cited together as the Glasgow Sewage Acts 1891 to 1905.

This Order and the Glasgow Corporation Waterworks Acts 1855 to 1902 may be cited together as the Glasgow Corporation Waterworks Acts 1855 to 1905. 25

This Order and the Glasgow Corporation Gas Acts 1869 to 1902 may be cited together as the Glasgow Corporation Gas Acts 1869 to 1905.

This Order and the Glasgow Corporation Parks Acts 1878 to 1903 may be cited together as the Glasgow Corporation Parks Acts 1878 to 1905. 30

This Order and the Glasgow Corporation Acts 1855 to 1904 and any other Order or Act passed during the present session of Parliament relating to the Corporation may be cited together as the Glasgow Corporation Acts 1855 to 1905. 35

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

A.D. 1905.

Part I.—Preliminary.

Order
divided into
Parts.

Part II.—Extension of Boundaries.

Part III.—Markets.

5 Part IV.—Stables.

Part V.—Police.

Part VI.—Gas.

Part VII.—Parks.

10 Part VIII.—Water.

Part IX.—Miscellaneous.

PART I.

PRELIMINARY.

3. In this Order the following words and expressions have the meanings hereby assigned to them :—

Interpreta-
tion.

15 “The existing city” means the city and Royal burgh of Glasgow existing immediately prior to the annexation provided by this Order ;

“The city” means the existing city as extended by this Order ;

20 “The Corporation” means the Corporation of the existing city or of the city as the case may be ;

“The town clerk” means the town clerk of the city ;

“The sheriff” means the sheriff of the county of Lanark ;

“The added area” means the area lands and territory of the police burgh of Kinning Park herein-after described ;

25 “The town council” means the town council of the added area ;

“The Act of 1866” means the Glasgow Police Act 1866 ;

“The Police Acts” means the Glasgow Police Acts 1866 to 1904 ;

30 “The Loans Act” means the Glasgow Corporation Loans Act 1883 and any Act amending the same ;

“The loans fund” means the loans fund provided by the Loans Act ;

35 “The Sewage Acts” means the Glasgow Sewage Acts 1891 to 1904 ;

A.D. 1905.

- “Sewage purposes” means the carrying into execution the provisions of the Police Acts and of the Public Health (Scotland) Act 1897 and any Act amending the same with respect to sewage purification and the treatment and disposal of sewage or the products thereof; 5
- “Police purposes” means any purposes of the Police Acts except sewage purposes;
- “The Act of 1891” means the City of Glasgow Act 1891;
- “The Election Acts” means the Acts in force for the time being relating to the registration of parliamentary and municipal voters and the election of town councillors for the city; 10
- “The Valuation Acts” means the Lands Valuation (Scotland) Act 1854 and any Act amending the same;
- “Office” includes any place situation or employment; 15
- “The Markets Acts” means the Glasgow Corporation Markets Acts 1865 to 1904;
- “The Diseases of Animals Acts” means the Diseases of Animals Acts 1894 to 1903 and any Act amending the same; 20
- “The bazaar” means the bazaar or market now situate in Candleriggs Ingram Street Bell Street Albion Street and Walls Street in the city for the sale of fruits vegetables and flowers;
- “The cheese market” means the market now situate in Albion Street in the city for the sale of cheese; 25
- “The clothes market” means the market now situate in Greendyke Street and Lanark Street in the city for the sale of clothes;
- “The bird and dog market” means the market now situate in Jail Square in the city for the sale of birds dogs and other animals; 30
- “The transferred markets” means the bazaar the cheese market the clothes market and the bird and dog market and the shops and other premises connected therewith. 31

A.D. 1905.

PART II.

EXTENSION OF BOUNDARIES.

4. This Part of this Order shall except as herein-after provided
 5 come into operation on the first Tuesday of November one thousand
 nine hundred and five (which date is herein-after referred to as
 "the annexation").
5. The city shall comprehend in addition to the area lands
 and territory embraced within the existing city the added area
 (that is to say):—
- 10 The police burgh of Kinning Park as defined on the Ordnance
 Survey plans on the scale of $\frac{1}{15000}$ or 10·56 feet to one mile
 surveyed in 1893-4 and numbered VI. 10-17 22 and 23 and
 VI. 14-1 2 3 6 7 and 8.
- 15 Provided always that the rules prescribed by section 5
 (Boundaries of cities burghs and towns—Rules for the con-
 struction of the descriptions contained in the Schedule (M)) of
 the Representation of the People (Scotland) Act 1832 shall be
 observed and receive effect with reference to the boundaries
 above set forth.
- 20 6. A map of the city signed by the Secretary for Scotland
 shall within one month after the passing of the Act confirming this
 Order be deposited with the town clerk and five similar maps so
 signed shall be respectively deposited in the office at Glasgow of
 the sheriff clerk of the county of Lanark in the office of the
 25 Secretary for Scotland in the office of the Board of Agriculture and
 Fisheries in the office of the Clerk of the Parliaments House of
 Lords and in the Private Bill Office House of Commons.
- 30 7. For all purposes other than for the purposes of Parlia-
 mentary elections the added area shall subject to the provisions
 of this Order be incorporated with and form part of the city and
 the county of the city of Glasgow and be disjoined from the county
 of Lanark.

Commence-
ment of this
Part of
Order.Annexation
of Kinning
Park to City.Deposit of
map.Added area
to form part
of city and
county of
Glasgow.

- A.D. 1905.**
Added area to form a municipal ward.
8. The added area shall form a separate and additional municipal ward of the city to be called the Kinning Park Ward and be numbered twenty-six Provided that if and when there is a redistribution of the municipal wards of the city and if the added area is not retained as a separate municipal ward the ward of which the added area or a portion thereof is to form a part shall be called the Kinning Park Ward. 5
- Number of councillors.**
9. The number of councillors for the Kinning Park Ward shall be three and the total number of councillors for the city shall be increased accordingly and section 18 (Dean of Guild and Deacon Convener to be members of council) of the Act of 1891 shall be read and have effect as if the word "eighty" were substituted for the word "seventy-seven" therein. 10
- Election of councillors.**
10. On the first Tuesday of November one thousand nine hundred and five being the day appointed for the annual election of councillors for the city the electors for the Kinning Park Ward shall elect from among the persons qualified to be councillors the three councillors to be elected at that time and such first election and all succeeding elections of councillors in that ward shall be conducted in all respects in the manner directed by the Election Acts, so far as those Acts are applicable to the city. 15 20
- Qualification of electors.**
11. The right of electing the councillors for the Kinning Park Ward shall be in and belong to all such persons as have or shall have within that ward the qualifications for voting at municipal elections specified and described in the Election Acts. 25
- Procedure for first election.**
12. For the purpose of the first election of councillors for the Kinning Park Ward the added area shall notwithstanding anything in this Part of this Order contained be deemed to be a part of the city for making up the valuation roll and the register of voters and for all proceedings that require to be taken in connection with such election prior to the date of the election. 30
- Sheriff may vary procedure for first election.**
13. In the event of circumstances arising in connection with the first election of councillors for the Kinning Park Ward which may render it necessary or expedient to vary any date prescribed by or in pursuance of the provisions of the Election Acts or this Order or any other matter arising thereunder the sheriff may on the application of the town clerk sanction such variance or such procedure as shall in his judgment be best fitted to meet the circumstances of the case and the whole procedure following upon such sanction shall be valid and unchallengeable. 35 40

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14. The assessor for the city under the Valuation Acts at the same time as he makes up the valuation roll for the existing city for the year from and after the term of Whitsunday immediately previous to the annexation shall make up a valuation roll for the added area and the same procedure or as near thereto as circumstances admit shall be applicable and be followed in reference to such roll as is provided by the said Acts in relation to the said roll for the existing city and the said valuation roll for the added area together with the valuation roll for the added area for the said year made up by the assessor of railways and canals under the Valuation Acts shall be the valuation roll for the added area under the said Acts and all other Acts general or local. Provided that so long as it shall be necessary to include the lands and heritages in the added area within the county of Renfrew for the purposes of the Election Acts so far as relating to the registration of parliamentary voters for that county the assessor for the city shall in matters relating to the registration of such voters give to the assessor for the said county access to and the use within the office of the assessor for the city of all books and schedules necessary to enable him to make up his list of county voters for the added area.

A.D. 1905.
Valuation
roll.

15. The assessor for the city under the Election Acts at the same time as he makes up for the existing city for the year from the thirty-first day of October after the passing of the Act confirming this Order the register of voters for Members of Parliament and the register and lists of voters for municipal elections in the existing city shall make out a list of all persons in the added area who shall be entitled to vote in the election of councillors for the added area and the same procedure or as near thereto as circumstances admit shall be applicable and be followed in reference to such list as is provided by the said Acts in relation to the said register of voters for Members of Parliament and the said register and lists of voters for municipal elections. And on such list being completed and lodged with the town clerk he shall sign the same and it shall be the list on which the said first election shall be conducted and the list on which the nominations of councillors at that election shall be made. And the last-mentioned list and the said registers and lists of voters for the existing city shall together form the list or roll of persons entitled to vote at the next ensuing municipal election for the city. And in order to enable him to make up the said list for the added area the assessor for the city

Register of
voters.

(122.)

B

A.D. 1905. shall be entitled to access to the books and schedules of the assessor for the county of Renfrew so far as they relate to the added area and that assessor shall give the assessor for the city all necessary and reasonable facilities for that purpose.

Trusts
vested in
Corporation.

16. All mortifications endowments trusts charitable bequests or other grants held or administered by the town council or any of the magistrates councillors or office bearers thereof as such shall subject to the liabilities to which the same are legally subject be vested in held and administered by the Corporation or by the magistrates councillors or office bearers of the city or by so many of their number to be chosen by them for that purpose as are appointed by the acts or deeds under which such mortifications endowments trusts bequests or other grants are constituted for the purposes and with the rights powers and authority and subject to all the conditions and provisions under and upon which the same were conveyed granted or settled.

Jurisdictions
extended
over added
area.

17. The Corporation the lord provost the magistrates the judges in the police courts and the dean of guild of the existing city and their respective courts shall have possess and exercise the same jurisdictions rights and authorities and powers of assessment respectively in and over the city and over the inhabitants thereof as they and their respective courts have possess and exercise in their several characters and capacities within the existing city and that whether at common law or by statute.

Officers in
existing
City.

18. The several officers of the Corporation shall have possess and exercise in their several characters and capacities the same powers rights and authorities in and over the city as they have possess and exercise in their several characters and capacities within the existing city and that whether at common law or by statute but without prejudice to the right of the Corporation to make such arrangements in regard to the said officers and their respective duties as they may at present make with reference to the officers of the existing city.

Separate
jurisdictions
to cease.

19. Subject to the provisions of this Order and in so far as necessary to give full effect thereto all separate magistracies councils commissions authorities and jurisdictions within the added area shall cease and determine Provided that all actions or processes in dependence before the courts of such jurisdictions other than the Dean of Guild Court shall be adjudged and disposed of

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by the courts of the city to whom all such actions and processes shall according to the subject-matter thereof by virtue of this Order be transferred. A.D. 1905.

20. The lands buildings sewers lamps lamp posts pipes mains plant and all other property assets and powers of every description vested in held by or due or belonging to the town council shall by virtue of this Order be transferred to and vested in be held by and be due and belong to the Corporation and shall form part of the property and assets of the Corporation for all the estate and interest therein of the town council and shall be received held and enjoyed by the Corporation accordingly and the powers duties and liabilities of the town council shall by virtue of this Order be transferred and attach to the Corporation and shall form part of the powers duties and liabilities of the Corporation and be enjoyed exercised paid discharged and performed by them. Provided that the Corporation shall determine any question which shall arise as to the department of the Corporation to which any part of such property ought to belong and any question as to the fund of the Corporation out of which such liabilities and obligations shall be defrayed.

Transfer of property and liabilities.

21. All rates and assessments which shall have been levied by the town council by virtue of any Act in operation within the added area and remaining unpaid together with all arrears and costs and all debts expenses and penalties incurred and due by any person to the town council shall be recoverable by the Corporation in accordance with the practice obtaining within the existing city.

Recovery of rates debts and penalties.

22. All books and documents kept by the town council shall belong and be transferred to the Corporation and in so far as they would at the annexation be receivable in evidence shall be admitted as evidence in all courts and proceedings notwithstanding the cesser of the powers rights and jurisdictions of the town council.

Books to be evidence.

23. The public and general or local and personal Acts affecting the existing city shall be exercised over and be applicable to the city.

Application of general and local Acts.

24. Section 3 (Special provisions affecting Glasgow (Kinning Park) Order) of the Electric Lighting Orders Confirmation (No. 5) Act 1902 and the Glasgow (Kinning Park) Electric Lighting Order 1902 scheduled to and confirmed by that Act are hereby repealed.

Repeal of Glasgow (Kinning Park) Electric Lighting Order.

A.D. 1905.
Transfer of
roads streets
and foot-
paths.

25.—(1) All roads highways streets footpaths lanes and courts in the added area vested in the town council shall by virtue of this Order be transferred to and vested in the Corporation and shall be subject to the provisions of the Police Acts.

(2) All roads and streets in the added area which the town council have taken over or by minute have agreed to take over and maintain as public roads and streets shall be entered in the register of public streets of the city and shall thereafter be maintained by the Corporation as public streets subject to the provisions of the Police Acts. 5 10

(3) All footpaths in the added area which the town council by minute have taken over or agreed to take over and maintain shall be taken over and maintained by the Corporation.

(4) Section 315 of the Act of 1866 shall not apply to any road or street in the added area. 15

(5) Wherever the town council shall have required any private street in the added area to be freed from obstruction levelled paved or causewayed or flagged and channelled in terms of the Burgh Police (Scotland) Acts 1892 to 1903 or have themselves taken steps for that purpose the Corporation may take up prosecute and complete the proceedings authorised by and commenced under those Acts in the same way and to the same extent as the town council might have done. 20

Deductions
from assess-
ments for
limited
period.

26. The Corporation shall impose and levy upon all lands and heritages in the added area the same rates and assessments as they impose and levy in the existing city and sub-section (4) of section 36 (Special provisions with respect to Kinning Park) of the Glasgow Corporation (Sewage &c.) Act 1898 is hereby repealed Provided that during the period of five years from and after the term of Whitsunday immediately preceding the annexation a deduction of ten per centum per annum shall be made from such rates and assessments on the lands and heritages in the added area but such deduction shall not apply to rates and charges leviabie under the Glasgow Corporation Waterworks Acts 1855 to 1902 or to the assessments chargeable under the Police Acts for cleansing and lighting private streets and courts and lighting common stairs. 25 30 35

Levying
assessments
&c.

27. The Corporation at the same time as they impose and levy upon all lands and heritages in the existing city the rates and assessments for the year from and after the term of Whitsunday

[5 Edw. 7.] *Glasgow Corporation Order Confirmation.* 13

immediately preceding the annexation shall impose and levy the rates and assessments to be charged in the added area for that year and the Corporation shall issue such notices and adopt such proceedings as may be necessary for that purpose and except
5 as herein-after provided no assessing authority other than the Corporation shall impose or levy assessments for that year in the added area.

A.D. 1905.

28.—(1) For the period between the term of Whitsunday immediately preceding the annexation and the annexation the
10 Corporation shall pay to the county council of the county of Lanark a sum equal to one-half of the amount which would have been realised by the said county council from the rates and assessments imposed by them upon lands and heritages within the
15 and the Corporation shall allocate the sum so paid over to the said county council against the several assessments imposed by them in their several capacities in such proportions as they shall determine.

Payments to
Lanarkshire
County
Council.

(2) The Corporation shall on the fifteenth day of May one thousand nine hundred and six pay to the county council of the
20 county of Lanark the sum of one thousand five hundred pounds which sum shall be accepted by the said county council as in full satisfaction of all claims competent to them and not otherwise provided for in this section and also as in full of all and every
25 claim for compensation by officers or servants of the said county council (excepting always the present county clerk of the said county and the present collector of consolidated county rates for the Lower Ward collection district of the said county) in respect of
30 loss or diminution of salaries or emoluments consequent upon the annexation to the city of the added area with interest at the rate of five pounds per centum per annum from the date of payment above specified until paid which sum mentioned in this sub-section shall be applied by the said county council for behoof of the county in such manner as they may appoint. On payment of the said
35 sum to the said county council the Corporation shall be freed and discharged of all claims in this sub-section referred to except as herein-before in this sub-section provided.

29. The Corporation shall on the fifteenth day of May one thousand nine hundred and six and annually thereafter on the
40 fifteenth day of May so long as the added area shall continue to be part of the county of Renfrew for the purposes of parliamentary

Payment to
Renfrew-
shire County
Council.

14 *Glasgow Corporation Order Confirmation.* [5 Edw. 7.]

- A.D. 1905. elections pay to the county council of the said county such proportion of the expenses payable by them for the registration of parliamentary voters in the added area as the number of such voters registered yearly in the added area shall bear to the total number of parliamentary voters registered yearly in the division 5 of the said county in which the added area is situated.
- Portion of Shields Road to be paved. 30. The Corporation shall within five years from the annexation pave with square dressed sets for a width of eighteen feet a part of the roadway of that portion of Shields Road between Shields Station and Scotland Street in so far as not already paved. 10
- Burgh buildings halls baths and library. 31. The Corporation shall maintain in the added area the buildings at present known as the Burgh Buildings Public Halls Public Baths and Library and those buildings shall be available for public meetings and other purposes subject to such regulations and conditions as may be made by the Corporation. 15
- Recreation ground. 32. The Corporation shall if they can do so on terms which they consider reasonable acquire a suitable piece of ground in the added area to be used as a recreation ground for children subject to such regulations and conditions as may be made by the Corporation. 20
- Washhouses lighting and lavatory. 33. The Corporation shall within five years from the annexation—(1) construct and thereafter maintain one public washhouse in the added area (2) light the public streets in the added area in a like manner to streets of similar character in the existing city and (3) construct and thereafter maintain one underground public lavatory in the added area. 25
- Officers and servants. 34. The several officers or servants of the town council who perform any duties in respect of business transferred to the Corporation by or in pursuance of this Part of this Order shall unless and until otherwise determined by the Corporation continue to discharge their respective duties as officers or servants of the Corporation Provided that— 30
- (1) Any constable belonging to the police force of the added area shall become a constable of the city:
- (2) The Corporation may distribute the business to be performed by the said officers or servants in such manner as they may think expedient and every such officer or servant shall perform such duties in relation to that business as may be directed by the Corporation but 35

if the duties of any such officer or servant can only be regulated subject to the consent of some specified authority other than the town council such consent shall be obtained before any change in his duties is directed by the Corporation : A.D. 1905.

5 (3) The Corporation may abolish the office of any such officer or servant whose office they may deem unnecessary but such officer or servant shall be entitled to compensation under this Part of this Order :

10 (4) If any such officer or servant can only be removed from office with the consent of some specified authority other than the town council such consent shall be obtained before such officer or servant is so removed unless such officer or servant otherwise agrees with the Corporation :

15 (5) The said officers and servants so transferred to the Corporation shall hold their offices by the same tenure and upon the same terms and conditions as if the Act confirming this Order had not been passed and while performing the same duties shall receive not less salaries or remuneration and be entitled to not less pension (if any) than they would have been entitled to claim and receive if the Act confirming this Order had not been passed.

25 35. Except as in this Order otherwise provided—

(1) Every officer declared by this Part of this Order to be entitled to compensation and every other officer who by virtue of anything done in pursuance of or in consequence of this Part of this Order suffers any direct pecuniary loss by abolition of office or by diminution or loss of salary or fees shall be entitled to have compensation paid to him for such loss by the Corporation regard being had to the conditions on which the appointment was made to the nature of his office to the duration of his service and to any additional emoluments which he acquires by virtue of anything done in pursuance of or in consequence of this Part of this Order and to the emoluments which he might have acquired if he had not refused to accept any office offered by the Corporation and

Compensation to officers.

A.D. 1905.
—

to all other circumstances of the case and the compensation shall not exceed the amount which under the Acts and Rules relating to His Majesty's Civil Service is paid to a person on abolition of office :

- (2) Every person who is entitled to compensation as before 5 provided shall deliver to the Corporation a claim under his hand setting forth the whole amount received and expended by him or his predecessors in office in every year during the period of five years immediately preceding the annexation on account of 10 the emoluments for which he claims compensation distinguishing the offices in respect of which the same have been received and accompanied by a statutory declaration that the same is a true statement according to the best of his knowledge information 15 and belief Provided that it shall not be competent for any person to make any claim for compensation on the expiration of two years after the annexation :
- (3) Such statement shall be submitted to the Corporation who forthwith shall take the same into consideration 20 assess the just amount of compensation (if any) and inform the claimant of their decision :
- (4) If any claimant is aggrieved by the decision of the Corporation on his application for compensation or if not less than one-third of the members of the 25 Corporation subscribe a protest against the amount of the compensation as being excessive the claimant or any subscriber to such protest as the case may be may within three months after such decision appeal to the Secretary for Scotland who shall after 30 such inquiry as he shall think proper consider the case and determine whether any compensation and if so what amount ought to be granted to the claimant and such determination shall be final :
- (5) If any claimant is required by the Corporation so to 35 do he shall attend at a meeting of the Corporation and answer upon oath (which the chairman at the meeting may administer) all questions touching the matter set forth in the claim and shall produce all 40 books papers and documents in his possession or under his control relating to such claim :

[5 EDW. 7.] *Glasgow Corporation Order Confirmation.* 17

(6) The sum granted as compensation to any claimant shall be payable on the expiration of three months after the date of the decision of the Corporation granting the compensation or in case of appeal to the Secretary for Scotland within fourteen days of the receipt by the Corporation of his determination and shall be a debt due from the Corporation and may be enforced accordingly in like manner as if the Corporation had entered into a bond to pay the same : A.D. 1905.

(7) If any claimant receiving compensation is appointed to any office under the Corporation or if by virtue of this Part of this Order or anything done in pursuance or in consequence thereof he receives any increase of emoluments of the office held by him he shall not while receiving the emoluments of that office receive compensation to a greater amount if any than with the emoluments of the said office is equal to the emoluments for which compensation was granted to him and if the emoluments of the office he holds are equal to or greater than the emoluments for which compensation was granted his compensation shall be suspended while he holds such office.

36. The Corporation may borrow for the purpose of this Part of this Order and in the manner authorised by the Police Acts or by the Loans Act such sum (not exceeding in the whole the amount of the debts and obligations of the Town Council which by this Order they are required to take over and pay and also of such expenditure as may be necessary to put the added area in a satisfactory condition as regards police and sanitary appliances and for the exercise of any of the powers by this Part of this Order conferred on them) as may be ascertained and determined by the Secretary for Scotland by a certificate under his hand and the amount so ascertained and determined shall be dealt with and regarded as if such amount were specified in this section as the amount hereby authorised to be borrowed. The Corporation may again borrow any sums which may be repaid by them by other means than by the sinking funds provided by this Part of this Order or out of the proceeds of the sale of lands or other receipts of the nature of capital other than borrowed money and any moneys so re-borrowed by them shall be deemed to have been

A.D. 1905. — borrowed under the powers and for the purposes of the Police Acts and this Part of this Order and shall form part of the moneys authorised to be borrowed under the Police Acts and this Part of this Order and the maximum amount which may be borrowed under the Police Acts is hereby increased accordingly. 5

Sinking funds.

37. The Corporation shall during the year ending the thirty-first day of May one thousand nine hundred and seven and annually thereafter set apart out of the revenue received by them under the Police Acts and this Part of this Order and pay into the Loans Fund sinking funds at the several rates applicable under the Police Acts to the respective purposes for which the money has been borrowed and in no case less than two pounds ten shillings per centum on the amounts borrowed by them under the authority of this Part of this Order as at the thirty-first day of May preceding and not paid off by other means than by sinking fund The Corporation shall apply such sinking funds in repayment of the amounts so borrowed. 10 15

Assessments.

38. The assessments authorised by the Police Acts and the Act of 1891 shall extend and apply to the money which the Corporation by this Part of this Order are authorised to borrow. 20

39. Nothing in this Part of this Order shall affect—

Teinds not affected.

(a) The teinds payable out of the lands situated within the city or the rights privileges and emoluments of the ministers kirk sessions schoolmasters and session clerks of the parishes within the same or the parish councils of the said parishes; 25

Parish council not affected.

(b) The settlement of the poor and their consequent right to claim relief; the power to impose rates or assessments for their relief; and the mode of laying on levying distributing or managing poors rates or assessments; or 30

Tenures and records not affected.

(c) The holdings or tenure of any lands or heritages or the records wherein the rights thereof or any deed or writing affecting the same may be registered.

County councils' assessments.

40. Nothing in this Part of this Order shall prejudice or interfere with the rights and powers of the county councils of the counties of Lanark and Renfrew respectively to recover all 35

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arrears of assessment imposed by and due to them or either of them in respect of subjects within the added area for any year prior to Whitsunday one thousand nine hundred and five. A.D. 1905.

41. Nothing in this Part of this Order shall prejudice or affect any securities granted before the annexation by the town council on the credit of any property belonging to them and by this Order transferred to the Corporation or of any rate legally leviable within the added area and all such securities as well as all unsecured debts liabilities and obligations incurred by the town council in the exercise of any powers or in relation to any property by this Order transferred to the Corporation shall be discharged paid and satisfied by the Corporation. Existing securities and debts.

42.—(1) No action arbitration prosecution or proceeding commenced pending or existing by or against the town council in relation to any powers duties liabilities or property by this Part of this Order transferred to the Corporation shall in anywise abate or be discontinued or prejudicially affected by reason of the passing of the Act confirming this Order but may be continued prosecuted and enforced by or in favour of or against the Corporation as successors of the town council as fully as if the Act confirming this Order had not been passed. Actions &c. not to abate.

(2) All deeds contracts bonds agreements and other instruments entered into or made and subsisting and affecting any such powers duties liabilities or property of the town council shall be of as full force and effect against or in favour of the Corporation and may be enforced as fully as if instead of the town council the Corporation had been a party thereto. Saving for deeds &c.

43.—(1) The provisions of Part I. of the Second Schedule to the Licensing (Scotland) Act 1903 (in this section referred to as "the Act of 1903") prescribing the constitution of the appeal court therein referred to for the county of the lower ward of Lanark shall be read and have effect as if all reference to the burgh of Kinning Park were omitted therefrom and as if the total number of the Court were six consisting of three magistrates of the royal burgh of Rutherglen and three justices of the peace of the county of Lanark. Licensing appeal court for Rutherglen.

(2) The three magistrates of the burgh of Kinning Park now holding office as members of such court shall on the annexation cease to be members of that court.

A.D. 1905.

(3) The three magistrates of the royal burgh of Rutherglen now holding office as members of such court shall after the annexation continue to be members of that court as if the Act confirming this Order had not been passed.

(4) The six justices of the peace for the county of Lanark now holding office as members of such court shall on the annexation cease to be members of that court and such six justices shall as soon as may be after the annexation select from among themselves three of their number to be members of that court and if they are unable to agree as to the three members to be selected three casual vacancies shall be deemed to have arisen and shall be filled up in manner provided by section 5 sub-section (6) of the Act of 1903.

(5) Nothing in this section shall prejudice or affect the provisions of section 10 (Supplemental and local provisions) of the Act of 1903.

PART III.

MARKETS.

Commence-
ment of
Order as to
markets.
Transfer of
markets.

44. This Part of this Order shall come into operation on the first day of June one thousand nine hundred and six.

45.—(1) The transferred markets and the whole authorities jurisdictions duties obligations rights powers and privileges belonging to or incumbent on the Corporation in respect thereof as administrators of the common good fund and property of the city and all the lands feu-duties ground annuals rents funds money estates and effects claims and demands whatsoever in relation thereto are hereby transferred to and vested in the Corporation acting in execution of the Markets Acts as if the transferred markets had been among the markets mentioned in those Acts and subject to the provisions of the immediately succeeding section of this Order those Acts shall for all purposes extend and apply to the transferred markets.

(2) In respect of such transfer the Corporation acting in execution of the Markets Acts shall pay to the Corporation as administrators of the common good fund and property of the city a sum equal to the value of the transferred markets as such value may be determined by a property valuator carrying on business in Glasgow to be appointed on the application of the Corporation by the Secretary for Scotland and the sum so paid shall be applied by the Corporation as administrators of the common good fund and property of the city in reduction of their debt.

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46. Section 13 (Sales elsewhere than in markets prohibited under a penalty not exceeding forty shillings) of the Markets and Fairs Clauses Act 1847 and section 24 (Sales elsewhere than in markets of the Corporation) of the Glasgow Corporation (Tramways &c.) Order 1904 shall not apply to the transferred markets. A.D. 1905.
Certain enactments excepted as regards transfer.
47. All existing byelaws rules regulations orders and licences relating to the transferred markets shall notwithstanding the transfer by this Part of this Order authorised continue in force until repealed altered or revoked or until their expiration and may be enforced in like manner as if made for like purposes respectively under the provisions of the Markets Acts. Existing byelaws &c.
48. No action arbitration prosecution or proceeding commenced pending or existing by or against the Corporation in relation to any of the transferred markets shall in anywise abate or be discontinued or prejudicially affected by reason of the passing of the Act confirming this Order but may be continued prosecuted and enforced by or in favour of or against the Corporation as fully as if the Act confirming this Order had not been passed. Actions &c. respecting markets not to abate.
49. The persons who at the commencement of this Part of this Order are officers or servants of the Corporation in respect of the transferred markets shall from and after that date unless and until otherwise determined by the Corporation continue to discharge their respective duties as officers or servants of the Corporation under the Markets Acts and shall be subject to the same conditions and obligations and to the same powers of removal and rules and restrictions and shall possess the same rights in all respects as if the Act confirming this Order had not been passed and all bonds or securities for the acts and intromissions of such officers or servants shall continue and be enforceable by the Corporation. Existing officers to continue.
50. All bonds assignments leases grants conveyances or other deeds or securities made or granted to or by any person shall in so far as the same relate to the Corporation in respect of the transferred markets be as good valid and effectual to all intents and purposes as if the transfer by this Part of this Order authorised had not been made and all debts contracted and all contracts entered into by the Corporation in respect of the transferred markets shall remain valid and be binding upon the Corporation as fully as if the Act confirming this Order had not been passed. Bonds &c. to remain valid.
51. All debts expenses and penalties incurred and due by any person in respect of the transferred markets shall be recoverable by Recovery of debts and penalties.

A.D. 1905. — the Corporation in the like manner and to the same extent as if the Act confirming this Order had not been passed.

Rents &c.
for markets.

52. The Corporation may demand and take such rents rates tolls dues and stallages for the transferred markets as may be agreed upon between the Corporation and the persons using the same. 5

Separate ac-
counts to be
kept.

53. The Corporation shall keep separate capital and revenue accounts in respect of the transferred markets and shall charge the revenue accounts of these markets with their due proportion of general management expenses and shall not apply any revenue or past accumulations of revenue derived from the markets which previous to the commencement of this Part of this Order were vested in them under the Markets Acts for the purpose of— 10

- (1) Making good any deficiency in the revenue of the transferred markets; 15
- (2) Paying off any sums borrowed or expended or to be borrowed or expended in respect of the transferred markets; nor
- (3) Paying any interest or instalment of sinking fund or other charges upon any sums borrowed or expended or to be borrowed or expended in respect of the transferred markets. 20

Markets
borrowing
powers.

54. The Corporation may borrow for the purposes of this Part of this Order and in the manner authorised by the Markets Acts or by the Loans Act any sums of money not exceeding two hundred and fifty thousand pounds and they may again borrow any sums which may be repaid by them by other means than by the sinking fund provided by this Part of this Order or out of the proceeds of the sale of lands or other receipts of the nature of capital other than borrowed money and any moneys so reborrowed by them shall be deemed to have been borrowed under the powers and for the purposes of this Part of this Order. 25 30

Markets
sinking fund.

55. The Corporation shall during the year ending the thirty-first day of May one thousand nine hundred and seven and annually thereafter set apart out of the revenue received by them under this Part of this Order and pay into the loans fund as a sinking fund on the amount borrowed by them under this Part of this Order as at the thirty-first day of May preceding and not 35

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paid off by other means than by sinking fund 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 apply such sinking fund in repayment of the
5 amounts so borrowed.

A.D. 1905.

56. Any money for land or property sold or any money otherwise of the nature of capital received by the Corporation under this Part of this Order shall be applied by them in paying off money borrowed by them under the provisions of this Part
10 of this Order.

Application of money received for markets land &c.

PART IV.

STABLES.

57. This Part of this Order shall except as herein-after provided come into operation on the expiry of a period of six months from
15 the date on which the first byelaws with regard to stables herein-after referred to shall be approved of by the Board of Agriculture and Fisheries.

Commencement of Order as to stables.

58. The Corporation shall cause to be made up and kept as herein-after provided a register of all premises in the City occupied
20 as stables (in this Part of this Order referred to as "the register") which register shall from time to time be revised and corrected and shall contain the following particulars with regard to every stable to be registered as herein-after provided (that is to say):—

Register of stables.

- (1) The situation and boundaries of the premises;
- 25 (2) The name and address of the owner or factor of the premises;
- (3) The name and address of the tenant or occupant of the premises and particulars of the tenure under which the premises are occupied;
- 30 (4) A short description of the premises and of the accommodation therein and information with regard to cubical contents construction water supply drainage lighting ventilation sanitary arrangements and the proximity of the stables to dwelling-houses or other buildings;
- 35 (5) The maximum number of horses mules or asses which may be kept in the premises.

A.D. 1905.
Opening of
register.

59. The Corporation shall during four successive weeks give notice by advertisement once weekly in one or more newspapers published and circulating in the city of the date upon and after which the register will be open.

No stable to
be used until
notice given.

60. After the date at which the register has been opened it shall not be lawful for any person to occupy any premises in the city as a stable unless and until the occupier of such premises has in accordance with the provisions of this Part of this Order given to the Corporation notice of his intention to so occupy the premises. 5
10

Registration
to be applied
for.

61. Every person occupying or intending to occupy any premises in the city as a stable shall apply to the Corporation to have the premises entered on the register and every person applying for registration shall fill up and lodge with the officer specially appointed for the purpose by the Corporation a notice in the form contained in the Second Schedule to this Order or as near thereto as circumstances admit. A printed form of such notice shall be supplied gratis by the Corporation to intending applicants. The Corporation on receipt of such notice shall cause such premises to be entered on the register and shall cause a certificate of registration to be issued in the form contained in the Third Schedule to this Order or as near thereto as circumstances admit. 15
20

Inspection of
stables.

62. All owners and occupiers of stables in the city shall afford any officer specially appointed for the purpose by the Corporation—

- (1) access to their stables at all reasonable times for the purpose of inspecting such stables; and 25
- (2) reasonable facilities for enabling such officer to obtain the information required for the register: 30

Provided that such officer if required by such owner or occupier shall before entering the stables produce evidence of his appointment by the Corporation.

Entry to un-
registered
premises.

63. Any such officer may at all reasonable times enter any premises in the city which he has reason to believe are being occupied as stables without such premises being entered on the register. 35

Byelaws.

64. On and after the date of the passing of the Act confirming this Order the Corporation may make vary or repeal byelaws with

[5 Edw. 7.] *Glasgow Corporation Order Confirmation.* 25

regard to stables in the city for all or any of the following purposes A.D. 1905
(that is to say):—

- (1) For the inspection of stables ;
- 5 (2) For prescribing and regulating the construction of the internal surface of the walls of stables ;
- (3) For providing for the ventilation of stables ;
- (4) For the proper cleansing and disinfection of stables ;
- 10 (5) For the laying and maintaining of a suitable floor surface in stables and of a suitable road surface in the court-yards thereof ; and for providing for adequate surface drainage for such courtyards ;
- (6) For providing for an efficient supply of water for stables ;
- 15 (7) For providing that as regards stables in existence at the date of the passing of the Act confirming this Order the space available for each horse mule or ass shall be not less than seven hundred cubic feet and as regards stables coming into existence after the aforesaid date shall be not less than eight hundred cubic feet :

20 Provided that the Corporation may from time to time restrict the application of any of such byelaws to any part of the city to be fixed by them.

65. The following provisions shall apply to such byelaws (that is to say):— Publication of byelaws.

- 25 (1) The Corporation shall during four successive weeks give notice of any proposed byelaws by advertisement once weekly in one or more newspapers published and circulating in the city the last advertisement being published not less than one month before such byelaws are submitted to the Board of Agriculture and Fisheries as hereinafter provided ;
- 30 (2) Any person interested shall be entitled within one month from the date of the said last advertisement to lodge with the town clerk objections to such byelaws ;
- 35 (3) The Corporation shall after the expiry of one month from the date of the said last advertisement send to the Board of Agriculture and Fisheries a copy of such byelaws and of such objections thereto if any which

(122.)

D

A.D. 1905.

may have been lodged and the Board of Agriculture and Fisheries may hear any person who shall have lodged such objections but not so as to allow more than one person to be heard upon the same matter of objection and they may approve disallow or alter such byelaws or restrict their application to any part of the city ;

- (4) No such byelaws shall come into operation until they have been approved of by the Board of Agriculture and Fisheries who before giving such approval may direct one of their inspectors or other person to be appointed by them to inquire into and report on such byelaws and any objections thereto and the Board of Agriculture and Fisheries shall have the same powers as regards expenses as are conferred on the Secretary for Scotland by section 93 of the Local Government (Scotland) Act 1889 ;
- (5) The Corporation shall publish in full in one or more newspapers published and circulating in the city such byelaws when approved of by the Board of Agriculture and Fisheries and shall also supply gratis to every person applying for the same a copy of any proposed byelaws or of any byelaws approved of by the Board of Agriculture and Fisheries.

Proof of byelaws.

66. Any such byelaws approved of by the Board of Agriculture and Fisheries may be proved by the production of a copy of such byelaws purporting to be certified by the town clerk as a true copy and any such byelaws so proved shall be taken to have been duly made and approved of by the Board of Agriculture and Fisheries unless and until the contrary is proved.

Penalties may be imposed.

67. The Corporation by any such byelaws may impose such reasonable penalties as they think fit not exceeding five pounds for each offence committed against any of the provisions of this Part of this Order or against any of such byelaws and in case of continuous violation of such provisions or byelaws a sum not exceeding two pounds for every day during which such violation shall be continued Provided that such byelaws be so framed as to allow the court in which any penalty imposed thereby is sought to be recovered to order the whole or part only of such penalty to be paid or to remit the whole penalty.

[5 EDW. 7.] *Glasgow Corporation Order Confirmation.* 27

68. If any person shall within twelve months have been convicted three times in respect of the same premises of any offence committed against any of the provisions of this Part of this Order or against any of such byelaws the Court which for the 5 third offence convicts such person may in addition to any money penalty which it may impose deal with the certificate of registration by cancellation or otherwise as having regard to the whole circumstances of the case it may think just.

A.D. 1905.
Certificate of registration may be cancelled.

69. Any penalties for offences committed against any of the 10 provisions of this Part of this Order or against any of such byelaws shall be recoverable and applied in the same manner as penalties incurred under the Diseases of Animals Acts.

Recovery and application of penalties.

70. Nothing in this Part of this Order shall interfere with the operation or effect of the Diseases of Animals Acts or of any 15 Order of the Board of Agriculture and Fisheries made or granted thereunder.

Saving Diseases of Animals Acts &c.

71. This Part of this Order shall not extend or apply to any premises constructed for the purposes of stables but not used for the purpose of keeping horses mules or asses therein.

Saving premises not used as stables.

72. Any expenses incurred by the Corporation in executing and administering this Part of this Order shall be deemed to be expenses incurred under the Diseases of Animals Acts and shall be 20 defrayed in accordance with the provisions thereof.

Expenses of executing this Part of Order.

PART V.

25 POLICE.

73. In all cases where proceedings are taken under the provisions of section 56 (Recovery of assessments) of the Act of 1866 for recovery of arrears of assessments due by any person by obtaining from the sheriff a summary warrant for recovering such 30 arrears with the addition of ten per centum thereon in lieu of costs such summary warrant shall in addition to the power therein to poind seize remove secure and sell or dispose of any goods and effects belonging to or in the lawful possession of such person also decern and ordain instant execution by arrestment of the goods 35 effects debts and sums of money belonging or owing to such person Provided that where the wages of such person do not exceed twenty shillings per week such wages shall not be liable to such arrestment

Recovery of police assessments by arrestment.

A.D. 1905. and where the wages of such person exceed twenty shillings per week such arrestment shall only attach any surplus above that amount but the expense of the arrestment shall not be chargeable against such person unless in virtue of the arrestment the Corporation shall recover a sum larger than the amount of such expense. 5

Increase of police assessments.

74. Section 39 (Power to make ordinary assessments for the purposes of Act) of the Act of 1866 shall be read and construed as if the words "nine pence" were substituted for the words "seven pence halfpenny" and the words "one shilling and six pence" were substituted for the words "one shilling and three pence" where they occur in that section and section 20 (Amendment of Section 39 of the Act of 1866) of the Glasgow Police (Sewage &c.) Act 1891 is hereby repealed. 10

Constable to include Registrar of Police.

75. The expression "constable" contained in section 30 (Definitions) of the Police (Scotland) Act 1890 shall in its application to the city be extended so as to include the registrar of police appointed under section 70 (Magistrates committee to appoint certain special officers) of the Act of 1866. 15

Court of summary jurisdiction &c. to include magistrate.

76. The expressions "court of summary jurisdiction" "petty sessional court" and "justice of the peace" in the Prevention of Cruelty to Children Act 1904 or any Act which may be hereafter passed amending the same shall in its application to the city except when occurring in sections 1 and 11 of the said Act of 1904 (unless otherwise expressly provided by any such amending Act) be extended so as to include "the magistrate" as defined in the Police Acts. 20 25

Confirming agreement respecting sewage works.

77. The agreement between the Corporation of the first part and the county council of the county of Renfrew and the First or Upper District Committee of the said county of the second part as set forth in the Fourth Schedule to this Order is hereby confirmed and made binding upon the parties thereto. 30

Sewage borrowing powers.

78. Section 18 (Borrowing powers) of the Glasgow Corporation (Sewage &c.) Order 1903 authorising the Corporation to borrow money for sewage purposes shall be read and have effect as if the sum of two million one hundred and thirty thousand pounds were therein mentioned instead of the sum of twenty-one hundred thousand pounds and as if the works referred to in the said agreement set forth in the Fourth Schedule to this Order had been authorised and were to be constructed under the Glasgow Police 35 40

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(Sewage &c.) Act 1891 the Glasgow Corporation (Sewage) Act 1896 A.D. 1905.
the Glasgow Corporation (Sewage &c.) Act 1898 and the Glasgow
Corporation (Sewage &c.) Order 1903.

79. The Corporation shall during the year ending the thirty-
5 first day of May one thousand nine hundred and six and annually
thereafter set apart out of the revenue received by them under the
Police Acts and pay into the Loans Fund a sinking fund of not less
than two pounds ten shillings per centum on the amounts borrowed
by them as at the thirty-first day of May preceding for Police
10 purposes under respectively (1) the Act of 1866 (2) the Glasgow
Corporation and Police Act 1882 (3) the Glasgow Police Act
1885 (4) the Glasgow Police (Amendment) Act 1890 (5) the
Glasgow Police (Sewage &c.) Act 1891 (6) the Act of 1891
15 (7) the Glasgow Corporation (General Powers) Act 1896 and
(8) the Glasgow Corporation (Tramways Libraries &c.) Act 1899
and not paid off by other means than by sinking fund The Cor-
poration shall apply such sinking fund in repayment of the amounts
so borrowed Section 64 of the Act of 1866 section 22 of the said
20 Act of 1882 section 9 subsection (1) of the said Act of 1885
section 41 of the said Act of 1890 section 19 of the said Sewage
Act of 1891 section 45 of the Act of 1891 section 20 of the said
Act of 1896 and section 55 of the said Act of 1899 (Providing for
sinking funds) so far as dealing with the repayment of moneys
25 borrowed for police purposes on the security of the police assess-
ments are hereby repealed.

80. Any money for land or property sold or any money other-
wise of the nature of capital received by the Corporation under the
Police Acts shall be applied by them in paying off money borrowed
by them under the provisions of those Acts.

Application
of money
received for
police land
&c.

30

PART VI.

GAS.

81. The Corporation may borrow for the purposes of the
gas undertaking under the Glasgow Corporation Gas Acts 1869
to 1902 (in this Part of this Order referred to as "the Gas
35 Acts") and in the manner authorised by the Gas Acts or by the
Loans Act any sums of money not exceeding one million pounds
in addition to the sum of three million two hundred thousand
pounds authorised to be borrowed by those Acts and they may

Gas borrow-
ing powers.

A.D. 1905. — again borrow any sums which may be repaid by them by other means than by the sinking funds provided by those Acts and this Part of this Order or out of the proceeds of the sale of lands or other receipts of the nature of capital other than borrowed money and any moneys so reborrowed by them shall be deemed to have been borrowed under the powers and for the purposes of the gas undertaking and shall form part of the moneys authorised to be borrowed under the Gas Acts and this Part of this Order and the maximum amount which may be borrowed under the Gas Acts is hereby increased accordingly. 5 10

Gas sinking fund.

82. The Corporation shall during the year ending the thirty-first day of May one thousand nine hundred and six and annually thereafter set apart out of the revenue received by them in respect of the gas undertaking and pay into the loans fund a sinking fund of not less than three pounds per centum on the amount borrowed by them under this Part of this Order as at the thirty-first day of May preceding and not paid off by other means than by sinking fund. The Corporation shall apply such sinking fund in repayment of the amount so borrowed or in the redemption of the Corporation gas annuities. 15 20

PART VII.

PARKS.

Confirming agreement respecting Bellahouston Park.

83. The agreement between the Corporation of the first part and the trustees of the late Misses Elizabeth Steven and Grace Steven of Bellahouston of the second part as set forth in the Fifth Schedule to this Order is hereby confirmed and made binding upon the parties thereto. 25

PART VIII.

WATER.

Recovery of water rates by arrestment.

84. In all cases where proceedings are taken under the provisions of section 106 (Recovery of arrears of rates) and section 107 (Power to enforce warrant for recovery of arrears) of the Glasgow Corporation Waterworks Act 1855 section 16 (Recovery of charges for supplies of water for purposes not domestic) of the Glasgow Corporation Waterworks Amendment Act 1859 and section 10 (Recovery of arrears of rates) of the Glasgow Corporation Waterworks Amendment Act 1865 for recovery of arrears of rates charges and assessments leviable under those Acts due by any 30 35

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person by obtaining from the sheriff a summary warrant for recovery of such arrears with costs from the persons liable to pay the same such summary warrant shall in addition to the power therein to poind seize remove secure and sell or dispose of any
 5 goods and effects belonging to or in the lawful possession of such person also decern and ordain instant execution by arrestment of the goods effects debts and sums of money belonging or owing to such person Provided that where the wages of such person do not exceed twenty shillings per week such wages shall not be
 10 liable to such arrestment and where the wages of such person exceed twenty shillings per week such arrestment shall only attach any surplus above that amount but the expense of the arrestment shall not be chargeable against such person unless in virtue of the arrestment the Corporation shall recover a sum larger
 15 than the amount of such expense.

A.D. 1905.

PART IX.

MISCELLANEOUS.

85. All mortgages granted or renewed after the passing of the Act confirming this Order by the Corporation as administrators of the Common Good Fund and property of the city or under the authority of the Glasgow Corporation Acts 1855 to 1904 and this Order and any other Act or Order passed during this or any future Session of Parliament or any of them and all money advanced and lent on the security of the property
 20 and works of the Corporation or the rates and assessments authorised to be levied by them shall be moveable or personal estate and transmissible as such and shall not be of the nature of heritable or real estate.

Mortgages
&c. to be
personal
property.

86. The Corporation shall not under the powers of this Order purchase or acquire in any district within the meaning of the Public Health (Scotland) Act 1897 ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Secretary
 30 for Scotland ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

Restriction
on taking
houses
occupied by
labouring
classes.

If the Corporation acquire or appropriate any house or houses for the purposes of this Order in contravention of the provisions
 30 of this section they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be

A.D. 1905. 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 purpose 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.

87. 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 SCHEDULES referred to in the foregoing Order.

FIRST SCHEDULE.

(Referred to in the Preamble of this Order.)

20

PART I.

LIST OF SECTIONS OF PUBLIC AND LOCAL ACTS AFFECTED BY THIS ORDER.

Title of Act or Order.	Section Amended.	Section of this Order authorising Amendment	
Glasgow Corporation Waterworks Act 1855.	Sections 106 and 107.	Section 84.	25
Glasgow Corporation Waterworks Amendment Act 1859.	Section 16 - -	Section 84.	
Glasgow Corporation Waterworks Amendment Act 1865.	Section 10 -	Section 84.	
Glasgow Police Act 1866 - -	Sections 39 56 64 and 70.	Sections 73, 74, 75 and 79.	30
Glasgow Corporation and Police Act 1882	Section 22 - -	Section 79.	
Glasgow Police Act 1885 - -	Section 9 sub-section (1).	Section 79.	
Glasgow Police (Amendment) Act 1890	Section 41 - -	Section 79.	35
Police (Scotland) Act 1890 - -	Section 30 - -	Section 75.	
Glasgow Police (Sewage &c.) Act 1891 -	Section 19 - -	Section 79.	
City of Glasgow Act 1891 - - -	Sections 18 and 45	Sections 9 and 79.	
Glasgow Corporation (General Powers) Act 1896.	Section 20 - -	Section 79.	

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Title of Act or Order.	Section Amended.	Section of this Order authorising Amendment.
Glasgow Corporation (Tramways Libraries &c.) Act 1899.	Section 55 -	Section 79.
Glasgow Corporation (Sewage &c.) Order 1903.	Section 18 - -	Section 78.
5 Licensing (Scotland) Act 1903 - -	Part I. of Second Schedule.	Section 43.
Prevention of Cruelty to Children Act 1904.	All the sections except sections 1 and 11.	Section 76.

PART II.

LIST OF SECTIONS OF PUBLIC AND LOCAL ACTS REPEALED BY THIS ORDER.

Title of Act or Order.	Extent of Repeal.	Section of this Order authorising Repeal.
Glasgow Police (Sewage &c.) Act 1891 -	Section 20 - -	Section 74.
Glasgow Corporation (Sewage &c.) Act 1898.	Section 36 sub-section (4).	Section 26.
Electric Lighting Orders Confirmation (No. 5) Act 1902.	Section 3 - -	Section 24.
10 Glasgow (Kinning Park) Electric Lighting Order 1902.	The whole Order -	Section 24.

SECOND SCHEDULE.

(Referred to in the section of this Order of which the marginal note is
 15 "Registration to be applied for.")

NOTICE FOR THE REGISTRATION OF PREMISES AS A STABLE.

NOTICE TO THE CORPORATION OF THE CITY OF GLASGOW ACTING UNDER
 THE GLASGOW CORPORATION ORDER 1905.

20 Notice by (*Here insert full name of applicant*) presently residing at
 (*Here insert place of abode of applicant or in case of a firm their
 principal office.*)

Notice is hereby given that the undersigned desires to have the premises described in the schedule hereto annexed entered in the register kept by the Corporation under the above Order and to obtain a certificate of registration therefor and the undersigned hereby declares that to the best of his knowledge and belief the said schedule contains a true statement of the several particulars therein set forth with respect to the said premises.

(Signature) _____

A.D. 1905.

SCHEDULE REFERRED TO IN FOREGOING NOTICE.

1. Situation of the premises to be occupied as a stable.	
2. Name and address of the owner or factor of the premises.	5
3. Nature and conditions of applicant's tenure of the premises:— (A) For what term and whether by lease or otherwise. (B) Whether applicant is sole owner lessee or tenant or whether he is jointly interested with any other persons and if so with whom.	10
4. Maximum number of horses mules or asses for which accommodation can be provided in the premises.	15
(Date) day of 190 .	
(Signature) _____	

THIRD SCHEDULE.

(Referred to in the section of this Order of which the marginal note is "Registration to be applied for.") 20

Stable No.

Register No.

CERTIFICATE OF REGISTRATION OF PREMISES TO BE USED AS A
STABLE. 25

CITY OF GLASGOW.

The Corporation of the City of Glasgow acting under the Glasgow Corporation Order 1905, hereby certify that the premises situated at Glasgow, have been entered on the Register of Stables kept by them under the said Order. 30

(Signature of town clerk or other officer specially
appointed for the purpose by the Corporation.)

FOURTH SCHEDULE.

A.D. 1905.

(Referred to in the section of this Order of which the marginal note is
 "Confirming agreement respecting sewage works.")

MINUTE OF AGREEMENT between the CORPORATION OF THE CITY
 5 OF GLASGOW acting under the Glasgow Police Acts 1866 to
 1904 on the one and first part and the COUNTY COUNCIL OF
 THE COUNTY OF RENFREW and the FIRST OR UPPER DISTRICT
 COMMITTEE of said county acting under the Local Government
 (Scotland) Act 1889 and the Public Health (Scotland) Act
 10 1897 on the other and second part.

WITNESSETH, videlicet:—

That whereas the Glasgow Corporation (Sewage) Act 1896 on the recital
 that the Corporation of the city of Glasgow having already erected works
 at Dalmarnock for the purification of the sewage of a portion of the city
 15 on the north of the river Clyde "it is expedient and will be for public
 " advantage that the Corporation should be authorised to construct the
 " works in this Act described for the purification of the sewage of the
 " remaining portion of the city and adjacent districts on the north bank
 " of the river Clyde" that the Corporation were owners of lands at Dalmuir
 20 conveniently situate for the reception and treatment of said sewage and that
 it was expedient they should be authorised to utilise said lands for the
 purposes thereof empowered them accordingly to do so and to construct
 the works and sewers therein mentioned.

And whereas on the further recital in said Act "that the main outfall
 25 " sewer leading from the city to Dalmuir by this Act authorised will pass
 " through the burghs of Partick and Clydebank and portions of the counties
 " of Renfrew and Dumbarton, and it is expedient that the provisions herein-
 " after contained should be made with reference thereto" and that "it is
 " expedient that provision should be made for the interception and treatment
 30 " of the sewage of the districts between the city and Dalmuir through or
 " in the vicinity of which the main outfall sewer will pass and that the
 " Police Commissioners of Partick and Clydebank and the county councils
 " of the counties of Renfrew and Dumbarton and district committees
 " thereof should be authorised to make such contribution towards or to
 35 " assess for and to enter into such arrangements as may be necessary to
 " effect the objects of this Act and to raise moneys for those purposes"
 the said Act authorised and empowered the said Corporation and county
 councils and district committees to enter into agreements for these objects
 and purposes on such terms and conditions as might be mutually arranged
 40 between the Corporation and any such county council or district committee
 respectively.

(122.)

E 2

A.D. 1905.

And whereas the first party have constructed the said purification works at Dalmuir and the main outfall and other sewers leading thereto and said works are now in operation.

And whereas communications and negotiations have taken place between the parties hereto respecting the interception and treatment of the sewage of the landward portion of the parish of Renfrew situated to the north of the river Clyde herein-after called North Renfrew at the first party's said purification works at Dalmuir and an arrangement under the powers conferred upon them by said Glasgow Corporation (Sewage) Act 1896 and particularly section 35 thereof has now been come to by them respecting the construction of the intercepting sewers after mentioned and for the reception and treatment of the aforesaid sewage the terms of which it is proper should be put in writing.

THEREFORE the said parties hereby agree and bind and oblige themselves respectively each to the other as follows, videlicet :—

First The said first or upper district committee subject as after provided shall construct the east and west intercepting sewers in North Renfrew required for the interception of the sewage thereof (in so far as not already intercepted) according to plans and specifications approved of by the said Corporation docketted and signed as relative hereto by John Lindsay clerk to the said Corporation (Police Department) and William Henry Hill clerk to the said district committee or such alteration or modification thereof as the parties may mutually agree upon and that under contracts and by contractors to be similarly approved and under the supervision of William Robertson Copland civil engineer Glasgow.

Second The said district committee shall undertake the settlement of wayleaves and claims for compensation in connection with the construction of said sewers through private property.

Third The construction of the east intercepting sewer shall be proceeded with by the said district committee as soon as the resolution of the said district committee dated tenth August nineteen hundred and four under the said Public Health (Scotland) Act 1897 forming the Scotstoun and Jordanhill Special Drainage District shall have become final and the said district committee is in a position to give the requisite statutory notices et cetera and similarly the construction of the west intercepting sewer for Yoker special drainage district formed by resolution of the said district committee also dated tenth August nineteen hundred and four shall upon such resolution becoming final be commenced not later than Whitsunday nineteen hundred and nine declaring however and hereby providing that the construction of the said west intercepting sewer shall not be commenced before said term except with the written consent of the said first party.

Fourth The said district committee shall at the sight and to the satisfaction of and in the manner prescribed by the city engineer of Glasgow have (first) right to connect the said east and west intercepting sewers and any other sewers conveying solely sewage of North Renfrew with the main outfall and intercepting sewers of the said Corporation and

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(second) right to connect sewers conveying solely sewage of North Renfrew with the said east and west intercepting sewers after their construction and connection as aforesaid and the Corporation shall admit to said main outfall and intercepting sewers of the Corporation and said east and west
5 intercepting sewers respectively the drainage of such portions of North Renfrew (excepting as in Article fifth hereof) as the levels of such sewers and of the ground will permit and treat the same at their said purification works.

Fifth The said county council under the powers of section 35 (5)
10 of the Glasgow Corporation (Sewage) Act 1896 shall in the current year nineteen hundred and four nineteen hundred and five impose on the existing Whiteinch special drainage district in Renfrewshire and on the remainder of the area of North Renfrew on the foresaid resolutions forming the same
15 into special drainage districts becoming final and annually thereafter on the whole lands and heritages in the said Whiteinch Scotstoun and Jordanhill and Yoker special drainage districts being and comprehending the whole of North Renfrew (excepting certain small portions on the boundary of Dum-
bartonshire draining to the Dumbarton Sewer and on the boundary of the city of Glasgow) a sewage purification assessment of five pence per pound
20 until such time as the Glasgow sewage purification rate exceeds five pence per pound and thereupon the same rate as the sewage purification rate levied for the time being in the city of Glasgow and shall pay over yearly to the said Corporation the free proceeds of the assessments so imposed after
25 deduction (A) of the cost of collection thereof and (B) of a sum equivalent to and in respect of the annual interest and sinking fund (if necessary) for liquidation of the cost of constructing the said intercepting sewers by the county council or district committee during the period of thirty years or until such cost shall be liquidated.

Sixth The said Corporation shall make application to Parliament for
30 power to borrow money sufficient to pay the cost of said east and west intercepting sewers under deduction of any portion thereof which may have been liquidated by the deduction (B) above provided for and to spread the repayment of the cost of said sewers over the same period as applies to the money borrowed under the Glasgow Corporation Sewage Acts 1891
35 to 1904 videlicet sixty years On getting power to borrow the Corporation shall repay to the county council the cost of said sewers so far as then incurred and as from time to time incurred until completion under deduction as above and on such repayments the deduction (B) from the annual pay-
40 ments by the county council shall cease The said Renfrewshire authority shall accord their support to the necessary Provisional Order for enabling the Corporation to borrow the additional money above referred to.

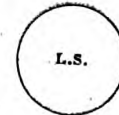
Seventh The parties hereto agree to submit any questions dispute or
difference which may at any time arise between them with regard to any
45 matter thing right or obligation referred to in this minute of agreement or the true intent and meaning thereof to the determination of an arbiter to be mutually agreed on or failing agreement to be appointed by the Local
Government Board for Scotland on the application of either party.

A.D. 1905.

Eighth Both parties consent to registration hereof for preservation and execution.

In witness whereof these presents written on this and the three preceding pages by John Flind clerk to Hill and Hoggan writers Glasgow are executed in duplicate by the parties hereto as follows videlicet By the 5
said Corporation acting as aforesaid by being sealed with their corporate and common seal and subscribed by John Dallas and Thomas Calderwood both members of the said Corporation acting by their authority and on their behalf as authorised at a meeting of the said Corporation (Police Department) and by John Lindsay writer Glasgow interim clerk to the said Corporation 10
(Police Department) duly authorised all at Glasgow on the eleventh day of October in the year nineteen hundred and four before these witnesses Alexander Clarke Mackenzie and James Dickson both clerks in the employment of the said Corporation (Police Department) and by the second party 15
as follows videlicet They are subscribed by Henry Erskine Gordon and James Gardner two of the members and by William Henry Hill LL.D. clerk to the said district committee for and on behalf of and duly authorised by the said district committee at Glasgow on the twelfth day of the said month and year last mentioned before these witnesses John Greig Kennedy and 20
Alexander McCutcheon both clerks to the said Hill and Hoggan and they are sealed with the seal of the said county council and subscribed by John Fullarton member and Robert King convener of and by James Caldwell clerk to the said county council for and on behalf of and duly authorised by the said county council at Paisley on the thirteenth day of the said month and year last mentioned before these witnesses the said John Greig Kennedy 25
and James Caldwell junior writer Paisley.

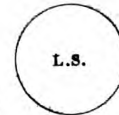
JOHN DALLAS.
THOS. CALDERWOOD.
J. LINDSAY.



A. C. MACKENZIE Witness.
JAS. DICKSON Witness.

30

JOHN FULLARTON.
ROBERT KING.
JA. CALDWELL County Clerk.



JOHN G. KENNEDY Witness.
JA. CALDWELL Junr. Witness.

35

H. E. GORDON Chairman.
JAMES GARDNER.
WILLIAM H. HILL Dist. Clerk.

JOHN G. KENNEDY Witness.
ALEX. MCCUTCHEON Witness.

40

FIFTH SCHEDULE.

A.D. 1905.

(Referred to in the section of this Order of which the marginal note is
"Confirming agreement respecting Bellahouston Park.")

- MINUTE OF AGREEMENT** between **SIR JAMES KING** of Campsie
 5 Baronet and **HUGH BROWN** of number 9 Clairmont Gardens
 Glasgow the remaining trustees original and assumed acting
 under the Trust Disposition and Deed of Settlement and
 relative Codicil granted by the Misses Elizabeth Steven and
 Grace Steven of Bellahouston in the parish of Govan both
 10 now deceased dated respectively the twenty-fifth day of
 August eighteen hundred and seventy-one and the nineteenth
 day of February eighteen hundred and eighty-seven and both
 registered in the books of council and session on the four-
 teenth day of June eighteen hundred and eighty-eight and
 15 two relative Deeds of Assumption of the first part (and herein-
 after called "the first party") and the CORPORATION OF THE
 CITY OF GLASGOW acting in the execution of the Glasgow
 Corporation Parks Acts 1878 to 1903 of the second part
 (and herein-after called "the second party").
- 20 THIS Minute of Agreement witnesseth that whereas by disposition granted
 by the then trustees of the said deceased Misses Elizabeth Steven and Grace
 Steven in favour of the second party dated second and fourth December
 eighteen hundred and ninety-six and recorded in the division of the General
 Register of Sasines applicable to the county of the barony and regality of
 25 Glasgow for publication and also as in the books of Council and Session for
 preservation on the fifth day of January eighteen hundred and ninety-seven
 the said trustees sold and disposed to the second party *inter alia* all and
 whole lot fourth of the lands and estate of Craigton lying within the parish
 of Govan regality of Glasgow and sheriffdom of Lanark extending to fifty-six
 30 acres two roods three poles and eighty-two one-hundredth parts of a pole
 imperial measure Which lot is part of the lands delineated within the
 boundaries coloured blue on the plan annexed and subscribed as relative
 to the said disposition dated and recorded as aforesaid And whereas
 it was expressly provided and declared that the whole lands and others
 35 disposed in the said disposition should in all time coming be held and

A.D. 1905. used by the second party and their successors as a public park to be called
 "The Bellahouston Park" for and on behalf of and for the use of the
 citizens of Glasgow and no part thereof should be feued sold gifted or used
 for the erection of buildings of any kind save and except such buildings
 as might be necessary for lodge-keepers' caretakers' or gardeners' houses or
 other buildings directly and strictly connected with said park Which
 provision and declaration was constituted a real lien and burden upon
 and affecting the said lands and others And whereas the second party
 have recently acquired the adjoining lands of Ibroxhill hereinafter referred
 to and the first party have been requested by the second party and have
 agreed to modify the foregoing restrictions against the erection of buildings
 to the extent aftermentioned on the footing and condition that similar
 restrictions shall be put upon the said lands of Ibroxhill and that they
 shall be added to the said Bellahouston Park and form an integral part
 thereof in all time coming in lieu of the area containing twenty-nine acres
 two roods immediately herein-after mentioned Therefore the parties have
 agreed and do hereby agree as follows viz.:-

First The first party hereby declare that the foregoing restriction against
 erection of buildings contained in the said Disposition shall be modified to
 the extent and effect immediately aftermentioned so far as regards the
 following subjects viz.—All and whole that area of ground containing
 twenty-nine acres two roods imperial standard measure or thereby lying in
 the said parish and county and bounded as follows viz.—On the north by
 west by the south by east side of the Paisley Road along which it extends
 one thousand two hundred and thirty-two feet or thereby partly on the
 middle of a thorn hedge and partly on the north-by-west face of a stone
 wall on the east by north and the east-south-east by Bellahouston Park
 along which it extends one thousand five hundred and forty feet or thereby
 following the curve on the centre of a proposed street to measure forty feet
 in breadth on the south-west by south by ground belonging to the Right
 Honourable Lord Blantyre along which it extends one thousand and
 ninety-two feet or thereby on the middle of a thorn hedge on the south-
 west by the north-east side of a road along which it extends one hundred
 and twenty-five feet or thereby on the middle of a thorn hedge on the west-
 north-west in first place by the solum of said road along which it extends ten
 feet four inches or thereby and in the second place by the east-south-east
 side of Elizabeth Drive along which it extends five hundred and sixty-two
 feet six inches or thereby on the middle of a thorn hedge all as shown
 within the boundaries coloured blue on the plan prepared by Alexander
 Beith M'Donald city engineer Glasgow annexed and signed by the parties as
 relative hereto Which area of ground forms part of the said lot fourth of
 the lands and estate of Craigton being the lands and others disposed in the
 first place by the said disposition.

Second The second party shall be entitled to feu or sell the said area
 of ground or any portions thereof and they or their feuars and disponees

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shall be entitled to erect on the part of the said area of ground facing Paisley Road shown within the boundaries coloured brown on the said plan tenements of shops and dwelling-houses not exceeding three storeys in height on the part of said area shown within the boundaries coloured green on said
5 plan tenements of dwelling-houses not exceeding two square storeys in height and on the part of the said area shown within the boundaries coloured red on said plan villas of the description aftermentioned.

Third The said three-storey tenements shall consist of dwelling-houses or of shops and dwelling-houses and each of the said dwelling-houses shall
10 have not less than two rooms and kitchen and a bath-room lighted from the main wall and the fronts of the said houses shall be built fronting Paisley Road and on the building line shown on said plan and at a distance of at least thirty-seven feet from the centre of Paisley Road.

Fourth The said two-storey tenements shall consist of dwelling-
15 houses each having not less than three rooms and kitchen and a bath-room lighted from the main wall and the fronts of the said houses shall be built fronting said proposed streets numbers I. II. VI. and VII. (which with the other streets and lanes hereafter mentioned shall be formed and maintained by the second party) and on the building lines all as shown on said plan and
20 at a distance of at least thirty-five feet from the centre of said last-mentioned proposed streets.

Fifth The said villas to be erected on the ground shown within the boundaries coloured red on the said plan shall front the said proposed streets numbers II. and III. and be at a distance of at least fifty feet from the
25 centre lines thereof shall not exceed two square storeys in height shall each cost at least five hundred pounds or eight hundred pounds in case of a double villa.

Sixth The said tenements and villas shall all be built of polished ashlar stone work or neatly square-dressed rubble and no bricks shall be used in
30 the erection thereof except for the inner division walls and they shall all be covered with slated roofs.

Seventh The second party shall not be entitled to erect any buildings or erections of any description or form any other streets on the subjects before described except those above specified or to traffic in or sell any
35 spirituous or fermented liquors spirits or wines in the said buildings or on the said area of ground and in the event of said houses or villas being destroyed by fire shall be bound to re-erect the same as hereinbefore provided.

Eighth In consideration of the foregoing modification of restrictions
40 and for other good causes and considerations and particularly the preservation of the original area of the Bellahouston Park the second party have agreed and hereby agree and bind and oblige themselves that the

A.D. 1905. subjects acquired by them from the Ibroxhill Estate Company Limited incorporated under the Companies Acts 1862 to 1900 and having their registered office at two hundred and four West George Street Glasgow being all and whole the lands of Ibroxhill consisting of all and whole these parts of the lands of Ibrox lying in the parish of Govan and county of Lanark 5 bounded by the Dumbreck Road on the east the lands of Dumbreck on the south and the west and the Paisley Road on the north being the subjects described in and disposed by disposition by the said the Ibroxhill Estate Company Limited in favour of the second party dated thirtieth and recorded in the said division of the general register of sasines for publication and also 10 as in the books of council and session for preservation thirty-first both days of December nineteen hundred and three shall in all time coming be held and used by the second party and their foresaids as a part of the said Bellahouston Park for and on behalf and for the use of the citizens of Glasgow and that no part thereof shall be feued sold gifted or used for the erection of 15 buildings of any kind save and except such buildings as may be necessary for lodgekeepers' caretakers' or gardeners' houses or other buildings directly and strictly connected with said park.

Ninth The whole burdens provisions declarations and others herein contained are hereby constituted real liens burdens and servitudes upon and 20 affecting the said respective subjects before described in favour of the first party and their successors and as such are hereby appointed to be recorded as part of these presents in the appropriate register of sasines and also to be validly referred to in all the future transmissicns and investitures of the said respective subjects hereinbefore described otherwise the same shall be void 25 and null.

Tenth The second party hereby undertake as soon as practicable at their own expense to have this agreement confirmed by Provisional Order subject to such alteration as may be made therein during the progress of the Provisional Order but if any material alteration be so made it shall be 30 competent to either party hereto to withdraw from this agreement And both parties consent to registration hereof for preservation and execution.

In witness whereof these presents consisting of this and the three preceding pages of stamped paper and the marginal addition on page third thereof all written by Thomas King clerk to Mitchells Johnston and Company 35 writers in Glasgow are together with the plan annexed hereto and before referred to executed by the parties hereto all at Glasgow as follows viz.— They are subscribed by the said Sir James King and Hugh Brown on the sixteenth day of November in the year nineteen hundred and four before these witnesses James Allison Glen and William Smith Tait both clerks to 40 the said Mitchells Johnston and Company and they are sealed with the seal of the Corporation of the city of Glasgow and subscribed by James Gray and James Henderson Martin two members of the said Corporation and by James George Monro town clerk of said city on behalf of the said Corporation

[5 EDW. 7.] *Glasgow Corporation Order Confirmation.* 43

acting as aforesaid on the seventeenth day of said month of November and A.D. 1905.
 year last mentioned before these witnesses Robert Crawford and John Hercus
 both clerks in the town clerk's office Glasgow. —

5

JAMES KING.
 HUGH BROWN.

J. ALLISON GLEN Witness.
 W. SMITH TAIT Witness.

10

JAMES GRAY.
 J. H. MARTIN.
 JAMES G. MONRO Town Clerk.

L.S.

ROBERT CRAWFORD Witness.
 JOHN HERCUS Witness.

**Glasgow Corporation
Order Confirmation.**
[H.L.]

A

B I L L

INTITULED

An Act to confirm a Provisional Order
under the Private Legislation Procedure
(Scotland) Act 1899 relating to Glasgow
Corporation.

The Marquess of Linlithgow.

Ordered to be printed 6th July 1905.

PRINTED BY EYRE AND SPOTTISWOODE,
PRINTERS TO THE KING'S MOST EXCELLENT MAJESTY.

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[Price 4½d.]

**Glasgow Corporation Order
Confirmation Bill [H.L.]**

A M E N D M E N T S

T O B E M O V E D O N T H I R D R E A D I N G

B Y

T H E M A R Q U E S S O F L I N L I T H G O W .

In the schedule, clause 5, page 7, line 11, leave out (" plans ")
and insert (" maps "), and leave out from (" $\frac{1}{1500}$ ") to (" one ")
and insert (" $\frac{1}{500}$ being 10·56 feet to one statute ")

line 19, leave out (" above
" set forth ") and insert (" as defined on the said ordnance survey
" plans ")

Glasgow Corporation Order
Confirmation Bill [H.L.]

AMENDMENTS

TO BE MOVED ON THIRD READING

BY

THE MARQUESS OF LINLITHGOW.

18th July 1905.

PRINTED BY EYRE AND SPOTTISWOODE,
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(122 a.)

[Price 4d.]

[5 EDW. 7.] *Glasgow Corporation (Tramways Consolidation)* 1
Order Confirmation. [H.L.]

A

B I L L

INTITULED

An Act to confirm a Provisional Order under the Private A.D. 1905.
 Legislation Procedure (Scotland) Act 1899 relating to
 Glasgow Corporation Tramways.

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 62 & 63 Vict.
 5 1899 and it is requisite that the said Order should be confirmed c. 47.
 by Parliament:

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
 10 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 Glasgow Corporation Short title.
 (Tramways Consolidation) Order Confirmation Act 1905.

A.D. 1905,

SCHEDULE.

GLASGOW CORPORATION (TRAMWAYS
CONSOLIDATION).

Provisional Order to consolidate with amendments the Glasgow Corporation Tramways Acts 1870 to 1904 to authorise the Corporation of the city of Glasgow to construct new tramways and other works and to borrow money for that purpose to authorise the County Council of the county of Renfrew to acquire lands for widening certain bridges in that county and to borrow money for that purpose and for other purposes. 5
10

WHEREAS by the Glasgow Corporation Tramways Acts 1870 to 1904 (hereinafter called "the Tramways Acts") the Corporation of the city of Glasgow (hereinafter called "the Corporation" and "the city" respectively) were authorised to construct and maintain tramways (hereinafter called "the tramways") within the city and its neighbourhood and to borrow money for that purpose: 15

And whereas the Tramways Acts are very numerous and many of their provisions have been superseded by subsequent legislation and ought to be repealed and it would be of public advantage if the provisions of the Tramways Acts so far as it is expedient to retain them were consolidated with certain amendments and additions into one Order: 20

And whereas the Corporation have constructed the greater part of the tramways:

And whereas it is expedient that the Corporation should be authorised to construct and maintain additional tramways and to execute the other works in this Order described: 25

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 should be increased: 30

And whereas by the Glasgow Corporation (Tramways &c.) Order 1904 the Corporation were authorised to construct certain tramways in the county of Renfrew and it was enacted by section 13 (subsection 21) of that Order that the Corporation should not construct tramways over the bridges known as MacQuisten Bridge 35

[5 EDW. 7.] *Glasgow Corporation (Tramways Consolidation)* 3
Order Confirmation.

and Auldhouse Bridge until those bridges had been respectively widened and rebuilt by the county council of the county of Renfrew (hereinafter referred to as "the Renfrew County Council") in accordance with the provisions of the said section : A.D. 1905.

5 And whereas by the said section provision was made for the widening and the rebuilding respectively of MacQuisten Bridge and Auldhouse Bridge by the Renfrew County Council and the First or Upper District Committee of the said county (hereinafter called "the Renfrew District Committee") and for payment by the
 10 Renfrew County Council and the Renfrew District Committee of a proportion of the cost of the widening and the rebuilding of those bridges and it is expedient to authorise the Renfrew County Council and the Renfrew District Committee to acquire land and borrow money for those purposes :

15 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 by this Order authorised and plans of the lands to be acquired compulsorily and also books
 20 of reference to those several 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 and
 25 Renfrew and with the town clerk of the city and the town clerks of the burghs of Kinning Park Partick and Pollokshaws and such plans sections and books of reference are hereinafter respectively referred to as "the deposited plans sections and books of reference" :

30 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 :

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

1. This Order may be cited as the Glasgow Corporation (Tramways Consolidation) Order 1905. Short title
and citations.

This Order and the Glasgow Corporation Acts 1855 to 1904 and any other Order or Act passed during the present session of
 40 Parliament relating to the Corporation may be cited together as the Glasgow Corporation Acts 1855 to 1905.

4 *Glasgow Corporation (Tramways Consolidation)* [5 EDW. 7.]
Order Confirmation.

A.D. 1905.
—
Interpreta-
tion.

2. 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” 5
“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 ; 10

“The tramways” means any tramway or any part thereof for the time being belonging to leased to worked by or authorised to be constructed by the Corporation under the authority of Parliament ;

“The authorised tramways” means the tramways authorised 15
but the construction of which has not been completed ;

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

“The tramway undertaking” means the tramways and the property works lands buildings stations machinery 20
plant appliances apparatus rights powers and privileges for the time being belonging to the Corporation or held or used or enjoyed by them for or in relation to or in connection with the tramways ;

“Tramway route” means the route or any part thereof 25
traversed by any single tramway car on the tramways or on any tramways over which the Corporation have or may acquire running powers ;

“Mechanical power” means steam electrical and any other motive power not being animal power ; 30

“Engine” includes motor ;

“The Renfrew County Council” means the county council of the county of Renfrew ;

“The Renfrew District Committee” means the district committee of the first or upper district of the county 35
of Renfrew ;

“Road” includes any carriageway being a public highway and the carriageway of any public bridge forming part

[5 Edw. 7.] *Glasgow Corporation (Tramways Consolidation) Order Confirmation.* 5

of or leading to the same and any street footpath lane
footway pavement square court or passage whether a
thoroughfare or not and whether or not there are
houses in such road; A.D. 1905.

- 5 “Local authority” means and includes town councils county
councils and district committees in the exercise of all or
any of the powers vested or to be vested in them in any
manner of way and includes the authority in whom a
road is vested or who have the control of a road and also
10 so far as regards section 30 of the Tramways Act 1870
as varied by this Order and subsection (11) of the
section of this Order of which the marginal note is
“Protection of local authorities” means and includes
the Airdrie Coatbridge and District Water Trustees;
- 15 “The town clerk” means the town clerk of the city;
“The Act of 1870” means the Tramways Act 1870;
“The Act of 1897” means the Glasgow Corporation (Im-
provements and General Powers) Act 1897;
- 20 “The Order of 1901” means the Glasgow Corporation
(Tramways and General) Order 1901;
“The Order of 1904” means the Glasgow Corporation
(Tramways &c.) Order 1904;
“The Tramways Acts” means the Glasgow Corporation
Tramways Acts 1870 to 1904.
- 25 3. The Lands Clauses Acts and section 3 (Interpretation of
terms) and Parts II. and III. of the Act of 1870 except— Incorporation
of Acts.
- Section 25 (Mode of formation of tramways);
Section 34 (Power for promoters to use tramways with flange-
wheeled carriages &c.);
- 30 Section 44 (Power of sale);
Section 46 (Byelaws by local authority Promoters may make
certain regulations);
Section 47 (Penalties may be imposed in byelaws);
Section 48 (Power to local authority to license drivers
conductors &c.);
- 35 Section 54 (Penalty for persons using tramways with carriages
with flange wheels &c.);
Section 56 (Recovery of tolls penalties &c.);

6 *Glasgow Corporation (Tramways Consolidation)* [5 Edw. 7.]
Order Confirmation.

A.D. 1905. — 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 Act of 1870 so far as incorporated with this Order shall for the purposes of the tramway undertaking have effect subject to the following modifications thereon or additions thereto (that is to say):—

Section 26 shall have effect as if it were also therein provided that the Corporation shall lay before the Board of Trade a plan showing the proposed mode of carrying out the work and a statement of the materials intended to be used therein and the Corporation shall not commence the work until such plan and statement have been approved by the Board of Trade and after such approval the work shall be executed in accordance in all respects with such plan and statement and under the superintendence and to the reasonable satisfaction of the local authority as provided by the said section :

Sections 26 and 30 as varied by this Order shall have effect as if fourteen days were therein mentioned instead of seven days and as if it were also therein provided that the Corporation shall at the same time as they give to each local authority notice of any proposed work deliver to each such local authority a plan and section of the proposed work :

Sections 26 to 33 and 41 as varied by this Order and section 59 shall have effect 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 :

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

Section 28 as varied by this Order shall have effect as if six feet were therein mentioned instead of four feet and as if were also therein provided that if the Corporation abandon the tramway undertaking or any part thereof and take up the tramways the portion of the road upon which such tramways are laid shall be restored by them in manner therein mentioned to as good a condition as that in which it

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Order Confirmation.

was before such tramways were laid thereon or at the time of abandonment as the local authority shall direct: A.D. 1905.

5 Section 30 as varied by this Order shall have effect as if it were therein provided that where in consequence of the execution of any of the works by this Order authorised or by the construction of any of the works by this Order vested in the Corporation it is necessary to alter the position or in any way interfere with the lines or levels of the mains aqueducts conduits or lines of pipes tubes wires apparatus or other works of any local authority including consumers' connections such alteration or interference shall at the option of the local authority be carried out by them at the expense of the Corporation. Provided that in all cases where works are to be executed by the local authority and to be paid for by the Corporation the local authority shall use every means in their power to have the works executed as economically as possible and with all reasonable despatch:

10

15

20 Section 31 as varied by this Order shall have effect as if it were also therein provided that the new altered or substituted works to be provided by the Corporation shall include the alteration of any existing manholes connected with the sewers of the sanitary authority or the construction of any manholes in lieu thereof so that the openings of such new altered or substituted manholes shall if necessary be placed at the side of the road with a diagonally built means of access for such sewers:

25

30 Sections 32 and 33 as varied by this Order shall have effect as if it were therein provided that any pipe drain sewer tube wire apparatus or other works already formed or laid or to be hereafter formed or laid of any local authority and lateral or private connections to communicate therewith were a pipe for the supply of gas or water:

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

40

8 *Glasgow Corporation (Tramways Consolidation)* [5 EDW. 7.]
Order Confirmation.

A.D. 1905.

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

Section 50 shall have effect as if twenty pounds were therein mentioned instead of five pounds. 5

Tramways
to vest in
Corporation.

5. Subject to the provisions of this Order the tramway undertaking as it existed and was vested in the Corporation immediately before the passing of the Act confirming this Order (including the tramways which are shortly described in the First Schedule to this Order) shall be and continue to be vested in the Corporation to the same extent and effect as if the Act confirming this Order had not been passed and shall be so held used and enjoyed by them. 10

The Corporation may so far as not already done make and form lay down and may renew work use and maintain the tramways with all necessary and proper rails chairs plates sleepers channels wires poles posts conduits section boxes tubes ropes engines engine houses subways manholes shafts junctions cross-overs passing-places stables points turntables turnouts carriage-houses offices carriages sheds buildings warehouses works and conveniences connected therewith or for the purposes thereof : 15 20

Provided that nothing in this section 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 : 25

Provided also that in making forming or laying down the tramways the Corporation may make form and lay down the same in the lines and according to the levels and within the limits of deviation shown on the plans and sections deposited with respect thereto and in all respects in accordance with those plans and sections. 30

New tram-
ways.

6. Subject to the provisions of this Order the Corporation may make form lay down renew work use and maintain the tramways hereinafter in this section described in the lines and according to the levels shown on the deposited plans and sections with all necessary and proper rails chairs plates sleepers channels wires poles posts conduits section boxes tubes ropes engines engine-houses subways manholes shafts junctions crossovers passing-places stables points turntables turnouts carriage-houses offices 35 40

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Order Confirmation.

carriages sheds buildings warehouses works and conveniences A.D. 1905.
 connected therewith or for the purposes thereof: —

5 Provided that nothing in this section 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.

10 The tramways hereinbefore in this section referred to and by this Order authorised are—

- 15 (1) Tramway No. 4 7 furlongs 1·20 chains in length commencing in the city by a junction with the tramways in Great Western Road at a point 19 yards or thereabouts eastwards from the centre of Kirklee Road thence turning into and passing along Kirklee Road Kirklee Bridge Montgomerie Street Gower Street Oran Street and Gairbraid Street and terminating by a junction with the tramways in Gairbraid Street in the city at a point 13 yards or thereabouts southwards from the centre of Oran Street;
- 20 (2) Tramway No. 5 1 mile 1 furlong 8·06 chains in length commencing in the city by a junction with the tramways in Gairbraid Street at a point 16 yards or thereabouts northwards from the centre of Bilsland Drive thence turning into and passing along Bilsland Drive and Hawthorn Street and terminating by a junction with the tramways in Hawthorn Street in the city at a point 14 yards or thereabouts eastwards from the centre of Saracen Street;
- 25 (3) Tramway No. 7 4 furlongs 0·18 chain in length commencing in the city by a junction with the tramways in Springburn Road at a point 18 yards or thereabouts northwards from the centre of Union Street thence passing into and along Balgray Hill and terminating in Balgray Hill in the city at a point 10 yards or thereabouts southwards from the centre of Belmont Road;
- 30 (4) Tramway No. 8 4 furlongs 7·54 chains in length commencing in the city by a junction with the tramways in Castle Street at a point 12 yards or thereabouts southwards from the centre of Garngad Road thence turning into and passing along Garngad Road and
- 35 (121.) B
- 40

10 *Glasgow Corporation (Tramways Consolidation)* [5 EDW. 7.]
Order Confirmation.

A.D. 1905.

terminating in that road in the city at a point 8 yards or thereabouts westwards from the centre of Blochairn Road;

- (5) Tramway No. 9 1 mile 1·74 chains in length commencing in the city by a junction with the tramways 5
in Great Eastern Road at a point 19 yards or thereabouts eastwards from the centre of Dalmarnock Street thence turning into and passing along Dalmarnock Street and Springfield Road and into Dalmarnock Road and terminating by a junction 10
with the tramways in Dalmarnock Road in the city at a point 14 yards or thereabouts northwards from the centre of Springfield Road;
- (6) Tramway No. 10 2 furlongs 5·60 chains in length commencing in the city by a junction with the tramways 15
in Grange Road at a point 30 yards or thereabouts northwards from the centre of Battlefield Road thence turning into and passing along Battlefield Road and Sinclair Drive and terminating in Sinclair Drive in the city at a point 11 yards or thereabouts 20
northwards from the centre of Cartside Street;
- (7) Tramway No. 11 1 mile 6 furlongs 7·07 chains in length commencing in the burgh of Kinning Park by a junction with the tramways in Great Wellington Street at a point 17 yards or thereabouts northwards from the 25
centre of Park Street thence turning into and passing along Park Street St. James Street West Scotland Street Shields Road Nithsdale Road Nithsdale Street Allison Street and Cathcart Road and terminating by a junction with the tramways in Cathcart Road in the city at a 30
point 13 yards or thereabouts southwards from the centre of Allison Street;
- (8) Tramway No. 12 6 furlongs 5·41 chains in length commencing in the city by a junction with the tramways 35
in St. Andrew's Drive at a point 14 yards or thereabouts northwards from the centre of Nithsdale Road thence turning into and passing along Nithsdale Road and terminating in that road in the city at a point 19 yards or thereabouts eastwards from the centre of Dumbreck Road; 40
- (9) Tramway No. 13 6 furlongs 5·45 chains in length commencing in the city by a junction with the tramways

[5 EDW. 7.] *Glasgow Corporation (Tramways Consolidation)* 11
Order Confirmation.

- A.D. 1905.
—
- 5 in Main Street Maryhill at a point 27 yards or thereabouts eastwards from the centre of the bridge carrying the said street over the North British Railway thence passing across that bridge and along Canniesburn Road and terminating in that road in the city at a point 100 yards or thereabouts eastwards from the centre of the Garscube Bridge carrying the Canniesburn Road over the River Kelvin ;
- 10 (10) Tramway No. 14 1 mile 5·40 chains in length commencing in the city by a junction with the tramways in Saracen Street at a point 17 yards or thereabouts southwards from the centre of Bardowie Street thence turning into and passing along Balmore Road and Drummond Street Lambhill and terminating in Drummond Street in the county of Lanark at a point 15 63 yards or thereabouts westwards from the centre of Balmore Road ;
- 20 (11) Tramway No. 15 1 mile 8·17 chains in length commencing in the county of Lanark by a junction with the tramways in the Glasgow and Coatbridge Road at a point 8 yards or thereabouts westwards from the boundary between the parishes of Glasgow and Old Monkland at Barrachnie thence passing along that road and Main Street Baillieston and terminating in Main Street Baillieston in the county of Lanark at a point 25 138 yards or thereabouts westwards from the entrance into Rhinsdale House ;
- 30 (12) Tramway No. 16 4 miles 1 furlong 4·88 chains in length commencing in the county of Lanark by a junction with the tramways in Main Street Tolleross at a point 4 yards or thereabouts westwards from the centre of Causewayside Street thence passing along Main Street Tolleross the Glasgow and Uddingston Road Main Street Uddingston and terminating in Main Street Uddingston in the county of Lanark at a point 35 17 yards or thereabouts northwards from the centre of Uddingston Coal Road or Highway ;
- 40 (13) Tramway No. 18 4 furlongs 4·25 chains in length commencing in the city by a junction with the tramways in Cumbernauld Road at a point 120 yards or thereabouts northwards from the centre of the bridge carrying that road over the Caledonian Railway thence passing along Cumbernauld Road and terminating in
- (121.) B 2

12 *Glasgow Corporation (Tramways Consolidation)* [5 EDW. 7.]
Order Confirmation.

A.D. 1905.

that road in the city at a point 23 yards or thereabouts southwards from the centre of the north entrance to Barlinnie Prison.

The said tramways which shall be laid as double lines except Tramway No. 9 which will be partly single and partly double will be situate in the parishes of Glasgow Govan Cathcart Old Monkland and Bothwell the city and the burgh of Kinning Park and the counties of Lanark and Renfrew.

Purchase of tramways outside city by local authorities.

7. The provisions of section 43 of the Act of 1870 shall apply to the intended tramways so far as situated outside the city Provided that in the application of those provisions the period of forty-two years shall be substituted for the period of twenty-one years therein mentioned. 10

Alterations of levels of roads.

8. Subject to the provisions of this Order the Corporation may make in the lines and according to the levels shown on the deposited plans and sections the alterations of levels of roads hereinafter in this section described with all necessary roads approaches embankments walls junctions works and conveniences connected therewith and may enter upon take and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for those purposes The alterations of levels of roads hereinbefore in this section referred to and by this Order authorised are— 15 20

(1) An alteration of the level of Dumbarton Road wholly in the parish of Govan in the burgh of Partick and the county of Lanark commencing at a point in that road 50 yards or thereabouts east of the east side of the bridge carrying the North British Railway over that road and terminating at a point 43 yards or thereabouts west of the west side of the said bridge and in connection therewith an alteration of the level of Hayburn Street wholly in the said parish burgh and county commencing at a point in that road where it joins Dumbarton Road and terminating at a point 5 yards or thereabouts south of the south building line of Dumbarton Road; 25 30 35

(2) An alteration of the level of Dumbarton Road wholly in the parish of Govan in the burgh of Partick and the county of Lanark commencing at a point in that road 16 yards or thereabouts east of the east side of the east bridge carrying the Lanarkshire and Dumbartonshire Railway over that road and terminating at a point 40

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Order Confirmation.

20 yards or thereabouts west of the west side of the west bridge carrying the said railway over the said road ; A.D. 1905.

- 5 (3) An alteration of the level of Coustonholm Road wholly in the parish of Eastwood in the burgh of Pollokshaws and the county of Renfrew commencing at a point in that road 25 yards or thereabouts east of the east side of the bridge carrying the Cathcart District Railway over that road and terminating at a point 20 yards or thereabouts west of the west side of the said bridge ;
- 10 (4) An alteration of the level of Cathcart Road wholly in the parish of Cathcart and the county of Renfrew commencing at a point in that road 10 yards or thereabouts north of the north side of the bridge carrying the Cathcart District Railway over that road and terminating at a point 15 yards or thereabouts south of the south side of the said bridge and in connection therewith (A) an alteration of the level of Rhannan Road in the said parish and county commencing at a point in that road 4 yards or thereabouts east of the east building line of Cathcart Road and terminating at the junction of Rhannan Road with Cathcart Road and (B) an alteration of the level of Newlands Road in the said parish and county commencing at a point 5 yards or thereabouts west of the west building line of Cathcart Road and terminating at the junction of Newlands Road with Cathcart Road.
- 20
- 25

9. The said alterations of levels of roads including where necessary the lowering of footpaths water channels and drains shall be carried out by the Corporation at their own expense and to the reasonable satisfaction of the local authority subject to the following regulations (that is to say) :—

30

Regulations
 as to altera-
 tions of road
 levels.

- 35 (1) The Corporation before commencing any of the works or operations referred to in this section shall give to the local authority notice of their intention specifying the time at which they will commence the same such notice to be given at least fourteen days before the commencement of such works or operations :
- 40 (2) The Corporation shall execute the whole of such works or operations under the superintendence of the local authority unless that authority refuses or neglects to give such superintendence at the time specified in the notice or discontinues the same during the execution of such works or operations :

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- (3) The Corporation shall pay all reasonable expenses to which the local authority is put on account of such superintendence :
- (4) The Corporation shall to the reasonable satisfaction of the local authority provide efficient means of disposing of surface water on the portions of the roads affected by such works or operations :
- (5) The Corporation in carrying out such works or operations shall if required by the local authority lay the whole area of the roadway affected thereby with granite sets niddged on the top surface :
- (6) The Corporation shall to the reasonable satisfaction of the local authority make good any interference with or injury to the electric lighting cables or other works as well as the alteration of arc-lamp poles and branches on the portions of the roads affected by such works or operations :
- (7) The Corporation shall execute the whole of such works or operations in a safe and satisfactory manner and with as little detriment as practicable to the roads or the ordinary traffic thereon and to the foot passenger traffic on the pavements :
- (8) Upon the completion of such works or operations the local authority shall take over and thereafter maintain and repair the portions of the roads affected thereby Provided that nothing in this section shall affect the liability of the Corporation to maintain the portions of those roads which they are liable to maintain under the provisions of section 28 of the Act of 1870 as varied by this Order.

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Tramway
lye in
Partick.

10. The Corporation in carrying out the alteration of the level of Dumbarton Road by this Order authorised shall remove the existing tramway lye at Peel Street and under the North British Railway Bridge there to a place to be approved of by the town council of Partick.

35

Alteration of
steps areas
pipes &c.

11. The Corporation within the limits of deviation defined on the deposited plans may for the purposes of and in connection with the said alterations of levels of roads but subject to the provisions of this Order raise sink or otherwise alter or cause to be altered the position of any of the steps areas cellars cellar-flaps gratings fencings windows and watercourses pipes or spouts

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belonging to any house or building and may remove all other
 obstructions so that the same be done with as little delay and
 inconvenience to the inhabitants as the circumstances of the case
 will admit and the Corporation shall make reasonable compensation
 5 to any person who may sustain injury by any such alteration the
 amount of such compensation to be determined in default of
 agreement by arbitration.

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12. For the purposes and during the execution of the said
 alterations of levels of roads and works connected therewith and
 10 subject to the provisions of this Order the Corporation may use
 break up cross over or under alter or stop up temporarily any
 roads paths quays bridges railways tramways canals passages sewers
 drains watercourses mill-leads or mill-dams sluices gas and water
 pipes and electric apparatus in any of the lands shown on the
 15 deposited plans and specified in the deposited books of reference
 which they may find it expedient for any of those purposes so
 to interfere with providing when possible a proper temporary
 substitute before interrupting the traffic on any such road path
 quay bridge railway tramway canal or passage or the flow of sewage
 20 gas water or electricity in any such sewer drain watercourse canal
 mill-lead mill-dam sluice pipe or apparatus and making full
 compensation to all persons injuriously affected by the exercise
 of the powers of this section the amount of such compensation
 to be determined in default of agreement by arbitration :

Alteration of
 roads &c.
 temporarily.

25 Provided that nothing in this section shall extend to authorise
 any interference with electric apparatus or other property of His
 Majesty's Postmaster-General Provided also that nothing in this
 section shall authorise any interference with electric lines and works
 of any undertakers within the meaning of the Electric Lighting
 30 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.

13. Whereas the said alterations of levels of roads may affect
 the works of railway companies (in this section called for their
 35 respective interests "the company") therefore the following
 provisions shall unless otherwise agreed have effect and be binding
 on the Corporation (that is to say) :—

Protection
 of railway
 works.

(1) In altering the level of any road over which a railway
 of the company is carried by means of a bridge the
 Corporation shall not without the consent of the company
 40

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injuriously interfere with permanently the access to the passenger or goods station or the area of the booking hall or works connected therewith of the company and if any such interference takes place the Corporation shall carry out the alteration of the level of such road 5 so as to interfere as little as may be with the access to such station or the area of such booking hall or works connected therewith :

- (2) Any alterations that may require to be made upon the access to such station or the area of such booking hall 10 or works connected therewith in consequence of the alteration of the level of such road shall be executed by and at the cost of the Corporation and on the completion thereof the altered works shall be taken over by the company : 15
- (3) Any portion of the abutments of a bridge carrying a railway of the company over any road to be altered as aforesaid and any portion of any retaining or other wall that may be exposed by such alteration shall be dressed and finished by and at the cost of the Corpo- 20 ration and in such a manner as to be uniform with the portion of such bridge and retaining or other wall as may be above the present surface of the road :
- (4) Before commencing any of the works or operations referred to in this section the Corporation shall submit plans 25 and sections thereof to the company for their approval and the said works or operations shall be executed in conformity with the said plans and sections so approved and at the sight and to the reasonable satisfaction of the engineer of the company Provided that 30 such approval as aforesaid shall not be unreasonably withheld and that it shall be deemed to have been given unless the company signify their disapproval and the grounds thereof within fourteen days after submission of the said plans and sections : 35
- (5) Any difference between the Corporation and the company or their engineer in connection with anything contained in this section shall failing agreement be determined by arbitration and the costs of the reference shall be borne 40 as the arbiter shall direct.

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14. The authorised tramways shall be completed within four years and the intended tramways and the said alterations of levels of roads shall be completed within five years from the passing of the Act confirming this Order and on the expiration of those periods the powers granted to the Corporation for executing the authorised and intended tramways and the said alterations of levels of roads or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

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—
 Periods for completion of works.

15. Subject to the provisions of this Order the Renfrew County Council may for the purpose of widening MacQuisten Bridge and rebuilding Auldhouse Bridge and of widening the approaches to those bridges purchase feu or otherwise acquire compulsorily or by agreement and may hold and use for the purpose of such widening and rebuilding the lands delineated on the deposited plans and described in the deposited books of reference The lands hereinbefore in this section referred to are—

Renfrew
 County
 Council to
 acquire
 lands.

- (1) Certain lands in the parish of Eastwood in the burgh of Pollokshaws and the county of Renfrew adjoining and on the east and west sides and at the north end of the said MacQuisten Bridge ;
- (2) Certain lands in the parish of Cathcart in the county of Renfrew adjoining and on the east and west sides and at the south end of the said MacQuisten Bridge ;
- (3) Certain lands in the parish of Eastwood in the burgh of Pollokshaws and the county of Renfrew adjoining and on the south side and at the west end of the said Auldhouse Bridge ;
- (4) Certain lands in the parish of Eastwood and the county of Renfrew adjoining and on the south side and at the east end of the said Auldhouse Bridge.

16. For the protection of the Renfrew County Council and the Renfrew District Committee (who for their respective rights jurisdictions and interests under and in virtue of the Act of 1870 the Local Government (Scotland) Acts the Roads and Bridges (Scotland) Acts and the Public Health (Scotland) Acts are in this section referred to as "the Renfrew county authorities") the following provisions shall unless otherwise agreed have effect and be binding on the Corporation (that is to say):—

Protection
 of county of
 Renfrew.

- (1) The lowering of Kilmarnock Road for the purposes of the authorised tramways under the bridge carrying the

(121.) C

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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 the ordinary traffic thereon and in accordance with the plan and section 5 already approved by the Renfrew county authorities :

(2) The Corporation shall not construct the authorised 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 Thorn- 10 liebank Road over the Auldhouse Burn until such bridges have been widened and rebuilt respectively in manner hereinafter in this section provided :

(3) The said MacQuisten Bridge shall be extended to a width of sixty feet between the parapets by building an 15 extension in stone and the approaches to the bridge shall be correspondingly widened. All such works shall be carried out by the Renfrew county authorities in accordance with plans and specifications to be approved by the Corporation and the provost magistrates and 20 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 Renfrew county authorities one-half of the cost of and incident 25 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 Renfrew county authorities and as regards the construction of the bridge and relative works such requisitions shall be sufficiently vouched by 30 the certificates of the architect or engineer in charge :

(4) 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 35 correspondingly altered and widened. All such works shall be carried out by the Renfrew 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 40 cost of acquiring land therefor shall as to six hundred

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pounds thereof be paid to the Renfrew 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 requisition of the Renfrew 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 :

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(5) The Renfrew County Council may borrow such money as may be required for payment of the amount which by this Order the Renfrew county authorities are under obligation to expend or contribute towards the cost of the said extension of MacQuisten Bridge and the approaches thereto including the acquisition of land therefor and towards the rebuilding of Auldhouse Bridge and the altering and widening of the south-east approach thereto including the acquisition of land therefor :

(6) In exercising the power to borrow conferred on them by this section the Renfrew County Council shall have the powers of and be subject to the conditions contained in section 67 of the Local Government (Scotland) Act 1889 as if the purposes for which the Renfrew County Council are by this section authorised to borrow were purposes for which they are authorised to borrow by that Act :

(7) Any difference between the Corporation the Renfrew county authorities the town council or any of them in connection with anything contained in this section shall failing agreement be determined by arbitration.

17. The powers of the Corporation and of the Renfrew County Council respectively for the compulsory purchase of land for the purposes of this Order shall cease after the expiration of three years from the passing of the Act confirming this Order.

Period for compulsory purchase of land.

18. Whereas in the construction of the works by this Order authorised or otherwise in exercise of the powers of this Order it may happen that portions only of the houses or other buildings shown on the deposited plans may be sufficient for the purposes of the same and that such portions may be severed from the remainder

Owners may be required to sell parts only of houses or buildings.

A.D. 1905. of the said properties without material detriment thereto Therefore notwithstanding section 90 of the Lands Clauses Consolidation (Scotland) Act 1845 the owners of and other persons interested in the houses or other buildings described in the Second Schedule to this Order and whereof parts only are required for the purposes of 5 this Order may if such portions can in the opinion of the arbiter to whom the question of disputed compensation shall be submitted be severed from the remainder of such properties without material detriment thereto be required to sell and convey to the Corporation or the Renfrew County Council as the case may be the portions 10 only of the properties so required without the Corporation or the Renfrew County Council as the case may be being obliged or compellable to purchase the whole or any greater portion thereof the Corporation or the Renfrew County Council as the case may be paying for the portions required by them and making compensation 15 for any damage sustained by the owners thereof and other persons interested therein by severance or otherwise.

Under-
pinning or
otherwise
strengthen-
ing houses.

19. Whereas in order to avoid in the execution and maintenance of any works by this Order authorised injury to the houses and buildings within one hundred feet of such works it may be 20 necessary to underpin or otherwise strengthen the same therefore the Corporation at their own costs and charges may and if required by the owners or lessees of any such house or building shall subject as hereinafter in this section provided underpin or otherwise 25 strengthen the same and the following provisions shall unless otherwise agreed have effect and be binding on the Corporation (that is to say) :—

- (1) At least ten days' notice shall unless in case of emergency be given to the owners lessees and occupiers or by the owners or lessees of the house or building so 30 intended or so required to be underpinned or otherwise strengthened :
- (2) Each such notice if given by the Corporation shall be served in manner prescribed by the Lands Clauses Consolidation (Scotland) Act 1845 and if given by the 35 owners or lessees of any such house or building to be underpinned or strengthened shall be sent to the principal office of the Corporation :
- (3) If any owner lessee or occupier of any such house or building or the Corporation as the case may require 40

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shall within seven days after the giving of such notice give a counter-notice in writing that he or they as the case may be disputes the necessity of such underpinning or strengthening the question of the necessity shall failing agreement be determined by arbitration : A.D. 1905.

- 5
- (4) The arbiter to be appointed shall forthwith upon the application of either party proceed to inspect such house or building and determine the matter referred to him and in the event of his deciding that such underpinning or strengthening is necessary he may and if so required by such owner lessee or occupier shall prescribe the mode in which the same shall be executed and the Corporation may and shall proceed forthwith so to underpin or strengthen the said house or building :
- 10
- (5) The Corporation shall be liable to compensate the owners lessees and occupiers of every such house or building for any inconvenience loss or damage which may result to them by reason of the exercise of the powers granted by this enactment :
- 15
- (6) If in any case in which any house or building shall have been underpinned or strengthened on the requisition of the Corporation such underpinning or strengthening shall prove inadequate for the support or protection of the house or building against further injury arising from the execution or use of the works of the Corporation then and in every such case unless such underpinning or strengthening shall have been done in pursuance of and in the mode prescribed by the arbiter the Corporation shall make compensation to the owners lessees and occupiers of such house or building for such injury provided the claim for compensation in respect thereof be made by such owners within twelve months and by such lessees or occupiers within six months from the discovery thereof :
- 20
- 25
- 30
- (7) Nothing in this section contained nor any dealing with any property in pursuance of this section shall relieve the Corporation from the liability to compensate under the Lands Clauses Consolidation (Scotland) Act 1845 or under any other Act :
- 35
- 40
- (8) Every case of compensation to be ascertained under this section shall be ascertained according to the provisions

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of the Lands Clauses Acts as varied by the immediately succeeding section of this Order :

- (9) Nothing in this section shall repeal or affect the application of section 90 of the Lands Clauses Consolidation (Scotland) Act 1845. 5

Compensation to be settled by single arbiter.

20. All cases of disputed compensation in respect of land taken compulsorily under this Order or whereby any compensation falls under this Order to be determined under the provisions of the Lands Clauses Acts shall notwithstanding anything contained in those 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 contained 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. 10 15 20 25

Taking of servitudes &c. by agreement.

21. 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 or the Renfrew County Council any servitude right or privilege (not being a servitude right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Order in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges or feu duties so far as the same are applicable in this behalf shall extend and apply to such grants and to such servitudes rights and privileges as aforesaid respectively. 30 35

Correction of errors in deposited plans and books of reference.

22. 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 or the Renfrew County Council as the 40

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case may be 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
 5 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 and Renfrew and a duplicate thereof
 10 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
 15 deposited plans and books of reference shall be deemed to be corrected according to such certificate and the Corporation or the Renfrew County Council as the case may be may take the lands and execute the works in accordance with such certificate.

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23. If any local authority or the Corporation on the applica-
 20 tion of or by agreement with any local authority alter widen or divert any road along or across which any of the tramways are laid or are authorised to be laid the Corporation shall at their own expense if the local authority require vary the position of any such tramway so that when such road is altered widened or diverted
 25 such tramway may subject to the provisions of this Order be constructed and maintained with reference to the imaginary centre lines of the altered widened or diverted road.

Alteration
widening
&c. of roads.

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

Rails of
tramways.

30 25. The Board of Trade may require the Corporation to adopt and apply such improvements in the tramways including the rails thereof as experience may suggest having regard to the greater security of the public and advantage to the ordinary traffic and the Corporation shall with all reasonable despatch comply
 35 with any order made by the Board of Trade for the purpose of carrying out any such improvements.

Use of im-
proved form
of rails.

26. The Corporation shall at all times maintain and keep in good condition and repair and so as not to be a danger or annoyance to the ordinary traffic the rails of the tramways and the

Penalty for
not maintain-
ing rails and
roads.

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A.D. 1905. substructure upon which the same rest and if the Corporation at any time fail to comply with this provision or with the provisions of section 28 of the Act of 1870 as varied by this Order they shall be subject to a penalty not exceeding five pounds for every day on which such non-compliance continues. 5

In case it is represented in writing to the Board of Trade by the local authority of the district in which the tramways are situate or by twenty inhabitant ratepayers of such district that the Corporation have made default in complying with the provisions in this section contained or with any of the requirements of section 28 of the Act of 1870 as varied by this Order the Board of Trade may if they think fit direct an inspection by an officer to be appointed by the said Board and if such officer report that the default mentioned in such representation has been proved to his satisfaction then and in every such case a copy of such report certified by a secretary or an assistant secretary of the Board of Trade may be adduced as evidence of such default and of the liability of the Corporation to such penalties in respect thereof as are by this section imposed. 10 15

Gauge of tramways. 27. The tramways shall be constructed and maintained on a gauge of four feet seven and three-quarter inches. 20

Tramways to be kept level with surface of road. 28. The tramways shall be constructed and maintained in such manner that the uppermost surface of the rail shall be kept on a level with the surface of the road and the groove in the rail shall in no case exceed one inch and a quarter in width. 25

Tramways not to be opened until certified. 29. The authorised tramways and the intended tramways shall not be opened for public traffic until the same have been inspected and certified to be fit for such traffic by the Board of Trade.

Passing places to be constructed. 30. Where in any road in which a double line of the tramways is or may be laid there shall be less width between the outside of the footpath on either side of the road and the nearest rail of such tramway than nine feet six inches the Corporation shall if required by the Board of Trade or the local authority construct and maintain cross-overs connecting the one line of tramway with the other and by means of such cross-overs the traffic shall when necessary be diverted from one line of tramway to the other. 30 35

Additional crossings &c. 31. The Corporation may subject to the provisions of this Order with the consent of the local authority from time to time

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- make on any road and maintain alter and remove such tramways as may be necessary to form connections between any of the tramways and such crossings passing places sidings junctions and other works in addition to those particularly specified in and
 5 authorised by this Order as they find necessary or convenient for the efficient working of the tramways or for providing access to any stables engine-sheds carriage-houses works yards or buildings owned occupied or leased by the Corporation and connected with the tramway undertaking. A.D. 1905.
- 10 32. Notwithstanding anything contained in this Order or shown on the plans and sections deposited with respect to Tramway No. 9 by this Order authorised the Corporation may with the consent of the Board of Trade lay down double lines in lieu of single lines on the said tramway: Single or double lines may be laid.
- 15 Provided that if in the construction of any works under this section any rail is intended to be laid nearer to the footpath than previously authorised in such a manner that for a distance of thirty feet or upwards a less space than nine feet six inches would
 20 intervene between it and the outside of the footpath on either side of the road the Corporation shall not less than one month before commencing the works give notice in writing to every owner and occupier of houses shops and warehouses abutting on the place where such less space would intervene and such rail shall not be
 25 so laid if one-third of such owners or occupiers by writing under their hands addressed and delivered to the Corporation within three weeks after receiving the notice from the Corporation express their objection thereto.
- 30 33. Where by reason of the execution of any work affecting the surface or soil of the road along which the tramways are laid it shall in the opinion of the local authority be necessary or expedient temporarily to remove or discontinue the use of the tramways the Corporation shall within fourteen days of receiving an order in writing from the local authority under the hand of their clerk remove or discontinue the tramways for such term as
 35 may be necessary for the execution of the said work Provided that the Corporation with the sanction of the local authority and subject to such conditions and in accordance in all respects with such regulations as the local authority may from time to time make may in the same or any adjacent road construct and
 40 maintain so long as occasion may require temporary tramways in Temporary tramways.

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A.D. 1905. — lieu of the tramways so removed or discontinued Any difference between the Corporation and the local authority with respect to the reasonableness of any such conditions and regulations or with respect to the mode of constructing any such temporary tramways shall failing agreement be settled by arbitration. 5

Corporation may use flange wheels on rails. 34. The Corporation or their lessees may use on the tramways carriages with flange wheels or wheels specially adapted to run on an edged rail or on or in a grooved rail or other rail adapted for street tramway purposes and subject to the provisions of this Order the Corporation or their lessees shall have the exclusive use of the tramways for carriages with flange wheels or other wheels specially adapted to run on an edged rail or on or in a grooved rail or other rail adapted for street tramway purposes. 10

Penalty on others using flange wheels on rails. 35. If any person (except under a lease from or by agreement with the Corporation or under licence from the Board of Trade as by the Act of 1870 provided) uses the tramways with a vehicle having flange wheels or other wheels specially adapted to run on an edged rail or on or in a grooved rail or other rail adapted for street tramway purposes such person shall for every such offence be liable to a penalty not exceeding twenty pounds. 20

Width of carriages. 36. No carriage used on the tramways shall extend beyond the outer edge of the wheels of such carriage more than eleven inches on each side.

Construction of subsidiary works for operating tramways by mechanical power. 37. For the purpose of working the tramways by mechanical power the Corporation may erect construct maintain and use dynamos and other electrical apparatus steam engines works and buildings and may construct erect lay down make and maintain on above or below the surface of any road poles posts electric conductors wires section boxes apparatus subways tunnels conduits ducts cables tubes and openings and may affix to any house or building and maintain brackets electric conductors wires and apparatus: 30

Provided that the Corporation shall make compensation to any person who may sustain injury by the affixing of any such brackets or other apparatus to any house or building the amount of such compensation to be determined in default of agreement by arbitration: 35

Provided also that nothing contained in this section shall authorise the Corporation except by agreement to affix any brackets

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electric conductors wires and apparatus to any building structure A.D. 1905.
 or work vested in or in the occupation of—

- 5 (1) His Majesty his heirs and successors either beneficially or
 as part of the hereditary revenues of the Crown or in
 trust for the public service or for public services; or
- (2) Any department of His Majesty's Government for public
 purposes or for the public service.

38. The Corporation may contract and agree with any person
 for the sale lease or supply to the Corporation of such mechanical
 10 power and of such buildings works plant apparatus engines and
 appliances as may be necessary to enable them to exercise the
 powers by this Order conferred. Purchase
&c. of
mechanical
power &c.

39. Section 98 (All alienations of heritable property to be by
 public roup) of the Town Councils (Scotland) Act 1900 shall not
 15 apply to the tramway undertaking. Section 98 of
Town Councils
(Scotland) Act
1900 not to
apply.

40. The Corporation may place and run carriages on and may
 work the tramways by animal power or (as hereinafter provided)
 by mechanical power and may provide such stables buildings
 carriages trucks harness engines machinery apparatus horses steam
 20 cable electric and other plant appliances and conveniences as may
 be requisite or expedient for the convenient working or user of the
 tramways by animal or mechanical power. Corporation
to work
tramways.

41. The carriages used on the tramways may subject to the
 following provisions be moved by mechanical power (that is
 25 to say):— Mechanical
power.

- (1) The mechanical power shall not be used except with the
 consent of and according to a system approved by the
 Board of Trade:
- 30 (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 tramway undertaking and
 for regulating the use of electrical power:
- 35 (3) The Corporation or any person using any mechanical
 power on the tramway undertaking contrary to the
 provisions of this Order or of the Board of Trade
 regulations shall for every such offence be liable to
 (121.) D 2

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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 — 5

(A) That the Corporation or such 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 10

(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 person to cease to use such mechanical power or permit 15 the same to be continued only subject to such conditions as the Board of Trade may impose and the Corporation or such person shall comply with every such order In every such case the Board of Trade shall make a special report to Parliament notifying 20 the making of such order.

Use of electrical power.

42. 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 (that is to say) :—

(1) The Corporation shall employ either insulated returns or 25 uninsulated metallic returns of low resistance :

(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 30 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 tele- 35 graphic 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

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provision shall be made for preventing fusion or injurious electroytic 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 : A.D. 1905.

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- (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 :
- (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 cost 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 of the tramways.

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A.D. 1905. —
Protection of
Commiss-
sioners of
Works. 43. The Corporation shall not except with the approval of
the Commissioners of Works erect any generating station or take a
supply of energy for traction purposes from any generating station
situate within a distance of three hundred yards from any part
of the grounds of Glasgow Cathedral unless the site for such 5
generating station is specified in an Act of Parliament or in an
Order confirmed by or having the effect of an Act of Parliament
Provided always that this section shall not apply to—

- (1) Any sub-station for the transformation and distribution of
electrical power : 10
- (2) Any station which may be in existence and which shall
not be extended beyond the limits of the site occupied
by the buildings of such station at the time of the
passing of the Act confirming this Order.

Alteration of
lines of
Postmaster-
General. 44. Notwithstanding anything in this Order contained if any 15
of the works relating to the tramways 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 Act of 1870) to any such alteration. 20

Protection
of lines of
Postmaster-
General. 45. In the event of any of the tramways being worked by
electricity the following provisions shall have effect (that is to
say) :—

- (1) The Corporation shall construct their electric lines and
other works of all descriptions and shall work the 25
tramway 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 30
electric lines and other works of all descriptions and
the working of the tramway 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 35
and the Corporation as to compliance with this sub-
section shall be determined by arbitration as in this
section provided :
- (2) If any telegraphic line of the Postmaster-General is
injuriously affected by the construction by the Cor- 40
poration of their electric lines and works or by the

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working of the tramway undertaking 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 : A.D. 1905.

- 5 (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 requirements so made shall be determined by arbitration as in this section provided :
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- 25 (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 the tramway 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 :
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- 40 (5) In the event of any contravention of or wilful non-compliance with this section by the Corporation or their

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A.D. 1905.

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 5 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 10 any work in respect of which the penalty is claimed was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was 15 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 20 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 25 provided sections 2 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Act :
- (9) In this section the expression "electric line" has the same meaning as in the Electric Lighting Act 1882: 30
- (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 of the 35 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 40

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to proceed against the Corporation by indictment A.D. 1905.
 action or otherwise in relation to any of the matters —
 aforesaid :

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

- 10 46. Notwithstanding anything in this Order contained the Conveyance of Mails Act 1893 shall extend and apply to the tramways as if the same had been authorised by an Act of Parliament passed after the first day of January one thousand eight hundred and ninety-three and to the Corporation as the body or person owning or working such tramways. Application of Conveyance of Mails Act 1893.

47. The Corporation or their lessees may form junctions between any of the tramways. Forming junctions &c.

- 15 48. Subject to the provisions of this Order the Corporation may lease the tramway undertaking or any part thereof and they may enter into and carry into effect agreements with any person for constructing or working the tramways or for all or any of the following purposes (that is to say) :— Leasing working &c. of tramways.

- 20 The management use working and maintenance of the tramways :

The supply of any rolling or working stock and of officers and servants for the conduct of the traffic on the tramways :

- 25 The payments to be made and the conditions to be performed with respect to the matters aforesaid :

- 30 The interchange accommodation conveyance and delivery of traffic coming from or destined for the tramways and the undertaking of the other party contracting with the Corporation and the fixing and division between the contracting parties of the receipts arising therefrom :

Generally all matters incident to or consequent on the making or carrying into effect of any such agreement :

Provided that any lease under this section shall be subject to the approval of the Board of Trade.

- 35 49. The Corporation may provide maintain work and run omnibuses— Running of omnibuses.

(1) On any tramway route on which the running of cars is interrupted :

(121.) E

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A.D. 1905.

(2) In prolongation of any tramway route the extension of which may be contemplated by the Corporation :

(3) For testing the amount of traffic along any route or between any particular points ;

and the Corporation may demand and take for every passenger travelling upon such omnibuses a fare not exceeding the fare by this Order authorised in respect of the tramways : 5

Provided that the Corporation shall not use electrical energy as the motive power on such omnibuses unless such energy is entirely contained in and carried along with the omnibuses or any engine or other vehicle used for moving the same in such a manner that no magnetic or other influence is created which is likely to injuriously affect telegraphic communication by means of any telegraphs of the Postmaster-General : 10

Provided also that except in the case where the running of cars is interrupted the powers contained in this section shall not be exercised beyond a radius of three miles from any point on the tramways and shall not without the consent of the Board of Trade be exercised in the case of any one road for a longer period than one year. 20

Through cars.

50. The Corporation or their lessees may run through cars along any tramway route and such cars shall be distinguished from other cars in such manner as the Corporation may direct and they may demand and take for every passenger by such cars a fare not exceeding the maximum fare allowed by this Order for and in respect of the whole of such route or the whole of the portion thereof traversed by any such car. 25

Special cars.

51. The Corporation or their lessees may run special cars on the tramways and such cars shall be distinguished from other cars in such manner as the Corporation may direct and they may demand and take for such cars such fares and charges as may be agreed upon between the Corporation and the person using the same Provided that the running of such cars shall in no way curtail the ordinary service of cars. 30

Byelaws by Board of Trade.

52. Subject to the provisions of this Order the Board of Trade may make vary or repeal byelaws with regard to the tramways upon which mechanical power may be used for all or any of the following purposes (that is to say) :— 35

For regulating the use of any bell whistle or other warning apparatus fixed to the engine or carriages : 40

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For regulating the emission of smoke or steam from engines used on the tramways : A.D. 1905.

5 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 :

10 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 :

15 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.

20 53. All orders 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. Authentica-
tion of Board
of Trade
byelaws.

54. The Corporation may subject to the provisions of the immediately succeeding section of this Order make vary or repeal byelaws for all or any of the following purposes (that is to say) :— Byelaws by
Corporation.

25 For licensing carriages using the tramways and the drivers motormen and conductors in charge of or using such carriages :

For regulating the duties of drivers motormen conductors and other servants in connection with the tramway undertaking :

30 For regulating the rate of speed to be observed in travelling upon the tramways subject as hereinafter provided :

For regulating the distance at which carriages using the tramways shall be allowed to follow one after the other :

For regulating the stopping of carriages using the tramways :

35 For regulating the passage of traffic along or across the roads in which the tramways are or may be laid and along over or across such tramways for preventing obstructions to all or

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any part of the traffic on such roads or tramways and for providing that all or any part of the slow-going traffic on such roads shall keep as near as possible to the side of such roads :

For preventing the commission of any nuisance in or upon the 5
carriages using the tramways or in or against any premises
in connection with the tramway undertaking :

For regulating the travelling in or upon the carriages using
the tramways and the number of passengers to be carried
by such carriages. 10

Byelaws by
local autho-
rity.

55. The local authority for the burghs or districts beyond the
city in which the tramways are or may be laid shall with regard to
any of the tramways in their respective districts have the same
power of making varying repealing and enforcing byelaws for all or
any of the following purposes (that is to say) :— 15

For regulating the rate of speed to be observed in travelling
upon the tramways subject as hereinafter provided :

For regulating the distance at which carriages using the
tramways shall be allowed to follow one after the other :

For regulating the stopping of carriages using the tramways: 20

For regulating the passage of traffic along or across the roads
in which the tramways are or may be laid and along over or
across such tramways for preventing obstructions to all or
any part of the traffic on such roads or tramways and for
providing that all or any part of the slow-going traffic on 25
such roads shall keep as near as possible to the side of
such roads :

as is conferred on the Corporation and no byelaw made by the
Corporation with respect to any of the matters in this section
mentioned shall be of any force or effect beyond the city. 30

Byelaws as
to speed of
carriages.

56. No byelaw made under this Order by the Corporation or a
local authority with respect to the rate of speed to be observed in
travelling on the tramways shall sanction a higher rate of speed
than that prescribed by any regulation or byelaw made by the
Board of Trade at which engines cars carriages and trucks are to be 35
driven or propelled on the tramways but the Corporation or a local
authority may if they think fit restrict the rate of speed to a lower
rate than that so prescribed.

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57. Any byelaw made under this Order by the Corporation or a local authority may impose reasonable penalties for offences against the same not exceeding forty shillings for each offence with or without further penalties for continuing offences not exceeding 5 for any continuing offence ten shillings for each day during which such offence continues after conviction thereof but such byelaw shall be so framed as to allow in every case of part only of the maximum penalty being ordered to be paid or of the whole penalty being remitted. A.D. 1905.
Penalties for offences against byelaws.
- 10 58. No byelaw made under this Order by the Corporation or a local authority (except such byelaws made by the Corporation as relate solely to the proceedings of the Corporation or to their officers or servants in connection with the tramway undertaking) shall have any force or effect until the same shall be confirmed by 15 the sheriff (excluding sheriffs substitute) of the county in which the Corporation or such local authority as the case may be has jurisdiction and be authenticated by his signature and such sheriff on the application of the Corporation or such local authority as the case may be shall examine and inquire into any byelaw 20 submitted to him for that purpose and he may allow disallow or alter the same as he thinks fit. Confirmation of byelaws.
- 25 59. No byelaw made under this Order by the Corporation or a local authority shall be confirmed unless one month at least before the hearing of such application notice of the intention to 25 apply for confirmation of the same shall have been given in one or more newspapers published in the city or published or circulating in the district of the local authority making such byelaw as the case may be and in the case of a bye'aw made by a local authority outside the city unless such notice has also been given 30 to the Corporation and in the case of a byelaw made by the Corporation unless such notice has also been given to the local authority concerned and any person desiring to object to any such byelaw on giving to the Corporation or to the local authority making the byelaw as the case may be notice of the nature of his 35 objection ten days before the hearing of the application for the confirmation thereof may by himself his counsel or law agent be heard thereon but not so as to allow more than one objecting party to be heard on the same matter of objection. Notice of confirmation of byelaws.
- 40 60. Any byelaw made under this Order by the Corporation or a local authority may be proved by the production of a copy Proof of byelaws.

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A.D. 1905. — thereof certified by the town clerk or the clerk of the local authority making it that the same is a true copy and that the byelaw has been duly confirmed by the sheriff and such copy shall without proof of the signature of such clerk be evidence of the existence of such byelaw and that all preliminaries requisite to the making and operation thereof have been duly observed and fulfilled. 5

Carriages &c.
not to be
licensed.

61. Notwithstanding the provisions relating to tramways hackney carriages or stage coaches contained in any Act of Parliament (other than an Act relating to Inland Revenue) or in any byelaw made under any Act of Parliament it shall not be necessary for carriages using the tramways or for the drivers motormen or conductors in charge of or using such carriages to be licensed except in accordance with the byelaws (if any) made by the Corporation under this Order. 10 15

Land for ex-
traordinary
purposes.

62. Whereas by the provisions of the Tramways Acts the Corporation were authorised by agreement to purchase lease or feu and hold land to an extent not exceeding sixty-six acres therefore be it enacted that the power to purchase lease or feu and hold such land shall be deemed to have been authorised by and for the purposes of this Order and the Corporation may by agreement in addition to the said sixty-six acres of land purchase lease or feu and hold for the purposes of this Order additional land to an extent not exceeding four acres but nothing in this Order contained 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 any land so held. 20 25

Protection
of local au-
thorities.

63. For the protection of the local authorities (in this section called for their respective interests "the authority") for the burghs and districts beyond the city in which the tramways are or may be laid the following provisions shall unless otherwise agreed have effect and be binding on the Corporation as regards the tramways in the district of the authority respectively (that is to say):— 30

- (1) The tramways shall unless as in this Order otherwise 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 tramways in the city : 35 40

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- A.D. 1905.
- 5 (2) The Corporation shall pave and maintain with granite or other suitable material approved by the authority the portions of the roads which they are liable to maintain under the provisions of section 28 of the Act of 1870 as varied by this Order :
- 10 (3) The Corporation shall deal with the tramways 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 tramways 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 beyond the city :
- 15 (4) Except on special occasions all cars which may start on their journey beyond the city shall be run through to the central district of the city and all cars which may run beyond the city 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 curtail the ordinary service of through cars beyond the city :
- 20 (5) All fares rates and charges levied by the Corporation beyond the city shall be at the same rate as those charged generally in the city Provided that this subsection shall not apply to any tramway over which the Corporation have only running powers :
- 25 (6) The tramways shall not be used for experimental purposes except with the consent of the authority :
- 30 (7) The Corporation shall construct the tramways in such a manner as will cause the least interference with the ordinary traffic on the roads :
- 35 (8) The Corporation may provide and place appliances for or in connection with mechanical power traction in or under the roads but always in such a manner as will not interfere with the free and safe passage of ordinary traffic on such roads and the Corporation may also if necessary place poles section boxes and appliances for carrying wires at the sides of those roads but the

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position design and form of construction of such poles
boxes and appliances shall be subject to the approval
of the authority Provided that the ordinary tram-
way poles shall be erected without pedestal covers in
positions on the cross-section of the road to be approved 5
by the authority The Corporation shall immediately
on the completion of their operations which they shall
be bound to carry out with all speed restore to the satis-
faction of the authority such portions of the footpaths
with corresponding kerb and channel as may have been 10
disturbed by their operations :

- (9) The Corporation shall not sell or assign the tramways to
any third parties and they shall not lease the tramways
without the consent in writing of the authority but in
the event of the authority refusing their consent to the 15
leasing of the 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 arbitration Provided that the Corpora-
tion shall not lease separately the tramways beyond 20
the city or any of them or lease them otherwise than
as part of and on the same terms as the tramways in
the city :
- (10) The authority shall at all times have free access to and
communication with all their sewers and drains and 25
power to lay lateral and private drains to communicate
therewith without the consent or concurrence of the
Corporation :
- (11) The Corporation shall pay to the authority the costs and
expenses which they may reasonably incur or be put to 30
in superintending the works by this Order authorised
and shall also pay to the authority any extra expense
they may at any time be put to by reason of the con-
struction and existence of the tramway undertaking in
respect of any constructions reconstructions alterations 35
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 authority 40
by any Act of Parliament in force at the passing of the

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Act confirming this Order or which may subsequently come into force 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 aforesaid works provided they do so forthwith on due notice from the authority and execute the work at the sight and to the satisfaction of the authority :

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- 10 (12) Nothing in this Order contained shall prevent the authority or any person empowered by them at any future time from carrying out any works (including railway crossings) over across or under the level of the roads on which the tramways are or may be laid
- 15 Provided that such works in their construction maintenance or working shall not injuriously interfere with or affect the construction maintenance or operating of the tramways :
- 20 (13) The Corporation shall pave to the satisfaction of the authority 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 :
- 25 (14) For the purpose of the lighting of any road the authority shall upon giving reasonable notice 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 and any additional cost
- 30 which may thereby be imposed upon the Corporation shall be borne by the authority ;

35 The authority shall in the event of such use make good any damage done by them or their workmen servants or agents to any such poles or brackets or to the wires and fittings of the Corporation 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 by reason of or arising out of such user :

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(121.)

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- (15) If any post or overhead wire becomes owing to the construction of any new road or otherwise in the opinion of the authority an obstruction the Corporation shall alter the position thereof in such a manner as the authority may direct but the Corporation may appeal 5 against such direction to the Board of Trade and the decision of the Board shall be final :
- (16) The Corporation within three years from the date of the passing of the Act confirming this Order shall commence the construction of the intended tramways and 10 shall complete the construction thereof within the period limited by this Order :
- (17) Notwithstanding anything contained in this Order or shown on the several plans and sections deposited with reference to the tramways they shall be constructed 15 and maintained in such position in the road as the authority may prescribe Provided that where the position of the tramways is proposed to be altered and any rail is intended to be laid nearer to the footpath than previously authorised the Corporation 20 shall give notice of their intention to the owners lessees and occupiers of all houses shops or warehouses abutting on any part of any road where for a distance of thirty feet or upwards it is proposed that a less space than nine feet six inches shall inter- 25 vene between the outside of the footpath on either side of the road and the nearest rail of the tramway and if one-third of such owners lessees and occupiers shall by writing under their hands addressed and delivered to the Corporation within fourteen days after 30 receipt of such notice from the Corporation express their objection to the altered position of the tramways the Corporation shall not construct the tramways in such altered position without the consent of the Board of Trade being first obtained which consent may be 35 applied for by the Corporation and the authority jointly or by either of them If the necessary consent to the construction of the tramways in such altered position cannot be obtained the Corporation may construct such tramways in the position shown on such plans 40 and sections :

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(18) If the Corporation at any time find it necessary to remove snow or other matter impeding the traffic on the tramways they shall at their own cost remove such snow or other matter to the side of the road as the surveyor of the authority may direct. Provided that any snow or other matter removed by the Corporation from the grooves of the rails of the tramways shall not be allowed to remain on the road but shall be at once taken away by the Corporation: A.D. 1905.

10 (19) The Corporation in every case where they alter widen or divert any road under the powers of this Order shall provide efficient means of disposing of surface water:

15 (20) If the authority shall desire to lay down sidings from any of their metal quarries and to connect the same with the tramways the Corporation so far as they lawfully may shall afford to the authority all reasonable facilities for that purpose and shall allow the authority to run wagons on the tramways for the carriage of materials for the purposes of the authority to and from the said quarries on such terms and conditions as may be agreed upon between the Corporation and the authority:

20 (21) Any difference between the Corporation and any authority or any other person in connection with anything in this Order contained shall failing agreement be determined by arbitration.

64. Whereas certain of the tramways are or may be laid along roads which are carried over or pass under bridges belonging to railway and canal companies (in this section called for their respective interests "the company") therefore the following provisions shall unless otherwise agreed have effect and be binding on the Corporation (that is to say):— Protection of railway and canal companies.

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

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A.D. 1905.
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sight and to the reasonable satisfaction of the engineer of the company and such works shall thereafter be maintained and repaired by the Corporation under his superintendence. Provided that the approval of the company as aforesaid shall not be unreasonably 5 withheld and that it shall be deemed to have been given unless the company signify their disapproval and the grounds thereof within fourteen days after submission of the said plans sections working drawings and specifications : 10

- (2) Except as otherwise herein provided the Corporation shall not in the construction maintenance or use of the tramways injure alter or interfere with the structure of the said bridges of the company or of any of the railways sidings or works of the company or cause any 15 interruption to or interference with the traffic on the railways or canals of the company :
- (3) The electric wires of the Corporation to be attached to the underside of any bridge of the company shall be fixed to the reasonable satisfaction of the engineer of the 20 company and so as not to injure the said bridge :
- (4) If any injury to or interference with the bridges railways sidings or works of the company or any interruption to the traffic on their railways sidings or canals shall arise or be occasioned at any time by the works or operations 25 of the Corporation in connection with the tramways and not by reason of any fault or neglect of the company or their servants or any person using their railways sidings or canals the Corporation shall forthwith make good or remove such injury interference or interruption 30 at their own expense or in default of their doing so the company may execute the necessary works for that purpose at the expense of the Corporation and the Corporation shall pay to the company all costs and expenses incurred by them in so doing and all loss or damage 35 sustained by the company in consequence of such injury interference or interruption :
- (5) Nothing in this Order contained or which may be done in pursuance thereof shall prevent the company so far as they have power to do so from maintaining and 40 repairing and when necessary altering renewing or

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reconstructing such bridges or other works of the com-
 pany, or widening the lines of railway or canal under
 such bridges without interference on the part of the
 Corporation in respect of the 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
 tramways which may arise from such maintenance
 repair alteration renewal or reconstruction and any
 extra expense which the company may incur in such
 maintenance repair alteration renewal or reconstruction
 by reason of the formation maintenance working or
 user of the tramways shall be paid by the Corporation
 Provided that all such operations shall be executed by
 the company in such manner as to cause as little inter-
 ruption or inconvenience as practicable to the traffic on
 the tramways and that the company shall if necessary
 lay at their own expense temporary tramways to
 maintain the continuity of the traffic on the tramways
 and the company shall give fourteen days' notice to the
 Corporation before commencing any such operations
 and the same so far as interfering with the tramways
 shall be conducted at the sight and to the reasonable
 satisfaction of the engineer of the Corporation :

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(6) Any difference between the Corporation and the company
 or their engineers in connection with anything con-
 tained in this section shall failing agreement be
 determined by arbitration and the costs of the reference
 shall be borne as the arbiter shall direct.

65. The following provisions for the protection of the
 Caledonian Railway Company (in this section called "the com-
 pany") shall unless otherwise agreed have effect and be binding
 on the Corporation (that is to say) :—

Protection of
 Caledonian
 Railway
 Company.

(1) In constructing maintaining and using the Tramway
 No. 16 by this Order authorised across the Foxley
 Branch Railway where that railway crosses the road
 from Glasgow to Uddingston on the level the Cor-
 poration shall so carry out their works as not to
 injure or interfere with the use of such railway for
 railway traffic either during or after the construction of
 the tramway and shall at their own expense make all

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necessary alterations in the rails and permanent way of the railway at such level crossing as may be necessary to enable the tramway to cross the same on the level :

- (2) If the Board of Trade on application made to them by the Corporation or the company shall be of opinion that 5 it is necessary in consequence of the construction and use of the tramway to make any provision for the regulation and protection of the traffic on the railway or tramway at the said level crossing beyond that which at present exists all works necessary for that purpose shall 10 be provided by and at the expense of the Corporation who shall also repay to the company any additional costs or expenses to which the company may be reasonably put in connection with the working and regulation of the traffic at the said level crossing in 15 consequence of any requirement of the Board of Trade under this section :
- (3) Before commencing any of the works or operations referred to in this section the Corporation shall submit plans and sections thereof to the company for their approval 20 and the said works or operations shall be executed in conformity with the said plans and sections so approved and at the sight and to the reasonable satisfaction of the engineer of the company Provided that such approval as aforesaid shall not be unreasonably withheld and that 25 it shall be deemed to have been given unless the company signify their disapproval and the grounds thereof within fourteen days after submission of the said plans and sections :
- (4) Any difference between the Corporation and the company 30 or their engineer in connection with anything contained in this section or with respect to the conduct of the traffic on the tramway and railway respectively shall failing agreement be determined by arbitration and the costs of the reference shall be borne as the arbiter 35 shall direct.

Protection of
Cathcart
District
Railway
Company.

66. The Corporation 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 shall not make the approach to the 40 passenger station on the south steeper than 1 in 8 and any

[5 EDW. 7.] *Glasgow Corporation (Tramways Consolidation)* 47
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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
 5 by the Corporation and immediately on completion be taken over by the said company Any alteration of the accesses to the said stations and the works in connection therewith shall be executed at the cost of the Corporation The Corporation shall also
 10 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.

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15 67. Whereas the Trustees of the Clyde Navigation (in this section called "the Clyde Trustees") have in order to facilitate the working of the portion of Tramway No. 1 authorised by the Glasgow Corporation Tramways Order 1903 on the road known as Finnieston Quay agreed subject to the conditions hereinafter set
 20 forth to set back the existing railing belonging to them along the south side of that road to the line shown on the plan signed by Eugene Wason the Chairman of the Commissioners acting under the provisions of the Private Legislation Procedure (Scotland) Act 1899 to whom the said Order was referred which plan is referred
 25 to as the signed plan (copies of which signed plan have been deposited in the Private Bill Office of the House of Commons the Parliament Office of the House of Lords and with the principal sheriff clerk of the county of Lanark) and to consent to the ground
 30 between the new and existing line of the said railing being used for traffic purposes Therefore be it enacted as follows:—

Protection
 of Clyde
 Trustees.

(1) The Corporation shall construct the said portion of Tramway No. 1 in this section referred to situated on Finnieston Quay on the line and in the manner shown on the signed plan and in connection therewith they
 35 shall set back the said railing to the new line shown on the signed plan and shall remove the weighing machine water meter police call office and boxes to the several positions shown on the signed plan and shall also replace any surface gratings which may be disturbed and make good any drainage connections which may
 40 be interfered with:

A.D. 1905.

- (2) The surface of the ground belonging to the Clyde Trustees shown in red on the signed plan shall be causewayed and maintained by the Corporation and shall be available for traffic but the Clyde Trustees shall retain their full and unrestricted rights of property in the said ground and the use thereof by the public for traffic purposes shall not entitle the public or any person to acquire rights of way or other rights over the said ground : 5
- (3) In the event of the said portion of Tramway No. 1 in this section referred to being at any time abandoned the Clyde Trustees shall be entitled to resume possession of said ground and to replace the said railing on its former line : 10
- (4) The Corporation shall bear the whole cost of carrying out the several works and operations provided for in this section (including the cost of replacing said railing and works) and shall relieve the Clyde Trustees of any expense in connection therewith These several works and operations shall be carried out by the Corporation at the sight and to the satisfaction of the engineer of the Clyde Trustees : 15 20
- (5) In the event of any difference arising between the Corporation and the Clyde Trustees in connection with any of the matters or things referred to in this section the matter in difference shall failing agreement be determined by arbitration. 25

Cutting trees
overhanging
highways.

68. The Corporation may cut and lop any trees planted in or overhanging any road along which the tramways are or may be laid which may in any way interfere with the construction or working of the tramway undertaking or with the clear and safe passage of the carriages and the passengers thereon doing no unnecessary damage to the trees and making compensation to any person who may sustain 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 : 30 35

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. 40

[5 Edw. 7.] *Glasgow Corporation (Tramways Consolidation)* 49
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69. 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 interdict or otherwise to which he may be subject) be guilty of an offence and on conviction shall be liable to a penalty not exceeding twenty pounds.

A.D. 1905.
 Penalty for
 malicious
 damage.

70. The Corporation or their lessees may subject as hereinbefore provided demand and take for every passenger travelling upon the tramways or upon any tramways over which the Corporation may have running powers including every expense incidental to such conveyance a fare not exceeding one penny per mile or per stage of not less than one mile and in computing the said fare the fraction of a mile or of a stage shall respectively be deemed to be a mile or a stage.

Fares for
 passengers.

For the purpose of this section the Corporation may divide the tramways into such stages as they shall deem necessary or expedient.

71. Every passenger travelling upon the tramways may take with him his personal luggage not exceeding twenty-eight pounds in weight without any charge being made for the carriage thereof. All such luggage shall be carried by hand at the responsibility of the passenger and shall not occupy any part of a seat nor be of a form or description to annoy or inconvenience other passengers.

Personal
 luggage of
 passengers.

72. The Corporation or their lessees shall not be bound unless they think fit to carry on the tramways any parcels goods articles or things other than passengers' personal luggage not exceeding the weight mentioned in the immediately preceding section.

Carriage of
 goods &c.

73. Notwithstanding anything in this Order contained the Corporation shall not without the consent in writing of the local authority be entitled to carry on the tramways so far as within the county of Renfrew any parcels goods articles or things other than passengers' personal luggage.

Saving for
 tramways in
 county of
 Renfrew.

74. The Corporation or their lessees may demand and take in respect of any parcels goods articles or things of the weights hereinafter mentioned carried by them on the tramways including

Carriage of
 parcels &c.

50 *Glasgow Corporation (Tramways Consolidation)* [5 Edw. 7.]
Order Confirmation.

A.D. 1905. every expense incidental to such conveyance a rate or charge not exceeding the following:—

For each separate parcel article or thing—

Not exceeding seven pounds in weight threepence:

Exceeding seven pounds and not exceeding fourteen pounds 5
in weight fivepence:

Exceeding fourteen pounds and not exceeding twenty-eight
pounds in weight sevenpence:

Exceeding twenty-eight pounds and not exceeding fifty-six
pounds in weight ninepence: 10

Exceeding fifty-six pounds but not exceeding five hundred
pounds in weight such sum as the Corporation may
think fit.

Fares on
Sundays and
holidays.

75. The Corporation or their lessees shall not take or demand
on Sunday or on any public holiday any higher fares rates and 15
charges than those levied by them on ordinary week days.

Fares for
labouring
classes.

76. The Corporation at all times after the opening of the
tramways for public traffic shall and they are hereby required to
run at least two carriages each way every morning in the week
and every evening in the week (Sundays excepted) at such hours 20
not being later than seven in the morning or earlier than six in
the evening respectively as the Corporation think most convenient
for artisans mechanics and daily labourers at fares not exceeding
one halfpenny per mile (the Corporation nevertheless not being
required to take any fare less than one penny) Provided that in 25
case of any complaint made to the Board of Trade of the hours
appointed by the Corporation for the running of such carriages the
Board of Trade shall have power to fix and regulate the same.

Fares to be
paid as
directed by
Corporation.

77. The fares rates and charges by this Order authorised shall
be paid to such persons and at such places upon or near to the 30
tramways and in such manner and under such regulations as the
Corporation shall appoint by notice to be annexed to the list of
fares rates and charges.

Recovery and
application
of penalties
&c.

78.—(1) Any penalties for offences against any byelaws made
under this Order may be recovered and applied in the same manner 35
as penalties are recovered and applied under the Acts for the time
being in force for police or highway or other local government
purposes as the case may be in the city or burgh or district in which
such offences shall have been committed,

[5 EDW. 7.] (*Glasgow Corporation (Tramways Consolidation)*) 51
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(2) All fares rates charges and other moneys which under this Order may become payable to or by the Corporation or their lessees and all penalties for offences against any of the provisions of this Order or the Act of 1870 the recovery of which is not provided for in the immediately preceding sub-section may be sued for and recovered if the cause of action arise

A.D. 1905.

(A) within the city in the Glasgow police court or at the option of the person claiming the payment in any other court of competent jurisdiction; or

(B) outwith the city in any court of competent jurisdiction and in all cases at the option of the person claiming the payment in manner provided by the Companies Clauses Consolidation (Scotland) Act 1845 with reference to the recovery of damages not otherwise provided for and penalties.

79. Notwithstanding anything contained in any public and general or local and personal Act any property found in any carriage using the tramways shall forthwith be delivered by the finder thereof to the conductor of such carriage and shall be taken by such conductor to a place to be appointed for the purpose by the Corporation and if such property be not claimed by the owner thereof within six months after the finding thereof it may be sold by the Corporation and the proceeds thereof applied in such manner as they shall appoint and if any person fails or refuses to deliver up any such property he shall be guilty of an offence and shall be liable to a penalty not exceeding five pounds.

Lost property.

80. With respect to the notices to be given under the Act of 1870 or this Order and to the delivery thereof by or to the Corporation the following provisions shall have effect (that is to say):—

Notices under the Tramways Act 1870.

(1) Any notice shall be in writing and shall be sufficiently authenticated if given by a local authority by being signed by their clerk:

(2) Any notice may be delivered to the Corporation a local authority or other person as the case may be by being left at their principal office or last known address or by being sent by post in a registered letter addressed to them at their principal office or last known address and every such letter shall be deemed to be received by the Corporation local authority or person as the case may be on the day on which the same ought to be delivered in the ordinary course of post.

A.D. 1905.
Borrowing
on mortgage.

81. Whereas by the provisions of the Tramways Acts specified in the Third Schedule to this Order the Corporation were authorised to borrow various sums of money amounting in the whole to two million seven hundred thousand pounds therefore be it enacted that the borrowing by the Corporation of the said sum of two million seven hundred thousand pounds so far as authorised by and for the purposes of the Tramways Acts shall be deemed to have been authorised by and for the purposes of this Order and whereas the Corporation as at the thirty-first day of May one thousand nine hundred and four had expended for capital purposes in connection with the tramway undertaking the sum of two million six hundred and ninety-nine thousand seven hundred and seventy-five pounds thirteen shillings and ninepence and have expended or are expending a further estimated sum of one hundred and thirty-five thousand two hundred and seventy-five pounds towards completing the authorised tramways making together a total expenditure for capital purposes of two million eight hundred and thirty-five thousand and fifty pounds thirteen shillings and ninepence and whereas it is expedient that the Corporation should be authorised to borrow further moneys for the purpose of completing the authorised tramways and for the purposes of this Order therefore the Corporation may in addition to the said sum of two million seven hundred thousand pounds borrow for the purposes aforesaid any sum not exceeding four hundred thousand pounds and may make and grant mortgages and assignments of the tramway undertaking vested in and constructed by them under this Order or acquired or to be acquired by them and of the fares rates and charges authorised thereby and of any revenues or moneys or securities payable or available to the Corporation from the tramways or under any agreements relating thereto and of the corporate estate lands revenue and property belonging to them as administrators of the common good fund and property of the city in security of the payment of the money so borrowed and interest thereon and if after having borrowed the said sums or any part thereof the Corporation pay off the same by other means than by sinking fund they may reborrow the same.

Borrowing
on cash
credit.

82. The Corporation in the exercise of their borrowing powers under this Order may borrow from any bank or banking company on a cash credit opened and kept with such bank or banking company in the name of the Corporation according to the usage of bankers in Scotland and to the extent of the sum to which they are by this Order authorised to borrow or any part thereof and may

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make and grant mortgages and assignments as aforesaid in security of the payment of the money so borrowed and interest thereon. A.D. 1935.

83. The Corporation shall apply money so borrowed in payment firstly of the costs charges and expenses of and incidental to the preparing for obtaining and confirming of this Order or otherwise in relation thereto secondly in and for the purchase of lands and the construction of works by this Order authorised and thirdly for the general purposes of this Order but they shall not apply any of the money so borrowed or any other money of the nature of capital to the maintenance of works or other purposes to which revenue is properly applicable. Application of borrowed money.

84. Whereas in pursuance of the provisions of the Tramways Acts specified in the Third Schedule to this Order the Corporation as at the thirty-first day of May one thousand nine hundred and five set apart out of the revenue of the tramway undertaking as a sinking fund a sum which with the interest thereon amounts to four hundred and forty-nine thousand two hundred and seventy-four pounds fifteen shillings and two pence And whereas the whole of that amount has been applied in reduction of the amount borrowed by the Corporation: Therefore be it enacted that the said sum shall be deemed to have been set apart and applied as a sinking fund provided under and for the purposes of this Order and the Corporation shall during the year ending the thirty-first day of May one thousand nine hundred and six and annually thereafter set apart out of the revenue of the tramway undertaking a sinking fund of not less than two pounds per centum on the amount borrowed by them for the purposes of this Order as at the thirty-first day of May preceding and not paid off by other means than by sinking fund and shall accumulate the same and the interest thereon at a rate of not less than three per centum per annum as a sinking fund until the amount accumulated is sufficient to pay off the principal amount so borrowed and remaining unpaid. Sinking fund.

85. The Corporation shall apply the sinking fund hereinbefore provided in whole or in part in paying off the principal sum so borrowed and remaining unpaid Provided that except as regards sinking fund so applied prior to the first day of June one thousand eight hundred and ninety-five they shall pay into such sinking fund in each year and accumulate until the whole of the sum so borrowed is discharged a sum equivalent to the interest which would have been produced by any part of such sinking fund so applied. Application of sinking fund.

54 *Glasgow Corporation (Tramways Consolidation)* [5 EDW. 7.]
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A.D. 1905.
Appointment
of judicial
factor.

86. The mortgagees of the Corporation may enforce payment of the arrears of interest or principal or principal and interest due on their mortgages by the appointment of a judicial factor In order to authorise the appointment of a judicial factor in respect of arrears of principal the amount owing to the mortgagees by whom 5 the application for a judicial factor shall be made shall not be less than ten thousand pounds in the whole.

Restriction
on taking
houses occu-
pied by
labouring
classes.

87. The Corporation or the Renfrew County Council as the case may be shall not under the powers of this Order purchase or acquire in any district within the meaning of the Public Health 10 (Scotland) Act 1897 ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Secretary for Scotland ten or more houses which were not so occupied on the said fifteenth day of 15 December but have been or shall be subsequently so occupied.

If the Corporation or the Renfrew County Council as the case may be acquire or appropriate any house or houses for the purposes of this Order in contravention of the provisions of this section they shall be liable to a penalty of five hundred pounds in respect of 20 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. 25

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 30 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.

Repeal of
Acts.

88.—(1) Subject to the provisions of this Order the Acts 35 and Orders specified in the Fourth Schedule to this Order (in this Order referred to as "the repealed Acts") are hereby repealed to the extent mentioned in the second column of that schedule.

General
saving from
effect of re-
peal.

(2) Notwithstanding the repeal of the repealed Acts as aforesaid— 40

(A) All existing agreements bonds mortgages annuities stock or other securities made granted payable or created by

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the Corporation under any of the repealed Acts shall be and continue valid and available for all purposes and for and against all parties as if the Act confirming this Order had not been passed : A.D. 1905.
 —

- 5 (B) All property forming part of the tramway undertaking
 vested in the Corporation at the passing of the Act
 confirming this Order shall continue vested in the
 Corporation to the same effect and extent and all
 10 acts works matters and things done or commenced
 under the powers of the repealed Acts or any of
 them which were at the passing of the Act confirming
 this Order valid and available or in progress and all
 existing notices notices to treat agreements awards
 conveyances contracts covenants deeds instruments
 15 feus leases obligations rights and remedies shall be
 and continue valid and available for all purposes and
 for and against all parties and may be continued
 enforced and completed as if the Act confirming this
 Order had not been passed :
- 20 (c) All actions arbitrations prosecutions and proceedings by
 with or against the Corporation by reason of any
 matter or thing done before the passing of the Act
 confirming this Order in execution of or in relation
 to any of the repealed Acts may be continued com-
 25 menced or prosecuted by or against the Corporation
 as if the Act confirming this Order had not been
 passed :
- (D) All existing byelaws rules regulations orders and licences
 in execution of or in relation to any of the repealed
 30 Acts shall continue in force until repealed altered or
 revoked under the provisions of this Order or until
 their expiration and may be enforced in like manner
 and with the same penalties as if made for like
 purposes respectively under the provisions of this
 35 Order :
- (E) All fares rates rents charges and other sums at the passing
 of the Act confirming this Order due to the Corpora-
 tion in respect of the tramway undertaking may be
 collected and recovered by the Corporation as if the
 40 Act confirming this Order had not been passed ;

56 *Glasgow Corporation (Tramways Consolidation)* [5 EDW. 7.]
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A.D. 1905. (F) All books and documents which under any of the repealed Acts or otherwise would have been receivable in evidence shall be admitted in evidence in all courts and proceedings as if the Act confirming this Order had not been passed. 5

Saving for railway companies.

89. Notwithstanding the repeal of the repealed Acts nothing in this Order contained shall extend or be construed to extend to repeal abridge or in any way prejudice or diminish any of the rights powers or privileges conferred on and enjoyed under or in virtue of the repealed Acts by any railway company all of which rights powers and privileges are hereby saved and reserved entire and everything before the passing of the Act confirming this Order done and suffered under or confirmed by the repealed Acts shall be as valid as if such Acts were not repealed and the repeal thereof and this Order respectively shall be subject and without prejudice to everything so done or suffered and to all rights powers or privileges liabilities claims and demands both present and future which if the repealed Acts were not repealed would be incident to or consequent on any and everything so done and suffered and the Corporation shall be liable in respect to all such rights powers or privileges liabilities claims and demands in the same manner and to the same extent as if the Act confirming this Order had not been passed. 10
15
20

Vesting certain tramways in burgh of Govan.

90.—(1) The Tramways No. 2 and No. 3 described in and authorised by section 25 (Power to Govan Commissioners to make new tramways) of the Act of 1897 as those tramways exist at the passing of the Act confirming this Order shall subject to the provisions of this Order be and continue vested in the provost magistrates and councillors of the burgh of Govan and shall be held used and enjoyed by them. 25
30

(2) The provisions of the Govan Burgh (Tramways) Act 1893 and the sections of the Glasgow and Ibrox Tramway Act 1877 referred to in the Fifth Schedule to this Order shall extend and apply to the said Tramways No. 2 and No. 3.

(3) The provost magistrates and councillors of the burgh of Govan may borrow such sums as may be necessary to defray the cost of constructing the said Tramways No. 2 and No. 3 and all expenses which may be incurred by them in relation thereto in the same manner and subject to the same conditions as if those 35

[5 Edw. 7.] *Glasgow Corporation (Tramways Consolidation) 57*
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tramways had formed part of the tramways acquired by them A.D. 1905.
 under the Govan Burgh (Tramways) Act 1893. —

91.—(1) Notwithstanding anything in this Order contained
 the lease set forth in the Sixth Schedule to this Order and made
 5 between the commissioners (now the provost magistrates and
 councillors) of the burgh of Govan and the Corporation and any
 Act or Order other than the repealed Acts relating to that portion
 of the tramway undertaking belonging to the provost magistrates
 and councillors of the burgh of Govan shall continue and remain
 10 in full force and effect to all intents and purposes as if the Act
 confirming this Order had not been passed.

Continuing
 lease with
 burgh of
 Govan.

(2) The portion of the Tramway No. 15 described in and
 authorised by the Order of 1901 so far as situate within the burgh
 of Govan at the passing of the Act confirming this Order shall
 15 belong to the provost magistrates and councillors of the burgh of
 Govan and be and be deemed to be part of the tramways leased
 to the Corporation by the lease set forth in the Sixth Schedule to
 this Order and the provisions of that lease shall so far as applicable
 apply to the said portion of tramway.

20 (3) Nothing in this Order or in the said lease shall (except
 as herein provided) affect or prejudice the running powers and
 other rights and powers conferred upon any railway company
 by the Vale of Clyde Tramways Acts 1871 1876 and 1888 and
 such running powers and other rights and powers (including
 25 power to any such railway company to make connections at
 their own cost into shipbuilding yards or other works in terms
 of the Vale of Clyde Tramways Act 1871) shall extend to the
 said portion of Tramway No. 15 authorised by the Order of 1901
 within the burgh of Govan Provided that the exercise of such
 30 running powers and other rights and powers over the said portion
 of Tramway No. 15 and also over the tramways authorised by the
 said Vale of Clyde Tramways Acts including the use of mechanical
 power required in connection with such running powers shall be
 subject to the byelaws and regulations of the provost magistrates
 35 and councillors of the burgh of Govan and such regulations as
 shall be fixed by the Board of Trade on the application of the
 said provost magistrates and councillors the Corporation or any
 such railway company Provided that notwithstanding anything
 contained in the said Vale of Clyde Tramways Acts the railway
 40 company and any other company or person running over or
 working the said portion of Tramway No. 15 and the tramways

58 *Glasgow Corporation (Tramways Consolidation)* [5 EDW. 7.]
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A.D. 1905. authorised by the said Vale of Clyde Tramways Acts may use mechanical power on those tramways and the Corporation may provide the power required for that purpose on such terms and conditions as may be agreed.

Continuing agreement with burgh of Clydebank.

92. Notwithstanding anything in this Order contained the agreement set forth in the Seventh Schedule to this Order and made between the Corporation and the provost magistrates and councillors of the burgh of Clydebank and subject to the provisions of the said agreement the Clydebank Burgh Tramways Order 1901 shall continue and remain in full force and effect to all intents and purposes as if the Act confirming this Order had not been passed.

Confirming agreement with burgh of Pollokshaws.

93. The agreement set forth in the Eighth Schedule to this Order and made between the Corporation and the provost magistrates and councillors of the burgh of Pollokshaws is hereby confirmed and made binding upon the parties thereto.

References to arbitration.

94. Any question or difference arising under this Order which is directed to be determined by arbitration shall unless it is otherwise in this Order specially provided be determined by an arbiter to be mutually agreed upon or failing agreement to be appointed by the Board of Trade on the application of either party and the decision of such arbiter shall be final.

General Tramway Acts.

95. Nothing in this Order contained shall be deemed or construed to exempt the Corporation or their lessees or the tramways from the provisions of any general Act relating to tramways now in force or which may hereafter pass during this or any future Session of Parliament or from any future revision or alteration under the authority of Parliament of the maximum rates of fares or charges by this Order authorised.

Expenses of Order

96. The costs charges and expenses of and incidental 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.

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The SCHEDULES referred to in the foregoing Order.

A.D. 1905.

FIRST SCHEDULE.

(Referred to in the Section of this Order of which the marginal note is
 "Tramways to vest in Corporation.")

5 I.—LIST of the TRAMWAYS (REVENUE LINES) already CONSTRUCTED and
 VESTED in the CORPORATION.

10 No.	Description of Tramways and Streets on which the same are laid down.	Length (Double Track) excluding Crossovers Sidings Junctions &c.		
		M.	F.	Yds.
15	1 New City Road from Saint George's Cross to Cambridge Street	0	2	11
	2 Cambridge Street from New City Road to Sauchiehall Street -	0	2	108
	3 Sauchiehall Street from Cambridge Street to Renfield Street -	0	1	91
20	4 Renfield Street from Sauchiehall Street to Saint Vincent Street	0	1	137
	5 Renfield Street from Saint Vincent Street to Gordon Street -	0	0	147
	6 Union Street from Gordon Street to Argyle Street -	0	1	33
	7 Jamaica Street Jamaica Bridge and Bridge Street from Argyle Street to Nelson Street.	0	3	40
	8 Eglinton Street from Nelson Street to Maxwell Road -	0	5	87
	9 Sauchiehall Street from Cambridge Street to Elmbank Street -	0	2	142
25	10 Sauchiehall Street from Elmbank Street to Charing Cross	0	0	149
	11 Sauchiehall Street from Charing Cross to Kelvingrove Street -	0	4	54
	12 Trongate from Candleriggs to Tron Steeple -	0	0	63
	13 Trongate (North) from Tron Steeple to High Street -	0	0	123
	14 Trongate (South) from Tron Steeple to Saltmarket -	0	0	117
30	15 London Street Great Hamilton Street and Canning Street from Saltmarket to Clyde Street.	0	5	167
	16 Canning Street and Bridgeton Cross from Clyde Street to junction of Dalmarnock Road.	0	1	5
	17 Nelson Street Morrison Street and Paisley Road from Bridge Street to Paisley Road Toll.	0	6	26
35	18 Great Western Road from Saint George's Cross to Park Road -	0	3	145
	19 Great Western Road from Park Road to Byres Road -	0	4	66
	20 Great Western Road from Byres Road to Kirklee Road -	0	1	158
	21 Dumbarton Road from Derby Street to Sauchiehall Street -	0	2	74
40	22 Dumbarton Road from Sauchiehall Street to Church Street -	0	2	75
	23 Dumbarton Road from Church Street to Whiteinch Burn -	1	6	118

(121.)

II 2

60 *Glasgow Corporation (Tramways Consolidation)* [5 EDW. 7.]
Order Confirmation.

A.D. 1905,

No.	Description of Tramways and Streets on which the same are laid down.	Length (Double Track) excluding Crossovers Sidings Junctions &c.			5
		M.	F.	Yds.	
24	Sauchiehall Street from Kelvingrove Street to Derby Street -	0	0	80	
25	Saint Vincent Street from Renfield Street to West Nile Street -	0	0	129	
26	Saint Vincent Street and Saint Vincent Place from West Nile Street to Queen Street.	0	1	6	10
27	Main Street Anderston from Elderslie Street to Saint Vincent Street.	0	1	73	
28	Dumbarton Road from Saint Vincent Street to Derby Street -	0	2	91	
29	Argyle Street from Jamaica Street to Hope Street -	0	0	151	15
30	Argyle Street and Main Street Anderston from Hope Street to Elderslie Street.	0	5	95	
31	Argyle Street from Jamaica Street to Glassford Street - -	0	2	82	
32	Trongate from Glassford Street to Candleriggs - - -	0	0	218	
33	Queen Street George Street and Duke Street from Saint Vincent Place to Bellgrove Street.	1	1	32	20
34	Duke Street from Bellgrove Street to Cumbernauld Road -	0	3	43	
35	Gallowgate from Kent Street to Bellgrove Street - - -	0	3	108	
36	Gallowgate from Bellgrove Street to Camlachie Burn - - -	0	3	213	
37	Pollokshaws Road from Victoria Road to Muirhouse Street -	0	1	11	25
38	Renfield Street from Sauchiehall Street to Cowcaddens -	0	1	17	
39	Cowcaddens from Renfield Street to New City Road - - -	0	1	177	
40	New City Road from Cowcaddens to Cambridge Street - - -	0	0	187	
41	Gallowgate from High Street to Kent Street - - - -	0	2	15	
42	Great Eastern Road from Camlachie Burn to Camlachie Toll -	0	2	20	30
43	London Road from junction with Canning Street to Fielden Street.	0	3	76	
44	Victoria Road from Pollokshaws Road to Queen's Drive - -	0	5	85	
45	Queen's Drive from Victoria Road to Langside Road - - -	0	0	193	
46	Great Western Road from Kirklee Road to Hyndland Road -	0	2	208	35
47	Pollokshaws Road from Muirhouse Street to Shawlands Cross -	0	7	194	
48	George Square South Frederick Street Ingram Street and Glassford Street from Queen Street to Argyle Street.	0	2	156	
49	New City Road from Saint George's Cross to Gairbraid Street -	0	5	147	
50	Crown Street Albert Bridge and Saltmarket from Rutherglen Road to Trongate South.	0	3	218	40
51	Crown Street from Rutherglen Road to Cathcart Road - - -	0	3	198	
52	Cathcart Road from Crown Street to Queen Mary Avenue -	0	6	73	
53	Great Eastern Road from Camlachie Toll to Parkhead Cross -	0	3	63	
54	Rutherglen Road from Crown Street to Braehead Street - -	0	5	37	45
55	Norfolk Street and Govan Street from Bridge Street to Crown Street.	0	3	78	
56	Gairbraid Street from New City Road to Maryhill Burgh Buildings.	1	0	86	
57	Wyndford Street and Main Street Maryhill from Burgh Buildings to North British Railway Bridge at Maryhill.	0	4	164	50
58	Dalmarnock Road from Bridgeton Cross to Springfield Road -	0	4	204	
59	Kilmarnock Road from Shawlands Cross to Grantly Street -	0	2	217	
60	Possil Road from Possil Cross to Garscube Road at Raglan Street.	0	3	69	55
61	Garscube Road from Possil Road to Cowcaddens - - - -	0	3	51	
62	Cathcart Road from Queen's Drive to Queen Mary Avenue -	0	1	56	
63	Elmbank Street from Sauchiehall Street to Saint Vincent Street.	0	1	202	

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Order Confirmation.

				A.D. 1905.	
5	No.	Description of Tramways and Streets on which the same are laid down.	Length (Double Track) excluding Crossovers Sidings Junctions &c.		
			M.	F.	Yds.
	64	Bothwell Street and Hope Street from Saint Vincent Street to Gordon Street.	0	3	62
10	65	Gordon Street from Hope Street to Renfield Street - - -	0	0	143
	66	Saint George's Road from Saint George's Cross to Woodlands Road.	0	2	65
	67	Saint George's Road from Woodlands Road to Charing Cross -	0	0	159
	68	Park Road from Great Western Road to South Woodside Road	0	0	157
15	69	Eldon Street from Park Road to Woodlands Road - - -	0	1	27
	70	Woodlands Road from South Woodside Road to Saint George's Road.	0	2	212
	71	West Nile Street from Saint Vincent Street to Sauchiehall Street.	0	1	165
20	72	Sauchiehall Street and Parliamentary Road from West Nile Street to Castle Street.	0	6	55
	73	Castle Street and Springburn Road from Parliamentary Road to New Keppochhill Road.	0	7	125
	74	Springburn Road from New Keppochhill Road to Balgray Hill at Union Street.	0	2	209
25	75	Sauchiehall Street from Derby Street to Radnor Street - -	0	1	52
	76	Radnor Street from Sauchiehall Street to Dumbarton Road -	0	0	102
	77	Sauchiehall Street from Renfield Street to West Nile Street -	0	0	101
30	78	Main Street Bridgeton from Bridgeton Cross to Rutherglen Bridge.	0	4	0
	79	Stockwell Street Victoria Bridge and Main Street Gorbals from Argyle Street to Gorbals Cross.	0	3	99
	80	Main Street Gorbals from Gorbals Cross to Cathcart Street -	0	1	217
	81	Cathcart Road from Main Street Gorbals to Crown Street -	0	2	118
35	82	Cathcart Road from Queen's Drive to Mount Florida - - -	0	1	195
	83	Saint Vincent Street from Elmbank Street to Dumbarton Road	0	3	83
	84	Possil Road from Possil Cross to Saracen Cross - - -	0	3	40
	85	Springburn Road from Balgray Hill to Union Street at Elmvale Street.	0	0	103
40	86	London Road from Fielden Street to Frazer Street - - -	0	0	141
	87	Langside Road and Grange Road from Queen's Drive to Battlefield Road.	0	3	67
	88	Pollokshaws Road from Main Street Gorbals to Victoria Road -	0	3	174
45	89	Maxwell Road and Kenmure Street from Eglinton Street to Albert Road.	0	4	57
	90	Albert Road Albert Drive and Saint Andrew's Drive from Kenmure Street to Nithsdale Road.	0	5	199
	91	High Street and Castle Street from Trongate South to Parliamentary Road.	0	6	174
50	92	Garscube Road from Possil Road to Gairbraid Street - - -	0	5	42
	93	London Road from Frazer Street to Kinnear Road - - -	0	2	20
	94	London Road from Kinnear Road to Springfield Road - - -	0	1	218
	95	Dalmarnock Road from Springfield Road to north of Dalmarnock Bridge.	0	2	168
55	96	Paisley Road from Ibrox Railway Station to Halfway House -	0	7	191
	97	Monkland Street from Parliamentary Road to Castle Street -	0	0	156
	98	Sauchiehall Street from Radnor Street to Dumbarton Road -	0	1	3
	99	Battlefield Road from Grange Road to Langside Depot - - -	0	2	24
60	100	Gibson Street and Bank Street from Eldon Street to University Avenue.	0	2	193

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A.D. 1905.

No.	Description of Tramways and Streets on which the same are laid down.	Length (Double Track) excluding Crossovers Sidings Junctions &c.	5
		M. F. Yds.	
101	South Woodside Road from Woodlands Road to Park Road -	0 1 27	
102	West Nile Street and Cowcaddens from Sauchiehall Street to Renfield Street.	0 1 67	
103	Hope Street from Gordon Street to Argyle Street -	0 1 65	10
104	Byres Road and Church Street from Great Western Road to Dumbarton Road.	0 5 46	
105	Bellgrove Street Abercrombie Street and Clyde Street from Duke Street to Canning Street.	0 4 214	
113	Westmuir Street Main Street Shettleston and Eastmuir Street from Parkhead Cross to Gartocher Road.	1 5 109	15
114	Great Eastern Road Tollcross Road and Main Street Tollcross from Parkhead Cross to Causewayside Street.	1 1 213	
115	Cumbernauld Road from Duke Street to Alexandra Parade -	0 3 88	20
116	Alexandra Parade from Cumbernauld Road to Castle Street -	1 1 42	
117	Great Western Road from Hyndland Road to Anniesland Cross	0 7 204	
118	New Keppochhill Road from Possil Road to Springburn Road -	0 6 184	
119	Renfrew Road from Linthouse Burn to Shieldhall Works Gate -	0 2 133	
120	Dalmarnock Road and Farmcloan Road from north of Dalmarnock Bridge to Main Street Rutherglen.	0 6 6	25
121	Coatbridge Road from Gartocher Road to Barrachnie - -	0 5 217	
122	Dumbarton Road from Whiteinch Terminus to Scotstoun -	0 4 19	
123	Pollokshaws Road and Maxwell Street from Shawlands Cross to Pollok Street.	0 5 34	
124	Barrhead Road from Pollok Street to Carteraigs Street Pollokshaws.	0 4 17	30
125	Rutherglen Road from Braehead Street to Shawfield Toll -	0 5 137	
126	Rutherglen Road and Main Street Rutherglen from Shawfield Toll to Rutherglen Terminus.	0 7 124	35
127	Aikenhead Road from Cathcart Road to Govanhill Street -	0 3 55	
128	Duke Street from Cumbernauld Road to Carntyne Road -	0 3 13	
129	Holmlea Road from Battlefield Road to Cathcart Road - -	0 1 136	
130	Cathcart Road from Holmlea Road to Cemetery Gate New Cathcart.	0 7 4	
131	Langside Road from Grange Road to Battle Place - -	0 2 173	40
132	Dumbarton Road from Scotstoun Terminus to Yoker Terminus	1 3 139	
133	Paisley Road from Halfway House to Crookston Terminus -	1 1 60	
134	Renfrew Road from Shieldhall Works Gate to Renfrew Burgh Boundary.	1 3 154	
135	Renfrew Road and High Street Renfrew from Renfrew { Single Boundary to Town Hall - - - - - } Double	0 1 78 0 1 181	45
136	Bishopbriggs Road from Elmvale Street to Eastfield Street -	0 0 83	
137	Bishopbriggs Road from Eastfield Street to Springfield Road Bishopbriggs.	1 3 131	
138	Rutherglen Road from French Street to junction of Richmond Drive and Shawfield Road.	0 0 189	50
139	Shawfield Road from Richmond Drive to Shawfield Toll - -	0 2 71	
140	Cumbernauld Road from Alexandra Parade to Riddrie - -	0 4 55	
141	Clincart Road from McLennan Street to Florida Street - -	0 0 80	55
142	Dumbarton Road from Yoker Terminus to Clydebank Burgh Boundary (Yoker Burn).	0 0 121	
144	James Street Bridgeton King's Drive and King's Bridge from Dalmarnock Road to west end of bridge.	0 4 0	
145	Govan Street from Crown Street to west end of King's Bridge -	0 4 25	60

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Order Confirmation.

No.	Description of Tramways and Streets on which the same are laid down.	Length (Double Track) excluding Crossovers Sidings Junctions &c.	
		M.	F. Yds.
5			
146	Paisley Road from Crookston Terminus to Paisley Boundary at Ralston House.	0	7 96
10 147	Glasgow Road from Paisley Boundary to Hawkhead Road Paisley.	0	3 139
148	Cambuslang Road from Union Place to Clydeford Road Cambuslang.	2	0 92
149	Duke Street from Carntyne Road to Parkhead Cross - -	0	4 97
15 150	Finnieston Quay and Finnieston Street from Stobercross Ferry to Dumbarton Road.	0	3 198
151	North Street from Saint Vincent Street to Sauchiehall Street -	0	1 188
152	Saint George's Road from Saint George's Cross to Garscube Road.	0	3 15
20	Total of revenue lines the property of the Corporation {		
	Single - - -	0	1 78
	Double - - -	66	2 16

A.D. 1905.

II.—LIST of the TRAMWAYS already CONSTRUCTED VESTED in the CORPORATION and presently USED solely as DEPÔT CONNECTIONS.

25	Description of Tramways and Streets on which the same are laid down.	Length excluding Crossovers Sidings Junctions &c.	
		Single Track.	Double Track.
		M. F. Yds.	M. F. Yds.
30	Coplaw Street and Jamieson Street from Pollokshaws Road to Cathcart Road.	0	3 144
	Albert Road from Coplawhill Depôt Gate to Pollokshaws Road.	0	0 155
	Albert Road from Coplawhill Depôt Gate to Kenmure Street.	0	1 139
35	Dalhousie Street from Dalhousie Depôt to New City Road.	0	0 99
	Ruby Street from Dalmarnock Depôt to Dalmarnock Road.	0	2 42
40	Paton Street from Dennistoun Depôt to Duke Street -	0	1 9
	Kelvinhaugh Street from Kelvinhaugh Depôt to Dumbarton Road.	0	1 108
	Great Wellington Street from Kinning Park Depôt to Paisley Road.	0	1 93
45	Prospecthill Road from Cathcart Road to Battlefield Road.	0	2 69
	Celtic Street from Maryhill Depôt to Main Street Maryhill.	0	0 110

64 *Glasgow Corporation (Tramways Consolidation)* [5 EDW. 7.]
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Description of Tramways and Streets on which the same are laid down.	Length excluding Crossovers Sidings Junctions &c.		
	Single Track.	Double Track.	
			5
Hayburn Street from Partick Depôt to Dumbarton Road.	M. F. Yds. 0 0 123	M. F. Yds. —	
Coustonholm Road from Pollokshaws Depôt to Kilmarnock Road.	—	0 1 198	10
Pleasance Street from Pollokshaws Depôt to Main Street Pollokshaws.	0 1 24	—	
Pollok Street from Main Street Pollokshaws to Barrhead Road.	0 1 47	—	
Hawthorn Street and Saracen Street from Possilpark Depôt to Saracen Cross	0 2 191	0 0 52	15
Eastfield Street from Possilpark Depôt to Bishopbriggs Road.	0 4 97	0 1 57	
Rochester Street from Whitevale Depôt to Gallowgate -	0 1 97	—	
Total depôt connections . . .	3 3 7	0 4 219	20

III.—LIST of the TRAMWAYS already CONSTRUCTED and LEASED from the
PROVOST MAGISTRATES and COUNCILLORS of the BURGH of GOVAN.

No.	Description of Tramways and Streets on which the same are laid down.	Length excluding Crossovers Sidings Junctions &c.		
		Single Track.	Double Track.	
				25
106	Paisley Road from Paisley Road Toll to Lorne Street.	M. F. Yds. —	M. F. Yds. 0 3 43	
107	Paisley Road from Lorne Street to Ibrox Terminus.	—	0 4 196	30
108	Paisley Road from Ibrox Terminus to Govan Burgh Boundary.	—	0 2 79	
109	Govan Road from Paisley Road Toll to Lorne Square at Harvey Street.	—	0 5 62	
110	Govan Road from Harvey Street to Greenhead Drive.	—	2 0 66	35
111	Lorne Street from Paisley Road to Govan Road -	—	0 1 12	
112	Renfrew Road from Greenhead Drive to Govan Burgh Boundary.	—	0 1 160	40
	<i>Constructed and used solely as depôt connections.</i>			
	Greenhaugh Street from Govan Depôt to Govan Road.	0 0 185	—	
	Total -	0 0 185	4 2 178	45

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IV.—LIST of TRAMWAYS already CONSTRUCTED liable to be PURCHASED A.D. 1905.
 by the PROVOST MAGISTRATES and COUNCILLORS of the BURGH of
 CLYDEBANK.

5	No.	Description of Tramways and Streets on which the same are laid down.	Length (Double Track) excluding Crossovers Sidings Junctions &c.		
10			M.	F.	Yds.
	143	Dumbarton Road from Yoker Burn to Clydebank East Railway Station.	0	6	42
	153	Dumbarton Road from Clydebank East Railway Station to Park Road.	1	2	14
15		Total - - - - -	2	0	56

V.—LIST of the TRAMWAYS AUTHORISED but not CONSTRUCTED at the passing of the Act confirming this Order.

20	Description of Tramways and Streets on which the same are laid down.	Length excluding Crossovers Sidings Junctions &c.	
		Single Track.	Double Track.
	Aikenhead Road from Govanhill Street to Polmadie Street.	M. F. Yds. —	M. F. Yds. 0 1 9
25	*Dumbarton Road from Park Road Clydebank to Clydebank Western Boundary Duntocher Burn.	0 0 50	0 2 200
	*Kilbowie Road from Dumbarton Road to Bridge of N.B. Helensburgh Line (approximately).	0 1 145	0 1 132
30	*Junction of Dumbarton Road and Kilbowie Road -	—	0 0 37
	Barrhead Road from Pollokshaws West to Speirsbridge	—	1 5 127
	Kilmarnock Road from Grantly Street to Giffnock -	—	2 1 95
	Speirsbridge to Giffnock (being that portion of the Busby and Paisley Road joining the two last-mentioned lines).	—	0 7 105
35	Total - - - - -	0 1 195	5 4 45

* These tramways are liable to be purchased by the provost magistrates and councillors of the burgh of Clydebank.

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A.D. 1905.

ABSTRACT of the TRAMWAYS.

	Single.			Double.			
	M.	F.	Yds.	M.	F.	Yds.	
I.—Tramways constructed and vested in the Corporation.	0	1	78	66	2	16	5
II.—Tramways constructed and vested in the Corporation (depôt connections).	3	3	7	0	4	219	
III.—Tramways constructed and leased from the provost magistrates and councillors of the burgh of Govan including depôt connections.	0	0	185	4	2	178	10
IV.—Tramways constructed and liable to be purchased by the provost magistrates and councillors of the burgh of Clydebank.	—	—	—	2	0	[56	
V.—Tramways authorised but not yet constructed	0	1	195	5	4	45	
Total	3	7	25	78	6	74	15

SECOND SCHEDULE.

(Referred to in the section of this Order of which the marginal note is
 "Owners may be required to sell parts only of houses or buildings.")

HOUSES or other BUILDINGS of which parts only may be taken.

Parish.	No. on deposited Plans.	
Eastwood - - - - -	10 11 12 13.	20
Catcart - - - - -	11 12.	

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THIRD SCHEDULE.

(Referred to in the sections of this Order of which the marginal notes are "Borrowing on mortgage" and "Sinking Fund.")

1. Act or Order under which Borrowing Powers obtained.	2. Borrowing Powers.			5. Period for Repayment of Money borrowed.	6. Sinking Fund applied as at 31st May 1904 in reduction of Amount borrowed.	7. Preliminary Expenses written off as at 31st May 1904.	8. Amount of Outstanding Debt as at 31st May 1904.	9. Capital Expenditure		
	Amount Authorised.	Amount Borrowed as at 31st May 1904.	Amount not yet expended but still subsisting.					On Tramway Undertaking as at 31st May 1904.	Still to be expended on authorised and intended Tramways and Works (estimated).	
Glasgow Corporation Tramways Act 1872	200,000			Two per cent. accumulated at three per cent. interest equal to a period of 31 years.						
Glasgow Corporation Tramways Act 1875	100,000									
Glasgow Corporation Tramways Act 1879	100,000									
Glasgow Corporation Tramways Act 1885	100,000									
Glasgow Corporation Act 1891	200,000	£ s. d. 2,246,114 1 5* 453,886 18 7*				£ s. d. 402,335 6 5	£ s. d. 12,864 14 2	£ s. d. 1,830,894 0 10	£ s. d. 2,639,775 13 9*	£ s. d. 135,275 0 0
Glasgow Corporation Act 1893	200,000									
Glasgow Corporation (Tramways Libraries &c.) Act 1899	500,000									
Glasgow Corporation (Tramways and General) Order 1901	1,000,000									
Glasgow Corporation Tramways Order 1903	200,000									
Glasgow Corporation (Tramways &c.) Order 1904	100,000									
Totals	2,700,000	2,246,114 1 5 453,886 18 7	£2,700,000			402,335 6 5	12,864 14 2	1,830,894 0 10	2,639,775 13 9*	264,340 6 8
Glasgow Corporation (Tramways Consolidation) Order 1905.	400,000								2,689,775 13 9*	400,284 6 8
	£3,100,000								£3,100,000	

* Of the sum of 2,397,757. 13s. 9d. there has been borrowed from the public 2,246,114. 1s. 5d. and there has been met temporarily out of accumulated funds of the Tramways Department 453,886. 18s. 7d.

A.D. 1905

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FOURTH SCHEDULE.

(Referred to in the section of this Order of which the marginal note is
 "Repeal of Acts.")

Title of Act.	Extent of Repeal.	
The Glasgow Street Tramways Act 1870 - -	The whole Act.	5
The Glasgow Corporation Tramways Act 1872 -	The whole Act.	
The Glasgow Corporation Tramways Act 1875 -	The whole Act.	
The Glasgow Corporation Tramways Act 1879 -	The whole Act.	
The Glasgow Corporation Act 1884 - - -	Section 2 so far as it relates to the incorporation of the Tramways Act 1870 and sections 14 to 43.	10
The Glasgow Corporation Tramways Act 1885 -	The whole Act.	
The Glasgow Corporation Act 1891 - - -	The whole Act except section 19.	
The Glasgow Police (Further Powers) Act 1892	Section 36.	
The Glasgow Corporation Act 1893 - - -	Section 2 so far as it relates to the incorporation of the Tramways Act 1870 and sections 4 to 48.	15
The Glasgow Bridge &c. Act 1894 - - -	Section 5 so far as it authorises the construction of tramways and sections 29 to 32.	20
The Glasgow Corporation (Improvements and General Powers) Act 1897.	Sections 22 to 30.	
The Glasgow Corporation (Tramways Libraries &c.) Act 1899.	Sections 6 to 28.	
The Glasgow Corporation (Tramways and General) Order 1901.	Sections 6 to 20 and the schedule.	25
The Glasgow Corporation (Water and General) Order 1902.	Section 33.	
The Glasgow Corporation Tramways Order 1903	Sections 2 3 and 5 to 18 and the schedule.	30
The Glasgow Corporation (Tramways &c.) Order 1904.	Section 3 so far as it relates to the incorporation of the Tramways Act 1870 and sections 4 and 6 to 16.	

FIFTH SCHEDULE.

35

(Sections of the Glasgow and Ibrox Tramway Act 1877 referred to
 in the section of this Order of which the marginal note is "Vesting
 certain tramways in the burgh of Govan.")

- Section 2. (Certain provisions of general Acts herein named incorpo-
 rated.) 40
- Section 4. (Alterations on Tramways Act as applied to this Act in
 certain instances.)
- Section 7. (Mode of formation of tramways.)
- Section 8. (Tramways to be kept on level with surface of road.)
- Section 9. (Only one tramway to be laid on road in certain cases) 45

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- Section 10. (Company to make passing places on requisition of road or local authority.) A.D. 1905.
- Section 11. (Power to make additional crossings passing places &c. where necessary.)
- 5 Section 12. (Temporary tramways.)
- Section 13. (Penalty for not maintaining rails and roads.)
- Section 14. (Sewer authority to have access to sewers.)
- Section 16. (Protecting Glasgow water and gas pipes.)
- 10 Section 17. (Water commissioners or corporation not to be liable for damage arising from accidents.)
- Section 18. (Water commissioners or corporation may lay additional pipes.)
- Section 19. (Water commissioners or corporation not liable for damage arising from alterations of mains &c.)
- 15 Section 20. (Further provisions as to interference with pipes.)
- Section 21. (Reserving certain provisions of 33 & 34 Vict. c. 78.)
- Section 22. (Company to pay expenses of water commissioners and corporation and their officers.)
- Section 23. (Inspection by Board of Trade.)
- 20 Section 24. (Construction and propelling of carriages &c.)
- Section 25. (Tramways to be part of road.)

SIXTH SCHEDULE.

(Referred to in the section of this Order of which the marginal note is
 "Continuing lease with burgh of Govan.")

25 LEASE BETWEEN THE COMMISSIONERS OF THE BURGH OF GOVAN
 AND THE CORPORATION OF THE CITY OF GLASGOW DATED
 1ST AND 12TH NOVEMBER 1900.

It is contracted and agreed between the commissioners of the burgh of Govan incorporated under the Burgh Police (Scotland) Act 1892 heritable proprietors of the tramways and other subjects after mentioned (hereinafter called "the commissioners") of the first part and the Corporation of the city of Glasgow (hereinafter called "the Corporation") of the second part in manner following that is to say the commissioners have subject to any powers or rights which the commissioners of Kinning Park may have under the Tramways Act 1870 or the Govan Burgh Tramways Act 1893 and subject also to the consent of the Board of Trade being given so far as it may be necessary to these presents or to this lease being sanctioned by Parliament in any Bill to be promoted by the Corporation and in consideration of the payments and other prestations after specified hereby set and in tack and assedation let to the Corporation the sole right to use for the purposes of

1901
 Schedule.

70 *Glasgow Corporation (Tramways Consolidation)* [5 EDW. 7.]
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A.D. 1905. — the Glasgow and Ibrox Tramway Act 1877 and the Vale of Clyde Tramway Acts 1871 1876 and 1888 the Govan Burgh (Tramways) Act 1893 and the Glasgow Corporation (Improvements and General Powers) Act 1897 and subject to such running powers as may be competently exercised over the said Vale of Clyde Tramways (Govan Section) carriages with flange wheels or other wheels specially adapted to run on a grooved rail on the whole tramways authorised by the said Acts and owned by the commissioners extending from Parkhouse Toll to Linthouse on the Renfrew Road and from Parkhouse Toll to the Ibrox Railway Bridge on the Paisley Road and the connecting line in Lorne Square and Lorne Street Together with all and whole the lands and premises consisting of stables offices and hall situated in Greenhaugh Street and Robert Street Govan said lands being particularly described in feu contract between the trustees of the late John Hinshelwood and the Vale of Clyde Tramways Company dated twenty-fourth twenty-ninth thirtieth and thirty-first October eighteen hundred and seventy-nine and recorded in the Division of the General Register of Sasines applicable to the county of the Barony and Regality of Glasgow second May eighteen hundred and eighty-four and that for the space of thirty-five years from and after the tenth day of July nineteen hundred and that on the following conditions and provisions:—

First The Corporation shall half-yearly in equal portions on thirtieth June and thirty-first December the first payment being due on thirty-first December nineteen hundred and the last on thirtieth June nineteen hundred and thirty-five and being held to cover the period to tenth July thereafter pay to the commissioners a sum in name of interest calculated at the average rate of interest payable from time to time by the commissioners together with the expenses of borrowing (but in no case exceeding the rate of three pounds ten shillings sterling per centum per annum) upon the sum of seventy-one thousand one hundred and ninety-one pounds being the total money borrowed and expended by the commissioners for the purposes of the tramways declaring that the amount on which such half-yearly sums in name of interest shall be payable shall not be affected by any payment made to the commissioners through the operation of the sinking fund hereinafter provided for And the Corporation shall also pay the annual sum of twenty-five pounds sterling which the commissioners are bound to pay to the commissioners of the burgh of Kinning Park in terms of the third article of the Minute of Agreement scheduled to the Govan Burgh (Tramways) Act 1893.

Second The Corporation shall also pay half-yearly on thirtieth June and thirty-first December as aforesaid the last payment being held to cover the period to tenth July nineteen hundred and thirty-five to the commissioners the sum of three pounds five shillings and three pence half penny per centum per annum on the said sum of seventy-one thousand one hundred and ninety-one pounds expended by the commissioners as aforesaid on capital account and the said payments shall be made in name of a sinking fund to be applied towards the reduction or extinction of the amount expended by the commissioners on capital account as aforesaid and the payments made

[5 EDW. 7.] *Glasgow Corporation (Tramways Consolidation)* 71
Order Confirmation.

by the Corporation in terms of this article together with the payments made A.D. 1905.
in terms of the preceding article shall be and be held to be the annual rental
paid by the Corporation to the commissioners in respect of the lease of the
said tramways.

5 Third The Corporation shall pay annually during the currency of
this lease and so free and relieve the commissioners of the payment of the
annual feu-duty amounting to the sum of two hundred and fifty-eight pounds
seventeen shillings and ninepence sterling payable in respect of the lands in
Greenhaugh Street and Robert Street hereby let payable in terms of the
10 aforesaid feu-contract.

Fourth The Corporation may sublet the said lands and buildings
thereon and may alter or take down the said buildings and erect other
buildings but so as not to decrease the existing value thereof and in either
event they shall maintain in good order and condition the buildings from
15 time to time upon the said lands and at the termination of the lease they
shall leave on the said lands buildings equal in value (ordinary tear and wear
excepted) to those now on the said lands.

Fifth The Corporation shall at their own expense carry out the work
of converting the existing tramway system from horse haulage to overhead
20 electric traction including the renewal of the permanent way the laying of
ducts and cables the erection of overhead works &c. and shall maintain and
so far as necessary from time to time renew the tramways and the roadway
between and within the tramways and for twenty-one inches beyond the
outside of the rails during this lease and that to the satisfaction of the burgh
25 surveyor of Govan for the time being and the Corporation shall hand over
the said tramway including the cables overhead electric construction and all
other fixed equipments in connection with said tramways (which are hereby
declared to be during the currency of this lease the property of the com-
missioners) at the end of the lease in fair working order Declaring that
30 the Corporation as regards the maintenance and renewal of the tramways
shall in every respect be bound to satisfy and fulfil and free and relieve the
commissioners of the burden of implementing all conditions and obligations
laid upon the commissioners as owners of the tramways by the various Acts
of Parliament affecting the same In the event of any difference of opinion as
35 to the maintenance and renewals necessary the same shall be settled by the
arbiter after-mentioned Provided that if it is arranged between the parties
that the centre way be increased from three feet to four feet the Corporation
shall in that event maintain and renew the roadway for only eighteen inches
beyond the outside of the rails.

40 Sixth The Corporation shall in equipping the tramways in Govan Road
from Linthouse to Summertown Road for electric traction so arrange the
overhead construction as to permit of the same being raised to give a clear
headway of twenty-three feet in the centre of the street above the level of
the tramway rails and the Corporation undertake to raise the wires to that
45 extent if and when required on thirty-six hours' notice being given to them

72 *Glasgow Corporation (Tramways Consolidation)* [5 EDW. 7.]
Order Confirmation.

A.D. 1905. for the purpose of safely permitting to be conveyed along said road any boiler (without dome) or large piece of machinery or other similar load which could not be taken along said road without coming in contact with the wires when fixed at the ordinary standard height of twenty-one feet six inches it being understood that the persons conveying such loads shall do so on as low 5
a bogie as it is possible to construct and that such persons shall undertake that the boiler or machinery will be brought to the point named at an hour to be fixed by the Corporation so as to admit of the whole operation of raising the wires passing the load and restoring the wires to their proper position being carried out during one night while the cars are not running 10
say between 12.30 and 5 a.m.

Seventh The powers of the commissioners under the Tramways Act 1870 the Govan Burgh Act 1878 and the Burgh Police (Scotland) Act 1892 and also under the Acts to which they have acquired right as aforesaid videlicet:—The Vale of Clyde Tramways Act 1871 the Vale of Clyde Tram- 15
ways Act 1876 the Vale of Clyde Tramways Act 1888 and the Glasgow and Ibrox Tramway Act 1877 and also under the Govan Burgh (Tramways) Act 1893 in relation to the making of byelaws and regulations or in relation to the licensing of drivers conductors and other persons and in all other respects shall not be affected by this lease except in so far as specially 20
provided herein.

Eighth The Corporation shall have the sole right of user of the tramways for purposes of and under the conditions of working contained in the several Acts relating thereto during the currency of this lease subject to all the conditions and provisions contained in the clauses of these Acts and 25
also of demanding and taking the tolls and charges authorised by the said Acts providing always that the fares tolls and charges to be levied by the Corporation on the tramways hereby leased shall be at the same rate as those charged generally within the city.

Ninth The carriages to be used by the Corporation on the tramways 30
shall be maintained to the satisfaction of the commissioners or any person to be appointed by them for that purpose and the Corporation shall work and carry on the business of the tramways hereby leased as one system with their own tramways in Glasgow and its neighbourhood and shall act fairly and impartially towards the community and for the convenience of the 35
inhabitants.

Tenth The Corporation shall be entitled to all the rights powers and privileges except in so far as at variance with the present lease conferred on lessees by the aforesaid Acts and they shall be subject to all the liabilities thereby imposed. 40

Eleventh All assignees whether legal voluntary or conventional and possessors for behoof of creditors and sub-tenants (except as otherwise herein provided) unless where they shall have the special consent of the commissioners in writing are expressly excluded Provided always that in the event of such sublet the Corporation shall not be relieved of their obligations 45
to the commissioners contained in this lease.

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Order Confirmation.

Twelfth The commissioners agree to the construction by the Corporation of such branch lines as may be required to any depôts or other buildings which they may require to use in connection with the carrying out of their obligations to run cars under this lease. A. D. 1905.

5 Thirteenth Should the Corporation at any time fail to provide a satisfactory service of cars upon the tramways leased to them it shall be lawful for the commissioners to provide for the deficiencies of the Corporation who shall be bound to pay the whole expenses incurred by the commissioners in so doing.

10 Fourteenth Should the Corporation at any time fail to make the foresaid stipulated payments or any of them or any part thereof the commissioners shall be entitled in addition to the ordinary legal remedies on a certificate by the burgh treasurer that such payments or parts thereof have not been made for a period of six weeks after the same have become due
 15 forthwith and at their own hand and without the necessity of any judicial authority to seize and sell by public sale or private bargain so many of the horses and carriages or other plant and materials employed in the working of the said tramways or other property belonging to the Corporation as may be necessary to meet the said payments And the commissioners shall not be
 20 liable for damages in the exercise of the said power unless it be proved that the same has been exercised maliciously and without probable cause.

Fifteenth Should the commissioners of the burgh of Kinning Park at any time during the currency of this lease resolve to acquire such portions of the tramways as lie within their jurisdiction under the powers of the Govan
 25 Burgh (Tramways) Act 1893 the price paid by them to the Govan commissioners shall be deducted from the capital sum upon which the Corporation are bound under clauses one and two of this lease to pay interest and sinking fund to the commissioners and these payments shall be correspondingly reduced.

30 Sixteenth The Corporation shall pay all the owners' assessments upon the said tramways from and after the date of their commencing to work the said tramways by electricity.

Seventeenth Except as otherwise provided any questions arising under this lease between the parties hereto are hereby submitted to John Jackson
 35 Coats writer Glasgow whom failing to James Moir Esquire professor of conveyancing in the University of Glasgow whom failing to Matthew Pollock Fraser advocate Edinburgh whose decision shall be final and binding on all parties.

Eighteenth The parties hereby bind and oblige themselves respectively
 40 to implement and fulfil the one party to the other the present lease and the whole clauses and obligations therein contained under the penalty of one thousand pounds sterling to be paid to the party performing or willing to perform over and above performance And both parties consent to the registration hereof and of any decrees arbitral interim or final to be pronounced hereunder for preservation and execution In witness whereof these
 45 presents printed on this and the two preceding pages are executed as follows

74 *Glasgow Corporation (Tramways Consolidation)* [5 EDW. 7.]
Order Confirmation.

A.D. 1905. — viz. they are sealed with the seal of the Corporation and subscribed by Walter Paton and John Lumsden Oatts two members of the Corporation and by Sir James David Marwick town clerk of said city on behalf of and as specially authorised by the Corporation in council assembled at Glasgow on the first day of November one thousand nine hundred years before these 5 witnesses William Johnstone writer and John Hercus clerk both in the town clerk's office Glasgow and are subscribed by James Kirkwood John Marr and Robert Anderson Wightman three of the commissioners of the burgh of Govan and by Alexander Macdonald clerk to the said commissioners (the common seal of the said burgh being duly adhibited) at Govan the twelfth 10 day of the month and year last mentioned before these witnesses James Adamson Houston depute town clerk Govan and Hamilton Marr clerk in the office of the town clerk of Govan.

JAMES KIRKWOOD Commr. }
 JOHN MARR Commr. } L.S. 15
 R. A. WIGHTMAN Commr. }
 A. MACDONALD Clerk. }

J. A. HOUSTON Witness,
 H. MARR Witness.

WALTER PATON. }
 J. LUMSDEN OATTS. } L.S. 20
 J. D. MARWICK, T.C. }

W. JOHNSTONE Witness.
 JOHN HERCUS Witness.

SEVENTH SCHEDULE 25

(Referred to in the section of this Order of which the marginal note is
 "Continuing agreement with burgh of Clydebank.")

MINUTE OF AGREEMENT between the CORPORATION OF THE CITY OF GLASGOW (hereinafter called "Glasgow Corporation") of the first part and the PROVOST MAGISTRATES AND COUNCIL 30 OF THE BURGH OF CLYDEBANK (hereinafter called "Clydebank Council") of the second part.

It is agreed between the parties hereto as follows viz. :—

1. The powers contained in the Clydebank Burgh Tramways Order 1901 (hereinafter called "the Clydebank Order") to construct and work tramways 35 within the burgh of Clydebank (hereinafter called "the burgh") shall be transferred to and be exerciseable by Glasgow Corporation in the same way and to the like effect as if the tramways described in that Order had been authorised by the Glasgow Corporation Tramways Order 1901 Glasgow Corporation shall relieve the Clydebank Council of all obligations incumbent 40

[5 EDW. 7.] *Glasgow Corporation (Tramways Consolidation)* 75
Order Confirmation.

upon them under that Order but sections 34 and 35 and 49 to 66 of the Clydebank Order relating to finances borrowing &c. shall not apply to Glasgow Corporation. A.D. 1905.

2. It shall be in the sole option of Glasgow Corporation whether they shall construct and work Tramway No. 5 described in said Order.

3. Glasgow Corporation shall on the 15th day of May 1903 repay to the Clydebank Town Council the expense incurred by them in obtaining and passing the Clydebank Order with interest thereon at $3\frac{1}{2}$ per cent. per annum.

4. The Clydebank Council shall within six months after the expiry of forty-two years from the 15th May 1903 and within six months after the expiration of every subsequent period of seven years have the option to take over subject to the provisions of the Tramways Act 1870 the tramway undertaking in Clydebank authorised by the Clydebank Order and all lands buildings works lines bridges electric equipment plant &c. suitable to and used for the purposes of the undertaking within the burgh at a valuation in terms of section 43 of the Tramways Act 1870 but exclusive of any allowance for goodwill.

5. The roadway between the rails and for eighteen inches outside of the rails shall be paved and maintained to the satisfaction of Clydebank Council. The existing material may be used so far as available.

6. All fares tolls and charges levied by Glasgow Corporation within the burgh shall be at the same rate as those charged generally within the city.

7. Glasgow Corporation shall construct Tramways Nos. 1 to 4 described in the Clydebank Order within the time specified in that Order viz. before 26th July 1906 and the Clydebank Council will give facilities for the construction and maintenance of these tramways.

8. The Glasgow 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 burgh but always in such a manner as will not interfere with the free and safe passage of ordinary traffic on such roads and the Glasgow Corporation shall also if necessary have power to place poles section boxes and appliances for carrying wires at the side of those roads or streets or on the footpath thereof but the position design and form of construction of such appliances poles and boxes shall be subject to the approval of the Clydebank Council and in the event of difference of opinion with reference thereto the same shall be determined by an arbiter to be nominated by the Board of Trade. The Glasgow 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 Clydebank Council such portions of the footpaths with corresponding kerb and channel as may have been disturbed by their operations.

9. The poles which shall be the same as those used generally within the city shall be subject to the approval of the Clydebank Council who will have power to use such poles for electric lighting purposes subject to the provisions

76 *Glasgow Corporation (Tramways Consolidation)* [5 EDW. 7.]
Order Confirmation.

A.D. 1905. contained in subsection (15) of section 14 of the Glasgow Corporation
(Tramways and General) Order 1901.

10. The service of cars throughout the burgh of Clydebank shall not at
any time be less than one car in each direction every twenty minutes between
the hours of 8 a.m. and 11 p.m. 5

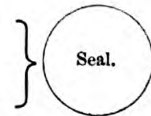
11. Glasgow Corporation shall pay all landlords' and tenants' taxes upon
the said tramways in the burgh.

12. This agreement is subject to the sanction of Parliament and the
Glasgow Corporation hereby undertake within one year from the date hereof
to make application to Parliament for the necessary powers to give effect to 10
this agreement and to carry on said application to its termination and the
Clydebank Council undertake at the expense of the Glasgow Corporation to
support said application.

13. In the event of differences arising between Glasgow Corporation and
Clydebank Council these shall be referred to an arbiter to be nominated by 15
the Board of Trade.

In witness whereof these presents duly stamped are executed in
duplicate as follows viz.:—They are sealed with the seal of the burgh of
Clydebank and subscribed by Alexander Stewart provost John Taylor
magistrate and John Hepburn town clerk all of the said burgh on behalf 20
of and as specially authorised by the said provost magistrates and council of
said burgh at a special meeting of the town council thereof held at Clyde-
bank on the nineteenth day of September nineteen hundred and two years
before these witnesses Thomas Calder clerk to the said John Hepburn and 25
Robert Dunlop Brown clerk in the office of the sanitary inspector Clydebank
and are sealed with the seal of the Corporation of the city of Glasgow and
subscribed by Alexander M'Cutcheon and James Henderson Martin two
members of the said Corporation and by Sir James David Marwick town
clerk of Glasgow on behalf of and as specially authorised by the said 30
Corporation at Glasgow on the second day of October year last mentioned
before these witnesses David Elder and John Hercus both clerks in the town
clerk's office Glasgow.

ALEX. M'UTCHEON. -
J. H. MARTIN.
J. D. MARWICK Town Clerk.



35

DAVID ELDER Witness.
JOHN HERCUS Witness.

ALEXANDER STEWART Provost.
JOHN TAYLOR Magistrate.
JOHN HEPBURN Town Clerk.



40

THOMAS CALDER Witness.
ROBERT D. BROWN Witness.

[5 EDW. 7.] *Glasgow Corporation (Tramways Consolidation) 77*
Order Confirmation.

EIGHTH SCHEDULE.

A.D. 1905.

(Referred to in the section of this Order of which the marginal note is
 "Confirming agreement with burgh of Pollokshaws.")

5 MINUTE OF AGREEMENT between the CORPORATION OF THE CITY
 OF GLASGOW (hereinafter called "the first party") and the
 PROVOST MAGISTRATES AND COUNCILLORS OF THE BURGH OF
 POLLOKSHAWS (hereinafter called "the second party").

10 WHEREAS the first party have petitioned the Secretary for Scotland in terms
 of the Private Legislation Procedure (Scotland) Act 1899 for a Provisional
 Order intituled "The Glasgow Corporation (Tramways Consolidation) Order
 1905" (hereinafter referred to as "the Order") to consolidate with amend-
 ments the Glasgow Corporation Tramways Acts 1870 to 1904 and inter alia
 to make certain alterations in the level of Coustonholm Road within the
 burgh of Pollokshaws :

15 And whereas the second party have petitioned against the Order being
 made or allowed to pass into law as it now stands :

And whereas the parties have been in negotiation for the adjustment of
 their differences :

20 And whereas it has now been arranged between the parties that the
 second party should consent to the Order being passed into law on the parties
 hereto agreeing and undertaking as after expressed.

Therefore the parties hereto agree and bind and oblige themselves as
 follows viz. :—

25 First The first party agree and undertake to have the Order amended
 in terms of and conform to the amended print docketted and signed by the
 clerks to the parties as relative hereto and not to make any other alterations
 on the Order which may affect the second party without first obtaining their
 approval thereof.

30 Second In the event of the Order passing into law the first party bind
 themselves to make the alterations in the level of Coustonholm Road strictly
 in accordance with the provisions of the Order.

35 Third In the event aforesaid and on the second party widening
 Pleasance Street to the reasonable satisfaction of the first party the first
 party agree and undertake to give a reasonably frequent service of cars from
 Glasgow to the Town Buildings situated at the corner of Pollock Street and
 Main Street in Pollokshaws.

78 *Glasgow Corporation (Tramways Consolidation)* [5 EDW. 7.]
Order Confirmation.

A.D. 1905.

Fourth In the event of the Order passing into law the second party shall sell and the first party shall purchase the subjects in the burgh of Pollokshaws known as the Green Lane Bleaching Green extending to 2,083 square yards or thereby imperial measure lying on the north or north-west side of the River Cart and adjoining the tramway depôt belonging to 5 the first party.

Fifth It is agreed that the price to be paid for the said subjects shall be 700*l.* sterling and that entry shall be given on payment of the price and on delivery of a valid disposition of said subjects which the second party shall be bound to grant in favour of the first party but the warrandice to be 10 given by the second party shall be from fact and deed allenary.

Sixth The first party agree and undertake to pay the cost of the said disposition.

Seventh The first party agree and undertake at their own expense to have this agreement confirmed by the Order subject to such alterations as 15 may be made thereon during the progress of the Order but if any material alterations be made thereon it shall be competent to either party to withdraw therefrom.

Eighth The first party shall subject to taxation bear the expenses of the second party of and incident to the execution and carrying into effect 20 of this agreement.

Ninth The second party agree and undertake to withdraw the petition lodged by them against the Order and also if required by the first party to support the application for the Order and the Bill which will be introduced into Parliament to confirm it provided the second party shall be fully 25 indemnified by the first party for all legal or other expenses which they may incur in supporting the Order and the Bill.

Lastly Any difference arising between the parties hereto as to the meaning of these presents or the due and proper implement thereof shall be settled by an arbiter to be mutually chosen or failing agreement to be 30 nominated by the sheriff of the county of Lanark on the application of either party.

In witness whereof these presents printed on this and the preceding page are executed in duplicate as follows viz. :—They are sealed with the 35 common seal of the burgh of barony of Pollokshaws and subscribed by Robert Wilson provost and Robert Bryce Walker town clerk of the said burgh on behalf of the provost magistrates and councillors of the said burgh at a meeting of the town council thereof held at Pollokshaws on the twenty-seventh day of April nineteen hundred and five years before these witnesses :—Duncan Burns burgh surveyor Pollokshaws and Andrew 40 McCallum journalist 35 Harriet Street Pollokshaws and are sealed with the seal of the Corporation of the city of Glasgow and subscribed by Hugh Alexander and Henry Steven two members of the said Corporation and by John Bowers town clerk of Glasgow on behalf of the said Corporation

[5 EDW. 7.] *Glasgow Corporation (Tramways Consolidation)* 79
Order Confirmation.

at Glasgow on the third day of May and year last mentioned before these A.D. 1905.
 witnesses:—Alexander Walker depute town clerk Glasgow and John
 Hercus clerk in the town clerk's office Glasgow.

5

HUGH ALEXANDER.
 HENRY STEVEN.
 JOHN BOWERS Town Clerk.

} (L.S.)

ALEX. WALKER Witness.
 JOHN HERCUS Witness.

10

ROBERT WILSON Provost.
 ROBERT BRYCE WALKER Clerk.

} (L.S.)

DUNCAN BURNS Witness.
 ANDREW M'CALLUM Witness.

**Glasgow Corporation
(Tramways Consolidation)
Order Confirmation. [H.L.]**

A

B I L L

INTITULED

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

The Marquess of Linlithgow.

Ordered to be printed 6th July 1905.

PRINTED BY EYRE AND SPOTTISWOODE,
PRINTERS TO THE KING'S MOST EXCELLENT MAJESTY.

And to be purchased, either directly or through any Bookseller, from
WYMAN and SONS, LTD., Fetter Lane, E.C.; and
32, Abingdon Street, Westminster, S.W.; or
OLIVER and BOYD, Edinburgh; or
E. PONSONBY, 116, Grafton Street, Dublin.

[Price 8d.]

(121.)

**Glasgow Corporation (Tramways
Consolidation) Order Confirmation
Bill [H.L.]**

A M E N D M E N T S

T O B E M O V E D O N T H I R D R E A D I N G

B Y

T H E M A R Q U E S S O F L I N L I T H G O W .

Clause 3, page 5, after line 29 insert :

Section 43 (Future purchase of undertaking by local authority).

page 12, leave out Clause 7 and insert the following clause :

. Section 30 (except sub-sections (1) and (5) thereof) of the Act of 1870 shall in its application to the intended tramways have effect as if wires or apparatus laid in a road included wires or apparatus erected or carried over a road. Overhead wires, &c.

Clause 49, page 34, line 18, leave out from ("and") to end of clause and insert ("nor be exercised without the consent in writing of the local authority and if the Corporation consider themselves aggrieved by any decision of the local authority refusing such consent they may apply to the Board of Trade who may reverse or vary the decision of the local authority subject to such conditions if any as to the Board of Trade shall seem just")

Clause 78, page 50, line 34, leave out ("any") where first occurring and insert ("all")

line 35, after ("Order") insert ("by the Corporation or a local authority")

page 51, line 4, after ("1870") insert ("or any byelaw or regulation made under this Order or that Act")

line 7, after ("court") insert ("under the Acts for the time being in force for police purposes")

line 11, leave out ("and in all cases") and insert ("or in any case")

Glasgow Corporation (Tramways
Consolidation) Order
Confirmation Bill [H.L.]

AMENDMENTS

TO BE MOVED ON THIRD READING

BY

THE MARQUESS OF LINLITHGOW.

21st July 1905.

PRINTED BY EYRE AND SPOTTISWOODE,
PRINTERS TO THE KING'S MOST EXCELLENT MAJESTY.

And to be purchased, either directly or through any Bookseller, from
W. & A. G. & SONS, LTD., Fetter Lane, E.C.4; and
38, Abingdon Street, Westminster, S.W.1; or
Orrery and Boyd, Edinburgh; or
E. PONSORRY, 116, Grafton Street, Dublin.

[Price 4d.]

(121 a.)

[5 EDW. 7.] *Glasgow University Order Confirmation.* [H.L.] 1

A

B I L L

INTITULED

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to the M'Callum Celtic Lectureship in the University of Glasgow. A.D. 1905.

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:—

- 10 **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 Glasgow University Order Confirmation Act 1905. Short title.

A.D. 1905.

SCHEDULE.

GLASGOW UNIVERSITY.

*Provisional Order to regulate the M'Callum Celtic Lectureship
in the University of Glasgow and for other purposes.*

WHEREAS the deceased Reverend Archibald Kelly M'Callum 5
M.A. LL.D. who resided at Primrose Villa 57 St. Andrews
Drive Pollokshields by his holograph last will and testament
dated 8th March 1881 with three holograph codicils thereto
annexed the first whereof bears no date and the second and
third are dated respectively 3rd June 1882 and 27th January 10
1892 recorded in the Books of Council and Session 3rd February
1894 directed his trustees in the event of his predeceasing his
wife Ann Grant or M'Callum inter alia to realise his property
and invest the proceeds all as therein mentioned and that at
the decease of his wife or if she desired during her life a 15
certain sum should be annually devoted to a lectureship or
course of lectures of not fewer than fifteen lectures on the subject
of Celtic literature which should be called "The Celtic Lecture-
ship" or "The M'Callum Celtic Lectures" and that a like
sum should be triennially devoted to a course of lectures on 20
the means best fitted to promote the interests spiritually
educationally economically and materially of the inhabitants
of the Highlands and Islands of Scotland as therein mentioned
and that the Senatus of Glasgow University should be requested
to accept the said lectureships and the appointment of the 25
lecturers and that the first course of lectures should be
delivered within the College walls and be open to all students
and others who might choose to attend free of expense and
that should his trustees find after payment of the legacies
specified in the said will that there were not sufficient funds 30
to carry out immediately the said lectureships then they should
continue the trust funds invested and allow the interest to
accumulate for such a period of years as should form an
adequate capital or endowment sufficient towards the annual
payment of the said lectureships and the annual contribution 35

[5 EDW. 7.] *Glasgow University Order Confirmation.*

3

after mentioned towards the support of his library and that his library should be offered in connection with said lectureships to Glasgow University provided said University accepted the said lectureships as a nucleus or foundation for a Celtic library 5 for the use of the lecturers and students attending the lectures and that the said library should be kept separate and distinct and be designated "The Celtic Lectureship Library" and that the sum of ten pounds should be annually expended in making such small additions thereto from time to time as might be 10 found convenient with the view of stimulating others in possession of means or suitable books towards contributing to the formation of a library which might in time include most or all of the publications bearing on the Celtic languages and that the lecturer for the time being might be appointed to judge of 15 such books as might be suitable to add to said library and further directed that his presentation silver tray should also be presented along with his library to Glasgow University provided the said University accepted the said lectureships to be kept in the College Museum of said University and preserved 20 as a part of said gift of said library and so noted and that his trustees should expend the sum of one hundred pounds or thereby on the publication of his manuscript entitled "Horæ Celticae" or "A Contribution towards the History of the Celtic Language and Literature of Scotland &c." and his manuscript 25 on "The Celtic Hymns of Scotland" should such publications not have been made by him during his lifetime and that the proceeds or profits of such publications if any should be devoted towards purchasing additional books to his said library and that the lecturer for the time being should undertake the 30 corrections of said publications while passing through the press for which services an allowance of ten pounds in addition to his fees as lecturer should be granted to him :

And whereas by his said will and testament the truster directed that the appointment to the said Lectureship No. 1 35 ("The Celtic Lectureship" or "The M'Callum Celtic Lectures") should be for three years and that the lecturer should be eligible for re-election after a subsequent appointment :

And whereas by said codicil dated 3rd June 1882 the truster in consequence of the reduction in the value of property 40 should such reduction continue permanently to affect the properties belonging to him referred to in said last will and testament directed his trustees not to carry out the provisions

(150.)

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A.D. 1905.

A.D. 1905. of the second lectureship and confine themselves to the execution of such of the provisions applicable to the first mentioned lectureship as the means at their disposal would enable them to carry out and to secure this such sum as might be available to be invested for such a period of years (say from fifteen to 5 twenty) until the capital and interest should amount to a sum sufficiently adequate for the said purpose and he directed his trustees to complete and publish certain works as therein mentioned :

And whereas the wife of the truster died upon the 20th 10 December 1891 :

And whereas by said codicil dated 27th January 1892 the truster considering that the said will and testament was drawn up primarily in favour of his wife (now predeceased) directed his trustees to execute the rest of his will as much as might be 15 for the objects contemplated by him :

And whereas the said Archibald Kelly M'Callum having died on the 18th July 1893 his trustees who accepted office entered upon the possession and management of his means and estate and administered the same : 20

And whereas the trustees made payment of all the debts due by the deceased so far as known and his funeral expenses and Government duties and also made payment of or provided for the pecuniary legacies bequeathed by the deceased and erected a monument in Craigton Cemetery in memory of the deceased and 25 his wife :

And whereas the trustees in accordance with deceased truster's directions made offer of his library and presentation silver tray to the Senatus of the University of Glasgow and the said University having agreed to take over the same in connection 30 with the lectureship the said library and silver tray were delivered to the University :

And whereas the whole of the said truster's means and estate having been realised the trustees after careful consideration of the testamentary directions left by him with regard to the residue 35 thereof and having regard to the continued reduction in value of the estate were of opinion that these could be best carried out by making over the free residue to the University Court of the University of Glasgow (in this Order called "the University Court") to be applied for the purposes directed by the deceased 40 as after specified and they accordingly offered to make over the same to the said University Court to be applied for the purposes

and on the conditions after specified and the University Court A.D. 1905.
agreed to accept the same for the said purposes :

And whereas the free residue of the said estate amounted as shown in the accounts of the trustees of the said Reverend
5 Archibald Kelly M'Callum to the sum of three thousand and forty-four pounds three shillings and threepence which the said trustees paid and delivered to the University Court along with said library and silver tray upon the conditions after mentioned that is to say (1) the said sum of three thousand and forty-
10 four pounds three shillings and threepence should subject to the expense of managing the fund including a reasonable annual factor's fee be applied by the University Court for the foundation of a lectureship or a course of lectures in Glasgow University on the subject of Celtic literature which lectureship
15 or course of lectures should be called "The M'Callum Lectureship" or "The M'Callum Celtic Lectures" and the minimum number of lectures to be delivered annually should be fixed from time to time by the Senatus Academicus of the said University (2) the University Court should have the power of appointment
20 of the lecturers who should hold office for a term of three years but should be eligible for re-election for the same term of years after a subsequent appointment (3) the first course of lectures should be delivered within the University and should be open to all free of charge (4) the lectures to be delivered should be the
25 private property of the lecturers who should be taken bound by the terms of their appointment to publish them in as accessible a form as may be found convenient and all profits to be derived from such publication should belong to the lecturers (5) the said library should form the foundation of a Celtic library for
30 the use of the lecturers and those attending the lectures and should be kept separate and distinct from all other libraries belonging to Glasgow University and be designated "the Celtic Lectureship Library" and towards its upkeep and in making such additions thereto as may be found suitable there should be
35 expended annually the sum of ten pounds the selection of such additions being made with the approval of the lecturer holding office at the time (6) the following should be among the subjects to be treated of in the said lectures (*first*) The original home of the Aryan people the distinctive features of their language
40 and the languages living and dead that have so far as known descended from the original Aryan speech (*second*) the position of the Celtic language in the Indo-European or Aryan group (*third*) the special relationship of the Celtic dialects to the Latin

A.D. 1905. — and Teutonic languages respectively (*fourth*) the relationship if any of the Celtic to the Basque &c. tongues and dialects (*fifth*) the value of anthropology and archæology in determining the race and linguistic relationship of the Celt (*sixth*) the position of the Gaulish language in the Celtic group (*seventh*) the value of Celtic studies and especially of a scientific knowledge of Scottish and Irish Gaelic in investigating the race and linguistic relationship of the early inhabitants of Scotland (*eighth*) the influence of the Columban mission on the history of Scotland and the literature of the Gael and (*ninth*) the place of Scottish Gaelic in the intelligent and intellectual instruction of the Highland people and (7) the said silver tray should be preserved in the College Museum of Glasgow University as part of the said trusteer's foresaid gift all which is also fully set out in a discharge by the said University Court in favour of the trustees of the said Archibald Kelly M'Callum dated the 28th and registered in the Books of Council and Session on the 31st both days of May 1898 :

And whereas a lecturer was duly appointed in July 1900 and delivered three courses of lectures in accordance with the terms of the arrangement in the said deed of discharge :

And whereas upon the expiry of the period of three years for which such lecturer had been appointed a second lecturer was appointed and is now in office and is in the course of delivering lectures :

And whereas the condition in the said will and deed of discharge that the lecturer shall hold office for three years only and shall not be eligible for re-election until after the lapse of a period of three years is found to be inconvenient and prejudicial to the utility of the said lectures :

And whereas the University Court in the case of other lectureships are entitled to appoint a lecturer for the period of five years or such less number of years as they may think proper and to renew such appointments :

And whereas Celtic language and literature is one of the subjects which qualifies for graduation in Arts provided the candidate for the degree has attended a full course of lectures upon the subject :

And whereas the lectures at present delivered under the terms of the aforesaid deed are insufficient to qualify for graduation :

[5 EDW. 7.] *Glasgow University Order Confirmation.* 7

And whereas the salary attached to the lectureship may be insufficient to secure the services of a competent lecturer for a full course: A.D. 1905.

And whereas it is expedient that the arrangements aforesaid should be altered as in this Order provided:

And whereas the objects 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:—

1. This Order may be cited as the Glasgow University (M'Callum Lectureship) Order 1905 and shall commence and have effect on and from the date of the passing of the Act confirming the same. Short title and commencement of Order.

2. Notwithstanding anything contained in the said last will and testament and codicils of the said Archibald Kelly M'Callum or in the said deed of discharge by the University Court— Provisions as to the M'Callum lectureship.

(1) The lectureship thereby directed to be instituted shall be on the same footing with respect to the payment of fees and in all other respects as a lectureship established under Ordinance No. 17 General No. 10 made by the Commissioners acting under the Universities (Scotland) Act 1889 and the University Court shall have power to appoint a lecturer for the same period and on the same terms as a lecturer appointed under the said ordinance:

(2) The University Court shall be entitled to apply the residuary funds of the said trust estate in their possession as well as any University funds or any other funds which may or shall be specially subscribed or appropriated for the purpose in increasing the remuneration of the person holding the said lectureship for the time being:

(3) The provisions of sections ten eleven twelve and thirteen of the said ordinance or the corresponding provisions of any ordinance that may hereafter be substituted therefor or in addition thereto shall apply to the said lectureship and to the lecturer appointed thereto.

A.D. 1905. **3.** The costs of this Order shall be paid from the funds of the M'Callum Lectureship or from any funds which have been or may be subscribed for the further or better endowment of the said lectureship.

Costs,

**Glasgow University
Order Confirmation.**

[H.L.]

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B I L L

INTITULED

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to the M'Callum Celtic Lectureship in the University of Glasgow.

The Marquess of Lintithgow.

Ordered to be printed 30th July 1905.

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(150.)

[5 EDW. 7.] *Grangemouth Waterworks and Burgh
Extension Order Confirmation.*

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A

B I L L

INTITULED

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Grangemouth Waterworks and Burgh Extension. A.D. 1905.

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

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

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

2. This Act may be cited as the Grangemouth Waterworks and Burgh Extension Order Confirmation Act 1905. Short title.

A.D. 1905.

SCHEDULE.

GRANGEMOUTH WATERWORKS AND BURGH
EXTENSION.

*Provisional Order to construct additional Waterworks to abandon
certain authorised Works to extend the Boundaries of the
Burgh of Grangemouth and for other purposes.* 5

WHEREAS the provost magistrates and councillors of the burgh of Grangemouth (hereinafter called "the Town Council") as the local authority within the said burgh obtained powers under the Grangemouth Water Order 1903 (hereinafter referred to as "the Order of 1903") to provide an additional water supply and to construct and maintain the new waterworks therein described : 10

And whereas the Town Council have proceeded to carry out the construction of the said waterworks under the powers of the Order of 1903 and for better effecting the purposes thereof and enabling the Town Council better to carry out the obligations in the said Order to supply water to the central district committee of the county of Stirling and to other persons as therein provided it is expedient that the Town Council should be authorised to abandon the construction of the reservoir Work No. 1 and the embankment Work No. 2 and the bye-pass channel Work No. 3 authorised by the said Order and should be authorised to construct the new or substituted reservoir and the further works all as in this Order described : 20

And whereas it is expedient to amend the Order of 1903 as in this Order mentioned and to extend the provisions of the said Order as so amended by this Order and make the same applicable to the waterworks purposes of this Order : 25

And whereas plans and sections showing the lines and levels of the works authorised by this Order and also a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands water and other 30

[5 Edw. 7.] *Grangemouth Waterworks and Burgh* 3
Extension Order Confirmation.

property required or which may be taken for the purposes or under the powers of this Order were duly deposited in the offices at Stirling and Falkirk respectively of the principal sheriff clerk of the county of Stirling and are hereinafter respectively referred to
 5 as the deposited plans sections and book of reference :

And whereas under the powers of the General Police and Improvement (Scotland) Act 1862 the boundaries of the burgh of Grangemouth were for all municipal and police purposes fixed and defined by the sheriff of Stirling Dumbarton and Clackmannan by
 10 deliverance dated the thirtieth day of September one thousand eight hundred and seventy-two and the same were extended under the Burgh Police (Scotland) Act 1892 by another deliverance by the said sheriff dated the tenth day of October one thousand eight hundred and ninety-four :

15 And whereas the said burgh is now managed and administered under (among others) the Burgh Police (Scotland) Acts 1892 to 1903 the Public Health (Scotland) Act 1897 the Roads and Bridges (Scotland) Act 1878 and Acts amending and extending those Acts :

And whereas the districts annexed to the existing burgh by
 20 this Order are and have hitherto been supplied with water by the Town Council :

And whereas the Town Council are the local road and sanitary authority within the burgh :

And whereas in consequence of the increase of population
 25 and the extension of the existing docks of Grangemouth now approaching completion and the erection of large industrial works within and contiguous to the burgh and the great expansion of the shipping trade of the port of Grangemouth it is expedient that the boundaries of the said burgh should be further extended to
 30 include the areas and districts lying contiguous and adjacent thereto all as shown on the map hereinafter mentioned and as in this Order described and that all franchises rights privileges and immunities and all public and local Acts and Orders relating to and in force for the time within or applicable to the existing burgh
 35 should as the same are amended by this Order be applied to the burgh as extended by this Order :

And whereas for the purposes of such extension it is necessary that subject to the provisions of this Order the said areas and districts within the county of Stirling added to the existing burgh
 40 by this Order should be separated and disjoined for the purposes of

A.D. 1905. this Order from the said county and that subject to the said provisions all matters of administration and management and all jurisdictions powers functions and authorities within the areas and districts annexed including the maintenance and management of the roads and streets and the water supply therein should devolve 5 upon and be vested in the Town Council :

And whereas it is expedient that the extended burgh should be divided into wards :

And whereas it is expedient that the areas and districts added to the existing burgh under this Order should be within the 10 jurisdiction of the magistrates of the extended burgh and of quarter sessions and the licensing appeal court of the said county of Stirling :

And whereas the existing burgh is supplied with water by the Town Council under the Burgh Police (Scotland) Acts 1892 to 15 1903 the Grangemouth Water Order 1901 and the Grangemouth Water Order 1903 and the existing burgh forms the compulsory water limits under the said Order of 1903 and it is expedient that the burgh as extended by this Order should form the compulsory water limits for all purposes : 20

And whereas it is expedient that the Town Council should be empowered to levy rates and assessments within the extended burgh and to borrow money on the security thereof :

And whereas it is expedient that the Town Council should be authorised to enter into and carry out agreements with any person 25 with respect to any of the purposes of this Order :

And whereas it is expedient that the further powers hereinafter mentioned should be conferred on the Town Council :

And whereas the purposes aforesaid cannot be effected without an Order of the Secretary for Scotland confirmed by Parliament 30 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 Grange- 35 mouth Waterworks and Burgh Extension Order 1905.

Commence- 2. This Order shall (except as otherwise in this Order provided) 30 ment of commence and have effect on and from the date of the passing of Order.

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Extension Order Confirmation.

the Act confirming the same which date is hereinafter referred to as "the commencement of this Order." A.D. 1905.

3. In this Order the several words and expressions mentioned and referred to in section 2 (Interpretation of terms) of the Order of 1903 shall so far as applicable and as amended or varied and extended by and not inconsistent with this Order have the same respective meanings and (unless there be something in the subject or context inconsistent with or repugnant to such construction) the several words and expressions to which meanings are assigned by any public or local Act of Parliament or Order applicable within the burgh of Grangemouth shall subject to the provisions of this Order have the same respective meanings and the following expressions shall in this Order have the meanings assigned to them in this section :—

- 15 "The existing burgh" means the burgh of Grangemouth within the limits and boundaries existing immediately previous to the commencement of this Order :
- "The burgh" means the burgh of Grangemouth as extended by this Order :
- 20 "The districts annexed" means the districts annexed to the existing burgh by virtue of this Order :
- "The wards" means the wards of the burgh as defined in this Order :
- "The Town Council" means the provost magistrates and councillors of the burgh for the time being :
- 25 "Magistrates" means the magistrates of the burgh for the time being and includes the provost and bailies :
- "Dean of Guild" means the Dean of Guild Court of the burgh :
- 30 "Town clerk" means the town clerk of the existing burgh and of the burgh :
- "The Water Acts" means the Grangemouth Water Orders 1901 and 1903 and the waterworks provisions of this Order :
- 35 "Valuation Acts" means the Lands Valuation (Scotland) Act 1854 and any Acts amending and extending the same :
- "Valuation roll" means the valuation roll made up in accordance with the Valuation Acts :

- A.D. 1905. —
- “Election Acts” means the Acts in force for the time being relating to the registration of parliamentary and municipal voters and the election of town councillors :
- “The Town Councils Acts” means the Town Councils (Scotland) Acts 1900 and 1903 : 5
- “The Police Acts” means the Burgh Police (Scotland) Acts 1892 to 1903 :
- “The Public Health Act” means the Public Health (Scotland) Act 1897 and any Act amending the same :
- “The Licensing Act” means the Licensing (Scotland) Act 1903 and any Act amending the same : 10
- “The Registration Acts” means the Registration of Births Deaths and Marriages (Scotland) Acts 1854 to 1860 :
- “County” means the county of Stirling :
- “County council” means the county council of the county 15 and includes any district committee having jurisdiction and possessing powers within the districts annexed.

WATERWORKS.

Incorporation of Acts. 4. The following Acts and parts of Acts (so far as the same respectively are applicable to the waterworks purposes and are 20 not inconsistent with the provisions of this Order) are hereby incorporated with and form part of this Order :—

The Lands Clauses Acts :

The Waterworks Clauses Act 1847 except the clauses and provisions with respect to the communication pipes to be 25 laid by the undertakers and with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit and also with the exception of clauses 68 70 71 and 72 Provided that the clauses of the Waterworks Clauses Act 1847 with respect 30 to the breaking up of streets for the purpose of laying pipes shall apply to the lines of pipes which may be laid under this Order :

The Waterworks Clauses Act 1863 :

The clauses and provisions of the Railways Clauses Consolidation 35 (Scotland) Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof and the crossing of roads and other interference therewith

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7

and in construing the said clauses and provisions "the company" means the Town Council "the railway" means the reservoir and embankment authorised by this Order and the works immediately connected therewith and "the centre of the railway" means any part of these works.

A.D. 1905.

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5. The Town Council may subject to the provisions of this Order make and maintain in the lines and according to the levels shown on the deposited plans and sections the works hereinafter described or some of them together with all proper dams weirs roads approaches ways wells tanks gauges basins filter-beds stand-pipes catchwater drains outlets outfalls discharge pipes aqueducts culverts cuts channels conduits drains mains pipes junctions meters valves buildings apparatus and conveniences connected with the said works or any of them or necessary or convenient for taking collecting impounding conducting distributing and regulating the supply of water by the Town Council and for inspecting maintaining repairing registering altering checking cleansing managing and using the same and may purchase enter upon take hold and use compulsorily or by agreement such of the lands and water delineated on the deposited plans and described in the deposited book of reference as may be required for such purposes The said works are—

Power to
make new
waterworks.

- 25 A reservoir (Work No. 1) on the stream known as the Bannock Burn commencing at a point in Enclosure No. 1875 on the ¹/₂₅₀₀ Ordnance Survey map 1897 edition of the parish of St. Ninians about one hundred and seventy yards south of the confluence of the Kings Yett Burn and the Bannock Burn and terminating at the embankment (Work No. 3) hereinafter described;
- 30 An embankment (Work No. 2) commencing in Enclosure No. 926 on the said map at the west side and about one hundred and twelve yards south of the north-west corner of that enclosure and terminating in said Enclosure No. 926 on the said map at a point about forty-five yards east of the
- 35 point of commencement;
- 40 An embankment (Work No. 3) commencing in said Enclosure No. 926 on the said map about twenty-five yards east of the termination of the embankment last described and terminating in Enclosure No. 927 on the said map at a point about two hundred yards east of the point of commencement;

A.D. 1905.

- An embankment (Work No. 4) commencing in Enclosure No. 927 on the said map at a point about one hundred and ten yards north of the north-east corner of Enclosure No. 1859 on the said map and terminating in the said Enclosure No. 927 on the said map at a point about two hundred and ten yards east of the point of commencement; 5
- An extension (Work No. 5) of the road of access authorised by the Grangemouth Water Order 1903 commencing at a point thirty yards north of the south-east corner of Enclosure No. 902 on the said map and terminating at a point twenty-five yards east from the west end of the said embankment (Work No. 4); 10
- A conduit or line of pipes (Work No. 6) commencing at the east corner of Enclosure No. 912 on the said map and terminating in the reservoir (Work No. 1) hereinbefore described; 15
- Filters and clear water tank (Work No. 7) situated on the east side of Enclosure No. 902 on the said map;
- A conduit or line of pipes (Work No. 8) commencing at the filters and clear water tank (Work No. 7) above described and terminating at a point in the Bannock Burn about forty-three yards east of the point of commencement; 20
- Watermen's House (Work No. 9) situated at the north side of Enclosure No. 900 on the said map;
- all situated in the parish of St. Ninians and county of Stirling. 25
- A service reservoir or tank (Work No. 10) situated at the north-east corner of Enclosure No. 803 on the $\frac{1}{2500}$ Ordnance Survey map 1898 edition of the parish of Polmont now forming part of the parish of Grangemouth;
- A conduit or line of pipes (Work No. 11) commencing at a point about twenty-five yards north of the north-west corner of Enclosure No. 772 on the said map and terminating in the service reservoir or tank (Work No. 10); 30
- A road of access (Work No. 12) commencing at the service reservoir or tank (Work No. 10) above described and terminating by a junction with the public road leading east from Little Kerse at the point where the said public road passes the houses known as Northfoot; 35

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Extension Order Confirmation.

- A conduit or line of pipes (Work No. 13) commencing at the service reservoir or tank (Work No. 10) above described and terminating at a point on the public road about three hundred yards west of the said houses known as Northfoot; A.D. 1905. —
- 5 A conduit or lines of pipes (Work No. 14) commencing at the service reservoir or tank (Work No. 10) above described and terminating in Millhall Burn at the north-east corner of Enclosure No. 836 on the said map;
- all situated in the parish of Grangemouth and county of Stirling.
- 10 6. The provisions of the following sections of the Order of 1903 (that is to say):— Application of sections of Order of 1903.
- 15 Section 5 (Power to deviate laterally and vertically) provided that the said section 5 shall be amended by the substitution of the word “three” for the word “five” last occurring in the said section;
- Section 6 (Power to alter roads &c. temporarily);
- Section 7 (Power to take water);
- Section 8 (Temporary restriction as to taking water);
- Section 9 (Compensation water);
- 20 Section 10 (Power to agree for servitudes &c.);
- Section 11 (Power to acquire servitudes only for lines of pipes);
- Section 12 (Power to acquire and hold lands for protection of works and prevention of pollution);
- 25 Section 13 (For the protection of the owner of Touch Adam and Polmaise);
- Section 16 (For protection of corporation of Falkirk);
- Section 17 (For protection of Falkirk and Larbert Water Trustees);
- 30 Section 18 (For protection of county council of Stirling);
- Section 19 (Confirming agreement in First Schedule);
- Section 20 (Confirming agreement in Second Schedule);
- Section 21 (For protection of the Caledonian Railway Company);
- 35 Section 23 (Restriction on displacing persons of labouring class);
- (63.) B

A.D. 1905.

- Section 25 (Pressure);
- Section 26 (Suspension of constant supply);
- Section 27 (Town Council may enlarge or increase number of pipes);
- Section 28 (For water supply to local authority); 5
- Section 29 (Power to Town Council and local authorities to agree as to supply of water on line of pipes &c.);
- Section 30 (Payment of charge for water supply);
- Section 31 (Laying mains on public roads);
- Section 32 (Power to borrow); 10
- Section 33 (Period of repayment of borrowed money);
- Section 34 (Sinking fund);
- Section 35 (Power to re-borrow);
- Section 36 (Town Council may borrow on cash account);
- Section 37 (Application of Police Acts); 15
- Section 39 (Application of certain sections of Order of 1901);

shall subject to the provisions of this Order extend and apply mutatis mutandis to the waterworks authorised by this Order as fully and effectually as if the said waterworks had been authorised by the Order of 1903 : 20

Provided always that the point of abstraction of water from the Bannock Burn under this Order shall be substituted for the point of abstraction under the Order of 1903 :

Provided also that the compensation water required to be discharged under the Order of 1903 shall be discharged immediately below the foot of the outer slope of the embankment (Work No. 3) by this Order authorised in lieu of the point of discharge mentioned in the said section 9 of the Order of 1903 and a suitable and sufficient measuring gauge or other apparatus required to be provided by subsection (3) of the said section 9 of the Order of 1903 shall be constructed at the said point of discharge provided under this Order in lieu of the point of such construction under the Order of 1903 : 30

Provided further that any reference in any of the provisions of the Order of 1903 or in the agreements scheduled to that Order to the works by this Order authorised to be abandoned shall so far as applicable be held to be a reference to the works authorised by this Order. 35

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A.D. 1905.

7. The powers of the Town Council for the compulsory purchase of lands for the waterworks authorised by this Order shall cease after the expiration of three years from the commencement of this Order.

Limiting time for exercise of compulsory powers of purchase.

5 8. If the waterworks authorised to be constructed by this Order are not completed within seven years from the commencement of the Order of 1903 then on the expiration of that period the powers by this Order granted to the Town Council for executing any such works not so completed or in relation thereto shall cease except as to so much thereof as is then completed.

Period for completion of works.

9. Subject to the provisions of this Order the Town Council may so far as requisite for the construction and maintenance of the waterworks authorised by this Order or any of them use all or any of the land and property authorised by the Order of 1903 to be taken for the works by this Order abandoned so far as the Town Council may have acquired or may acquire the same under the powers of the Order of 1903.

As to use of lands already acquired for works abandoned.

10. The Town Council may and shall abandon the construction of the following works described in and authorised by the Order of 1903 viz. :—

Abandonment of certain works authorised by the Order of 1903.

The reservoir Work No. 1 ;

An embankment Work No. 2 ;

A byc-pass channel Work No. 3.

11. The abandonment by the Town Council of the works hereinbefore authorised to be abandoned shall not prejudice or affect the right of the owner or occupier of any land to receive compensation for any damage occasioned by the entry of the Town Council on such land for the purpose of surveying and taking levels or probing or boring to ascertain the nature of the soil or setting out the line of the work and shall not prejudice or affect the right of the owner or occupier of any land which has been temporarily occupied by the Town Council to receive compensation for such temporary occupation or for any loss damage or injury which has been sustained by such owner or occupier by reason thereof or of the exercise as regards such land of any of the powers contained in the Railways Clauses Consolidation (Scotland) Act 1845 or the Order of 1903.

Compensation for damage to land by entry &c. for purposes of works abandoned.

12. Where before the commencement of this Order any contract has been entered into or notice given by the Town Council for the purchasing of any land for the purposes of or in relation to any of

Compensation to be made in respect of

A.D. 1905. the works authorised to be abandoned by this Order the Town
works Council shall (if the Town Council so desire) be released from all
abandoned. liability to purchase or to complete the purchase of any such land
(so far as such land is not required for the purpose of the works or
any part of such works by this Order authorised) but notwith- 5
standing full compensation shall be made by the Town Council to
the owners and occupiers or other persons interested in such land
for all injury or damage sustained by them respectively by reason of
the purchase not being completed pursuant to the contract or notice
and the amount and application of the compensation shall in case 10
of dispute be determined in manner provided by the Lands Clauses
Acts for determining the amount and application of compensation
to be paid for lands taken under the provisions thereof.

New water- 13. Subject to the provisions of this Order the existing and the
works to authorised waterworks of the Town Council (so far as the authorised 15
form part of works are not abandoned by this Order) and the works authorised to
water under- be constructed by this Order shall for all purposes whatsoever be
taking. and be deemed to be part of the water undertaking of the Town
Council in the same way and to the same effect as if the waterworks
authorised by this Order had been authorised by the Order of 1903 20
and subject as aforesaid all the powers conferred on the Town
Council by the said Order of 1903 and all the provisions thereof
as the same are extended amended or varied by this Order shall
have effect and be exerciseable and applicable in all respects for the
waterworks purposes of this Order as such powers and provisions 25
are applicable to the waterworks authorised by the Order of 1903.

BURGH EXTENSION.

Extension of 14. The municipal and police boundaries of the existing burgh
boundaries. shall be and are hereby extended to and shall include and com- 30
prehend the existing burgh and the districts annexed which districts
annexed are comprised within the limits and boundaries set forth
and described in the First Schedule to this Order Provided that
the description of the said boundaries shall be subject to the rules
of construction laid down in section 5 of the Representation of the
People (Scotland) Act 1832. 35

Map of the 15. A map of the burgh as extended and defined by this Order
burgh. having been signed in quadruplicate by the Lord Killanin Chairman
of the Commissioners to whom this Order was referred one copy
thereof shall within one month after the commencement of this

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Order be deposited in the office of the Secretary for Scotland another copy thereof shall be deposited with the town clerk at his office and two other copies shall be deposited with the sheriff clerk of the county of Stirling at his offices in Falkirk and Stirling respectively and a copy of such map certified by the town clerk shall be deposited with the Board of Agriculture and Fisheries Provided that if there be any discrepancy between the said map and the description in this Order the said map shall be deemed to be correct and shall prevail.

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10 16. The districts annexed shall be and the same are hereby for the purposes of this Order disjoined from the county.

Districts disjoined from county of Stirling.

15 17. The provisions of all local and private and public general Acts and Orders and all byelaws rules and regulations made under the same which apply to the existing burgh shall except so far as inconsistent with or varied by the provisions of this Order extend and apply to the burgh.

Provisions of local and general Acts to apply to burgh as extended.

20 18. The magistrates and Town Council respectively shall have possess and exercise over the burgh and the inhabitants thereof all the jurisdictions (civil and criminal) powers rights and authorities which the magistrates and Town Council respectively of the existing burgh now have possess and exercise over the existing burgh and the inhabitants thereof whether at common law or by statute or otherwise including all powers of imposing levying and recovering rates dues taxes and assessments and all rights privileges immunities and obligations at present enjoyed and possessed by or incumbent on the inhabitants of the existing burgh shall subject to the provisions of this Order extend and apply to the inhabitants of the burgh.

Powers of magistrates and councillors extended to burgh.

30 19. Subject to the provisions of this Order all jurisdictions rights powers functions duties and authorities which previous to the commencement of this Order were exercised or exercisable by the county council or any local or other authority within the districts annexed or any part thereof under any public general or local or private Act of Parliament or Order (with the exception of such jurisdictions rights powers and authorities as are presently exercised or exercisable by the county council or any committee thereof or other assessing authority within the existing burgh) shall cease and determine Nothing in this Order shall alter diminish or affect the authority and jurisdiction of the sheriff.

Powers of other jurisdictions to cease.

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—
Extension of compulsory limits of water supply.
Supply of water by county council to Town Council.

20. The limits for the compulsory supply of water by the Town Council under the Police Acts and the Water Acts are hereby extended so as to include therein the districts annexed and section 24 of the Order of 1903 is hereby amended accordingly.

21. From and after the date when the new docks now being 5 constructed at Grangemouth under the powers of the Caledonian Railway Act 1897 enter the valuation roll the Town Council shall pay to the eastern district committee of the county council (herein-after called the district committee) one thousand two hundred and seventy-five pounds per annum and the district 10 committee shall from the works already constructed under the powers of the East Stirlingshire Water Act 1900 supply the Town Council with filtered water to the amount of two hundred thousand gallons per day The said payment shall be made and said supply 15 given under the following conditions :—

- (1) The said payment shall be made in equal instalments half-yearly at Martinmas and Whitsunday The first payment shall be made at the first term of Whitsunday after the new docks shall have entered the valuation roll Provided that any money received by the district 20 committee under this section shall be applied to the purposes of the East Stirlingshire water supply under the provisions of the East Stirlingshire Water Act 1900.
- (2) In the event of the district committee if required failing from any cause other than accident or frost or drought 25 or the examination cleansing or repair of any of the works of the district committee to supply two hundred thousand gallons on any day the Town Council shall be entitled to a proportional reduction from the sum payable by them : 30
- (3) The Town Council shall not be bound to take two hundred thousand gallons per day but shall not be entitled to a deduction from the sum payable by them in the event of their not taking two hundred thousand gallons per day :
- (4) The district committee shall deliver the water by the two 35 pipes which they have already laid to the districts annexed and the water shall be delivered by each pipe in such quantities as the Town Council may require in the proportions of three-fourths by the five-inch pipe and one-fourth by the three-inch pipe now laid down Pro- 40 vided that if the Town Council at any time wish the

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water or any part thereof delivered at any point on their waterworks in the vicinity of Millhall the district committee shall deliver it at such point Provided that all pipes and fittings necessary to conduct the water from the nearest pipe of sufficient capacity belonging to the district committee to such point shall be laid at the expense and be the property of the Town Council and the point of junction with the district committee pipe shall be determined by the engineers of the parties :

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 —

- 5
- 10 (5) The Town Council shall acquire the said two pipes so far as laid within the districts annexed and the price to be paid for the same shall failing agreement be fixed as provided for by the section of this Order the marginal note of which is " Adjustment of indebtedness between
- 15 " Town Council and county council " :
- (6) In respect of the payment by the Town Council of the said sum of one thousand two hundred and seventy-five pounds per annum to the district committee the Town Council shall except as otherwise in this section provided be under no further liability in respect of waterworks of the district committee or of the indebtedness of the county council for said waterworks and no adjustment of indebtedness in so far as relating to waterworks shall take place between the Town Council and the
- 20 county council :
- 25 (7) The district committee shall put in and maintain at each point on their pipes at which water shall be delivered by the district committee to the Town Council a stop cock and a meter and other necessary apparatus for affording and measuring the said supplies and the
- 30 Town Council shall pay annually to the district committee a sum equal to ten per centum on the cost of each meter and meter house and the district committee shall have the sole control of the said meter and other apparatus but the Town Council or any person representing them shall be entitled to all reasonable facilities for checking and verifying the readings of the said
- 35 meters :
- (8) If any difference arise between the district committee and the Town Council touching this section or anything to be done or not to be done thereunder such difference shall be determined by a summary application to the sheriff
- 40

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by either party and the decision of the sheriff shall be binding and conclusive on all parties and the costs shall be in the discretion of the sheriff.

Wards of burgh.

22. The burgh shall be and is hereby divided into three wards which shall consist of the areas respectively described in the Second Schedule to this Order which shall be called and known respectively as Ward I. Ward II. and Ward III. 5

Number of councillors &c.

23. At and after the next ensuing annual election of councillors in the year one thousand nine hundred and five under the provisions of the Election Acts as modified by this Order the number of councillors shall be nine being three councillors from each of the three wards into which the burgh is divided by this Order and the number of bailies or magistrates shall be three one of whom shall be provost. 10

Retirement of councillors.

24. Subject to the provisions of this Order all the members of the Town Council of the existing burgh shall continue in office until the second Tuesday of November one thousand nine hundred and five and thereupon shall cease to hold their respective offices. 15

Nomination and withdrawal of candidates.

25. For the purposes of the next ensuing annual election of councillors in the year one thousand nine hundred and five the day for the nomination of candidates required to be made in accordance with the provisions of the Town Councils Acts shall be the first Tuesday of November one thousand nine hundred and five and the day on which any such nomination may be withdrawn in the manner provided by the said Town Councils Acts shall be the Thursday immediately preceding the second Tuesday of November one thousand nine hundred and five. 20 25

Election of councillors of burgh.

26.—(1) On the said second Tuesday of November one thousand nine hundred and five the electors in each of the three wards into which the burgh is by this Order divided shall elect three councillors from among the persons qualified to be councillors and such election shall be conducted and the whole procedure in connection with the nominations election and induction to office of such councillors under the Town Councils Acts and the ensuing election of the provost magistrates and other office bearers shall be regulated in all respects in the way and manner prescribed by the said Acts and this Order and the date or dates on which any notice is required to be given or other procedure to be taken under the Town Councils Acts shall for the purposes of the nomination and election under this Order be such date or dates as shall correspond with the postponed date or dates of such election. 30 35 40

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(2) All subsequent elections shall be conducted in accordance with the Town Councils Acts. A.D. 1905.

27. The provost magistrates councillors and other office bearers of the Town Council of the existing burgh holding office immediately previous to the commencement of this Order shall retain their several offices and exercise the respective functions thereof within the burgh but only until the election provided for in the immediately preceding section has taken place. Magistrates and councillors &c. to retain office till successors elected.

28. In the event of circumstances arising in connection with the first election under this Order of councillors magistrates or other office bearers which may render it necessary or expedient to postpone alter or vary any date or any procedure prescribed by or in pursuance of the provisions of the Election Acts or this Order or any other matter arising thereunder the sheriff may on a summary application by the town clerk sanction such postponement alteration variation or procedure as may in his judgment be best fitted to meet the circumstances of the case and the whole procedure following on such sanction and any order made by the sheriff shall be valid and unchallengeable. Power to sheriff to sanction procedure.

29. The assessor for the county under the Valuation Acts and the Election Acts shall on or before the fifteenth day of September in the year one thousand nine hundred and five and in every subsequent year make out or cause to be made out a list of all persons in the burgh as divided into wards by this Order who shall be entitled to vote in the election of councillors for the burgh and the same procedure shall be applicable and be followed with reference to such list as is followed with reference to the register and list of voters for municipal elections within the existing burgh. Municipal roll.

30.—(1) Notwithstanding the date of the commencement of this Order the Town Council shall levy within the districts annexed the rates and assessments imposed upon the burgh for the year from Whitsunday one thousand nine hundred and five to Whitsunday one thousand nine hundred and six and may issue such notices and adopt such proceedings as may be necessary with the view of the levying and recovery of such rates and assessments within the districts annexed and no county council or other assessing authorities shall impose or levy rates or assessments for that year except such rates and assessments (if any) as they may at present impose or levy within the existing burgh. As to levying assessments by the Town Council.

A.D. 1905. (2) In consideration of the burgh assessments being levied within the districts annexed during the period between Whitsunday one thousand nine hundred and five and the commencement of this Order the Town Council shall pay over to the county council a sum equal to one fourth of the assessments which might have been 5 imposed by the county council for the year from Whitsunday one thousand nine hundred and five to Whitsunday one thousand nine hundred and six had this Order not been confirmed.

Adjustment of indebtedness between Town Council and county council.

31. Section 50 of the Local Government (Scotland) Act 1889 as applied by section 96 of the Burgh Police (Scotland) Act 1903 10 shall apply and have effect on the extension of the boundaries of the burgh by this Order.

Recovery of assessments &c. within districts annexed.

32. Every rate charge or assessment which shall have been actually imposed by the county council or by any local or other authority who had jurisdiction within the districts annexed or any 15 part thereof before the commencement of this Order together with all arrears thereof shall subject to the provisions of this Order continue to be due and payable and may be collected and levied by the persons who respectively imposed the same and by the ways and means and under the same restrictions and regulations 20 as if this Order had not been passed and shall be received and applied by such persons respectively to and for the purposes for which the same were authorised to be levied and all debts due to the Town Council of the existing burgh by any person prior to the commencement of this Order may be demanded and recovered 25 from such person and received and applied by the Town Council for behoof of the burgh.

Roads &c. in districts annexed.

33. The roads streets bridges foot pavements and footpaths within the districts annexed shall so far as the same are vested in the county council or other public authority be transferred to and 30 vested in and be managed maintained and repaired by the Town Council along with and in the same way and manner and to the same extent as the roads streets bridges foot pavements and footpaths within the existing burgh and the county council shall be freed and relieved of the repair and maintenance of all such roads 35 streets bridges foot pavements and footpaths so far as within the districts annexed in all time coming.

Property of the burgh vested in Town Council.

34. Subject to the provisions of this Order all property heritable and movable (including all means revenues and income of every description arising therefrom) belonging to or leviable within the 40 existing burgh or to which the existing burgh is entitled or which

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is held or administered by any person for or on behalf of the community of the existing burgh or for the public ends and purposes thereof shall be and the same is hereby vested in and held by the Town Council for the behoof and benefit of the burgh and all debts and obligations due by or exigible from the existing burgh shall be due by and exigible from the burgh. A.D. 1905. —

35.—(1) Nothing in this Order shall alter affect or in any way derogate from the terms of a feu contract between the Commissioner for the Most Honourable Lawrence Marquis of Zetland Earl of Ronaldshay Baron Dundas K.T. and the provost magistrates and councillors of the burgh of Grangemouth dated the fourteenth and twenty-second days of April and recorded in the division of the General Register of Sasines applicable to the county of Stirling the first day of May both in the year nineteen hundred and two and notwithstanding anything in this Order the portions of the farms of Fouldubs and Newhouse comprised in the districts annexed or the existing buildings and other premises thereon shall not be liable to be assessed by the Town Council for water supply so long as the said farms and premises retain their present character but the Town Council shall continue to be liable to provide for and to such farms and premises a sufficient supply of water in accordance with and on the terms stated in the said feu contract. For the protection of the Marquis of Zetland.

(2) The Town Council shall without prejudice to their obligations under any Act of Parliament maintain in a good and substantial condition at their own expense and when necessary renew the fence now erected on the north side of the public road from Airth to Polmont between a point one hundred yards or thereabouts from the Dalgrain drawbridge over the Forth and Clyde Canal and the lodge at the southern end of the policies of Kerse House and shall relieve the said Marquis of Zetland and his successors of all responsibility in connection therewith in all time coming or until the said marquis or his successors shall release the Town Council from the aforesaid obligation.

36. The Town Council in addition to any other powers of borrowing which they now have or may obtain may for the purpose of the payment of any capital sum which may be paid under the provisions of the section of this Order whereof the marginal note is "Adjustment of indebtedness between Town Council and county council" borrow such money as may be necessary under and on the security of an assessment to be imposed under and in the manner and along with and as part of the assessment for the Borrowing and assessing power.

- A.D. 1905. — maintenance and repair of highways leviable by the Town Council as local authority under the Roads and Bridges (Scotland) Act 1878 and the Public Health General Assessment leviable under the Public Health (Scotland) Act 1897 or any Acts amending the said Acts or under either of those Acts and the Town Council may 5 assign so much or such part as may be required of such assessment as security for the money which may be so borrowed under the provisions of this section.
- Application of sections of Order of 1903 to Burgh Extension purposes. 37. The provisions of the following sections of the Order of 1903 (that is to say) :— 10
 Section 33 (Periods of repayment of borrowed money) ;
 Section 34 (Sinking fund) ;
 Section 35 (Power to re-borrow) ;
 Section 36 (Town Council may borrow on cash account) ;
 shall apply to any money borrowed under the immediately 15 preceding section of this Order Provided that “the prescribed period” in the said section 33 shall as regards sums borrowed for the purposes of the section of this Order the marginal note of which is “Adjustment of indebtedness between Town Council and county council” shall be twenty-five years from the date of 20 borrowing.
- Repeal of laws inconsistent with this Order. 38. All laws statutes jurisdictions powers privileges and usages now in force in relation to the districts annexed in so far as they are inconsistent or at variance with the provisions of this Order are subject to the provisions of this Order hereby repealed put an 25 end to and extinguished.
- Not to affect election of members to serve in Parliament. 39. Nothing in this Order contained shall interfere with the election of members to serve in Parliament for the county and the county shall for Parliamentary purposes remain in all respects as if this Order had not been confirmed. 30
- Saving rights of the Crown. 40. Nothing in this Order shall affect prejudicially any estate right power privilege or exemption of the King’s most Excellent Majesty and in particular nothing herein contained shall authorise the Town Council to take use or in any manner interfere with any 35 portion of the shore or bed of the sea or of any river channel creek bay or estuary or any lands hereditaments subjects or rights of whatsoever description belonging to His Majesty in right of his Crown and under the management of the Commissioners of Woods or of the Board of Trade respectively without the consent in writing

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of the Commissioners of Woods or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose (which consent such Commissioners and such Board are hereby respectively authorised to give). A.D. 1905.

- 5 41. All costs charges and expenses of and incidental to the preparing for obtaining and confirming this Order or otherwise in relation thereto shall be paid by the Town Council out of any moneys to be borrowed or received by them or any rates and assessments which they are authorised to levy and in the event of
 10 such costs being paid out of borrowed money the same shall be repaid within five years from the commencement of the Order. Costs of Order.

THE SCHEDULES.

THE FIRST SCHEDULE.

- First.*—The area within the parish of Grangemouth and county of
 15 Stirling bounded as follows:—Commencing at the beacon at the north-east point of the existing boundary of the burgh on the left bank of the River Carron and proceeding in an easterly northerly and north-easterly direction along the centre line of the embankment or breakwater on the said left bank of the said River Carron to the beacon at the termination of the said embank-
 20 ment or breakwater near the mouth of the said River Carron thence in a north easterly direction for a distance of one hundred and twenty yards or thereabouts in a straight line to low water mark of ordinary spring tides at the west side of the mouth of the said River Carron thence in an east north-easterly direction for a distance of six hundred and sixty yards or thereabouts
 25 in a straight line thence in an east south-easterly direction for a distance of three hundred and eighty-five yards or thereabouts in a straight line thence in a south by westerly direction for a distance of five hundred and thirty yards or thereabouts in a straight line thence in a south south-westerly south-west by southerly and south-westerly direction for a distance of one
 30 thousand five hundred and ten yards or thereabouts in a curved line to the line of high water mark of ordinary spring tides at a point thirty yards or thereabouts measured in an easterly direction from the centre of the Grange Burn at the point where the said burn meets said line of high water mark thence along the said line of high water mark in an east south-easterly
 35 direction to the mouth of a ditch which runs along the south-eastern side of the fields or enclosures numbers 1,013 and 969 on Sheets XXV. 14 and XXV. 13 of the Ordnance Survey map of Stirlingshire on the scale of $\frac{1}{25000}$
 (63.) D 2

A.D. 1905. — second edition 1897 thence in a south-westerly direction along the centre of said ditch until it meets the existing boundary of the burgh thence in a north-westerly direction along the said existing boundary of the burgh to the point of commencement.

Second.—The area within the parish of Grangemouth and county of 5
Stirling bounded as follows:—Commencing at a point in the existing
boundary of the burgh where it crosses the road leading to and from the
farm of Abbots Grange situated five yards or thereabouts measured in a
north-easterly direction from the southmost point of the existing boundary
of the burgh near the farm of Abbots Grange and proceeding along the 10
existing burgh boundary in a north-easterly direction thence in a south-
easterly direction to a point in the said existing burgh boundary in the
centre of the ditch near the south-eastern corner of the field or enclosure
No. 948 on Sheet XXV. 13 of the Ordnance Survey map of Stirlingshire on
the scale of $\frac{1}{25000}$ second edition 1897 thence along the centre of the said 15
ditch in a south-westerly direction to the centre of the said road leading to
and from the farm of Abbots Grange thence in a north-westerly direction
along the centre of the said last-mentioned road to the point of commencement.

Third.—The area within the parishes of Grangemouth and Falkirk and
county of Stirling bounded as follows:—Commencing at a point in the exist- 20
ing boundary of the burgh in the centre of the Grange Burn distant two
hundred and twenty-seven yards or thereabouts measured in a straight line
from the centre of the westmost entrance to Abbots Grange Farm Steading
thence in a southerly and south-westerly direction along the centre of the
said Grange Burn to a point opposite the western side of the road leading to 25
and from Newhouse Farm Steading thence in a northerly direction along the
western side of the said road to a point opposite the northern side of the
stream known as the Almond Pow thence in a south-westerly direction along
the northern side of the said Almond Pow to the centre of the public road
from Polmont to Airth thence in a north-westerly and northerly direction 30
along the centre of said public road to a point opposite the southern fence of
a metal depôt adjacent to the bridge-keeper's house on the south side of the
drawbridge over the Forth and Clyde Canal at Dalgrain thence in a westerly
direction to the south-east corner of said metal depôt thence in a westerly
direction for a distance of forty-three yards or thereabouts and in a northerly 35
direction for a distance of fifteen yards or thereabouts along the fences of said
metal depôt until it meets the southern fence of the Forth and Clyde Canal
thence in a westerly direction for a distance of eighty yards or thereabouts
along the said southern fence of the said canal thence in a north-westerly
direction in a straight line to a point on the right bank of the River Carron 40
at low water mark of ordinary spring tides situated seventy yards or there-
abouts to the west of the centre of Kerse Bridge which carries the public
road from Polmont to Airth across the said River Carron thence in an
easterly direction along the said right bank of the River Carron at low
water mark to a point in the existing burgh boundary where it crosses the 45
face of the southern abutment of the said Kerse Bridge and thence along the

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said existing boundary of the burgh in a southerly south-easterly north-easterly south-easterly north-easterly south-easterly north-easterly easterly and southerly direction to the point of commencement. A.D. 1905.

THE SECOND SCHEDULE.

5

WARD I.

Commencing at a point in the boundary of the burgh in the centre of the public road leading from Polmont to Airth at its junction near the southwest entrance gate to Kerse House with a new road named Earl's Road thence proceeding along the said boundary of the burgh in a northerly
 10 westerly northerly westerly north-westerly easterly and north-westerly direction to the north-west corner of the burgh thence along the said boundary of the burgh in a north-easterly easterly north-easterly easterly north-easterly and easterly direction to the second beacon on the embankment or breakwater on the left bank of the River Carron thence in a south-
 15 westerly direction in a straight line to the end of the breast wall of the wharf on the south side of the eastern entrance from the said River Carron to the docks thence in a westerly northerly westerly southerly westerly south-westerly north-westerly and south-westerly direction along the south side of said entrance and of said docks to the bridge which carries the Bo'ness Road
 20 over the lock forming the south entrance from said docks to the timber basins thence in an easterly direction along the centre of the said Bo'ness Road to a point opposite the centre of the said Earl's Road thence in a south-westerly direction along the centre of the said Earl's Road to the point of commencement.

25

WARD II.

Commencing at the point of commencement of Ward I. and proceeding in a north-easterly direction along the centre of a new road named Earl's Road to a point near the westmost corner of the south timber basin which point is in line with the continuation in a direct line of the centre line of
 30 Kerse Road aftermentioned thence in a south-easterly direction along said continuation line and the centre line of Kerse Road to a point in the centre of the Grange Burn in line with the centre line of said Kerse Road thence in a northerly direction along the centre of the said Grange Burn to the centre of the bridge which carries the Bo'ness Road across said Grange Burn thence
 35 in a south-easterly direction along the centre of the said Bo'ness Road to a point in the boundary of the burgh where it crosses the centre of the said Bo'ness Road thence along the said boundary of the burgh in a south-westerly north-westerly south-westerly north-westerly south-westerly north-westerly south-westerly southerly south-westerly northerly south-westerly and north-
 40 westerly direction to the point of commencement.

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WARD III.

Commencing at a point in the centre of a new road named Earl's Road near the westmost corner of the south timber basin and which point is in line with the continuation in a direct line of the centre line of Kerse Road aftermentioned thence proceeding in a north-easterly direction along the 5
centre of the said Earl's Road to the centre of the Bo'ness Road thence in a westerly direction along the centre of the said Bo'ness Road to the south side of the docks at the bridge which carries the said Bo'ness Road over the lock forming the south entrance from said docks to the timber basins thence in a north-easterly south-easterly north-easterly easterly northerly easterly 10
southerly and easterly direction along the south side of said docks and eastern entrance thereto aftermentioned to the end of the breast wall of the wharf on the south side of the eastern entrance from the River Carron to the said docks thence in a north-easterly direction in a straight line to a 15
point in the boundary of the burgh at the second beacon on the embankment or breakwater on the left bank of the River Carron thence along the said boundary of the burgh in an easterly northerly north-easterly east north-easterly and east-south-easterly direction to the north-east corner of the burgh thence along the said boundary of the burgh in a south-by-westerly south-south-westerly south-west-by-southerly south westerly east-south- 20
easterly south-westerly south-easterly and south-westerly direction to the point where the said boundary crosses the centre of the said Bo'ness Road thence in a north-westerly direction along the centre of the said Bo'ness Road to the centre of the bridge which carries the said Bo'ness Road across the Grange Burn thence in a southerly direction along the centre of the said 25
Grange Burn to a point therein in line with the centre line of Kerse Road before-mentioned thence in a north-westerly direction along the said centre line of Kerse Road and the before-mentioned continuation thereof to the point of commencement.

[5 EDW. 7.] *Intoxicating Liquors (Hours of Closing)*. [H.L.] 1

A

B I L L

INTITULED

An Act to amend the Liquor Licensing Acts as regards A.D. 1905.
the laws of closing.

BE it 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:—

- 5 **1.** On any application to licensing justices for the grant, removal, renewal or transfer of a licence to sell intoxicating liquors on any premises, such justices may, if they grant such application, impose such conditions with regard to the hours during which such licensed premises may remain open for the sale or supply of
10 intoxicating liquor as may by them be deemed expedient, and such conditions shall be endorsed on the licence so granted, removed, renewed, or transferred, and shall be recorded by the clerk to the justices in the register of licences :

Power to
licensing
justices to
impose con-
ditions as to
hours of
closing.

- 15 Provided always that the hours during which such premises may remain open shall in no case exceed the hours provided for by section three of the Licensing Act of 1874, and that the justices shall not impose as a condition of any such licence that the premises shall be closed before eight o'clock at night on Saturday, or before nine o'clock at night on any day other than Saturday or
20 Sunday, and the licensing justices may require that all such premises shall be closed on Sunday except during one hour at midday and one hour during the evening, and they may require that during such hours as the premises are permitted to be open
25 on Sunday intoxicating liquors may be sold for consumption off the premises only, and the licensing justices may impose such conditions as aforesaid upon all licences to sell intoxicating liquors within their jurisdiction.

(48.)

A.D. 1905. — Nothing in this section shall limit any of the powers conferred on licensing justices by the Licensing Act of 1904.

Penalties for breach of conditions.

2. If any licensed person shall, by himself or by his servant or agent, sell or supply any intoxicating liquor to any person, or if any person shall purchase or procure, or aid or abet in purchasing or procuring, any intoxicating liquor, during the hours when licensed premises are lawfully closed, such persons shall be liable to the penalties provided for by section nine of the Licensing Act, 1874, and in addition to such penalty the renewal of the licence of such licensed person may be refused by the licensing justices on the ground that the licensed premises of such person have been ill-conducted. 5 10

Exception of guests lodging in hotels.

3. This Act shall not apply to the sale or supply of intoxicating liquor to guests lodging in such hotels as are in accordance with section forty-three, subsection (4), of the Revenue Act, 1880. 15

Justices to have regard to representations from inhabitants and resolutions of local authorities.

4. In considering the matter of reducing the hours of opening licensed premises under this Act, the licensing justices shall have regard to representations made to them in any licensing meeting by the inhabitants of the locality, or to any resolutions thereon which may be adopted by any local authority within their licensing district. 20

Short title.

5. This Act may be cited as the Intoxicating Liquors (Hours of Closing) Act, and may be cited and shall be construed as one with the Licensing Acts, 1828 to 1904. 25

Extent.

6. This Act shall not extend to Scotland or Ireland.

[5 EDW. 7.] *Inverness Gas and Water Provisional Order.* 1

A

B I L L

INTITULED

An Act to confirm a Provisional Order under the Burgh A.D. 1905.
Police (Scotland) Act 1892 relating to the Burgh of —
Inverness.

WHEREAS His Majesty's Secretary for Scotland has made the Provisional Order set forth in the schedule hereunto annexed under the provisions of the Burgh Police (Scotland) Act 1892 55 & 56 Vict. c. 55. and it is requisite that the said Order should be confirmed by

5 Parliament:

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:—

- 10** **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 Inverness Gas and Water Short title. Order Confirmation Act 1905.

A.D. 1905.

SCHEDULE.

INVERNESS GAS AND WATER.

Provisional Order to confer additional borrowing powers for the supply of Gas and Water upon the Town Council of Inverness and for other purposes. 5

WHEREAS by the Burgh Police (Scotland) Act 1892 it is (inter alia) provided (section 45) that whenever it shall appear to the commissioners of any burgh to which that Act applies that they require additional powers for the better carrying out of the purposes thereof and specially powers relating to the supply of gas or water or to roads or streets or to the drainage or sewers or the utilisation of sewage in addition to the powers conferred by the Public Health Acts or for the repeal or amendment of any local Act of Parliament relating to such subjects or for the adjustment of the provisions of the said Act or for the other purposes therein mentioned they may apply to the Secretary for Scotland for a Provisional Order and that by section 46 of the said Act the Secretary for Scotland may after such inquiry as he may direct issue a Provisional Order either in accordance with the prayer of the application or with such modifications or alterations as may appear to him requisite but that no Provisional Order shall be of any validity unless the same has been confirmed by Parliament : 20

And whereas the said Burgh Police (Scotland) Act 1892 is in force within the burgh of Inverness (herein-after referred to as "the burgh") :

And whereas by the Inverness Gas and Water Act 1875 (herein-after called "the Act of 1875") the provost magistrates and councillors of the burgh as then commissioners of police of the burgh (herein-after referred to as "the Commissioners") acquired the undertaking of the Inverness Gas and Water Company and the right to make and maintain waterworks and gasworks and to supply gas and water within the burghs and places adjacent : 25

And whereas the Commissioners were authorised to borrow for the purposes of the waterworks undertaking any sum not exceeding forty-one thousand pounds on the security of the rates assessments and charges and by the said Act authorised and for the purposes of the gas undertaking any sum not exceeding forty thousand pounds on the security of the gasworks undertaking and the rents charges and revenues to arise from the supply of gas and the sale of residual products : 30 35

And whereas the cost of such purchase and of carrying into execution the Act of 1875 had considerably exceeded the amount estimated at the time of the application for the Act of 1875 and the moneys which they were

[5 EDW. 7.] *Inverness Gas and Water Provisional Order.* 3

authorised to borrow by that Act and had borrowed for the purposes of the said water and gas supply and of that Act were found to be insufficient to defray the cost thereof: A.D. 1905

5 And whereas by the General Police and Improvement (Scotland) Act (1862) Order Confirmation (Inverness) Act 1879 (herein-after called "the Order of 1879") the sum authorised to be borrowed by the Commissioners for the purposes of the said waterworks undertaking was increased to the sum of fifty-six thousand pounds and for the purposes of the gasworks undertaking to the sum of forty-five thousand pounds:

10 And whereas by the General Police and Improvement (Scotland) Act (1862) Order Confirmation (Inverness) Act 1892 (herein-after called "the Order of 1892") the sum authorised to be borrowed by the Commissioners for the purposes of the said waterworks undertaking was further increased to the sum of sixty-six thousand pounds and for the purposes of the
15 gasworks undertaking to the sum of fifty-seven thousand pounds:

And whereas the provost magistrates and councillors of the said burgh (herein-after referred to as "the Town Council") are under the Town Councils (Scotland) Act 1900 now in the room and place of the Commissioners:

20 And whereas the Town Council have expended in the waterworks undertaking sixty-four thousand eight hundred and thirty-four pounds of the authorised capital of sixty six thousand pounds and in the gasworks undertaking the full amount of fifty-seven thousand pounds authorised to be borrowed for gasworks purposes:

25 And whereas the Town Council have presented a petition to His Majesty's Secretary for Scotland setting forth that in consequence of the extension of the burgh boundaries and the consequent extension of the gasworks and mains and the execution of certain other works and with regard to the waterworks undertaking the laying down new water mains and pipes
30 and the doubling of the main from the reservoir to the town and praying that they should be authorised to borrow for the purposes of the said gasworks undertaking an additional sum not exceeding fifteen thousand pounds and for the purposes of the said waterworks undertaking an additional sum not exceeding ten thousand pounds:

35 And whereas it has been represented in the said petition that it is expedient that the Town Council should be authorised to borrow the additional sum of fifteen thousand pounds for the purposes of the gasworks undertaking on the security of the rents charges and revenues to arise from the supply of gas and the sale of residual products and the additional sum
40 of ten thousand pounds for the purposes of the waterworks undertaking on the security of the water rates assessments and charges by the Act of 1875 authorised and that the Act of 1875 as amended by the Orders of 1879 and 1892 should be amended accordingly:

45 And whereas after due inquiry I have resolved to issue a Provisional Order granting authority to borrow the said additional sums of fifteen thousand pounds and ten thousand pounds in the terms herein-after expressed:

A.D. 1905. — Now therefore in pursuance of the powers vested in me by the Burgh Police (Scotland) Act 1892 I as Secretary for Scotland do by this Provisional Order direct as follows:—

- Citation of Order and Acts. 1. This Order may be cited as the Inverness Gas and Water Order 1903 The Act of 1875 and the Acts confirming the Orders of 1879 and 1892 and this Order may be collectively cited as the Inverness Gas and Water Acts 1875 to 1903. 5
- Power to borrow. 2. From and after the time of the passing of the Act confirming this Order the 74th section of the Act of 1875 as amended by the Orders of 1879 and 1892 shall be read as if the words "seventy-six thousand pounds," had been inserted instead of the words "sixty-six thousand pounds" and the 75th section of the Act of 1875 as amended by the Orders of 1879 and 1892 shall be read as if the words "seventy-two thousand pounds" had been inserted instead of the words "fifty-seven thousand pounds." 10
- Costs of Order. 3. Section 82 of the Act of 1875 shall be construed as if the costs charges and expenses of and incident to the preparing for obtaining and confirming this Order or otherwise in relation thereto were part of the costs for payment of which provision is made by that section. 15
- Priority of mortgages. 4. All mortgages granted by the Commissioners for securing money borrowed under the provisions of the Act of 1875 and the Orders of 1879 and 1892 and subsisting at the time of the passing of the Act confirming this Order shall have priority over all mortgages granted by the Town Council under the provisions of the said sections of the Act of 1875 and of the said Act as amended by the Orders of 1879 and 1892 for securing money borrowed after the passing of the Act confirming this Order. 20 25
- Sinking fund. 5. The Town Council shall from and after the passing of the Act confirming this Order set apart annually as a sinking fund for the repayment of the additional money authorised to be borrowed by this Order such a sum as will produce a fund equal to three per cent. per annum upon the sum or sums of money so to be borrowed and also to the annual interest of such borrowed sum or sums and which sum of three per cent. per annum the Town Council shall annually appropriate set apart and invest at the highest rate of interest which can be had for the same in the public funds or in any chartered or other bank or on heritable security as a sinking fund applicable and to be applied by the Town Council from time to time to the repayment of the moneys to be borrowed under this Order until the amount so to be borrowed shall be extinguished or the Town Council may agree with the lender so that the amounts of three per cent. shall annually be receivable by him in liquidation pro tanto of the principal debt Sections 96 and 97 of the Act of 1875 shall not apply to the additional money authorised to be borrowed by this Order. 30 35 40

Given under my hand and seal at Whitehall this fifth day of June one thousand nine hundred and five.

L.S.

LINLITHGOW.

[5 EDW. 7.]

Isle of Man (Customs).

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B I L L

INTITULED

An Act to amend the Law with respect to Customs A.D. 1905.
 Duties in the Isle of Man.

BE it 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:—

- 5 **1.** The additional duties of Customs on tobacco, tea, and spirits removed or imported into the Isle of Man, imposed by section one of the Isle of Man (Customs) Act, 1900, and the additional duty on ale and beer removed or imported into the Isle of Man, imposed by the second paragraph of section two of that Act, shall continue to be charged, levied, and paid as from the first day of August nineteen hundred and five until the first day of August nineteen hundred and six.

Continuance
of additional
duties on
tobacco, tea,
spirits, ale
and beer.
63 & 64 Vict.
c. 31.

- 10 **2.** This Act may be cited as the Isle of Man (Customs) Act, 1905.

Short title.

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