



CHAPTER xxxi.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to the Falkirk and District Tramways. [2nd July 1901.] A.D. 1901.

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 Falkirk and District Tramways Order Confirmation Act 1901. Short title.

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SCHEDULE.

FALKIRK AND DISTRICT TRAMWAYS.

Provisional Order to incorporate the Falkirk and District Tramways Company and to empower that Company to make and maintain Tramways and for other purposes.

WHEREAS the making and maintaining of the tramways herein-after described and by this Order authorised would be of public and local advantage :

And whereas the persons in that behalf in this Order named with others are willing at their own expense to construct the tramways if authorised so to do and are desirous of being incorporated into a Company with adequate powers for the purpose and it is expedient that they be incorporated and empowered accordingly as by this Order provided :

And whereas it is expedient that the provisions of the Tramways Act 1870 as to the purchase of the undertaking of the Company should be modified as herein-after mentioned :

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

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

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

Short title.

1. This Order may be cited as the Falkirk and District Tramways Order 1901 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.”

Incorporation of general Acts.

2. The Companies Clauses Consolidation (Scotland) Act 1845 Part I. (relating to cancellation and surrender of shares) of the Companies Clauses Act 1863 as amended by subsequent Acts the Lands Clauses Acts and section 3 (Interpretation of terms) Part II. (Construction of tramways) and Part III. (General provisions) of the Tramways Act 1870 are (except where expressly varied by this Order and by the agreements scheduled to this Order) incorporated with and form part of this Order.

Interpretation.

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

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

“The tramway” “the tramways” and “the undertaking” mean respectively the tramways and the undertaking by this Order authorised ;

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“Mechanical power” includes steam electric and every other motive power not being animal power ; A.D. 1901.

“Engine” includes motor ;

“The sheriff” means the sheriff principal of the counties of Stirling Dumbarton and Clackmannan, and any of his substitutes in the county of Stirling ;

The word “contingencies” in the Companies Clauses Consolidation (Scotland) Act 1845 section 125 shall with reference to the Company be construed to include the contingency of the undertaking being sold to the local authority at a sum less than the aggregate amount of capital and debts of the Company.

4. John Kerr George Mackenzie Brown Borthwick Watson William Wilson George Flett Charles David Geddes John Charles Urquhart William Stowell Haldane James More Junior James Learmonth and all other persons and corporations who have already subscribed to or shall 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 purpose of making and maintaining the tramways and for other the purposes of this Order and for those purposes shall be and are hereby incorporated by the name of the Falkirk and District Tramways 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. Company incorporated.

5. Subject to the provisions of this Order the Company may make form lay down work use and maintain the tramways and works herein-after described in the lines and according to the levels and within the limits of deviation shown on the deposited plans and sections and in all respects in accordance with those plans and sections with all proper rails plates posts tubes wires apparatus generating stations depôts works and conveniences connected therewith Provided that nothing in this Order shall authorise any interference with any electric lines and works of any undertakers under the Electric Lighting Acts 1882 to 1890 to which the provisions of section 15 of the first-mentioned Act apply except in accordance with and subject to the provisions of that section The tramways and works herein-before referred to and authorised by this Order are— Power to make tramways.

(1) Tramway No. 1 situate in the parish and burgh of Falkirk one furlong 5·4 chains in length (of which six chains are double line and 9·4 chains are single line) commencing in Newmarket Street at a point in line with the east building line of Hope Street and passing eastwards along Newmarket Street thence northwards along Vicars Street to a point ten feet north of the north building line of Weir Street ;

(2) Tramway No. 2 situate in the parish and burgh of Falkirk one furlong in length (of which seven chains are double line and three chains are single line) commencing in Vicars Street at the termination of Tramway No. 1 and passing in a northerly direction across the stone bridge over the North British Railway near Grahamston Station thence into Graham's Road and terminating at a point eight feet or thereby north of the north building line of Meek's Road ;

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- (3) Tramway No. 3 situate in the parish and burgh of Falkirk one mile two furlongs 9·43 chains in length (of which six furlongs 5·28 chains are double line and four furlongs 4·15 chains are single line) commencing in Graham's Road at the termination of Tramway No. 2 passing northwards along Graham's Road and crossing the bridge over the Forth and Clyde Canal at Bainsford thence along the main road from Falkirk to Carron and terminating in the centre of the bridge over the River Carron at the boundary of the burgh and parish of Falkirk ;
- (4) Tramway No. 4 situate in the parish of Larbert two miles 3·8 chains in length (of which seven furlongs 2·2 chains are double line and one mile one furlong 1·6 chains are single line) commencing at the termination of Tramway No. 3 passing northwards along the main road from Falkirk to Carron past the Carron Iron Works thence westwards along the road to Stenhousemuir from Carron through Goshen and Stenhousemuir past Larbert Station to Larbert thence northwards into the main road from Falkirk to Stirling and terminating at a point in the said road one hundred and ten feet north of the north-east corner of the building line of the cross roads leading respectively from Falkirk to Stirling and Larbert to Dunipace ;
- (5) Tramway No. 5 situate in the parish of Larbert 1·5 chains in length (all single line) commencing by a junction with Tramway No. 4 at a point two miles 1·18 chains from the commencement of that tramway thence southwards into the main road from Falkirk to Stirling and terminating by a junction with Tramway No. 6 at a point 1·85 chains from the commencement of that tramway ;
- (6) Tramway No. 6 situate in the parishes of Larbert and Falkirk seven furlongs 7·5 chains in length (of which one furlong 9·5 chains are double line and five furlongs eight chains are single line) commencing by a junction with Tramway No. 4 at a point 1·1 chains southwards of the termination of that tramway then passing southwards along the main road from Stirling to Falkirk and terminating at the boundary of the burgh of Falkirk ;
- (7) Tramway No. 7 situate in the parish and burgh of Falkirk one mile four furlongs seven chains in length (of which three furlongs 6·5 chains are double line and one mile one furlong 0·5 chain are single line) commencing at the termination of Tramway No. 6 then passing southwards along the main road from Stirling to Falkirk to where the said road joins the main road from Kilsyth to Falkirk thence eastwards along the main street of Camelon across the bridge over the Forth and Clyde Canal at Camelon along the Camelon Road and West Bridge Street Falkirk and terminating in Newmarket Street at the commencement of Tramway No. 1 ;
- (8) A reconstruction or strengthening of the bridge (Work No. 8) over the Forth and Clyde Canal known as Bainsford Bridge in the burgh and parish of Falkirk commencing the said reconstruction or strengthening in Graham's Road Falkirk at a point one hundred feet or thereby southwards of the centre of the span of said bridge and terminating in the Main Street Bainsford Falkirk at a point one hundred feet or thereby northwards of the centre of the span of said bridge ;

(9) A reconstruction or strengthening of the bridge (Work No. 9) over the Forth and Clyde Canal known as the Camelon Bridge in the burgh and parish of Falkirk commencing the said reconstruction or strengthening in Camelon Falkirk at a point one hundred feet or thereby eastwards of the centre of the span of said bridge and terminating in the Main Street Camelon at a point one hundred feet or thereby westwards of the centre of the span of said bridge :

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Provided that in the event of the existing bridge over which Tramway No. 2 is intended to be laid being taken down at any time and a new bridge being erected in substitution therefor the Company shall remove the said Tramway No. 2 from the said existing bridge and relay the same on the substituted bridge and the approaches thereto entirely at their own expense and the Company shall not in so doing injure or interfere with the structure of the said substituted bridge and shall not cause any interruption to the traffic on the said railway.

6. The following provisions for the protection and benefit of the North British Railway Company and the Caledonian Railway Company (in this section called "the railway companies") shall unless otherwise agreed between the Company and the railway companies respectively apply and have effect (that is to say) :—

For protection of railway companies.

(1) If any of the tramways shall be constructed on or under a bridge carrying any road or street over or under any railway of the railway companies :

(A) The Company shall so construct use and maintain the tramway as not to interfere with or injuriously affect the bridge or the approaches thereto and in the event of any interference with or injury to such bridge and approaches or any part or parts thereof respectively by the construction of a tramway on over or under the same and not by reason of any fault of the railway companies or either of them or their servants or any person using the same whether such interference or injury occur either during or after the construction of or in maintaining the tramway the railway company may at the expense of the Company restore such bridge and approaches or the parts or part which may be interfered with or injured to as good a state and condition as they were in before such interference or injury was occasioned and the Company shall recoup to and indemnify the railway company against all sums costs and expenses which they may pay or be put to in restoring such bridge and approaches in manner aforesaid and in maintaining and repairing (in case of default by the Company) so much of the road over such bridge and approaches as the Company are liable to maintain and repair under this Order and the railway company may recover from the Company all such sums costs and expenses in like manner as any simple contract debt and in constructing the tramway the Company shall not cause any interruption to the traffic on any railway passing under such bridge ;

(B) If any injury to or interference with any such bridge or any interruption to the traffic on any railway shall arise or be occasioned

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at any time in constructing the tramway the Company shall forthwith make good or remove such injury interference or interruption at their own expense or the railway company may do the necessary work for that purpose at the expense of the Company and the Company shall repay to the railway company all reasonable costs and expenses incurred by them in so doing and all loss or damage sustained by the railway company in consequence of such injury interference or interruption;

- (c) The Company shall give not less than twenty-one days' notice in writing to the railway company interested of the intention to commence any works which affect or in anywise interfere with the structural works of any such bridge and shall at the same time submit sufficient plans and specifications or other information to show the nature of such works and such works shall be constructed to the reasonable satisfaction of the principal engineer of said railway company. If the said engineer does not within fourteen days after such submission signify in writing his disapproval of such plans and sections he shall be deemed to have approved thereof and if within the said period of fourteen days the said engineer signifies in writing his disapproval of such plans and sections or makes any requirements in relation thereto to which the Company are unable to agree such plans and sections shall be settled by arbitration in manner herein-after provided. Provided that this sub-section as to the submission of plans and sections shall not apply to the lifting of the roadway pavement or macadam for the purposes of laying or relaying the rails or to ordinary repairs of that part of the road over any bridge which by the provisions of section 28 of the Tramways Act 1870 has to be kept in repair by the Company as promoters of the tramways :
- (2) In respect it is provided by the North British Railway (General Powers) Act 1900 section 36 subsection (1) that the North British Railway Company shall construct a new bridge in lieu of the existing bridge carrying the public road between Vicars Street and Graham's Road over the railway the Company shall be bound if it shall be found necessary in constructing such new bridge to do so in a more substantial or expensive manner in consequence of the said tramway than would be otherwise required for ordinary traffic to bear the increased cost incurred in constructing such bridge for tramway traffic :
- (3) The Company shall not without the consent of the North British Railway Company in the construction maintenance or use of Tramway No. 7 injure or interfere with the structure of the bridge carrying the Stirlingshire Midland Junction Railway over the public road at Camelon. In the event of the North British Railway Company agreeing or not objecting to electric wires of the Company being attached to the superstructure of said bridge such attachment shall be to the satisfaction of the principal engineer of said railway company and such as not to damage the said bridge :
- (4) The Company shall not without the consent of the Caledonian Railway Company in the construction maintenance and use of Tramway No. 6

injure or interfere with the structure of the bridge carrying the Caledonian Railway Scottish Central Section over the public road near Larbert and in the event of the Caledonian Company agreeing or not objecting to electric wires of the Company being attached to the underside of the said bridge such attachment shall be to the satisfaction of the principal engineer of the Caledonian Railway Company and such as not to injure the said bridge :

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- (5) If any difference shall arise between the Company and either of the railway companies under this section such difference shall be settled by an arbiter to be appointed by the Board of Trade on the application of either party.

7. The following provisions for the tramways crossing the Forth and Clyde Canal and for the protection of the Forth and Clyde Canal of the Caledonian Railway Company (herein-after called "the Caledonian Company") shall unless otherwise agreed between the Company and the Caledonian Company apply and have effect (that is to say) :—

Tramways crossing the Forth and Clyde Canal and for protection of the canal.

- (1) In constructing the intended tramways over or across the Forth and Clyde Canal the Company shall in lieu of the bridge over the said canal known as Bainsford Bridge and the bridge over the said canal known as the Camelon Bridge construct at their own expense opening bridges of a width and span not less than the width and span of the existing bridges together with any signals and signalling apparatus gates and fences or other means of protection which may be required by the Board of Trade for the protection of the traffic using the said bridges and a proper and convenient cabin for the accommodation of the men employed in working said bridges ;
- (2) The said bridges with the signals and any signalling apparatus and cabin gates fences and other means of protection required by the Board of Trade shall be constructed according to plans sections working drawings and specifications to be submitted by the Company to the Caledonian Company for their approval ;
- (3) The Company at least twenty-one days before commencing any works which might in any way interfere with or affect the Forth and Clyde Canal and the traffic thereon at the said Bainsford and Camelon Bridges shall give the Caledonian Company notice in writing of such works accompanied by plans sections and working drawings of any temporary works necessary to make good any such interference and to protect the said canal and the traffic thereon during the construction of such works ;
- (4) The said bridges other than the tramway and its electrical and other equipment shall be maintained and worked by the Caledonian Company and the Company shall repay to the Caledonian Company one half of the cost of keeping the said bridges in a reasonable state of repair and the extra cost of working the said bridges if the working of each or either of them requires the employment of additional men over and above those usually employed at present The men employed at said bridges shall be appointed by and shall be under the absolute control and direction of the Caledonian Company ;

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- (5) The Company shall be afforded all reasonable facilities for laying carrying repairing and renewing the tramways and the cables pipes wires and all suitable electrical or other apparatus across under or over the said canal provided that no electric cables wires or other obstructions shall be erected or maintained on or over the Forth and Clyde Canal so as to interfere with the passage of vessels along the canal ;
- (6) In the event of any difference arising between the Company and the Caledonian Company with reference to any of the matters dealt with under the foregoing subsections of this section the same shall be referred to an arbiter to be mutually agreed upon and failing agreement to be appointed by the sheriff of the county of Stirling on the application of either party ;
- (7) In constructing the said bridges and works connected therewith the Company shall not either obstruct or interfere with the canal or any boats barges or other vessels or traffic navigating or using the canal at all times as freely and uninterruptedly as at present and if there shall be any such interruption of traffic caused in the course of the construction of said bridges or works of the Company they shall pay to the Caledonian Company the damages and expenses thereby occasioned as the same shall be determined by a court of competent jurisdiction ;
- (8) Nothing herein provided shall extend to alter modify or in any way prejudice the rights of parties under an agreement between Sir Gilbert Stirling of Larbert on behalf of the trustees of the road from Linlithgow Bridge to Stirling and the Company of Proprietors of the Forth and Clyde Canal dated seventeenth and nineteenth May one thousand eight hundred and thirty-one in connexion with the existing Camelon Bridge over the canal or shall in any way alter diminish or rescind the annual sum payable under that agreement to the Caledonian Company in connexion with such bridge.

Lands for
generating
station.

8. The Company may enter upon take and use compulsorily or by agreement the lands described in the First Schedule to this Order and shown on the deposited plans and described in the deposited books of reference and may on such lands construct a station for generating transforming and distributing electric power and provide and use dynamos engines and other apparatus and things necessary or proper for the generation of electricity for the purposes of their undertaking.

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

9. 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 books 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 of the county in which such land is situate for the correction thereof and if it appears to the sheriff that the omission misstatement or wrong description arose from accident or 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 for the said county and a duplicate thereof shall also be deposited with the town clerk of the burgh or as the case may be with the clerk of the

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parish council of the parish in which the lands affected thereby are situate and such certificate and duplicate respectively shall be kept by such principal sheriff clerk and clerks respectively with the other documents to which the same relate and thereupon the deposited plans and the books of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Company to take hold and use the lands in accordance with such certificate as if such omission misstatement or wrong description had not been made.

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10. The Company may subject to the provisions of this Order enter into and carry out agreements with any road authority with respect to the forming laying down maintaining renewing repairing working and using of the tramways and the rails plates sleepers posts wires apparatus and works connected therewith and for facilitating the passage of carriages and traffic over and along any roads or streets upon or along which any of the tramways are intended to be laid or any part thereof.

Agreements between the Company and road authorities.

11. Whereas an agreement dated twenty-third October one thousand nine hundred and subsequent dates was entered into between the local authority of the burgh of Falkirk and the persons therein named (being the promoters of this Order) on behalf of a Company to be incorporated whereby mutual and onerous obligations were undertaken by the parties thereto and it is expedient that the said agreement should be confirmed therefore the said agreement as set forth in the Second Schedule to this Order is hereby confirmed and made binding on the said local authority and on the Company respectively.

Confirmation of agreement with local authority of Falkirk.

12. Whereas an agreement dated first December one thousand nine hundred and subsequent dates was entered into between the county council of the county of Stirling and the persons therein named (being the promoters of this Order) on behalf of a company to be incorporated whereby mutual and onerous obligations were undertaken by the parties thereto and it is expedient that the said agreement should be confirmed therefore the said agreement as amended and set forth in the Third Schedule to this Order is hereby confirmed and made binding on the said county council and on the Company respectively.

Confirmation of agreement with county council of Stirling.

13. Subject to the provisions of this Order the Company may during the execution of the works with the consent in writing of the road authority in whose district any road or bridge shall be situate stop up temporarily the carriageway or footway of any road or bridge as they think necessary and for that purpose may put up bars posts and other erections Provided always that the Company shall give the road authority at least one month's notice of their intention so to stop up the carriageway of any road or bridge and the Company shall relieve the road authority of any expense or claims in connexion therewith.

Stoppage of roads during execution of works.

14. The Company may purchase take on lease or acquire by agreement and may hold any lands not exceeding eight acres and they may on such lands and on any other lands purchased or acquired under the authority of this Order erect or construct and hold offices depôts yards buildings sidings works and other conveniences and may by agreement take servitudes over

Purchase of lands by agreement.

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Restriction
on taking
houses of
labouring
class.

15.—(1) 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 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 so occupied.

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

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

For the pro-
tection of the
local authority.

16. For the protection of the local authority of the area in which any of the tramways may be situate the following provisions shall subject to the provisions contained in the agreements scheduled to this Order (unless otherwise agreed between the local authority and the Company) have effect :—

(1) The tramways shall be laid down to the reasonable satisfaction of the local authority ;

(2) Every post or standard erected by the Company for electrical equipment shall be painted in such colours and manner and so often (not being more than once in every three years) as the local authority may require and if any post or standard after it has been erected is in the opinion of the local authority an obstruction the Company shall alter the position thereof in such manner as the local authority shall reasonably require ;

(3) The Company shall lay all main feeder wires below the surface of the ground in such footpaths and roads to the reasonable satisfaction of the local authority ;

(4) Every carriage used on the tramways shall be kept in proper repair and condition to the reasonable satisfaction of the local authority who may prohibit the use of any carriage not in their opinion in proper repair and condition ;

The Company shall provide the carriages used on the tramways with all necessary lightning arresters ;

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All electrical fittings used on the carriages of the Company shall be sufficiently protected so as to prevent injury to passengers ; A.D. 1901.

- (5) When the Company open or break up any street roadway or footway for the purpose of erecting any post or standard the Company shall within six days after the same have been opened or broken up reinstate the same in as good condition as that in which it was before it was opened or broken up and in case the Company make any default in so doing the local authority may reinstate the same as aforesaid at the expense of the Company Provided always that the terms of sections 26 and 27 of the Tramways Act 1870 except as herein varied shall apply to such opening or breaking up of any street roadway or footway ;
- (6) The Company shall not without the consent of the local authority remove any public gas lamp and all gas lamps so removed under such consent shall be re-erected by the Company at their expense in such manner and position as the local authority may direct ;
- (7) Whenever the Company desire to erect any post or standard which involves any alteration or removal of any sewer or drain or gas or water pipe or machinery or appliance connected therewith vested in or belonging to the local or other authority the local or other authority may at their option (but without prejudice to any protection afforded to them by the Tramways Act 1870) make such alteration or removal as the case may be and do all works incidental thereto and all the expenses which the local or other authority shall thereby incur shall be defrayed or repaid to them by the Company ;
- (8) No advertisement other than a notice or advertisement relating to the undertaking of the Company shall without the consent of the local authority be affixed to or displayed upon any standard or pole of the Company ;
- (9) If any difference arise between the Company and the local authority with respect to the reasonableness of any requirement of the local authority the same shall subject to the provisions of the next following subsection as to the recovery of penalties be determined by the arbitration of an arbiter to be agreed upon between the local authority and the Company or failing agreement to be appointed by the sheriff on the application of either of them ;
- (10) If the Company fail to comply with any of the subsections of this section numbered two three four five six seven and eight they shall be liable for every such default to a penalty not exceeding five pounds and to a further penalty not exceeding one pound for each day during which the offence is continued after conviction thereof and every such penalty shall be recoverable under the Summary Jurisdiction Acts ;
- (11) All money payable by the Company to the local authority under the provisions of this section shall be payable on demand and in default of payment may be recovered by the local authority from the Company as a simple contract debt and shall be applied by the local authority in such manner as they may determine.

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Period for compulsory purchase of lands by Company.

17. The powers granted by this Order to the Company for the compulsory purchase of lands shall cease after the expiration of three years from the commencement of this Order.

Power to grant servitudes &c. by agreement.

18. 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 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 so far as the same are applicable in this behalf shall extend and apply to such grants servitudes rights and privileges as aforesaid respectively.

Capital.

19. The capital of the Company shall be one hundred and fifty thousand pounds in fifteen thousand shares of ten pounds each.

Power to divide shares.

20. 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.

Dividends on half shares.

21. 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 five per centum per annum as shall be determined 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 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.

22. 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 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 of the Company.

Half shares to be registered and certificates issued.

23. 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 certificates of the half shares accordingly and

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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 being so delivered up the directors shall cancel it.

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24. 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.

Terms of issue to be stated in certificates.

25. 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 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 the time being due thereon with interest.

Forfeiture of preferred half shares.

26. 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.

27. The several half shares under this Order shall be half shares in the capital of the Company and every two half shares (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 hereinbefore 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.

28. The Company shall not issue any share created under the authority of this Order nor shall any such share vest in the person or corporation 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.

Shares not to be issued until one fifth paid.

29. If any money is payable to a shareholder or mortgagee being a minor idiot or lunatic the receipt of the guardian or committee of his estate or of his tutor or curator bonis shall be a sufficient discharge to the Company.

Receipt in case of persons not sui juris.

30. The Company may borrow on mortgage of the undertaking any sum or sums not exceeding in the whole thirty-seven thousand five hundred pounds and of that sum they may borrow any sum not exceeding in the whole two thousand pounds in respect of each eight thousand pounds of capital. But no part of any such sum shall be borrowed until shares for the portion of the capital in respect of which the borrowing powers are to be exercised are issued and accepted and one half of such portion of capital is paid up and the Company have proved to the sheriff who is to certify under the forty-second section of the Companies Clauses Consolidation (Scotland) Act 1845 before he so certifies that the whole of such portion of capital has been issued and accepted and that one half of such portion has been paid up and that not less

Power to borrow.

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A.D. 1901. — than one-fifth part of the amount of each separate share in such portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that such capital was issued bonâ fide and is held by the persons or corporations to whom the same was issued or their executors administrators successors or assigns and also that such persons or corporations or their executors administrators successors or assigns are legally liable for the same and upon production to such sheriff of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

Rights of mortgagees on sale of tramways.

31. Every mortgage of the undertaking of the Company shall be deemed to comprise all purchase money which may be paid to the Company in the event of a sale to the local authority and also all or any moneys carried to the contingency fund according to the terms of the mortgage.

Indorsement of power of future purchase by local authority.

32. Every mortgage deed granted by the Company under this Order shall be endorsed with notice that such mortgage will not remain a charge upon the tramways or the undertaking or any part thereof in the event of purchase by the local authority.

For appointment of a judicial factor.

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

Company not to create debenture stock.

34. The Company shall not create debenture stock.

Purchase of undertaking by local authorities.

35. The provisions of the Tramways Act 1870 with respect to the acquisition of the undertaking by the local authority shall be and the same are hereby modified in accordance with the provisions in that behalf set forth in the agreements in the Second and Third Schedules to this Order respectively made with the respective local authorities.

Application of moneys.

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

Money borrowed on mortgage to have priority.

37. All moneys to be borrowed on mortgage under this Order from the time when the same shall be advanced and the interest for the time being due thereon shall subject to the due fulfilment of the obligations of the Company to the local authorities under the agreements in the Second and Third Schedules to this Order have priority against the Company and all the property from time to time of the Company over all other claims on account of any debts incurred or to be incurred or engagements entered into or to be entered into by them but nothing in this section shall affect any claim in respect of land acquired by the Company for the purposes of this Order or injuriously affected by the construction of the tramways or by the exercise of any of the powers conferred upon the Company.

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

39. The number of directors shall until the first ordinary meeting of the Company be seven but the Company may at that or any subsequent ordinary meeting vary the number provided that the number be not less than three nor more than seven. Number of directors.

40. The qualification of a director shall be the possession in his own right of not less than fifty shares. Qualification of directors.

41. The quorum of a meeting of directors shall be three and of a general meeting whether ordinary or extraordinary of the Company shall be five shareholders present in person or by proxy holding together not less than five thousands pounds in the capital of the Company. Quorum of meetings.

42. John Kerr George Mackenzie Brown Borthwick Watson William Wilson George Flett Charles David Geddes and John Charles Urquhart 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 appointed by this Order being (if they continue qualified) eligible for re-election and at the ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the powers herein before contained for altering 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 and the several persons elected at any such meeting being neither removed nor disqualified nor having died or resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act. First directors.
Election of directors.

43. The Company shall at the first ordinary meeting after the passing of this Order elect an auditor and such auditor need not hold shares in the Company. Auditor to be appointed.

44. Whereas pursuant to the general orders under the Private Legislation Procedure (Scotland) Act 1899 and to the Parliamentary Deposits Act 1846 as applied in such general orders a sum of two thousand nine hundred and ninety-three pounds eighteen shillings and sixpence being equal to five per centum upon the amount of the estimate in respect of the tramways authorised by this Order has been deposited with the King's Remembrancer on behalf of the Court of Exchequer in Scotland in respect of the application for this Order (which sum is referred to in this Order as "the deposit fund") Be it enacted that notwithstanding anything contained in the said recited Act the deposit fund shall not be paid or transferred to or on the application of the person or persons or to the majority of the persons named in the warrant or order issued in pursuance of the said Act or the survivors or survivor of them (which persons survivors or survivor are or is in this Order referred to as "the depositors") unless the Company shall previously to the expiration of Deposit fund not to be repaid except so far as tramways are opened.

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the period limited by this Order for completion of the tramways hereby authorised to be made open the tramways for public traffic. And if the Company shall make default in so opening the tramways the deposit fund shall be applicable and shall be applied as provided by the next following section. Provided that if within such period as aforesaid the Company open any portion of the said tramways for public traffic then on the production of a certificate of the Board of Trade specifying the length of the portion of the said tramways opened as aforesaid and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length of the said tramways so opened bears to the entire length of the said tramways hereby authorised the Court shall on the application of the depositors or the majority of them order the said portion of the deposit fund so specified in such certificate as aforesaid to be paid or transferred to them or as they shall direct and the certificate of the Board of Trade shall if signed by the secretary or by an assistant secretary of the said Board be sufficient evidence of the facts therein certified and it shall not be necessary to produce any certificate of the Act confirming this Order having passed anything in the recited Act to the contrary notwithstanding.

Application of
deposit fund.

45. If the Company do not previously to the expiration of the period limited by this Order for the completion of the tramways hereby authorised to be made complete the said tramways and open them for public traffic then and in every such case the deposit fund or so much thereof as shall not have been paid to the depositors shall be applicable and after due notice in the *Edinburgh Gazette* shall be applied towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the tramways or any portion thereof or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Order and also in compensating all road authorities for the expense incurred by them in taking up any tramway or materials connected therewith placed by the Company in or on any road vested in or maintainable by such road authorities respectively and in making good all damage caused to such roads by the construction or abandonment of such tramways and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Court may seem fit and if no such compensation shall be payable or if a portion of the deposit fund shall have been found sufficient to satisfy all just claims in respect of such compensation then the deposit fund or such portion thereof as may not be required as aforesaid shall if a judicial factor has been appointed or the Company is insolvent and has been ordered to be wound up or the undertaking has been abandoned be paid or transferred to such factor or to the liquidator or liquidators of the Company or be applied in the discretion of the Court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid or retransferred to the depositors. Provided that until the deposit fund shall have been repaid to the depositors or shall have become otherwise applicable as herein-before mentioned any interest or dividends accruing thereon shall from time to time and as often as the same shall become payable be paid to or on the application of the depositors.

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46. If the tramways are not completed within five years from the commencement of this Order then on the expiration of that period the powers by this Order granted for making or completing the same or otherwise in relation thereto respectively shall cease except as to so much thereof as shall then be completed.

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Period for completion of tramways.

47. The tramways shall be constructed on a gauge of four feet and shall be laid and maintained in such a manner that the uppermost surface of the rails shall be on a level with the surface of the street or road. Provided always that so much of section 34 of the Tramways Act 1870 as limits the extent of the carriage used on any tramway beyond the outer edge of the wheels of such carriage shall not apply to carriages used on the tramways but no engine or carriage used on the tramways shall exceed seven feet in width.

Gauge of tramways.

48. No tramway shall be opened for public traffic until it has been inspected and certified to be fit for such traffic by the Board of Trade.

Inspection by Board of Trade.

49. If by reason of the construction of the tramways or any portion thereof any alteration is rendered necessary in the level of any road the expense of making such alteration and all claims arising in respect of such alteration shall be borne and paid by the Company but no such alteration shall be made unless with the consent and to the satisfaction of the road authority and if any difference shall arise between the Company and any road authority as to any matter under this section the matter in difference shall be settled by an arbiter to be agreed upon or failing agreement to be appointed by the sheriff on the application of either party.

Alteration of levels of roads.

50. If and whenever after the commencement of this Order any road authority alters the level of any road along or across which any part of the tramway is laid or authorised to be laid the Company shall from time to time alter or (as the case may be) lay their rails so that the uppermost surface thereof shall be on a level with the surface of the road as altered.

Tramways to be kept on level of surface of road.

51. In addition to the requirements of section 26 of the Tramways Act 1870 the Company shall at the same time as they give notice to the road authority of their intention to open or break up any road for the purpose of constructing laying down maintaining and renewing any of the tramways lay before the Board of Trade a plan showing the proposed mode of constructing laying down maintaining and renewing such tramways and a statement of the materials intended to be used therein and the Company shall not commence the construction laying down maintenance and renewal of any of the tramways or part of any of the tramways respectively until such plan and statement have been approved by the Board of Trade and after such approval the works shall be executed in accordance in all respects with such plan and statement and under the superintendence and to the reasonable satisfaction of the surveyor of the road authority as provided by section 26 of the said Act. Provided that the word "materials" in this section does not include materials used for paving any part of any street or road under the provisions of the Tramways Act 1870 or this Order.

Plan of proposed mode of construction.

52. The rails of the tramways shall be such as the Board of Trade may approve.

As to rails of tramways.

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Penalty for not
maintaining
rails and roads.

53. The Company 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 substructure upon which the same rest and if the Company at any time fail to comply with this provision or with the provisions of section 28 of the Tramways Act 1870 they shall be subject to a penalty not exceeding five pounds for every day on which such non-compliance continues.

In case it is represented in writing to the Board of Trade by the road authority of any district in which the tramways or any portion thereof are or is situate or by twenty inhabitant ratepayers of such district that the Company have made default in complying with the provisions in this section contained or with any of the requirements of section 28 of the Tramways Act 1870 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 Company to such penalty or penalties in respect thereof as is or are by this section imposed.

Local &c.
authorities to
have access
to sewers.

54. Every local and road authority shall at all times have free access to and communication with all their sewers and drains and power to lay lateral and private drains to communicate therewith without the consent or concurrence of the Company and the provisions contained in the thirty-second and thirty-third sections of the Tramways Act 1870 shall be applicable in the case of any sewer or private drain of or under the control of the local and road authority as if the same were a pipe for the supply of gas or water.

Power to make
additional
crossings &c.

55. The Company may subject to the provisions of this Order with the consent of the local authority and road authority lay down double lines in lieu of single or interlacing lines or single lines in lieu of double or interlacing lines or interlacing lines for double or single lines on any of the tramways and if at any time after the construction of any of the tramways the road in which the same or any part thereof is laid has been or shall be altered or widened the Company may take up and remove such tramway or part thereof and reconstruct the same in such position as the local and road authority may approve and the Company may with the like consent make maintain alter and remove such crossings crossovers passing places sidings junctions and other works in addition to those particularly specified in and authorised by this Order as they find necessary or convenient for the efficient working of the tramways or for providing access to any generating stations stationary engine works stables carriage houses warehouse depôts buildings or works of the Company Provided that in the construction of any such works no rail shall be so laid that a less space than nine feet six inches shall intervene between it and the outside of the footpath on either side of the road if one third of the owners or one third of the occupiers of the premises abutting on the place where such less space shall intervene shall by writing under their hands addressed and delivered to the Company

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within three weeks after receiving from the Company notice in writing of their intention express their objection thereto. A.D. 1901.

56. Notwithstanding anything shown on the deposited plans the Promoters shall construct the tramway on the bridge carrying the road over the River Carron near the Carron Works with a double line of rails in such a manner and in such a way as shall be approved by the Board of Trade. Tramway on Carron Bridge.

57. Where by reason of the execution of any work affecting the surface and soil of any road along which any of the tramways is laid it is in the opinion of the road authority necessary or expedient temporarily to remove or discontinue the use of such tramway or any part thereof the Company may with the consent in writing of the road authority and subject to such conditions and in accordance in all respects with such regulations as the road authority may make construct in the same or any adjacent road and subject to the like conditions and in accordance with the like regulations maintain so long as occasion may require a temporary tramway or temporary tramways in lieu of the tramway or part of a tramway so removed or discontinued. Temporary tramways to be made where necessary.

If any difference arise between the Company and any road authority with respect to the reasonableness of any such conditions or regulations or with respect to the mode of constructing any temporary tramway or temporary tramways under the authority of this section the same shall be settled in the manner specified in section thirty-three of the Tramways Act 1870 or the settlement of the differences in that section mentioned.

58. The Company may demand and take for every passenger travelling upon the tramways or any part or parts thereof including every expense incidental to such conveyance any rates or charges not exceeding one penny per mile and in computing the said rates and charges the fraction of a mile shall be deemed a mile but in no case shall the Company be bound to charge a less sum than one penny. Rates for passengers.

59. 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 to be carried by hand and not to occupy any part of a seat nor to be of a form or description to annoy or inconvenience other passengers. Passengers' luggage.

60. The Company may demand and take in respect of any parcels conveyed by them on the tramways including every expense incidental to the conveyance any rates or charges not exceeding the following :— Parcels.

For any parcel not exceeding seven pounds in weight threepence ;

For any parcel exceeding seven pounds and not exceeding fourteen pounds in weight fivepence ;

For any parcel exceeding fourteen pounds and not exceeding twenty-eight pounds in weight sevenpence ;

For any parcel exceeding twenty-eight pounds and not exceeding fifty-six pounds in weight ninepence ;

For any parcel exceeding fifty-six pounds but not exceeding five hundred pounds in weight such sum as the Company may think fit.

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Cheap fares
for labouring
classes.

61. The Company 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 and district holidays always excepted) at such hours not being later than seven in the morning or earlier than five in the evening respectively as the Company think most convenient or as may be agreed with the local authority for artisans mechanics and daily labourers at fares not exceeding one halfpenny per mile. The Company on Saturdays in lieu of running such carriages after five o'clock in the evening shall run the same at such hours between noon and two o'clock in the afternoon as they deem most convenient to said persons.

As to fares on
Sundays and
holidays.

62. It shall not be lawful for the Company or any other company or person working or using the tramways to take or demand on Sundays or any bank or other public holiday any higher tolls or charges than those levied by them on ordinary week days.

Periodical
revision of
rates and
charges.

63. If at any time after three years from the opening for public traffic of the tramways or any portion thereof or after three years from the date of any order made in pursuance of this section in respect of the tramways or any portion thereof it is represented in writing to the Board of Trade by the local authority of any district in which the tramways or such portion are or is wholly or partly situate or by twenty inhabitant ratepayers of that district or by the Company that under the circumstances then existing all or any of the fares or other charges demanded and taken in respect of the traffic on the tramways or on such portion should be revised the Board of Trade may (if they think fit) direct an inquiry by a referee to be appointed by the said Board in accordance with the provisions of the Tramways Act 1870 and if the referee reports that it has been proved to his satisfaction that all or any of the fares or charges should be revised the said Board may subject to the maximum fares and charges authorised by this Order by order in writing alter modify reduce or increase all or any of the fares or charges to be taken in respect of the tramways or on any portion thereof and thenceforth such order shall be observed until the same is revoked or modified by an order of the Board of Trade made in pursuance of this section.

Provisions as
to motive
power.

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

- (1) The mechanical power shall not be used except with the consent of and according to a system approved by the Board of Trade;
- (2) The Board of Trade shall make regulations (in this Order referred to as "the Board of Trade regulations") for securing to the public all reasonable protection against danger arising from the use under this Order of mechanical power on the tramways and for regulating the use of electrical power;
- (3) The Company or any other company or person using any mechanical power on the tramways contrary to the provisions of this Order or of the Board of Trade regulations shall for every such offence be liable to a penalty not exceeding ten pounds and also in the case of a continuing offence to a further penalty not exceeding five pounds for every day during which such offence is continued after conviction thereof;

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

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

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

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

65. 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 :—

Special provisions as to use of electrical power.

(1) The Company shall employ either insulated returns or uninsulated metallic returns of low resistance ;

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

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

(4) The Company 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 Company 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 commencement of 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

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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 Company and any other party with respect to anything herein-before in this section contained such difference shall unless the parties otherwise agree be determined by the Board of Trade or at the option of the Board by an arbiter to be appointed by the Board and the costs of such determination shall be in the discretion of the Board or of the arbiter as the case may be ;

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

Mechanical power works to be subject to section 30 of Tramways Act 1870.

66. All works to be executed by the Company in any road footpath or place for working the tramways by mechanical power in pursuance of the powers of this Order shall be deemed to be works of a tramway subject in all respects to the provisions of section 30 of the Tramways Act 1870 as if they had been therein expressly mentioned.

Byelaws.

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

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

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

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

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

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

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

Power to lay and maintain pipes and make openings in streets.

68. Subject to the provisions of this Order the Company may lay and maintain pipes and make openings or ways in or under the surface of any street road footpath canal or place in order to lay use and maintain feeder cables conduits ducts electric conductors wires and other apparatus for transmitting motive power for the carriages running on the tramways and the Company may use electric wires and all machinery and apparatus necessary for such motive power and may erect section boxes where necessary Provided that this power shall not authorise or empower the Company to lay down

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or place any pipe or other works into through or against any building or in any land not dedicated to public use without the consent of the owners and occupiers thereof. A.D. 1901.

69. Any penalty under this Order or under any byelaws or regulations made under this Order may be recovered in manner provided by the Summary Jurisdiction (Scotland) Acts. Recovery of penalties.

70. The provisions of the Tramways Act 1870 relating to the making of byelaws by the local authority with respect to the rate of speed to be observed in travelling on the tramways shall not authorise the local authority to make any byelaws sanctioning a higher rate of speed than that authorised by the Board of Trade regulations at which carriages are to be driven or propelled on the tramways under the authority of this Order. Amendment of the Tramways Act 1870 as to byelaws by local authority.

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

72. Subject to the provisions of this Order the Company may place and maintain in under or over any street footpath or road in which the tramways or any of them are or is laid such posts brackets and overhead and other electric wires as they may consider necessary and proper for working the same by electrical power but the Company shall not fix any such bracket to any house without the consent of the owners of such house first had and obtained. Power to place posts wires &c.

73. If the Company shall discontinue the use of any posts brackets or overhead electric wires placed or maintained in or over any street or road for supplying electrical motive power to the carriages used upon the tramways or if the right of the Company to use electrical motive power supplied by means of any such posts brackets or wires shall cease and determine the Company shall forthwith at their own cost remove such posts brackets and wires and shall restore and make good such streets and roads to the satisfaction of the road authority and in case of default such road authority may do all things necessary for that purpose and recover the costs and expenses thereof in any Court of competent jurisdiction. Posts &c. to be removed if user discontinued.

74. The Company may subject to the provisions of this Order (but only for the purposes of the undertaking and not so as to acquire any exclusive right therein) acquire hold and use any patent or other rights or any licences to use patent rights relating to the construction or working of tramways or carriages used thereon or the engines and appliances used in connexion therewith. Power to hold patents.

75. The Company may subject to the provisions of this Order and with the consent of the Board of Trade sell or lease to any company body or person the whole or any part of the tramways or the right of user of the same and the right of levying tolls rates fares and charges in respect thereof and for such period and generally upon such terms and conditions as may be agreed on between the contracting parties and when any such sale shall have been made all the rights powers authorities obligations and liabilities of the Company in respect to the undertaking sold shall be transferred to vested in and may be Sale &c. of tramways.

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A.D. 1901. — exercised by and attach to such company body or person to whom the same has been sold.

Agreements
as to supply
of electrical
power.

76. The Company on the one hand and any local authority company or person authorised to supply electrical power on the other hand may enter into and carry into effect agreements with respect to the supply by such authority company or person of electrical energy to the Company for the purposes of their tramways both within and without the area of supply of such local authority company or person or the supply by the Company to such local authority company or person beyond the burgh of Falkirk (and within the burgh of Falkirk to the local authority of the burgh if desired by them) of electrical energy for private use or for any purpose for which such authority company or person may for the time being be authorised to supply electricity but such agreements shall in all respects be subject to the approval of the Board of Trade Provided that any supply of electrical energy under this section and any works constructed for that purpose shall be subject to all provisions for the protection of the telegraphic lines of the Postmaster-General and of his rights in respect thereof which are contained in the Act or Order by which the supplying authority company or person is authorised to generate or supply electricity for the purposes of its own undertaking.

Agreements
as to con-
struction &c.
of tramways.

77. The Company and the local or road authority may with the consent of the Board of Trade and subject to the provisions of this Order enter into agreements with respect to the construction working maintenance repair and management of the tramways or any portion thereof.

For protection
of Post-
master-
General.

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

(B) In the event of any of the tramways being worked by electricity the following provisions shall have effect :—

(1) The Company shall construct their electric lines and other works of all descriptions and shall work their undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by His Majesty's Postmaster-General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of their undertaking to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein If any question arises as to whether the Company have constructed their electric lines or other works or work their undertaking in contravention of this subsection such question shall be determined by arbitration and the Company shall be bound to make any alterations in or additions to their system which may be directed by the arbiter ;

(2) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Company of their electric lines and works or

by the working of the undertaking of the Company the Company 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 ;

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- (3)—(A) 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 or the laying of lines crossing the line of the Postmaster-General at right angles at the point of shortest distance and so continuing for a distance of six feet on each side of such point) the Company 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 Company 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 ;
- (B) Any difference which arises between the Postmaster-General and the Company or their agents with respect to any requirements so made shall be determined by arbitration ;
- (4) In the event of any contravention of or wilful non-compliance with this section by the Company or their agents the Company shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues ;
- (5) Provided that nothing in this section shall subject the Company or their agents to a fine under this section if they satisfy the court having cognisance of the case that the immediate doing of the act or execution of the work 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 done a notice of the execution thereof stating the reason for doing or executing the same without previous notice ;
- (6) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work ;
- (7) For the purposes of this section and subject as therein provided sections 2 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Order ;
- (8) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882 ;
- (9) 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

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party whose decision shall be final and sections 30 to 32 both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Company or their agents were a company within the meaning of that Act;

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

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

Form and
delivery of
notices.

79. With respect to notices and the delivery thereof by or to the Company the following provisions shall have effect (namely):—

(1) Every notice shall be in writing or print (including lithograph) or partly in writing and partly in print and if given by the Company or by the local or road authority shall be sufficiently authenticated by being signed by their secretary or clerk;

(2) Any notice to be delivered by or to the Company to or by the local or road authority or other body may be delivered by being left at the principal office of such local or road authority or other body or of the Company (as the case may be) or by being sent by post addressed to their respective clerk or secretary at their principal office or to such other office as the local or road authority or other body or the Company as the case may be may from time to time by notice to the other request that such notices may be sent or delivered.

As to payment
of interest out
of capital
during con-
struction.

80. Notwithstanding anything in this Order or in any Act or Acts incorporated therewith contained the Company may out of any moneys by this Order authorised to be raised pay interest at such rate not 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 from the respective times of such payments until the expiration of the time by this Order limited for the completion of the works by this Order authorised 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 obtained a certificate from the Board of Trade that two-thirds at least of the share capital by this Order authorised in respect of which such interest may be paid 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 six thousand pounds and the amount so paid shall not be deemed share capital in respect of which 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;

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(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 subscriptions for shares and in every certificate of shares ;

(E) The accounts of the Company shall show the amount of capital on which and the rate at which 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 this Order or any other Order authorised to raise to any shareholder on the amount of the calls made in respect of the shares held by him but nothing in this Order shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation (Scotland) Act 1845.

81. The Company shall not out of any money by this Order authorised to be raised pay or deposit any sum which by any statute or general or standing order now or hereafter in force may be required to be deposited in respect of any application for the purpose of obtaining an Act or Order authorising the Company to construct any other tramway or to execute any other work or undertaking.

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

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

Provision as
to general
Tramway
Acts.

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

Costs of Order.

SCHEDULES to the foregoing Order.

THE FIRST SCHEDULE.

LANDS FOR AN ELECTRICAL GENERATING STATION.

THAT portion of land situated in the parish of Larbert and county of Stirling belonging or reputed to belong to William Forbes esquire of Callendar containing two acres three poles nine yards or thereby Imperial measure bounded on the north-east by the main road from Falkirk to Stirling along which it extends three hundred and sixty-eight feet or thereby on the east or south-east by other ground belonging to the said William Forbes along which it extends two hundred feet or thereby on the south or south-west by other ground belonging or reputed to belong to the said William Forbes along which

A.D. 1901. it extends three hundred and seventy-two feet or thereby on the west or north-west by ground belonging to the Caledonian Railway Company along which it extends one hundred and sixty-eight feet or thereby then on the south by said ground along which it extends twenty feet or thereby then again on the north-west by the road from Larbert Bridge to Denny Road along which it extends one hundred and seventy-one feet or thereby as shown on the deposited plans and described in the deposited books of reference.

THE SECOND SCHEDULE.

AGREEMENT between the PROVOST MAGISTRATES AND TOWN COUNCIL OF THE BURGH OF FALKIRK as Commissioners of the Burgh and as Local Authority therein under the Tramways Act 1870 (herein-after called the first parties) of the first part and JOHN KERR engineer ninety-four George Street Edinburgh GEORGE MACKENZIE BROWN M.P. publisher forty-nine Melville Street Edinburgh BORTHWICK WATSON accountant Falkirk WILLIAM WILSON quarrymaster Kilsyth GEORGE FLETT engineer one hundred and ten Cannon Street London CHARLES DAVID GEDDES mining engineer twenty-one Young Street Edinburgh JOHN CHARLES URQUHART Ardgowan Falkirk WILLIAM STOWELL HALDANE writer to the signet four North Charlotte Street Edinburgh JAMES MORE Junior engineer ninety-four George Street Edinburgh and JAMES LEARMONTH solicitor Falkirk as partners for and on behalf of themselves and all other persons who may become shareholders in a Company to be hereafter constituted and incorporated under the name of the Falkirk and District Tramway Company (herein-after called the second parties) of the second part.

WHEREAS the second parties have submitted to the first parties a scheme or proposal for the construction of an electric tramway on a circular route between Falkirk Carron Stenhousemuir Larbert and Camelon as shown on a relative plan submitted therewith and expressed their willingness to apply for and obtain the necessary powers for the purpose of carrying out the said scheme and constructing the tramways subject to the consent and support of the first parties as local authority aforesaid within the said burgh and of the county council of Stirlingshire being obtained And whereas the first parties considering the said scheme to be for the public benefit are willing and desirous to consent to and support the same on certain conditions as herein-after set forth Therefore the parties hereby agree as follows :—

First.—The second parties shall forthwith take all necessary steps to promote and obtain a Provisional Order in such form as may be most expedient to incorporate themselves into a Company and to empower the Company and their successors or assignees to construct electric tramways on the overhead system along the route shown on the foresaid plan and

shall be bound within three years from the commencement of the Order to make construct and complete and work the said tramways. A.D. 1901.

Second.—The Order shall contain all necessary provisions for the construction equipment and working of the said tramways and such other clauses and provisions as may be agreed upon between the parties for carrying out the terms of this agreement.

Third.—The first parties shall consent to and if requested by the second parties shall at the expense of the second parties support the application by evidence before any Government Department or any inquiry or before Parliament or otherwise and shall pass all such resolutions as may be necessary in evidence of such consent in connexion therewith. The first parties if requested shall also so far as in their power at the expense of the second parties assist the second parties in making such arrangement with the Caledonian Railway Company as may be necessary in connexion with any reconstruction or strengthening of the canal bridges at Bainsford and Camelon which may be necessary for carrying tramway traffic.

Fourth.—The second parties shall pay to the first parties an annual sum calculated at the rate of one hundred pounds per mile of tramway route within the burgh for the first five years and at the rate of one hundred and twenty-five pounds per mile thereafter and the first parties shall in consideration of such annual payment maintain and keep in repair the roadway excepting the tramway rails fish-plates and tie-rods. The said payment shall begin to run as from the date of the certificate by the Board of Trade that the tramways within the burgh may be opened for traffic or on the expiry of twelve months from the date of the Provisional Order receiving the Royal Assent whichever of these dates shall first occur. Provided that if the second parties have occasion at any time to break the surface of the roadway for the purpose of repairing rail-joints bonds or doing any other repairs to their lines they shall at their own expense reinstate the paving or macadam to the same condition as it was before its disturbance to the satisfaction of the first parties.

Fifth.—The second parties shall at their own expense construct the roadway with whinstone or granite setts between the rails and eighteen inches on each side to the satisfaction of the first parties provided that should the first parties desire to causeway the streets or roads along the route of the tramways from the rails to the kerb or channel they shall themselves be entitled to causeway the said eighteen inches and to charge the proportion of the cost thereof to the second parties and the second parties may in that event require that the joints shall be secured by grouting to the satisfaction of the second parties.

Sixth.—The crossings passing places sidings junctions and other works to be made in terms of the said Order shall be in such positions as may be agreed on between the parties hereto or as in the case of difference between them shall be determined by arbitration.

Seventh.—Any metalling or material (other than the causeways setts which shall be the property of the first parties) excavated from the

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roads or bridges in connexion with the construction of the tramway or maintenance of the roadways either to be used in the construction of the tramway or removed by the second parties at their expense.

Eighth.—The second parties shall lift the blocks or setts at present in the roads or streets of the first parties on the line of the said tramways and shall be bound to hand over to the first parties the said blocks or setts as lifted in order that the first parties may dispose thereof at pleasure.

Ninth.—Before commencing any work the second parties shall submit to the first parties plans and sections of their proposed works including any alterations on the bridges over the canal and if the first parties shall not within fourteen days after the receipt of the said plans state in writing their disapproval of the same the second parties shall be entitled to proceed with the work in accordance with the plans so submitted. In the event of the first parties intimating disapproval of the plans or of any dispute arising between the parties as to the meaning of this section or as to any matter arising out of the provisions of this section or in the carrying out of any such works or alterations and the parties failing to agree with respect thereto the points in difference shall be referred to an arbiter to be mutually agreed upon or failing agreement to be appointed by the sheriff of the county of Stirling on the application of either party and the second parties shall carry out the work in accordance with such agreement or as settled by such arbiter.

Tenth.—Notwithstanding anything shown on the plans of the said tramways prepared by the second parties the line of the said tramways shall when constructed be laid and maintained along or as nearly as possible along the centre of the roads or streets within the burgh and the precise position of the said line shall be adjusted with the first parties or their burgh surveyor. In the event of any deviation being found to be necessary at any time in the line of any of the said tramways exceeding twelve inches from the centre of the roadway such deviation shall be subject to the approval of the first parties.

Eleventh.—The first parties shall be entitled at any time before or after the construction of the tramways to lay gas and sewer pipes as they may find necessary and shall be entitled to cross over and go under the tramways for that purpose as well as for the purpose of repairing renewing or altering any gas mains and pipes or any sewers or drains and the first parties shall at all times be entitled to access to their gas pipes and sewers and drains and they shall not be liable to the second parties for any interruption of traffic or loss occasioned to the second parties by reason of the exercise of the said right hereby reserved. In like manner the Falkirk and Larbert Water Trustees shall have and may exercise the same powers and authorities with respect to the water mains and pipes freed from any liability for interruption of traffic or loss occasioned by the exercise by the said water trustees of the said power. Provided that any alterations which may be required to be made of any gas or water mains and pipes or any sewers and rendered necessary by

the operations of the second parties shall be done by the first parties or by the said water trustees as the case may be at the cost of the second parties. A.D. 1901.

Twelfth.—The size position design and construction of all posts standards and brackets and other apparatus on the line of the said tramways so far as within the burgh and also the design of the cars shall be subject to the reasonable approval of the first parties and no posts standards or brackets or other apparatus erected or placed upon the roads or streets within the burgh shall be so erected or placed by the second parties without the previous express approval of the first parties being given thereto but such approval shall not be unreasonably withheld And declaring that should the second parties think it advisable to construct and work said tramways upon any other than the overhead trolley system they shall only be entitled to do so on getting the written consent and approval of the first parties to such other system (but such consent and approval shall not be unreasonably withheld) and said second parties shall not in that event be bound to erect posts standards or brackets or other apparatus in the streets but in the event of the second parties adopting the overhead trolley system the first parties as local authorities foresaid or any company or other person with whom they shall contract for the lighting of the streets shall be entitled to use free of charge any posts standards and brackets belonging to the second parties for that purpose provided said use does not interfere with the efficient working of said tramways and that no damage shall be done to such posts standards or brackets.

Thirteenth.—All snow over a depth of three inches of natural fall removed by the second parties from the tramway lines within the burgh on to the sides of the roads or streets shall as soon as reasonably possible be carted or taken away therefrom by the second parties and shall not be allowed to remain on the sides of the roads or streets.

Fourteenth.—Goods minerals and animals shall only be carried on the said tramways with the consent of and on the terms and conditions to be previously approved of by the first parties.

Fifteenth.—The second parties shall (unless prevented by circumstances beyond their control) be bound as a minimum ordinary service of cars on the tramways on week days to run one car each way on the tramways or parts of the tramways as and when the same are constructed and open for public traffic every thirty minutes on week days during the whole year which ordinary service shall commence at eight o'clock in the morning and end with a car starting from each end at ten o'clock at night In addition to such ordinary service the second parties shall (unless prevented by circumstances beyond their control) be bound to run one or more workmen's cars as may be necessary from each end at twenty minutes past five in the morning or at such hour as may be adjusted between the parties and the second parties shall also (unless prevented as aforesaid) be bound to run one or more such cars as may be found

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necessary to convey workmen between half-past five and half-past six o'clock at night or at such other time or times as may be agreed between the first and second parties but not exceeding one hour morning and evening.

Sixteenth.—The second parties shall not be entitled to run cars or conduct traffic of any kind upon the said tramways or any of them on Sundays except with the express written consent of the first parties and on such terms and conditions as may be imposed by the first parties.

Seventeenth.—The fares to be charged by the second parties for passengers travelling upon the said tramways shall so far as practicable be fixed at one penny per mile and in no case shall the fare from any one station exceed one penny where the distance travelled does not exceed one mile but where the distance travelled exceeds one mile one penny additional may be charged for each mile or portion of a mile provided that in the case of workmen's cars the fares shall not exceed one halfpenny per mile or fraction of a mile.

Eighteenth.—The local authorities in whose districts the tramways are situate may in the event of their mutually agreeing so to do jointly acquire by purchase the whole undertaking of the second parties on the following terms and conditions videlicet:—First—On the expiration of twenty-five years from the commencement of said Order or Act as the case may be at a valuation to be fixed by arbitration and upon the basis of the cost of construction of the works and undertaking of the said tramway less a reasonable sum for depreciation and with the addition of a sum equal to the nett profits of the four years immediately preceding said purchase in name of goodwill and which cost of construction shall be held to include the expenses incurred by the second parties in procuring said Bill or Provisional Order Second—On the expiration of thirty years on the same terms as at the expiration of twenty-five years excepting that there shall only be allowed for goodwill a sum equal to the profits of the two years immediately preceding the date of purchase Third—On the expiration of a period of thirty-seven years upon the terms and conditions of section forty-three of the Tramways Act 1870 provided that the period of notice prescribed in the said section shall be twelve instead of six months.

Nineteenth.—The first parties as local authorities aforesaid within the burgh of Falkirk may acquire the said tramways and tramway undertaking so far as the same may be situated within their district on the terms and conditions respectively set forth in the immediately preceding paragraph of this agreement and may also acquire the said tramways and tramway undertaking situated beyond their district on the same terms and conditions as are herein-before prescribed for the purchase of the tramways within their district but any such purchase of the tramways outside the first parties' district shall be subject to the consent of the local authority of the district in which the same are situated Provided always that the second parties shall not be bound to sell any part of their

said tramway undertaking to the first parties unless at the same time the whole of the undertaking is purchased by the first parties or by them and the other local authorities within whose district the tramways are situated as herein-before provided. A.D. 1901.

Twentieth.—In respect that the present stone bridge crossing the railway connecting Vicar Street with Grahamston will on the completion of a new bridge to be constructed by the North British Railway Company in lieu of the said existing bridge be demolished the second parties shall in the event of any part of their tramway being laid on the said existing bridge previous to the reconstruction of the new bridge be bound to lay their tramway lines over the new bridge when the same is completed and thereafter to remove the tramways from said existing bridge when required by the first parties and the second parties shall not be entitled to make any claim or demand for loss damage or inconvenience either against the first parties or the North British Railway Company in respect of such removal and reconstruction of rails or otherwise arising out of the demolition of the existing bridge and the substitution of the new bridge in lieu thereof declaring and providing always that said existing bridge so far as the first parties can competently or lawfully secure or control it shall not be demolished or the tramway lines thereon interfered with until said new bridge is completed and the tramway lines laid thereon and open for traffic but the second parties shall be bound to proceed with the utmost despatch so that the existing bridge may be removed on the completion of the new bridge and the first parties shall use their best endeavours with the North British Railway Company to secure that the rails may be laid on the new bridge during its construction.

Twenty-first.—The second parties shall not except with the special consent of the first parties given in accordance with the Electric Lighting Acts take any powers for the supply of electric lighting or for power within the burgh of Falkirk except for their own use and shall not supply electricity for lighting from any electric power station which may be constructed for traction purposes or otherwise. The second parties shall however be entitled to supply electricity for lighting their stations cars and works in connexion with said tramway undertaking.

Twenty-second.—The obligations and the terms and conditions of this agreement shall be made binding on the Company and shall be carried out by the Company and the Company shall after incorporation be bound if called upon by the first parties to seal an agreement in all respects in accordance with the terms herein contained or any modification or variation of the same which may be agreed.

Twenty-third.—In the event of any dispute or difference arising between the parties as to the intent and meaning of this agreement or as to the rights of parties or any other matter thereunder the same shall be and is hereby referred to the sheriff of Stirlingshire who shall decide the matter on the application of either party and his decision shall be final.

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Twenty-fourth.—In the event of any material alteration of the terms and conditions of this agreement or of the clauses and provisions to be inserted in the Order being made which in the opinion of Mr. J H Balfour-Browne Queen's counsel whom failing Mr. Fletcher Moulton Queen's counsel is to the detriment of either party shall be entitled to withdraw therefrom and the Order shall fall.

Twenty-fifth.—The expense of this agreement and all expenses of the first parties in supporting the Order and all expenses connected with the obtaining of said Provisional Order shall be borne by the second parties.

Twenty-sixth.—Both parties agree to execute all such deeds and writings as may be necessary to carry out the purposes of this agreement. In witness whereof these presents consisting of this and the nine preceding pages are (under the declaration that the words "of the district" were interlined so as to read after the word "authority" in the ninth line the words "previous to the reconstruction of the new bridge" were interlined so as to read after the word "bridge" in the nineteenth line and the word "thereon" was interlined so as to read after the word "lines" in the twenty-ninth line all of page eighth hereof all before subscription) subscribed by the parties hereto in duplicate as follows videlicet: By the said John Kerr James More junior and James Learmonth all at Edinburgh on the twenty-third day of October nineteen hundred before these witnesses Arthur Windsor civil engineer ninety-four George Street Edinburgh and John Davidson Miller clerk to Dick Kerr and Company ninety-four George Street Edinburgh by the said George Flett at London on the twenty-fourth day of said month of October and year last mentioned before these witnesses Charles Bassett clerk one hundred and ten Cannon Street London and William Strahan Rush (signing "William Rush") clerk nine Defoe Road London by the said George Mackenzie Brown Charles David Geddes and William Stowell Haldane all at Edinburgh on the twenty-fifth day of said month of October and year last mentioned before these witnesses John Hunter and John Grieve both clerks to Messrs. W. and F. Haldane writers to the Signet Edinburgh by the said John Charles Urquhart at Falkirk on the twenty-sixth day of said month of October and year last mentioned before these witnesses Andrew Graham Kidd and George Rigg both clerks to the said James Learmonth by the said William Wilson at Croy on the twenty-seventh day of said month of October and year last mentioned before these witnesses the said Andrew Graham Kidd and James Wilson contractor Croy by the said Borthwick Watson at Falkirk on the first day of November and year last mentioned before these witnesses the said Andrew Graham Kidd and George Rigg and they are sealed with the common seal of the said first parties and are subscribed for and on behalf of the said first parties by John Weir Provost John Hendry Bailie and David Miller commissioner and Andrew Balfour Gray clerk to the first parties all at Falkirk on the fifth day of said month of November and year last mentioned before these witnesses

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David Ronald burgh surveyor and Alexander Roderick Fraser burgh officer both at the Burgh Buildings Falkirk. A.D. 1901.

DAVID RONALD Witness	JOHN WEIR Provost
A. R. FRASER Witness	JOHN HENDRY Bailie
JOHN HUNTER Witness	DAVID MILLER Commissioner
JOHN GRIEVE Witness	A. BALFOUR GRAY Clerk
A. G. KIDD Witness	JOHN KERR
GEORGE RIGG Witness	G. M. BROWN
CHARLES BASSETT Witness	BORTHWICK WATSON
WILLIAM RUSH Witness	WM. WILSON
JOHN HUNTER Witness	G. FLETT
JOHN GRIEVE Witness	C. D. GEDDES
A. G. KIDD Witness	JOHN C. URQUHART
GEORGE RIGG Witness	W. S. HALDANE
JOHN HUNTER Witness	JAMES MORE junior
JOHN GRIEVE Witness	JAMES LEARMONTH
ARTHUR WINDSOR Witness	
JOHN D. MILLER Witness	
JAMES WILSON Witness	
A. G. KIDD Witness	

THE THIRD SCHEDULE.

MINUTE OF AGREEMENT between THE COUNTY COUNCIL OF THE COUNTY OF STIRLING (herein-after called "the County Council") of the first part and JOHN KERR engineer ninety-four George Street Edinburgh GEORGE MACKENZIE BROWN M.P. publisher forty-nine Melville Street Edinburgh BORTHWICK WATSON accountant Falkirk WILLIAM WILSON quarrymaster Kilsyth GEORGE FLETT engineer one hundred and ten Cannon Street London CHARLES DAVID GEDDES mining engineer twenty-one Young Street Edinburgh JOHN CHARLES URQUHART Ardgowan Falkirk WILLIAM STOWELL HALDANE W.S. four North Charlotte Street Edinburgh JAMES MORE Junior engineer ninety-one George Street Edinburgh and JAMES LEARMONTH solicitor Falkirk for and on behalf of themselves and all other persons who may become shareholders in a company to be hereafter constituted and incorporated under the name of the Falkirk and District Tramway Company (herein-after called "the Company") of the second part.

WHEREAS the Company have submitted to the County Council a proposal for the construction by the former of a tramway wrought by electric traction on a circular route between Falkirk Carron Stenhousemuir Larbert and Camelon as shown on a relative plan submitted herewith And whereas the roads upon which it is proposed to construct the said tramway are to a certain extent situated in the parishes of Larbert and Falkirk and are vested in and managed by the County Council who are the road authority within the meaning of the Tramways Act eighteen hundred and seventy And whereas the consent of the County Council as the road authority is a necessary condition

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And whereas the County Council considering said scheme to be for the public benefit have resolved to give such consent to and support the proposal of the Company herein-before mentioned upon the terms and conditions underwritten Therefore the parties hereto have agreed and hereby agree as follows videlicet:—

First.—The Company shall forthwith apply for a Provisional Order to empower the Company and their successors and assignees to construct the tramway herein-before referred to the Company shall submit the draft of such Provisional Order to the County Council and the County Council if satisfied that the conditions of this agreement are fully carried into effect by the Provisional Order shall consent thereto and the County Council shall if desired by the Company support the Provisional Order by evidence before the commissioners appointed under the Private Bill Procedure (Scotland) Act 1899 or any inquiry before Parliament or otherwise The Company shall pay all charges fees and expenses incurred by the County Council in rendering effectual such consent and support and also the whole expenses of and connected with this agreement.

Second.—Within four years from the date of the Provisional Order to be obtained by the Company authorising the construction of said tramway the Company shall have entirely completed the construction of the said tramway and made all the necessary provisions for the working of the same on a system of overhead electric traction or such other system of mechanical traction as may be approved by the County Council and thereafter the Company shall efficiently maintain and work the said tramway by such traction during the remainder of the period herein-after mentioned The Company shall do as little damage as possible to the highways and shall cause as little obstruction as possible during the construction of their works and shall free and relieve the County Council and the Eastern District Committee of the County Council of all claims arising from or attributable to the operations of the Company during the construction of the works.

Third.—The said tramway shall consist of a single line with the necessary passing places at proper intervals and sidings and junctions which shall be laid down on such parts of the roads as may be approved by the County Council If at any time after the construction of the tramway additional passing places may become necessary for the proper regulation of the traffic the same shall be laid down by the Company subject to the approval of the County Council The size position design and construction of all posts standards and brackets and other apparatus on the line of the said tramways so far as within the County Council's jurisdiction shall be subject to the reasonable approval of the County Council and no posts standards or brackets or other apparatus erected or placed upon the roads or streets within the County Council's jurisdiction shall be so erected or placed by the Company without the previous express approval of the County Council being given thereto but such approval shall not be unreasonably withheld.

Fourth.—Any metalling or material excavated from the roads or bridges in connexion with the construction of the tramway or maintenance of

the roadway shall either be used in the construction of the tramway or be removed by the Company at their expense. A.D. 1901.

Fifth.—The Company shall where their lines pass along roads within the jurisdiction of the County Council lay down to the reasonable satisfaction of the County Council the portion of such roads between the rails of the tramway and for a distance of eighteen inches beyond the rails and on each side of the tramway with whin setts tar macadam or other suitable material and the Company shall where their operations necessitate an alteration of the levels of the said roads within the county make such alteration at their own entire expense but no such alteration shall be made unless with the consent and to the satisfaction of the County Council. The Company shall at their own expense at all times maintain and keep in good order and repair the said part of the roadway lying between the rails of the tramway and extending eighteen inches beyond the rails on each side and the Company shall relieve the County Council and the Eastern District Committee of the County Council of all responsibility for damages or claims arising from any alleged defective or faulty condition of the portion of the roadway which the Company shall be bound to maintain as aforesaid or from any source arising from or attributed by claimants to the faulty construction or position of the tramway on the roads vested in the County Council as aforesaid.

Sixth.—The County Council reserve full power to themselves or to any other body or person having their authority to open up any part of the highways in which the said tramway may be constructed for the laying repairing enlarging or altering of sewers drains gas pipes water pipes and electric or telephonic apparatus or for any other purpose. The County Council or other body or person so opening any part of the highway between the rails of the tramway and for a distance of eighteen inches beyond the rails on each side shall restore and make good any disturbance caused by them to the solum of such part of the highway and the Company shall be bound to restore the surface to the condition specified in the immediately preceding article hereof declaring that in the event of any body or person other than the County Council themselves opening up said part of the highway as aforesaid such body or person shall be liable for and bound to relieve the Company of the expense of restoring the surface as aforesaid.

Seventh.—The Company shall pay to the County Council an annual sum calculated at the rate of forty pounds per mile of tramway route within the area of the County Council's jurisdiction as a contribution by the Company towards the improvement and increased cost of maintenance of the highways within the said area and primarily towards widening and improving the bridge over River Carron at Carron and improving the highway of which said bridge forms part between Carron Larbert and Camelon if and when the same becomes necessary for the due accommodation of the public traffic on said bridge and highway which annual payment shall be due and payable at the term of Martinmas in each year the first payment being due and payable at the first term of Martinmas which shall happen two years after the date of the

A.D. 1901:
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Provisional Order to be obtained by the Tramway Company and so forth at the term of Martinmas in each year thereafter during the continuance of this agreement.

Eighth.—The local authorities in whose district the tramways are situated may in the event of their mutually agreeing to do so jointly acquire by purchase and the Company shall be bound to sell the whole undertaking of the Company on the following terms and conditions videlicet:—
First—On the expiration of twenty-five years from the commencement of the said Order or Act as the case may be at a valuation to be fixed by arbitration and upon the basis of the cost of construction of the works and undertaking of the said tramway less a reasonable sum for depreciation and with the addition of a sum equal to the nett profits of the four years immediately preceding said purchase in name of goodwill and which cost of construction shall be held to include the expenses incurred by the Company in procuring said Act or Provisional Order
Second—On the expiration of thirty years on the same terms as at the expiration of twenty-five years excepting that there shall only be allowed for goodwill a sum equal to the profits of the two years immediately preceding the date of purchase
Third—On the expiration of a period of thirty seven years upon the terms and conditions of section forty-three of the Tramways Act eighteen hundred and seventy provided that the period of notice prescribed in the said section shall be twelve instead of six months
Fourth—In the event of either of the two local authorities deciding not to exercise the right of purchase hereby reserved it shall be in the power of the other of said local authorities to exercise said right in the same manner as the two local authorities acting jointly could have done under the provisions herein-before written and that with respect to the whole undertaking of the Company and not merely to the portion thereof locally situated within the jurisdiction of the authority so deciding to purchase
Fifth—The Company shall not be required to sell any part of their undertaking to the local authorities or either of them unless at the same time the whole of the undertaking is purchased by the local authorities or either of them as herein-before provided.

Ninth.—The Company shall (unless prevented by circumstances beyond their control) on each lawful day run throughout their system such a service of cars at intervals of not more than sixty minutes between cars travelling in the same direction. The fares to be charged by the Company for passengers travelling upon the said tramways shall so far as practicable be fixed at one penny per mile and in no case shall the fare from any one station exceed one penny where the distance travelled does not exceed one mile and where the distance travelled exceeds one mile one penny additional may be charged for each mile or portion of a mile.

Tenth.—This agreement shall be scheduled to and confirmed by said Provisional Order subject to such alterations as may be made thereon during the progress of the Provisional Order declaring that in the event of any material alteration being made upon the terms of this agreement or of the Provisional Order by the commissioners appointed under the said Private Bill Procedure (Scotland) Act or by Parliament the party

injuriously affected or prejudiced by such alteration shall be entitled to resile from this agreement and the Company shall be bound to oppose any such alteration of which the County Council do not approve and this agreement if altered as aforesaid and resiled from by either of the parties in consequence thereof shall become void and null and of no force or effect whatsoever except as regards the obligation undertaken by the Company to pay all charges fees and expenses to be incurred by the County Council in connexion with this agreement and the application of the Company for said Provisional Order and of any other matters or proceedings arising out of or connected with the same and as regards the payment of said charges fees and expenses this agreement shall in any case remain of full force and effect.

A.D. 1901.

Eleventh.—In the event of any dispute or difference arising between the parties as to the intent and meaning of this agreement, or as to the rights of parties or any other matter thereunder the same shall be and is hereby referred to the sheriff of Stirlingshire who shall decide the matter on the application of either party and his decision shall be final.

Twelfth.—Both parties agree to execute all such deeds and writings and pass such resolutions as may be necessary to carry out the purposes of this agreement. And both parties consent to registration hereof for preservation.

In witness whereof these presents are executed by the parties hereto as follows videlicet By the said John Charles Urquhart and James Learmonth at Falkirk on the first day of December one thousand nine hundred before these witnesses John Paterson clerk and George Rigg apprentice both to the said James Learmonth By the said Borthwick Watson at Falkirk aforesaid on the fifth day of month and year last above mentioned before these witnesses Andrew Graham Kidd clerk to the said James Learmonth and William Taylor clerk to the said Borthwick Watson By the said William Wilson at Croy Dumbartonshire on the tenth day of month and year last above mentioned before these witnesses Robert B. Wilson contractor Croy aforesaid and John McCallum clerk to the said William Wilson By the said John Kerr and James More junior both at Edinburgh on the eleventh day of month and year last above mentioned before these witnesses Thomas Bell Cowell secretary of public company and John Davidson Miller clerk both at ninety-four George Street Edinburgh By the said Charles David Geddes and William Stowell Haldane both at Edinburgh and of the day month and year last above mentioned before these witnesses Donald Gladstone McKenzie and Samuel Wallace both apprentices to Messrs. W. and F. Haldane writers to the Signet four North Charlotte Street Edinburgh By the said George MacKenzie Brown at London on the twelfth day of month and year last above mentioned before these witnesses George Milne and Frederick Wright both clerks thirty-five Paternoster Row London and by the said George Flett at London on the thirteenth day of month and year last above mentioned before these witnesses Frank Mott secretary of public company and William Strahan Rush clerk both at one hundred and ten Cannon Street London and they are pursuant to a resolution passed at a meeting of the said County Council duly convened and held at Stirling on

[Ch. xxxi.] *Falkirk and District Tramways Order* [1 EDW. 7.]
Confirmation Act, 1901.

A.D. 1901. the eighteenth day of month and year last above mentioned sealed with the common seal of the said County Council and are subscribed by Robert Baillie of four Roebuck Park Carron and Alexander Peddie Waddell of Balquhatson Slamannan two members of the said Council and by Patrick Welsh solicitor Stirling the county clerk at Stirling on the day month and year last above mentioned before these witnesses John Sinclair Christie and Alexander Edgar Adams both law clerks County Buildings Stirling.

L. S.

J. S. CHRISTIE Witness
A. E. ADAMS Witness
T. B. COWELL Witness
JOHN DAVIDSON MILLER
Witness
D. G. MCKENZIE Witness
SAMUEL WALLACE Witness
A. G. KIDD Witness
FRANK MOTT Witness
W. S. RUSH Witness
WILLIAM TAYLOR Witness
JOHN PATERSON Witness
GEORGE RIGG Witness
ROBERT B. WILSON Witness
JOHN MCCALLUM Witness
GEORGE MILNE Witness
FREDERICK WRIGHT Witness

ROBERT BAILLIE Member of
County Council
A. PEDDIE WADDELL Member
of County Council
PATRICK WELSH County
Clerk
JOHN KERR
JAMES MORE Junior
C. D. GEDDES
W. S. HALDANE
G. FLETT
BORTHWICK WATSON
JOHN C. URQUHART
JAMES LEARMONTH
WM. WILSON
G. M. BROWN

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