

[14 & 15 GEO. 5.] *Edinburgh Corporation* [Ch. lxxvii.]  
(*Tramways, &c.*) *Order Confirmation Act, 1924.*



## CHAPTER lxxvii.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Edinburgh Corporation (Tramways &c.). [1st August 1924.]

A.D. 1924.  
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**W**HEREAS 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.

Confirma-  
tion of  
Order in  
schedule.

2. This Act may be cited as the Edinburgh Corporation (Tramways &c.) Order Confirmation Act 1924.

Short title.

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SCHEDULE.

EDINBURGH CORPORATION (TRAMWAYS &c.)

*Provisional Order to authorise the Corporation of the City and Royal Burgh of Edinburgh to make and maintain tramways to construct works to acquire lands to borrow money to amend the Edinburgh Municipal and Police Acts and for other purposes.*

WHEREAS the lord provost magistrates and council of the city and royal burgh of Edinburgh (hereinafter referred to as "the Corporation") are vested with the municipal government of the said city and royal burgh (hereinafter referred to as "the city") and are the local authority therein for police public health road sanitary tramway electricity gas water and other purposes:

And whereas the Corporation are the owners of and work the existing tramways within the city and are authorised to construct maintain and work additional tramways within the city:

And whereas it is expedient and would be in the public interest that the Corporation should be authorised to construct work and maintain the tramways hereinafter in this Order described:

And whereas it is expedient that the Corporation should be authorised to make construct maintain and use the works and improvements hereinafter in this Order mentioned and to acquire lands for the purposes thereof and for the purposes of the improvement of the city:

And whereas the following estimates have been prepared by the Corporation for the purposes hereinafter mentioned (that is to say):—

(1) For and in connection with the tramways by this Order authorised	£
- - - - -	191,569
(2) For and in connection with the works by this Order authorised	36,837
(3) For the purchase of lands	37,568

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And whereas the said works contained in the said estimates are permanent works and it is expedient that the cost thereof should be spread over a term of years: A.D. 1924.

And whereas it is expedient that the provisions hereinafter in this Order contained in reference to building lines of streets should be enacted:

And whereas it is expedient that the Edinburgh Municipal and Police Acts 1879 to 1922 should be amended and that further powers should be conferred on the Corporation as hereinafter in this Order provided:

And whereas it is expedient that for the purposes of this Order the Corporation should be authorised to levy rates and assessments and to borrow money as hereinafter in this Order provided:

And whereas plans and sections describing the lines and situations and levels of the tramways and other works proposed to be authorised by this Order and the lands houses and other properties which will or may be taken and acquired for the purposes thereof respectively and of the lands houses and other properties which may be taken for the other purposes of this Order and also a book of reference to those plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the said lands houses and other properties were duly deposited with the principal sheriff clerk of the county of Midlothian and also with the principal sheriff clerk of the county of the city of Edinburgh and the same are hereinafter respectively referred to as the deposited plans sections and book of reference:

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

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

PART I.

PRELIMINARY.

1. This Order may be cited as the Edinburgh Corporation (*Tramways &c.*) Order 1924 and the Edinburgh Municipal and Police Acts 1879 to 1922 and this

Short and collective titles.

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A.D. 1924. — Order may be cited as the *Edinburgh Municipal and Police Acts 1879 to 1924.*

Division of  
Order into  
Parts.

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

Part I.—Preliminary.

Part II.—Tramways Improvements &c.

Part III.—Amendment of Acts.

Part IV.—Miscellaneous.

Part V.—Finance.

Commence-  
ment of  
Order.

3. This Order shall (except as otherwise hereinafter provided) commence and have effect on and from the date of the passing of the Act confirming the same which date is hereinafter referred to as “the commencement of this Order.”

Interpreta-  
tion.

4. In this Order unless there be something in the subject or context repugnant to such construction the following expressions shall have the meanings hereinafter respectively assigned to them (that is to say):—

“Act of 1879” means the *Edinburgh Municipal and Police Act 1879*;

“Act of 1891” means the *Edinburgh Municipal and Police (Amendment) Act 1891*;

“Act of 1893” means the *Edinburgh Improvement and Municipal and Police (Amendment) Act 1893*;

“Act of 1897” means the *Edinburgh Corporation Act 1897*;

“Act of 1906” means the *Edinburgh Corporation Act 1906*;

“Act of 1913” means the *Edinburgh Corporation Act 1913*;

“Act of 1920” means the *Edinburgh Boundaries Extension and Tramways Act 1920*;

“Authorised tramways” means the tramways already authorised within the city and not yet constructed;

“City” means the city and royal burgh of *Edinburgh* as extended and defined by the Act of 1920;

“Corporation” means the lord provost magistrates and council of the city;

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- “ Corporation Tramways Acts ” means the Edinburgh Corporation Tramways Act 1893, and all other Acts or Orders relating to the Corporation tramways; A.D. 1924.  
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- “ Edinburgh Municipal and Police Acts ” means the Edinburgh Municipal and Police Acts 1879 to 1922 the Edinburgh Corporation Stock Act 1894 (as amended by the Edinburgh Improvement and Tramways Act 1896 the Edinburgh Corporation Act 1906 and the Edinburgh Corporation Order 1921) and this Order;
- “ Existing tramways ” means the tramways within the city owned by the Corporation;
- “ New tramways ” means the tramways authorised by this Order;
- “ Order of 1916 ” means the Edinburgh Corporation Order 1916;
- “ Order of 1919 ” means the Edinburgh Corporation Order 1919;
- “ Order of 1921 ” means the Edinburgh Corporation Order 1921;
- “ Order of 1922 ” means the Edinburgh Corporation Order 1922;
- “ Sheriff ” means the sheriff of the Lothians and Peebles and except when expressly limited to the sheriff includes his substitutes or any one of them within the county of Midlothian;
- “ Tramways ” or “ Corporation tramways ” means the existing tramways the authorised tramways and the new tramways :

And the words and expressions defined in the Edinburgh Municipal and Police Acts 1879 to 1922 shall if and when used in this Order and when not inconsistent with the above definitions or with any of the provisions of this Order respectively have the same respective meanings as in the said Edinburgh Municipal and Police Acts.

5. Section 3 (Interpretation of terms) section 19 (Local authority may lease or take tolls) and Part II. (Construction of tramways) and Part III. (General provisions) of the Tramways Act 1870 are incorporated with this Order except where the sections so incorporated are inconsistent with or are varied by the Corporation Tramways Acts and this Order. Certain provisions of Tramways Act 1870 incorporated.

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Incorporation of  
Lands  
Clauses  
Acts.

6. The Lands Clauses Acts are subject to the provisions of this Order incorporated with and shall form part of this Order.

PART II.

TRAMWAYS IMPROVEMENTS &C.

Construction of new  
tramways.

7. Subject to the provisions of this Order the Corporation may construct reconstruct make form lay down work use and maintain the new tramways herein-after described in the lines and according to the levels shown on the deposited plans and sections with all proper rails plates works and conveniences connected therewith and may take up remove alter appropriate and use any part or parts of the existing tramways which may interfere with or be rendered unnecessary by the construction of the new tramways or some of them :

Provided that nothing in this Order shall authorise any interference with electric lines and works of any undertakers under the Electricity (Supply) Acts 1882 to 1922 to which the provisions of section 15 of the Electric Lighting Act 1882 apply except in accordance with and subject to the provisions of that section.

The new tramways herein authorised are the following :—

Tramway No. 1—(Double line) 6 furlongs 0·89 chain or thereabouts in length wholly situate in the city of Edinburgh and city parish of Edinburgh commencing in Hope Street by a junction with Tramway No. 11 authorised by the Order of 1916 at a point in the said street opposite to the south side of Hope Street Lane thence passing northwards along Hope Street into Charlotte Square thence passing along the south and east sides of the said square into George Street continuing thence eastwards along George Street to St. Andrew Square and thence along the west and north sides of St. Andrew Square into North St. Andrew Street and there terminating by a junction with the Corporation's existing tramway at or opposite to a point six yards or thereabouts north of Clyde Street.

Tramway No. 2—(Double line) 1 furlong 0·45 chain or thereabouts in length wholly situate in the city



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of Edinburgh and city parish of Edinburgh com- .A.D. 1924.  
mencing by a junction with Tramway No. 1  
hereinbefore described in George Street at a  
point eleven yards or thereabouts west from the  
west side of St. Andrew Square thence curving  
southwards and eastwards into and passing  
along the west and south sides of St. Andrew  
Square into South St. Andrew Street and there  
terminating by a junction with the Corpora-  
tion's existing tramway at or opposite to a point  
six yards or thereabouts south of West Register  
Street.

Tramway No. 3—(Double line) 2 chains or there-  
abouts in length wholly situate in the city of  
Edinburgh and city parish of Edinburgh com-  
mencing by a junction with the Corporation's  
existing tramway in Frederick Street at a point  
twenty-six yards or thereabouts north of George  
Street thence curving south-eastwards into  
George Street and there terminating by a junc-  
tion with Tramway No. 1 hereinbefore described  
at or opposite to a point twenty-six yards or  
thereabouts east of Frederick Street.

Tramway No. 4—(Double line) 2 chains or there-  
abouts in length wholly situate in the city of  
Edinburgh and city parish of Edinburgh com-  
mencing by a junction with the Corporation's  
existing tramway in Hanover Street at a point  
twenty-seven yards or thereabouts north of  
George Street thence curving south-eastwards  
into George Street and there terminating by  
a junction with Tramway No. 1 hereinbefore  
described at or opposite to a point twenty-seven  
yards or thereabouts east of Hanover Street.

Tramway No. 5—(Double line) 2·35 chains or there-  
abouts in length wholly situate in the city of  
Edinburgh and city parish of Edinburgh com-  
mencing by a junction with Tramway No. 2  
hereinbefore described at a point in the south  
side of St. Andrew Square thirty-four yards or  
thereabouts west of South St. Andrew Street  
thence curving north-eastwards into the east side  
of St. Andrew Square and there terminating by

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a junction with the Corporation's existing tramway at or opposite to a point fifty-four yards or thereabouts north of West Register Street.

Tramway No. 6—(Double line) 4 furlongs 8·12 chains or thereabouts in length wholly situate in the city of Edinburgh and city parish of Edinburgh commencing by a junction with the Corporation's existing tramway in Melville Drive at a point in the said Drive twenty yards or thereabouts west of Marchmont Road thence passing eastwards along Melville Drive and Hope Park Terrace into South Clerk Street and there terminating by a junction with the Corporation's existing tramway at a point seventeen yards or thereabouts south of Hope Park Terrace.

Tramway No. 7—(Double and single lines) 3 furlongs 0·68 chain or thereabouts in length of which 2 furlongs 9·02 chains or thereabouts are double line and 1·66 chains or thereabouts are single line wholly situate in the city of Edinburgh and city parish of Edinburgh commencing by a junction with the Corporation's existing tramway in Slateford Road thence passing in a south-westerly southerly and south-westerly direction along Slateford Road and Lanark Road (passing beneath (1) the bridge carrying the London Midland and Scottish Railway over Slateford Road and (2) the Union Canal Aqueduct) and terminating in the said Lanark Road at or opposite to a point twenty-five yards or thereabouts west of Inglis Green Road.

Tramway No. 8—(Double line) 3 furlongs 9·18 chains or thereabouts in length wholly situate in the city of Edinburgh and city parish of Edinburgh commencing by a junction with the Corporation's existing tramway in Slateford Road at a point twenty-three yards or thereabouts east of Chesser Avenue thence passing into and along Chesser Avenue (passing over the subway from the cattle-sidings to the Cattle Market) thence into and along Gorgie Road and there terminating by a junction with the Corporation's existing tramway in the said road at a point



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fifty-five yards or thereabouts east of Chesser Avenue. A.D. 1924.

Tramway No. 9—(Single line) 6·06 chains or thereabouts in length wholly situate in the city of Edinburgh and city parish of Edinburgh commencing by a junction with Tramway No. 8 hereinbefore described in Gorgie Road at a point eighteen yards or thereabouts east of Chesser Avenue thence passing in a westerly direction along Gorgie Road and there terminating at a point 6·06 chains or thereabouts from the point of commencement.

Tramway No. 10—(Double and single lines) 1 mile 4 furlongs 1 chain or thereabouts in length of which 1 mile 4 furlongs or thereabouts are double line and 1 chain or thereabouts is single line wholly situate within the city of Edinburgh and city parish of Edinburgh commencing by a junction with the Corporation's existing tramway in Colinton Road at a point sixty-seven yards or thereabouts north-eastwards from the north-east side of the private-way into Craiglockhart Ponds thence passing in a southerly south-easterly and westerly direction along Colinton Road (passing Craiglockhart Avenue Firrhill and Redford Barracks) into Woodhall Road and there terminating at a point thirty-five yards or thereabouts eastwards from Dreghorn Loan.

Tramway No. 11—(Double line) 5 furlongs 4·58 chains or thereabouts in length wholly situate in the city of Edinburgh and city parish of Edinburgh commencing by a junction with the Corporation's existing tramway in Bernard Street at a point in the said street forty yards or thereabouts west of Constitution Street thence passing in an easterly direction along Bernard Street Baltic Street Salamander Street and Seafield Road and terminating in the said last-mentioned road by a junction with Tramway No. 4 authorised by the Act of 1920 at a point thirty-three yards or thereabouts east of Seafield Place.

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Tramway No. 12—(Double line) 2·67 chains or thereabouts in length wholly situate in the city of Edinburgh and city parish of Edinburgh commencing by a junction with the Corporation's existing tramway in Constitution Street at a point in line with the buildings on the south side of Bernard Street thence passing north-eastwards along Constitution Street into and along Baltic Street and there terminating by a junction with Tramway No. 11 hereinbefore described at a point twenty yards or thereabouts east of Constitution Street.

Period for completion of new tramways.

8. The new tramways shall be completed within five years from the commencement of this Order and on the expiration of that period the powers by this Order granted to the Corporation for executing the same shall cease except as to so much thereof as shall then be completed.

New tramways to be part of Corporation tramways.

9. Subject to the provisions of this Order the new tramways and the works connected therewith by this Order authorised to be constructed shall for all purposes of rates tolls and charges and for all other purposes whatsoever be part of the Corporation tramways.

Application of sections of Corporation Tramways Acts.

10. Subject to the provisions of this Order the sections of the Corporation Tramways Acts mentioned in the First Schedule to this Order shall so far as the same are respectively applicable extend and apply mutatis mutandis to the new tramways.

New works.

11. Subject to the provisions of this Order and to the powers of deviation hereinafter mentioned the Corporation may in the lines and situation and upon the lands in that behalf delineated on the deposited plans and described in the deposited book of reference and according to the levels shown on the deposited sections make construct maintain and use the works hereinafter mentioned or some of them or some part or parts thereof together with all necessary and proper works and conveniences connected therewith or incidental thereto respectively (that is to say):—

Work No. 1 A lowering wholly within the city of Edinburgh and city parish of Edinburgh (Work No. 1) of Slateford Road commencing at a point in the said road sixty-four yards or thereabouts south-westwards from the centre line

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of Chesser Avenue thence passing southwards and beneath the bridge carrying the London Midland and Scottish Railway over Slateford Road and terminating at a point in the said road one hundred yards or thereabouts from the point of commencement.

Work No. 2 A widening and improvement wholly within the city of Edinburgh and city parish of Edinburgh (Work No. 2) of the north side of the street known as Fountainbridge commencing at a point in Fountainbridge opposite to the centre line of Semple Street passing thence south-westwards and terminating in Fountainbridge at a point one hundred and thirty-two yards or thereabouts from the point of commencement.

Work No. 3 A widening and improvement wholly within the city of Edinburgh and city parish of Edinburgh (Work No. 3) of the north side of the street known as Fountainbridge commencing at a point in Fountainbridge thirty-seven yards or thereabouts east of the centre of Freer Street passing thence westwards and terminating in Fountainbridge at a point one hundred and forty-eight yards or thereabouts from the point of commencement.

Work No. 4 A widening and improvement wholly within the city of Edinburgh and city parish of Edinburgh (Work No. 4) of the west side of Leamington Road commencing at the junction of the said road with Gilmore Place and terminating in Leamington Road at or near to the south side of the drawbridge over the Union Canal at Lower Gilmore Place.

Work No. 10 A widening re-grading and improvement wholly within the city of Edinburgh and city parish of Edinburgh (Work No. 10) of the roads known as Whitehouse Road and Gamekeeper's Road Barnton commencing at the point of junction of the said Whitehouse Road with Queensferry Road thence passing northwards along Whitehouse Road and Gamekeeper's Road and terminating in the said last-mentioned road at a point thirty yards or thereabouts east of Whitehouse Road.

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Work No. 11 A widening and improvement wholly within the city of Edinburgh and city parish of Edinburgh (Work No. 11) of Morningside Road and of the lane connecting Morningside Road with Springvalley Terrace commencing at a point in Morningside Road six yards or thereabouts north from the parapet line on the north side of Morningside Place thence passing southwards along Morningside Road for a distance of seventy-four yards or thereabouts thence westwards along the lane aforesaid and terminating at a point in the said lane eighty-two yards or thereabouts west from the centre of Morningside Road at or near to the point of junction of the said road with the said lane.

Work No. 12 A new road wholly within the city of Edinburgh and city parish of Edinburgh including the widening and improvement of the existing Balgreen Road (Work No. 12) commencing at a point in the centre of Gorgie Road opposite to the entrance to Saughton Public Park and proceeding thence northwards and north-eastwards and terminating at a point in the centre of Westfield Road at or near to the point of junction of the said last-mentioned road with Damhead Road.

Work No. 13 A widening and improvement wholly within the city of Edinburgh and city parish of Edinburgh (Work No. 13) of the Colinton Road commencing at a point in the said road ten yards or thereabouts north-eastwards from the north-east boundary wall of Inchdrewer House passing thence south-westwards along Colinton Road and terminating at a point in the said road thirteen yards or thereabouts west of the west side of Westgarth Avenue.

Power to deviate new works. 12. In the execution of the said works or any of them described in this Part of this Order the Corporation may deviate laterally to any extent within the limits of deviation shown on the deposited plans applicable thereto and may deviate vertically from the levels shown on the deposited sections to any extent not exceeding three feet.

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13. If the works described in this Part of this Order and shown on the deposited plans are not completed within five years from the commencement of this Order then on the expiration of that period the powers hereby granted for the execution of the same shall cease except as to so much thereof as is then completed.

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Period for completion of works.

14. Sections 20 (Magistrates and council may take down buildings and lay out lands and sell or let those not required) 21 (Power to make subsidiary works &c.) 22 (Alterations of sewers and gas and water pipes) 23 (Alterations consequent on changing levels of streets to be made at expense of magistrates and council) and 26 (Magistrates and council not to be bound to execute all works) of the Act of 1893 and section 30 (Corporation empowered or may be required to underpin or otherwise strengthen houses near works) of the Act of 1913 shall so far as applicable apply mutatis mutandis to the works authorised to be executed by this Order and to the lands authorised to be acquired therefor and for the other purposes of this Order.

Application of sections of Acts of 1893 and 1913.

15. Subject to the provisions of this Order the Corporation may enter upon purchase take hold appropriate and use the lands houses and property respectively shown on the deposited plans and described in the deposited book of reference or such part or parts thereof as may be required for or in connection with the works authorised by the section of this Order the marginal note whereof is "New works."

Lands for works.

16. Subject to the provisions of this Order the Corporation may for the purposes of public improvements enter upon purchase take hold appropriate and use the lands and property hereinafter mentioned and shown on the deposited plans and marked thereon Area "A" and described in the deposited book of reference or any part or parts of the same The said lands and property are the following:—

Purchase of lands for public improvements.

Area A—The lands and property within the city of Edinburgh and city parish of Edinburgh situate within the area marked "A" delineated on the deposited plans and bounded by a line commencing at a point on the east boundary wall of the property known as 28 Grassmarket fifteen yards or thereabouts from the front building line



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of the said property passing thence westwards for a distance of thirteen yards or thereabouts thence northwards for a distance of eleven yards or thereabouts thence generally westwards for a distance of fourteen yards or thereabouts thence northwards for a distance of twenty-eight yards or thereabouts thence eastwards for a distance of twenty-six yards or thereabouts thence southwards for a distance of forty-one yards or thereabouts to the point of commencement.

Correction of errors in deposited plans and book of reference.

17. If there be any omission mis-statement or erroneous description of any lands which may be required or taken for the purposes of this Order or any of them or of the owners lessees or occupiers of any such lands shown on the deposited plans or specified in the deposited book of reference the Corporation after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to the sheriff for the correction thereof and if it appear to the sheriff that such omission mis-statement or erroneous 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 mis-stated or erroneously described and the decision of the sheriff in such matter shall be final.

Certificates to be deposited.

18. The certificate of the sheriff shall be deposited in the office at Edinburgh of the principal sheriff clerk of the county of Midlothian and a duplicate thereof shall also be deposited at the office of the principal sheriff clerk of the county of the city of Edinburgh and such certificate and duplicate shall be kept by such sheriff clerks respectively along with the other documents to which they relate and thereupon the deposited plans and book of reference shall be deemed to be corrected in accordance with the certificate and the Corporation may enter on purchase take hold and use for the purposes of this Order any lands in accordance with such certificate as if such omission mis-statement or erroneous description had not been made.

Limiting period for compulsory purchase of lands.

19. The powers of the Corporation for the compulsory purchase of lands for the purposes of this Order shall cease after the expiration of three years from the commencement of this Order.



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20. Subject to the provisions of this Order the Corporation may during the execution of the new tramways and the other works by this Order authorised stop up temporarily the carriageway or footway of any street road or bridge as may be necessary and for that purpose may put up bars posts and other erections Provided that the Corporation shall before stopping up any footway under this section provide a temporary substitute therefor with access therefrom to any houses.

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

22. And whereas in the exercise by the Corporation of the powers of this Order it may happen that portions only of certain properties shown or partly shown on the deposited plans will be sufficient for the purposes of the Corporation and that such portions or some other portions less than the whole can be severed from the remainder of the said properties without material detriment thereto Therefore the provisions set forth in section 47 (Owners may be required to sell parts only of certain lands and buildings) of the Order of 1916 shall apply and have effect in respect of the properties mentioned in the Second Schedule to this Order.

23. Notwithstanding anything contained in this Order or shown on the deposited plans the Corporation shall not under the powers of this Order enter upon take or use compulsorily the lands numbered 14 and 176 on the said plans forming part of the house and property known as the Old Farm Colinton or the lands numbered 12 13 174 and 175 on the said plans forming part of the house and property known as Inchdrewer Colinton or any part of such lands.

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Stoppage of roads during execution of works.

Power to grant servitudes &c. by agreement.

Owners may be required to sell parts only of certain lands and buildings.

For protection of Margaret Kennedy and John James Galletly.

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For protection of  
Lieutenant-  
Colonel  
Houison-  
Craufurd.

24. Notwithstanding anything contained in this Order or shown on the deposited plans the Corporation shall not under the powers of this Order enter upon take or use compulsorily the lands numbered 141 on the said plans forming part of the estate of Braehead.

For protection of  
London  
and North  
Eastern  
Railway  
Company.

25.—(1) The provisions of section 117 (For protection of North British Railway Company) of the Act of 1920 shall subject to the provisions of subsection (2) of this section extend and apply mutatis mutandis to the London and North Eastern Railway Company (hereinafter in this section referred to as "the railway company") and to the new tramways and works by this Order authorised and the expression "the railways" used in the said section 117 shall include canals tunnels and works or property connected therewith.

(2) Subsection (3) of the said section 117 of the Act of 1920 shall not apply to this Order but in substitution therefor the following provisions shall apply and have effect:—

The Corporation shall not in the construction alteration maintenance or use of the tramways and works by this Order authorised injure alter or interfere with the structure of the aqueduct carrying the Union Canal over Slateford Road or any bridge or work on over or under any of the railways or interfere with or render less convenient the access to any station depôt or other work or property of the railway company or cause any interruption to or interference with the traffic on any of the railways.

For protection of  
London  
Midland and  
Scottish  
Railway  
Company.

26.—(1) The provisions of section 118 (For protection of Caledonian Railway Company) of the Act of 1920 shall subject to the provisions of subsections (2) and (3) of this section extend and apply mutatis mutandis to the London Midland and Scottish Railway Company (hereinafter in this section referred to as "the company") and to the new tramways and works by this Order authorised.

(2) Subsection (2) of the said section 118 of the Act of 1920 shall not apply to this Order but in substitution

therefor the following provisions shall apply and have effect videlicet :— A.D. 1924.

The Corporation shall not in the construction maintenance or working of Tramway No. 7 or in the construction and maintenance of Work No. 1 by this Order authorised vary alter or interfere with or injuriously affect the structure of the bridge or the abutments thereof carrying the company's railway over Slateford Road or the company's retaining or fence walls further than is reasonably necessary to carry out the said Work No. 1.

(3) Subsection (6) of the said section 118 of the Act of 1920 shall not apply to this Order but in substitution therefor the following provisions shall apply and have effect videlicet :—

The Corporation shall not in the construction alteration maintenance or use of the works authorised by this Order injure alter or interfere with the structure of any bridge (other than the bridge referred to in subsection (2) of this section) or work on over or under any of the company's railways or interfere with further than is reasonably necessary to carry out the said Work No. 1 the access to any station depôt or other work or property of the Company or cause any interruption to or interference with the traffic on any of the railways and subject to the provisions of section 27 (Attachment of brackets &c. to buildings &c.) of the Act of 1906 no brackets or other apparatus shall be attached to any bridge or other work of the Company without the previous consent of the Company.

### PART III.

#### AMENDMENT OF ACTS.

27. The provisions of Part III. (Superannuation) of the Order of 1922 shall be amended as follows (that is to say) :— Amendment  
of super-  
annuation  
provisions.

(1) Section 29 (Interpretation) of the said Order shall be read and construed as if the following words were inserted after the word "Porto-

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belo" occurring in the definition of the words "aggregate service" in the said section (that is to say) the words "the Northern Tramways Company the Edinburgh Street Tramways Company";

- (2) Section 37 (Scale of superannuation allowance) of the said Order shall be read and construed as if the following proviso were inserted at the end of the said section "Provided also that  
" in the case of an officer or servant whose  
" salary or wages does not at the date when  
" he ceases to hold his office or employment  
" amount to one hundred and thirty pounds  
" per annum the Corporation shall have power  
" to fix his superannuation allowance on the  
" basis of the average amount of his salary  
" or wages during any consecutive period of  
" five years of his service with the Corporation  
" but so that the amount on which his super-  
" annuation allowance is reckoned shall not  
" in any event be less than the average amount  
" of his salary or wages during the five years  
" ending on the day which immediately pre-  
" cedes the day on which he ceases to hold  
" his office or employment."

Conveyance  
of carcases  
of animals.

28. Every person who in any street or court conveys in any open cart or carriage or otherwise carcases of animals or any part thereof without the same being covered with a clean cloth so as to be wholly hid from view shall be liable to a penalty not exceeding forty shillings for each offence.

Prevention  
of nuisances.

29. Section 309 (Magistrates and council may make byelaws) of the Act of 1879 shall be read and construed as if the words "common stair common passage" were inserted in subsection (1) of the said section after the word "street."

Playing of  
games in  
streets.

30. Subsection (36) of section 246 (Penalty on persons committing certain offences to obstruction annoyance or danger of others) of the Act of 1879 as amended by subsection (12) of section 80 (Amendment of Acts) of the Act of 1891 shall be read and construed as if the words "cricket or other sport or game" were inserted therein after the word "football."

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31. Section 60 (Penalty for betting in streets) of the Act of 1891 shall be read and construed as if the words "common stair common passage" were inserted therein after the word "street."

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Betting or gambling in streets &c.

32. Section 61 (Power to make byelaws) of the Act of 1891 shall be read and construed as if the following additional subsection were inserted after subsection (14) thereof (that is to say):—

Additional byelaws.

"(15) For regulating the places in which poultry may be kept and the construction and cleansing of poultry houses and runs Provided that byelaws made under the provisions of this subsection shall not apply to agricultural lands and heritages as defined in section one of the Agricultural Rates Congested Districts and Burgh Land Tax Relief (Scotland) Act 1896."

33. Section 70 (Special enactments as to seashore) of the Act of 1897 shall be read and construed as if the following additional subsections were inserted after subsection (3) thereof (that is to say):—

Further enactment as to seashore.

"(4) No person shall erect occupy or use any tent shed or other structure upon the seashore or strand within or ex adverso of the city except under authority from the Corporation and only at such places thereon as the Corporation may appoint and the Corporation shall have power to make byelaws under the provisions of the Edinburgh Municipal and Police Acts for regulating the occupation or use of any such tent shed or other structure and to impose a penalty for breach thereof not exceeding the sum of forty shillings for any one offence."

"(5) Nothing in this section shall prejudice affect or interfere with the powers of the Commissioners for the Harbour and Docks of Leith so far as the seashore or strand is within the limits of the Port of Leith."

34. Nothing contained in section 12 (Prohibition of football and golf on Leith Links) of the Leith Burgh Order 1904 shall prevent the Corporation from constructing golf putting greens or permitting in their

Leith Links.



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Advertising vehicles.

35. Section 95 (Restriction on advertising vehicles) of the Act of 1913 shall be read and construed as if the words "South Bridge Leith Street Earl Grey Street" were inserted in subsection (1) of the said section after the words "North Bridge Street."

Repeal of subsection (24) of section 246 of Act of 1879.

36. Subsection (24) of section 246 (Penalty on persons committing certain offences to obstruction annoyance or danger of others) of the Act of 1879 shall be and the same is hereby repealed.

PART IV.

MISCELLANEOUS.

Confirmation of agreement between Brigadier-General Robert Gordon Gordon Gilmour and the Corporation.

37. The agreement as set forth in the Third Schedule to this Order made between Brigadier-General Robert Gordon Gordon Gilmour and the Corporation is hereby confirmed and made binding on the parties thereto and shall have effect according to the true intent and meaning thereof.

Confirmation of agreement between the Trustees of Sir William Forrest and the Corporation.

38. The agreement as set forth in the Fourth Schedule to this Order made between the Trustees of the late Sir William Forrest of Comiston Baronet and the Corporation is hereby confirmed and made binding on the parties thereto and shall have effect according to the true intent and meaning thereof and the Corporation are hereby authorised and empowered to hold use and appropriate the farm of Oxgangs therein referred to and also the farm of Colinton Mains in so far as not included in the site and grounds of the Infectious Diseases Hospital of the Corporation at Colinton Mains for the purposes of the General Improvements Account of the Corporation under the third head of estimate mentioned in section 66 (Expenses to be estimated) of the Act of 1879.

As to unpaid dividends of Edinburgh Gas Light Company.

39. Whereas under the provisions of section 52 (Unpaid dividends to be consigned in bank) of the Edinburgh and Leith Corporations' Gas Act 1888 the amount of dividends unclaimed by the shareholders of the dissolved Edinburgh Gas Light Company was consigned in one of the chartered banks in Scotland. And



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whereas of the amount so consigned the sum of thirty-six pounds three shillings and four pence has not been claimed or uplifted it is hereby provided that the said sum may be uplifted and used by the Corporation for the purposes of the gas undertaking of the Corporation Provided that in the event of such dividends or any part thereof being claimed by persons legally entitled thereto the Corporation may on being satisfied as to their legal title pay over to such persons any such dividend without interest thereon or may require the claim to be established. Provided further that the liability of the Corporation shall not exceed in the whole the said sum of thirty-six pounds three shillings and four pence.

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40.—(1) The Corporation may for the purpose of supplying electricity to the occupier of any part of any building occupied in flats or separate dwellings or other premises entering by a common stair or other access and belonging to one or more owners lay down erect and maintain mains wires and apparatus in such common stair or other access with branches to connect with each separate flat dwelling or premises without the consent of any other owner or occupier as the case may be. Provided that the Corporation shall make compensation to such other owners or occupiers for any damage caused by such operations as the amount thereof failing agreement shall be determined by an arbiter to be appointed by the sheriff on the application of either party.

Power to  
fix electric  
mains &c.  
in tene-  
ments.

(2) The provisions of this section shall apply whether such separate flat dwelling or premises has immediate access to such common stair or not.

41.—(1) For the purpose of promoting public safety and of facilitating traffic by preventing or removing obstructions to view the Corporation may give notice to the owner of any land situate at the corner of any street prescribing the height of fences boundary walls hoardings hedges trees and shrubs at such corner or within such distance from the corner not exceeding twenty yards as may be prescribed in the notice and thereupon the following provisions shall have effect:—

Height of  
fences and  
hedges at  
street  
corners.

(a) Unless such notice is withdrawn by the Corporation no person shall erect a fence or wall or hoarding or permit a hedge tree or shrub to

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grow to a greater height than that prescribed contrary to the requirements of the notice.

(b) If required by the Corporation the owner of such land shall reduce the height of any fence wall hoarding hedge tree or shrub which exceeds that prescribed by the notice to a height not exceeding that so prescribed.

(2) Any person who contravenes the provisions of paragraph (a) of subsection (1) of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and the Corporation may enter upon the land and reduce the height of such fence wall hoarding hedge tree or shrub to the height prescribed by them and the expense incurred by the Corporation shall be repaid to them by the owner of the land.

(3) If any person for a period of one month after the service of a notice upon him by the Corporation of a requirement under paragraph (b) of subsection (1) of this section fails to comply therewith the Corporation may enter upon the land and themselves carry out the requisition of their notice.

(4) In cases where under paragraph (b) of subsection (1) of this section the height of any existing fence wall hoarding hedge tree or shrub is reduced the Corporation shall make compensation to the owner or other persons interested in the land for any loss or damage which he or they may sustain in consequence of the reduction in height of such existing fence wall hoarding hedge tree or shrub but no compensation shall be paid a second time in consequence of the growth of any hedge tree or shrub above the height prescribed in the notice.

(5) Any person aggrieved by any notice given by the Corporation under this section may appeal to the sheriff within one month after the service of such notice provided he gives written notice of such appeal and of the grounds thereof to the town clerk and the sheriff shall have power to make such order as he may think fit.

Notice of the right to appeal shall be endorsed on every notice given by the Corporation under this section.

(6) The owner of the land shall notwithstanding any agreement with the occupier have power to take

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such steps as are necessary for complying with any notice of the Corporation under this section. A.D. 1924.

(7) The amount of any compensation payable under this section shall failing agreement be determined by an arbiter to be appointed by the sheriff on the application of either party.

42.—(1) Every person who proposes to lay out or make any new street or part of a new street shall in addition to any other particulars required to be furnished to the Corporation by virtue of the provisions of the Edinburgh Municipal and Police Acts distinctly define and mark on the plan of such new street or part thereof the proposed line of frontage of any house or building to be erected in or fronting such street or part thereof (in this section called "the building line") and the centre line of the street. Building  
line in new  
streets.

(2) The Corporation may require as a condition of their approval of any such plan the setting back of the building line shown thereon and in the event of their requiring the same to be set back to a greater distance than thirty-five feet from the centre of such new street the Corporation shall make compensation to the owner of any land lying between the said distance from the centre of the street and the building line as set back for the loss or damage (if any) sustained by him by reason of his being unable to build upon such land. Provided that compensation shall not be payable under this subsection if having regard to the whole circumstances the building line prescribed does not prejudicially affect the lay-out of the land belonging to such owner for the purposes of building of which the arbiter by whom the question of compensation has to be determined shall be the sole judge.

(3) It shall not be lawful to erect or bring forward in any such street any house or building or part thereof or any addition thereto other than any boundary wall or fence in front of the building line prescribed by the Corporation or nearer to the centre of the street than such building line.

(4) The Corporation may at any time purchase and take by agreement or compulsorily under the provisions of the Lands Clauses Acts the land lying between the building line and the street or any part of such land

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A.D. 1924. — and for the purpose of this section in the application of the Lands Clauses Acts thereto this Order shall be deemed to be the special Act and the Corporation to be the undertakers and the Corporation notwithstanding the provisions of section 90 of the Lands Clauses Consolidation (Scotland) Act 1845 shall be entitled to purchase and take such land as aforesaid without being obliged or compellable to purchase and take the remainder or any greater portion of the subjects of which such land forms part. Provided that the land so purchased and taken shall vest in the Corporation as part of the road or street.

(5) The amount of any compensation or purchase money payable under this section shall failing agreement be ascertained and determined under and in accordance with the provisions of the Acquisition of Land (Assessment of Compensation) Act 1919 on the application of either party and in determining the amount of the purchase money payable under the provisions of subsection (4) of this section the arbiter shall take into account any compensation which may have already been paid in respect of the same land under the provisions of subsection (2) of this section.

Building  
lines in  
existing  
streets.

43.—(1) Where any street shall be certified by the Minister of Transport under the hand of the secretary or an assistant secretary of the Ministry of Transport to be an arterial road or a road as regards which provision should be made to facilitate the widening thereof to meet development of traffic the Corporation may with the consent of the Minister of Transport certified as aforesaid prescribe a building line (in this section called "the building line") on either or both sides of any such street.

(2) The building line or building lines which the Corporation propose to prescribe and the centre line of the street shall be distinctly marked and shown on a plan of such street to be signed by the town clerk and deposited with the burgh engineer and such plan shall be at all reasonable times thereafter open for the inspection of the public without charge and one month at least before the Corporation by resolution formally prescribe the building line or building lines they shall give notice in writing of the deposit of the said plan and of the liabilities imposed by this section to every owner interested whose

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name appears in the valuation roll and any such owner shall be entitled within the said period of one month to lodge objections with the town clerk and the Corporation shall consider and dispose of such objections before they pass any such resolution. The building line or lines which the Corporation may by such resolution prescribe shall be shown on a plan to be signed deposited and made open for inspection as aforesaid. The Corporation shall as soon as may be after making the resolution prescribing the building line or building lines send notice thereof in writing to the objectors and any such objector considering himself aggrieved by such resolution may appeal there-against to the sheriff. Provided that within one month after the date of the notice intimating such resolution the objector so appealing gives written intimation of his appeal and the grounds thereof to the town clerk and in the event of any such appeal being made the sheriff shall take the resolution into consideration along with the appeal and shall have power to make such order thereon as he thinks fit and the order of the sheriff shall be final as regards the said resolution and shall not be subject to appeal to any court.

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—

(3) It shall not be lawful to erect or bring forward in any such street any building or erection or any part thereof or any addition thereto other than any boundary wall or fence in front of the building line or nearer to the centre of the street than the building line.

(4) In the event of any building line so prescribed being at a greater distance than thirty feet from the centre line of the street shown on the deposited plan the Corporation shall make compensation to the owner of any land lying between a line drawn thirty feet from and parallel to the centre line of the street and the building line for the loss or damage (if any) sustained by him by reason of his being unable to build upon such land. Provided that compensation shall not be payable under this subsection if having regard to the whole circumstances of the case the building line prescribed does not prejudicially affect the lay-out of the land belonging to such owner for the purposes of building of which the arbiter by whom the question of compensation has to be determined shall be the sole judge.

(5) The Corporation may at any time after the building line has been prescribed on giving three months'



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A.D. 1924. — notice in writing to the owner lessee and occupier of any building or erection which or any part of which was beyond or in front of the building line at the date when the same was so prescribed require that such building or erection shall be pulled down set back or altered so that the same shall not project beyond or in front of the building line Provided that the Corporation shall make compensation to the owner lessee and occupier of any such building or erection or to any of them for any loss or damage sustained by such owner lessee or occupier by or in consequence of such building or erection being pulled down set back or altered.

(6) When any building or erection which or any part of which was beyond or in front of the building line at the date when the same was so prescribed has become ruinous or has been demolished or is to be rebuilt or restored the Corporation may require that the same be set backwards to the building line Provided that the Corporation shall make compensation to the owner of any such building or erection for any loss or damage which he may thereby sustain.

(7) The Corporation may at any time purchase and take by agreement or compulsorily under the provisions of the Lands Clauses Acts the land lying between the building line and the street or any part of such land and for the purpose of this section in the application of the Lands Clauses Acts thereto this Order shall be deemed to be the special Act and the Corporation to be the undertakers and the Corporation notwithstanding the provisions of section 90 of the Lands Clauses Consolidation (Scotland) Act 1845 shall be entitled to purchase and take such land as aforesaid without being obliged or compellable to purchase and take the remainder or any greater portion of the subjects of which such land forms part Provided that the land so purchased and taken shall vest in the Corporation as part of the road or street.

(8) The amount of any compensation or purchase money payable under this section shall failing agreement be ascertained under and in accordance with the provisions of the Acquisition of Land (Assessment of Compensation) Act 1919 on the application of either party and in determining the amount of the purchase money payable under the provisions of subsection (7) of this



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section the arbiter shall take into account any compensation which may have already been paid in respect of the same land under the provisions of subsection (4) of this section.

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(9) Any person who shall contravene any of the provisions of this section shall for every such offence be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding five pounds for each day on which such offence is continued after conviction in respect thereof and the Dean of Guild Court shall have power to impose the said penalties on a prosecution at the instance of the procurator fiscal of such court.

(10) The provisions of this section shall be in addition to and not in substitution for or derogation of any existing powers of the Corporation under the provisions of the Edinburgh Municipal and Police Acts.

(11) The provisions of this section shall not apply to the frontage to Morningside Road of the unbuilt-on ground forming part of the Falconhall Estate belonging or reputed to belong to the Merchant Company Education Board.

(12) For the purposes of this section the word "sheriff" shall mean the sheriff of the Lothians and Peebles and shall not include his substitutes.

44.—(1) Where at any corner of any street it is in the opinion of the Corporation desirable to fix or set back the line of frontage in order to facilitate traffic the Corporation may prescribe the building line to be observed at such corner and within such distance not exceeding twenty yards from the corner as the Corporation may prescribe.

Building  
lines at  
corners of  
streets.

(2) The provisions of the immediately preceding section of this Order other than subsection (1) thereof shall apply in every case where the Corporation prescribe a building line under the provisions of this section.

(3) Where an application is made to the Dean of Guild Court for warrant to erect or alter a building at or near the corner of any street and the Corporation have not prescribed a building line to be observed at such corner the Dean of Guild Court may unless the applicant and the Corporation agree as to the line of frontage to be observed at such corner continue the application for such

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reasonable time as may be necessary in the circumstances to enable the building line to be prescribed under the provisions of this section.

Saving for works of railway companies.

45. Nothing contained in the sections of this Order of which the marginal notes are respectively "Height of fences and hedges at street corners" "Building line in new streets" "Building lines in existing streets" and "Building lines at corners of streets" shall apply to any property or works of a railway company used for railway purposes or affect the exercise of any powers conferred upon any railway company by any special Act of Parliament for railway purposes.

Promenade at Portobello.

46. The promenade at Portobello and any extension thereof shall for the purpose of the Edinburgh Municipal and Police Acts be deemed to be a foot pavement or footpath within the meaning of the said Acts.

Prosecutions in police court.

47. Except with regard to prosecutions and proceedings in the Dean of Guild Court all prosecutions and proceedings under this Order or under any byelaw made under the authority of this Order may proceed and be conducted under and in conformity with the provisions of the Edinburgh Municipal and Police Acts and the Summary Jurisdiction (Scotland) Acts and shall be at the instance of the prosecutor before the judge of police.

Crown rights.

48. Nothing in this Order shall affect prejudicially any estate right power privilege or exemption of the Crown or shall subject to the provisions of this Order any land buildings or works vested in or occupied by the Crown or any department of His Majesty's Government except to such extent as His Majesty or such department may voluntarily agree and in particular nothing herein contained shall authorise the Corporation to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land heritages subjects or rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Woods or of the Board of Trade respectively without the consent in writing of the Commissioners of Woods or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose (which consent the said Commissioners and Board are hereby respectively authorised to give).

PART V.

A.D. 1924.

FINANCE.

49.—(1) The Corporation may borrow for and in connection with the tramways by this Order authorised and Work No. 1 authorised by the section of this Order the marginal note whereof is “New works” (which Work No. 1 shall be deemed to be a tramway purpose) the sum of one hundred and ninety-two thousand nine hundred and sixteen pounds and the provisions of the Edinburgh Municipal and Police Acts in respect of money borrowed and to be borrowed and the security therefor and the redemption thereof by means of a sinking fund shall apply to the money to be borrowed under the provisions of this section.

Borrowing  
for tram-  
way pur-  
poses.

(2) The Corporation shall provide annually from the revenues of their tramway undertaking a sum adequate to meet depreciation until the moneys borrowed under the provisions of this section have been redeemed through the operation of the sinking fund.

50. The Corporation are hereby authorised to borrow money for executing the works authorised by the section of this Order the marginal note whereof is “New works” (except Work No. 1) and for the acquisition of lands and heritages servitudes and other property which may be required for the purposes of that section or for the purposes of the section of this Order the marginal note whereof is “Purchase of lands for public improvements” and for any of the other purposes of this Order to which capital is properly applicable and the provisions of the Edinburgh Municipal and Police Acts in respect of money borrowed and to be borrowed and the security therefor and the redemption thereof by means of a sinking fund shall apply to the money to be borrowed under the provisions of this section.

Borrowing  
for new  
works &c.

51. The assessments appropriate to any of the purposes of this Order authorised by the Edinburgh Municipal and Police Acts shall extend and apply to the money which the Corporation are by this Order authorised to borrow and to any expenditure incurred by the Corporation in implementing any obligation under this Order.

Application  
of assess-  
ments.

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 Expenses of  
 Order.

52. All costs charges and expenses of and incident to the preparing for obtaining and confirming this Order and otherwise in relation thereto shall be paid by the Corporation out of moneys borrowed or assessments imposed by the Corporation under the powers of this Order and if paid out of borrowed money shall be repaid within five years from the commencement of this Order.

The SCHEDULES referred to in the foregoing  
 Order.

THE FIRST SCHEDULE.

(Referred to in the section of this Order of which the marginal note is "Application of sections of Corporation Tramways Acts.")

Act or Order and Marginal Note of Section.	Number of Section.
The Edinburgh Improvement and Tramways Act 1896—	
Tramways to be kept on level of surface of road	13
Further provisions as to construction of tramways	14
Penalty for not maintaining rails and roads	16
Sanitary authority to have access to sewers	17
Level of rails	20
Temporary tramways	22
Application of road materials excavated in construction of tramways	23
Power to use lands for tramway purposes	25
Power to use animal or mechanical power	26
Byelaws	27
Penalties for offences against byelaws	28
Byelaws to remain in force till altered	29
Saving for Corporation and magistrates' authorities	30
Power to form junctions	31
As to notices delivered under Tramways Act 1870 &c.	32
Tramways on streets not yet formed	33
Tolls	35
Fares on Sunday or public holidays not to be raised	36
Approval of Board of Trade of mechanical power system	38

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Act or Order and Marginal Note of Section.	Number of Section.	A.D. 1924.
The Edinburgh Corporation Act 1897—		
Tolls - - - - -	18	
Power to Corporation to work tramways - - - - -	22	
Power to lease tramways - - - - -	23	
The Edinburgh Corporation Tramways Order 1905—		
Amendment of existing speed limit on tramways - - - - -	4	
Byelaws of local authority - - - - -	5	
The Edinburgh Corporation Act 1906—		
Byelaws - - - - -	11	
Gauge of tramways - - - - -	12	
Corporation may lop trees overhanging public high- ways - - - - -	14	
Adaptation of existing tramways and construction of tramways and works - - - - -	20	
Rails of tramways - - - - -	22	
Special provisions as to use of electrical power - - - - -	23	
For protection of Post Office telegraph lines - - - - -	24	
Alteration of telegraph lines of Postmaster-General - - - - -	25	
Apparatus used for mechanical power to be deemed part of tramways - - - - -	26	
Attachment of brackets &c. to buildings &c. - - - - -	27	
Provisions as to motive power - - - - -	28	
Penalty for malicious damage - - - - -	29	
Power to acquire patent rights - - - - -	30	
Provision as to general Tramway Acts - - - - -	33	
The Edinburgh Corporation Order 1910—		
Use of tramway posts by Postmaster-General - - - - -	12	
The Edinburgh Corporation Order 1916—		
Cross-overs to be constructed in certain cases - - - - -	10	
Power to make additional cross-overs and to double tramway lines - - - - -	11	
New tramways to be inspected before being opened - - - - -	12	
Corporation may reduce footpath for constructing new tramways - - - - -	16	
Shelters or waiting rooms - - - - -	25	
As to removal of snow &c. - - - - -	26	
As to licensing carriages &c. - - - - -	27	
For protection of Blackford Hill Observatory - - - - -	29	
The Edinburgh Boundaries Extension and Tramways Act 1920—		
Subsidiary works - - - - -	97	
Corporation may supply electricity for working tramways - - - - -	98	
As to running through cars - - - - -	99	
Passengers' luggage - - - - -	100	
Rates for parcels &c. - - - - -	101	

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THE SECOND SCHEDULE.

(Referred to in the section of this Order of which the marginal note is "Owners may be required to sell parts only of certain lands and buildings.")

PROPERTIES OF WHICH PORTIONS ONLY MAY BE TAKEN  
 WITHOUT TAKING THE WHOLE.

City and Parish	Numbers on Deposited Plans.													
City and royal burgh of Edinburgh and city parish of Edinburgh.	17	18	19	20	21	22	23	24	25	26	27	28	29	36
	128	128	131	131	131	131	131	131	131	132	133	133		
	133	135	135	143	144	145	146	147	151	151				
	152	152	152	163	163	163	163	164	165	165				
	165	165	165	166	167	168	169	170	170	171				
	179	180	181	182	183	184	185	186	187	188				
	189	190	191	193	193	193	193	194	194	194				
	194	195	195	196	197	197	197							

THE THIRD SCHEDULE.

(Referred to in the section of this Order of which the marginal note is "Confirmation of agreement between Brigadier-General Robert Gordon Gordon Gilmour and the Corporation.")

MINUTE OF AGREEMENT between Brigadier-General ROBERT GORDON GORDON GILMOUR of Liberton and Craigmillar C.B. C.V.O. D.S.O. of the first part (hereinafter called "the First Party") and THE LORD PROVOST MAGISTRATES AND COUNCIL OF THE CITY OF EDINBURGH of the second part (hereinafter called "the Second Parties").

Whereas the First Party is heir of entail in possession of the entailed lands and barony of Liberton and the Second Parties are the road authority within the city of Edinburgh:



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Whereas it is expedient that parts of the roads known as Penicuik Road Alnwickhill Road and Braid Hills Road in the city of Edinburgh should be widened as aftermentioned and that the portion of the said Braid Hills Road between Liberton Tower and Howe Dean should be diverted:

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Whereas the ground necessary for said road widenings and diversion belongs to the First Party as heir of entail foresaid and he has agreed (subject to the authority of Parliament being obtained as hereinafter provided) to sell the same to the Second Parties for the purpose of said road widenings and diversion:

Therefore the parties hereby agree as follows:—

*First*—Subject to the conditions after written the First Party binds himself and so far as he is able to do so the heirs of entail succeeding to him in the said lands and barony of Liberton to sell to the Second Parties (First) a strip of ground on the west side of Penicuik Road commencing at the north side of the strip of ground (Fifth) hereinafter described and extending northwards therefrom a distance of 334 yards or thereby and containing 1,155 superficial yards or thereby which strip of ground is shown in pink and marked A A upon the plan annexed and signed as relative hereto (Second) a strip of ground on the east side of said Penicuik Road commencing at or near the north-west corner of Liberton Cemetery and extending northwards to the property known as Langley House and containing 628 superficial yards or thereby as the said strip of ground is shown in pink and marked B B upon the said plan (Third) a strip of ground also on the east side of said Penicuik Road commencing at the north boundary of said Langley House and extending northwards a distance of 83 feet or thereby and containing 149 superficial yards or thereby which strip of ground is shown in pink and marked C upon the said plan (Fourth) a strip of ground on the west side of Alnwickhill Road commencing at the northern boundary of the area of ground feued to John Affleck and John Grigor Roddick builders Edinburgh and extending northwards 154 yards or thereby and containing 620 superficial yards or thereby which strip of ground is shown in pink and marked D D upon the said plan (Fifth) a strip of ground on the north side of Braid Hills Road commencing at the junction of that road with Penicuik Road and extending westwards to the junction of said Braid Hills Road with said Alnwickhill Road and containing 3,479 superficial yards or thereby which strip of ground is shown in pink and marked E E upon the said plan (Sixth) a piece of ground on the west side of said Alnwickhill Road and on the south side of said Braid Hills Road at the junction of said roads and containing 144 superficial yards or thereby which strip of ground is shown in pink and marked F upon the said plan (Seventh) a strip of ground on the north side of said Braid Hills Road and on the west side of said Alnwickhill Road commencing at the southern

[Ch. lxxvii.] *Edinburgh Corporation* [14 & 15 GEO. 5.]  
(*Tramways, &c.*) *Order Confirmation Act, 1924.*

A D. 1924. boundary of the ground on Alnwickhill Road feued to the said John Affleck and John Grigor Roddick and running southwards along said road to its junction with Braid Hills Road and then westwards along said Braid Hills Road to the service road leading to Liberton Tower and containing 6,127 superficial yards or thereby which strip of ground is shown in pink and marked G G upon the said plan (Eighth) a strip of ground on the south side of said Braid Hills Road immediately to the west of the access road leading to Liberton House and running westwards therefrom and containing 84 superficial yards or thereby which strip of ground is shown in pink and marked H upon the said plan (Ninth) a strip of ground also on the south side of said Braid Hills Road at or near the thatched cottage and containing 37 superficial yards or thereby which strip of ground is shown in pink and marked I upon the said plan (Tenth) a strip of ground on the south side of said Braid Hills Road and on the east side of the service road running south-westwards leading to Meadowhead at the junction of said roads and containing 60 superficial yards or thereby which strip of ground is shown in pink and marked J upon the said plan (Eleventh) a strip of ground on the south side of said Braid Hills Road and on the west side of said service road leading to Meadowhead at the junction of said roads and containing 34 superficial yards or thereby which strip of ground is shown in pink and marked K upon the said plan and (Twelfth) a strip of ground commencing on the north side of said Braid Hills Road at the western extremity of the strip of ground (Seventh) hereinbefore described and running in a north-westerly direction to the western boundary of the First Party's lands at Howe Dean and containing 9,117 superficial yards or thereby which strip of ground is shown in pink and marked L L upon the said plan.

*Second*—The price to be paid by the Second Parties to the First Party or his foresaids for the said strips and piece of ground shall be 1,011*l.* which sum the Second Parties shall deposit in bank (as if it were purchase money fixed in terms of section 9 of the Lands Clauses Consolidation (Scotland) Act 1845) one month after parliamentary sanction has been obtained as aftermentioned in exchange for a valid disposition of the said strips and piece of ground by the First Party or his foresaids in favour of the Second Parties The said strips and piece of ground shall be conveyed free of all feu duties casualties or compensation in lieu thereof but not of ministers stipend and other similar burdens The Second Parties shall pay to the First Party interest on the said price at the rate of 5 per centum per annum from the expiry of the said period of one month until payment.

*Third*—The Second Parties shall be entitled where necessary to utilise for the formation of the embankments and slopes for the support of the said widened roads and diverted road the

[14 & 15 GEO. 5.] *Edinburgh Corporation* [Ch. lxxvii.]  
(*Tramways, &c.*) *Order Confirmation Act, 1924.*

portions of ground delineated and coloured brown on said plans and the First Party in the disposition to be granted by him shall undertake that neither he nor his foresaids nor his or their feuars or disponees shall remove or interfere with such embankments or slopes so as to endanger the stability of the said widened roads or diverted road without making adequate provision to the satisfaction of the Second Parties for the support of the said widened roads and diverted road and the foresaid undertaking shall be constituted a real burden in favour of the Second Parties on the remaining portions of the said lands and barony of Liberton belonging to the First Party.

A.D. 1924.

*Fourth*—The Second Parties shall be bound at their own expense without having any claim in respect thereof against the First Party or his feuars or others deriving right from him to form the said strips of ground as part of the said roads and of said diverted road respectively. Such roads shall each consist of a carriageway and a footpath on either side thereof with relative water channels and the Second Parties shall after the same shall have been formed maintain the said carriageway and water channels in all time coming and the said footpaths till the adjoining ground is feued as aftermentioned. As and when the adjoining ground is feued the First Party shall take the feuars bound to form and complete the foot pavement so far as ex adverso of their respective feus and when said foot pavement is formed and completed to the satisfaction of the Second Parties it shall be taken over and maintained by them.

*Fifth*—The said road widenings and road diversion shall be carried out at such time or times either before or after parliamentary sanction has been obtained as aftermentioned as the Second Parties shall determine but in the event of either of the said road widenings or of the said road diversion or any part thereof being proceeded with at any time other than during the progress of the feuing along the said roads the Second Parties shall be bound (First) to pay and settle and free and relieve the First Party of all claims for unexhausted manures loss of crop seed and labour or otherwise (excepting only claim for reduction of rent which shall be settled by the First Party) competent to the First Party's tenants in respect of the said strips of ground and the said ground required for the formation of embankments and slopes as aforesaid or such parts of such strips of ground and ground as are taken possession of by the Second Parties and (Second) to erect sufficient fences to be approved of by the First Party along the said roads as widened and along said diverted road.

*Sixth*—When the formation of the said diverted road has been completed the Second Parties shall take steps under section 57 of the *Edinburgh Corporation Order 1916* as confirmed by

[Ch. lxxvii.] *Edinburgh Corporation* [14 & 15 GEO. 5.]  
(*Tramways, &c.*) *Order Confirmation Act, 1924.*

A.D. 1924. — the Edinburgh Corporation Order Confirmation Act 1916 to have that portion of the existing road known as Braid Hills Road lying between Liberton Tower and the western boundary of the First Party's lands closed and the solum thereof declared to be vested in the First Party.

*Seventh*—The First Party shall let to the Second Parties in consideration of a rent at the rate of 6*l.* per acre per annum (A) the area extending to 6.68 acres (coloured green on said plan) forming part of the farm of Liberton Tower Mains which will be severed from the remainder of the said farm by the formation of said diverted road and that as from the 28th day of November 1923 to the term of Martinmas 1929 and (B) the solum of any portion of the existing Braid Hills Road closed and vested in the First Party as referred to in Article 6th hereof and that from the date of such vesting to the said term of Martinmas 1929.

*Eighth*—In respect that the First Party holds the said lands and barony under the fetters of an entail the Second Parties shall be bound to insert a clause or clauses in the Provisional Order or Bill now being promoted by them in Parliament empowering the First Party or his heirs succeeding to him in the said entailed lands and barony to carry out this agreement or to have this agreement scheduled and confirmed by said Provisional Order or Bill and the Second Parties shall use their best endeavours to obtain parliamentary sanction to the arrangement embodied in this agreement and in the event of any alteration being made by Parliament or the Secretary for Scotland on this agreement which in the opinion of the Dean of the Faculty of Advocates for the time being is material it shall be in the power of either party to withdraw therefrom.

*Ninth*—The two small portions extending respectively to 45 superficial yards or thereby and 52 superficial yards or thereby (coloured blue on said plan) of the solum of the existing Braid Hills Road which will be cut off from the new line of road by the straightening thereof shall be retained by the First Party and his foresaids free of all burdens so far as the Second Parties are concerned.

*Tenth*—The expense of this agreement (including surveyor's fees) and of the disposition to be granted as aforesaid and also the expenses incident to the acquisition of the said areas of land incurred by the First Party shall be paid by the Second Parties :

In witness whereof these presents consisting of this and the five preceding pages are together with the plan hereto annexed and under the declaration that the word "any" is interlined so as to be read between the words "having" and "claim" occurring in the fifteenth line counting from the top of page Fourth hereof before subscription executed by the parties in duplicate as follows videlicet they are subscribed by the Right

[14 & 15 GEO. 5.] *Edinburgh Corporation* [Ch. lxxvii.]  
(*Tramways, &c.*) *Order Confirmation Act, 1924.*

Honourable William Lowrie Sleigh Lord Provost and Andrew Grierson solicitor Supreme Courts town clerk both of Edinburgh in name and by authority of the said lord provost magistrates and remanent members of council present in Council at Edinburgh on the ninth day of November nineteen hundred and twenty-three before these witnesses David Ovens Drummond Lord Provost's secretary City Chambers Edinburgh and Donald Cameron clerk to the said Andrew Grierson And they are subscribed by the said Robert Gordon Gordon Gilmour (with his usual signature "Robert Gordon Gilmour") at The Inch Liberton on the fourteenth day of the month and year last mentioned before these witnesses Mrs. Grizel Hope wife of Captain Arthur Hope of the Coldstream Guards and presently residing at The Inch aforesaid and Albert Felstead butler to the said Robert Gordon Gordon Gilmour and residing at The Inch aforesaid.

A.D. 1924.

GRIZEL HOPE, Witness.	ROBERT GORDON GILMOUR.
ALBERT FELSTEAD Witness.	
D. O. DRUMMOND Witness.	W. L. SLEIGH Lord Provost.
DON. CAMERON Witness.	A. GRIERSON Town Clerk.

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THE FOURTH SCHEDULE.

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(Referred to in the section of this Order of which the marginal note is "Confirmation of agreement between the Trustees of Sir William Forrest and the Corporation.")

MINUTE OF AGREEMENT between WILLIAM DALZIEL MACKENZIE of Fawley Court Henley-on-Thames SIR WILLIAM CHARLES FORREST of Comiston Baronet and WILLIAM THORBURN BLACKWOOD W.S. Peebles Trustees acting under the trust disposition and settlement of the late SIR WILLIAM FORREST of Comiston Baronet dated 5th February 1891 and with four relative Codicils registered in the books of Council and Session on the 4th September 1894 (hereinafter referred to as "the First Parties") with consent of the said Sir William Charles Forrest as an individual



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(*Tramways, &c.*) *Order Confirmation Act, 1924.*

A.D. 1924.

of the first part and the LORD PROVOST MAGISTRATES AND COUNCIL OF THE CITY OF EDINBURGH (hereinafter referred to as "the Second Parties") of the second part.

WHEREAS the First Parties are proprietors as trustees foresaid of the lands and estate of Comiston and others in the county of Edinburgh:

And whereas the First Parties with consent foresaid have agreed to sell to the Second Parties and the Second Parties have agreed to purchase the portions of the said lands and estate hereinafter specified on the terms hereinafter set forth subject to the authority of Parliament being obtained as hereinafter provided:

Therefore subject as aforesaid the parties hereto hereby agree as follows videlicet:—

*First*—The First Parties with consent foresaid hereby agree to sell to the Second Parties and the Second Parties agree to purchase all and whole the lands and farm of Oxgangs and that piece of ground called the "short boig" lying in the city parish of Edinburgh and county of Edinburgh presently occupied and possessed by George Walter Scott as tenant thereof with the teinds thereof the whole buildings and other erections thereon the whole fittings and fixtures machinery and implements so far as belonging to the First Parties as trustees foresaid on or in the said lands and farm buildings and others and the whole parts rights privileges and pertinents of the said subjects and others (which whole subjects and others described in this Article are hereinafter referred to as "the said subjects").

*Second*—The price of the said subjects shall be £13,000 sterling. The term of entry shall be as at Martinmas 1923 notwithstanding the date of the conveyance in favour of the Second Parties and the said price shall be payable as at said term with interest thereon at the rate of 5 per cent. per annum in the event of non-payment.

*Third*—On payment of the said price the First Parties with consent foresaid shall grant to the Second Parties a valid disposition of the said subjects containing all usual and necessary clauses but under burden of any servitudes and others affecting the same whether specified in the titles or not. The description of the said subjects shall be by reference to a plan to be adjusted between the parties hereto and annexed to the said disposition.

*Fourth*—The Second Parties shall pay to the First Parties along with the price the quarter's rent of the said subjects payable at Candlemas 1924 being the final payment for possession to the said term of entry and the Second Parties shall be entitled to collect the said quarter's rent from the tenant at the due date.

[14 & 15 GEO. 5.] *Edinburgh Corporation* [Ch. lxxvii.]  
(*Tramways, &c.*) *Order Confirmation Act, 1924.*

*Fifth*—The public burdens affecting the said subjects shall be allocated between the First Parties and the Second Parties as from the said term of entry and the Second Parties shall relieve the First Parties of all liabilities under the lease held by the said George Walter Scott. A.D. 1924.

*Sixth*—The title shall be taken as it stands The whole expenses including the stamp duty of the said disposition shall be borne equally by the First Parties and the Second Parties The First Parties shall at their own expense free the said subjects of bonds annuities and other heritable securities affecting the same and provide and exhibit to the Second Parties searches showing a clear record The titles except such as apply solely to the said subjects shall remain in the custody of the First Parties subject to the usual obligation to make them forthcoming to the Second Parties.

*Seventh*—The Second Parties shall be bound to insert a clause or clauses in the Provisional Order or Bill now being promoted by them in Parliament empowering the First Parties to carry out this agreement or to have this agreement scheduled to and confirmed by the said Provisional Order or Bill and this agreement is subject to such alterations as may be made therein during the progress of such Provisional Order or Bill.

*Eighth*—The whole expenses of this agreement shall be borne by the Second Parties.

In witness whereof these presents consisting of this and the two preceding pages are executed in duplicate by the parties hereto as follows videlicet They are subscribed by the said Sir William Charles Forrest Baronet as trustee foresaid and also as an individual at Bridge of Allan on the tenth day of December nineteen hundred and twenty-three before these witnesses Elsie Davis and Mary Jane Bruce both domestic servants at Garnock Bridge of Allan They are subscribed by the said William Dalziel Mackenzie as trustee foresaid at Fawley Court Henley-on-Thames on the fourteenth day of the month and year last above mentioned before these witnesses Harry Goddard butler at Fawley Court aforesaid and Arthur Franklin Bracher land agent estate office Fawley Court aforesaid They are subscribed by the said William Thorburn Blackwood as trustee foresaid at Peebles on the seventeenth day of the month and year last above mentioned before these witnesses James Chrystal Clink cashier and James McIntosh Hardie clerk both to Messrs. Blackwood and Smith writers to the Signet Peebles And they are subscribed by the Right Honourable William Lowrie Sleight Lord Provost and Andrew Grierson solicitor Supreme Courts town clerk both of Edinburgh in name and by authority of the said lord provost magistrates and remanent members of council present in Council at Edinburgh on the third

[Ch. lxxvii.] *Edinburgh Corporation* [14 & 15 GEO. 5.]  
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A.D. 1924. day of January nineteen hundred and twenty-four before these witnesses David Ovens Drummond Lord Provost's secretary City Chambers Edinburgh and Donald Cameron assistant in the town clerk's office Edinburgh.

D. O. DRUMMOND Witness.	W. L. SLEIGH Lord Provost.
DON. CAMERON Witness.	A. GRIERSON Town Clerk.
HARRY GODDARD Witness.	
ARTHUR F. BRACHER Witness.	W. DALZIEL MACKENZIE.
ELSIE DAVIS Witness.	
MARY JANE BRUCE Witness.	WILLIAM CHARLES FORREST.
JAMES C. CLINK Witness.	
JAMES M. HARDIE Witness.	WILLIAM T. BLACKWOOD.
ELSIE DAVIS Witness.	
MARY JANE BRUCE Witness.	WILLIAM CHARLES FORREST.

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