



### CHAPTER i.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Aberdeen Corporation. A.D. 1915.  
[16th March 1915.]

**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. Confirmation  
of Order in  
schedule.

2. This Act may be cited as the Aberdeen Corporation Order Confirmation Act 1915. Short title.

A.D. 1915.

SCHEDULE.

ABERDEEN CORPORATION.

*Provisional Order to authorise the Corporation of the City and Royal Burgh of Aberdeen to construct additional tramways to provide and work overhead trolley vehicles and motor omnibuses and for other purposes.*

WHEREAS the lord provost magistrates and town council of the city and royal burgh of Aberdeen (herein-after called "the Corporation" and "the City" respectively) own and work tramways within the City:

And whereas it is expedient to authorise the Corporation to construct additional tramways (herein-after referred to as "the tramways") and to provide and work as part of their tramway undertaking trolley vehicles as herein-after defined within the City and to provide and run as part of their tramway undertaking motor omnibuses within and beyond the City:

And whereas it is expedient to make further provision with reference to certain police offences:

And whereas estimates have been prepared by the Corporation for and in relation to the purposes herein-after mentioned and such estimates are as follows:—

	£
For the purchase of land for the tramway undertaking of the Corporation - - - -	6,000
For the construction of the tramways - - - -	29,500
For the electrical equipment of the tramways -	3,000
For providing rolling stock for the tramways -	15,500
For the provision of electrical equipment and other works for working trolley vehicles - -	4,000
For the provision of trolley vehicles and motor omnibuses - - - - -	7,000
For repaving and recausewaying the streets within the City - - - - -	20,000

And whereas the several works and purposes mentioned in such estimates are permanent works and it is expedient that the cost thereof should be spread over a term of years;

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And whereas it is expedient that the Corporation should be authorised to borrow further money for the purpose of paying the costs of preparing for and obtaining and confirming this Order : A.D. 1915.

And whereas by the Aberdeen Corporation Order 1911 the Corporation were authorised to use certain lands purchased by the Corporation and described in the said Order for the purposes of a refuse destructor and electricity generating station but the said lands are not immediately required for those purposes and it is expedient that the Corporation should be authorised to hold or let the said lands until they are required for the purposes authorised by the said Order or if they are not so required to sell and dispose of the same :

And whereas the Corporation are by section 72 of the Aberdeen Corporation Act 1881 authorised by order to declare buildings to be unfit for human habitation and it is provided by section 35 of the Aberdeen Police and Improvement Act 1900 that if the Corporation are of opinion that any such buildings have not been or are not being made fit for habitation and that the continuance of such buildings is injurious to the health of the public or of the inhabitants of the neighbouring dwelling-houses the Corporation may demolish the said buildings :

And whereas it is expedient to make further and better provision with respect to the demolition of such buildings by the Corporation :

And whereas it is expedient to confer upon the Corporation further powers for the public health and good government of the City as herein-after provided :

And whereas plans and sections showing the lines and levels of the proposed tramways 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 lands which may be used for the purposes or under the powers of this Order were duly deposited with the principal sheriff clerks of the counties of Aberdeen and Kincardine :

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 :

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A.D. 1915. — Now therefore in pursuance of the powers contained in the last-mentioned Act the Secretary for Scotland orders as follows:—

PART I.

PRELIMINARY.

Short title. 1. This Order may be cited as the Aberdeen Corporation Order 1915 and this Order and the Aberdeen City Acts 1862 to 1911 may be cited together as the Aberdeen City Acts 1862 to 1915.

This Order and the Aberdeen Corporation Tramways Acts 1872 to 1903 may be cited together as the Aberdeen Corporation Tramways Acts 1872 to 1915.

Division of Order into Parts.

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

Part I.—Preliminary.

Part II.—Tramways.

Part III.—Trolley Vehicles and Motor Omnibuses.

Part IV.—Police.

Part V.—Finance and Assessments.

Part VI.—Miscellaneous.

Incorporation.

3. Section 3 (Interpretation of terms) Part II. (Construction of tramways) and Part III. (General provisions) of the Tramways Act 1870 so far as they are applicable to the purposes of this Order and are not varied by or inconsistent with this Order are hereby incorporated with and form part of this Order.

Commencement of Order.

4. This Order shall come into operation at the date of the passing of the Act confirming this Order which date is hereinafter referred to as "the commencement of this Order."

Interpretation.

5. 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.

Further interpretation.

6. The following words and expressions in this Order have the meanings hereby assigned to them (that is to say):—

"The City" means the city and royal burgh of Aberdeen;

"The Corporation" means the lord provost magistrates and town council of the City;

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- “The Act of 1862” means the Aberdeen Police and Water-works Act 1862; A.D. 1915.
- “The Act of 1881” means the Aberdeen Corporation Act 1881;
- “The Act of 1888” means the Aberdeen District Tramways Act 1888;
- “The Act of 1891” means the Aberdeen Corporation Act 1891;
- “The Act of 1894” means the Aberdeen District Tramways Act 1894;
- “The Order of 1896” means the Aberdeen District Tramways Order 1896;
- “The Act of 1898” means the Aberdeen Corporation (Tramways) Act 1898;
- “The Act of 1900” means the Aberdeen Corporation Tramways Act 1900;
- “The Police Act of 1900” means the Aberdeen Police and Improvement Act 1900;
- “The Order of 1903” means the Aberdeen Corporation Tramways Order 1903;
- “The Order of 1911” means the Aberdeen Corporation Order 1911;
- “The tramways” means the tramways by this Order authorised;
- “The Tramways Acts” means the Aberdeen Corporation Tramways Acts 1872 to 1903;
- “The City Acts” means the Aberdeen City Acts 1862 to 1911;
- “Street” or “road” where occurring in Parts II. and III. of this Order has the same meaning as is assigned to those words respectively in the Order of 1903;
- “Street” where occurring in Part IV. of this Order has the same meaning as is assigned to that word in the Act of 1862;
- “The sheriff” means the sheriff of Aberdeen Kincardine and Banff and includes his substitutes.

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PART II.

TRAMWAYS.

Power to  
Corporation  
to make new  
tramways.

7. Subject to the provisions of this Order and of Parts II. and III. of the Tramways Act 1870 the Corporation may make form lay down work use and maintain the tramways herein-after described in the lines and according to the levels and within the limits of deviation shown on the deposited plans and sections with all necessary and proper rails chairs plates channels junctions sidings crossovers passing-place points turntables turnouts and conveniences connected therewith Provided that nothing in this Order shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Acts 1882 to 1909 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 tramways herein-before referred to and authorised by this Order are—

Tramway No. 1 (double line) 4 furlongs 4·15 chains in length commencing by a junction with the existing tramways of the Corporation in Rosemount Place at the junction of that street with Argyll Place passing thence along Beechgrove Terrace and Mid Stocket Road and terminating in Mid Stocket Road at a point 170 yards or thereabouts east from the entrance gate of Raeden House :

Tramway No. 2 (double line) 6 furlongs 1·42 chains in length commencing by a junction with the existing tramways of the Corporation in Holburn Street at a point five yards or thereabouts south of Alford Lane passing thence along Holburn Street Union Grove St. Swithin Street Queen's Cross and Fountainhall Road and terminating in Fountainhall Road by a junction with the existing tramways of the Corporation at a point 52 yards or thereabouts south from Queen's Lane :

Tramway No. 3 (double line) 5 furlongs 0·33 chain in length commencing by a junction with the existing tramways of the Corporation in Victoria Road at a point 17 yards or thereabouts north from Menzies Road passing thence along Victoria Road Menzies Road and Wellington Road and terminating in the last-mentioned road at the boundary of the City.

The tramways are situate in the City.

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8. For the protection of the City Property Association of Aberdeen Limited the owners or reputed owners of certain property at the junction of Holburn Street and Union Grove the following provisions shall apply and have effect (that is to say):—

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 Additional provisions as to construction of Tramway No. 2.

Notwithstanding anything shown on the deposited plans the Corporation shall with the consent of the Board of Trade and subject to the provisions of this Order construct that portion of the Tramway No. 2 between its commencement in Holburn Street and a point in Union Grove opposite a continuation of the imaginary centre line of the unnamed public lane connecting Union Grove and Albyn Lane so that the space between the outside of the foot-pavement on the north side of Union Grove and the nearest rail of the tramway shall not be less at any part than seven feet eight inches. Provided that in the event of such consent being given by the Board of Trade subject to any modification or condition effect shall be given to such modification or condition in the construction of the said portion of Tramway No. 2. Provided further that in the event of such consent not being given the said portion of Tramway No. 2 shall be constructed as shown on the deposited plans.

9. The tramways shall for all purposes form part of the tramway undertaking of the Corporation and the Corporation may subject to the provisions of the Tramways Acts work the traffic thereon and levy and take tolls fares and charges for the use thereof.

Tramways to form part of tramway undertaking.

10. The 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 or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Period for completion of tramways.

11. The sections of the Tramways Acts mentioned in the schedule to this Order shall so far as not varied by or inconsistent with the provisions of this Order extend and apply to the tramways.

Application of provisions of existing Acts to tramways.

12. The tramways shall be and be deemed to be and be maintained as a City undertaking within the meaning of the Act of 1891 and this Order shall be and be deemed to be a City Act within the meaning of the Act of 1891.

Tramways part of City undertaking.

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PART III.

TROLLEY VEHICLES AND MOTOR OMNIBUSES.

Power to  
provide  
trolley  
vehicles.

13. The Corporation may provide maintain and equip (but shall not manufacture) mechanically propelled vehicles adapted for use upon roads without rails and moved by electrical power transmitted thereto from some external source (in this Order called "trolley vehicles") and may use and work the same upon the routes wholly within the City herein-after mentioned (that is to say):—

- (A) From Castle Street along Justice Street Commerce Street Castle Terrace Miller Street St. Clement Street Wellington Street and York Street to the south-east extremity of New Pier Road:
- (B) From St. Nicholas Street along Schoolhill Woolmanhill Gilcomston Steps Skene Square Rosemount Terrace and Westburn Road to Forresterhill Road.

Electrical  
works for  
trolley  
vehicles.

14. Subject to the provisions of this Order the Corporation may for the purposes of working and lighting the trolley vehicles provide erect lay down and maintain all necessary and proper posts standards brackets wires conductors mains and conduits on over under along and across any streets or roads forming part of the trolley vehicle routes herein-before described No post or other apparatus shall be erected on the carriageway of any street or road except with the consent of the Board of Trade.

Approval of  
vehicles and  
equipment  
by Board of  
Trade.

15. Trolley vehicles and the working equipment thereof shall be of such form weight construction and dimensions as the Board of Trade may approve and no trolley vehicle shall be used by the Corporation which does not comply with the requirements of the Board of Trade.

Period for  
completion  
of trolley  
vehicle  
apparatus.

16. If the electrical equipment and apparatus for the working of trolley vehicles on the routes by this Order authorised be not placed and erected within five years from the commencement of this Order then on the expiration of that period the powers by this Order granted to the Corporation for placing and erecting the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.



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17. Subject to the provisions of this Order the Corporation shall have the exclusive right of using any apparatus provided erected and maintained by them for the purpose of working trolley vehicles and every person using the said apparatus except by agreement with the Corporation shall for every offence be liable to a penalty not exceeding twenty pounds.

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Exclusive  
right of  
Corporation  
of using  
trolley  
vehicles.

18.—(1) Trolley vehicles may be used for the carriage of passengers and personal luggage carried by passengers and not exceeding twenty-eight pounds in weight and for the carriage of parcels.

Fares rates  
and charges.

(2) The Corporation may demand and take in respect of the carriage of passengers upon trolley vehicles fares rates and charges not exceeding the fares rates and charges which the Corporation could have charged if such vehicles had been carriages upon the tramways of the Corporation.

(3) The Corporation may demand and take in respect of the carriage of parcels upon trolley vehicles rates and charges not exceeding the rates and charges which the Corporation could have charged for the carriage of parcels if such vehicles had been carriages upon the tramways of the Corporation.

(4) The fares rates and charges which the Corporation are empowered to charge under the provisions of this Part of this Order shall be paid to such persons and at such places upon or near to the trolley vehicles and in such manner and under such regulations as the Corporation may appoint by notice to be annexed to the list of fares rates and charges.

19. Subject to the provisions of this Order trolley vehicles shall not be deemed to be light locomotives within the meaning of the Locomotives on Highways Act 1896 or of the byelaws and regulations made thereunder nor shall they be deemed to be motor cars within the meaning of the Motor Car Act 1903 (except subsection (1) of section 1 of that Act and the provisions necessary for enforcing that subsection) and subject to that exception neither the regulations made under that Act nor the enactments mentioned in the schedule to the Locomotives on Highways Act 1896 shall apply to trolley vehicles.

Trolley  
vehicles not  
to be deemed  
light loco-  
motives.

20. Nothing in this Order shall in any way affect the duties of excise now payable by law on licences to be taken out for trolley vehicles as carriages or light locomotives or hackney carriages.

As to  
license  
duties on  
trolley  
vehicles.

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Board of  
Trade may  
authorise  
new routes.

21.—(1) If the Corporation desire to use trolley vehicles upon any road as defined by the Tramways Act 1870 within the City (other than the streets or roads in this Part of this Order herein-before referred to) they may make application to the Board of Trade describing the route and the Board of Trade shall be and are hereby empowered to make a Provisional Order authorising the use of trolley vehicles upon any road or roads described in the application.

(2) No such application shall be entertained by the Board of Trade unless the Corporation shall—

- (A) Have published once in each of two successive weeks in the months of October or November notice of their intention to make such application in some newspaper or newspapers circulating in the City;
- (B) Have also published such notice once in the months of October or November in the *Edinburgh Gazette*;
- (C) Have posted for fourteen consecutive days in the months of October or November in conspicuous positions in each of the roads to which such application relates a notice of their intention to make such application;

and each such notice shall state the time and method for bringing before the Board of Trade any objections to the grant of such application.

(3) The Board of Trade may and they are hereby empowered to prescribe the procedure with respect to any application for a Provisional Order under this section.

(4) The Board of Trade shall consider any such application and may if they think fit direct an inquiry to be held in the City in relation thereto or may otherwise inquire as to the propriety of proceeding upon such application and they shall consider any objection to such application that may be lodged with them in accordance with the prescribed procedure and shall determine whether or not it is expedient and proper that the application be granted either with or without addition or modification or subject or not to any restriction or condition.

(5) In any case where it shall appear to the Board of Trade expedient and proper that the application be granted they may settle and make a Provisional Order authorising the same and shall as soon as conveniently may be thereafter

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procure a Bill to be introduced into either House of Parliament for an Act to confirm the Provisional Order which shall be set out at length in the schedule to the Bill and until confirmation with or without amendment by such Act of Parliament a Provisional Order under this Order shall not have any operation. A.D. 1915.

(6) If while any such Bill is pending in either House of Parliament a petition is presented against any Provisional Order comprised therein the Bill so far as it relates to the Order petitioned against may be referred to a Select Committee and the petitioner shall be allowed to appear and oppose as in the case of a Bill for a special Act.

The Act of Parliament confirming a Provisional Order under this Order shall be deemed a public general Act.

(7) The making of a Provisional Order under this section shall be *prima facie* evidence that all the requirements of this section in respect of proceedings required to be taken previously to the making of such Provisional Order have been complied with.

(8) Any expenses incurred by the Board of Trade in connexion with the preparation and making of any such Provisional Order and any expenses incurred by the Board of Trade in connexion with any inquiry under this section shall be paid by the Corporation.

(9) Provided that any Provisional Order to be obtained by the Corporation under the Tramways Act 1870 authorising the construction of tramways in the City may authorise the Corporation to use trolley vehicles upon all or any of the streets or roads along which such tramways are authorised to be constructed in lieu of and pending the construction thereof.

22. Subject to the provisions of this Order the trolley vehicles and the apparatus in connexion therewith shall for all purposes be deemed to form part of the tramway undertaking of the Corporation. Trolley vehicles to be part of tramway undertaking of Corporation.

23. The Corporation shall perform in respect of trolley vehicles all the services in regard to the conveyance of mails which are prescribed by the Conveyance of Mails Act 1893 in the case of a tramway as defined by that Act and authorised as in that Act stated. Conveyance of mails.

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 Application  
 of pro-  
 visions of  
 enactments  
 relating to  
 tramway  
 undertaking  
 of Corpora-  
 tion.

24. The following provisions of the enactments relating to the tramway undertaking of the Corporation shall so far as applicable extend and apply to and for the purposes of the working of trolley vehicles as if those provisions were with all necessary modifications re-enacted in this Part of this Order Provided that in the application of such provisions the same shall be read and have effect as if trolley vehicles were carriages used on the tramways of the Corporation.

The provisions herein-before referred to are—

The Act of 1888—	SECTION
Byelaws - - - - -	31
Amendment of the Tramways Act 1870 as to byelaws by local authority - - - -	33
Orders and byelaws - - - - -	34
 The Act of 1894—	
Cheap fares for labouring classes - - - -	14
As to fares on holidays and Sundays - - - -	15
Periodical revision of tolls - - - - -	16
Provisions as to use of electric power - - - -	18
 The Act of 1900—	
Provisions as to motive power - - - - -	22
Mechanical power works to be subject to section 30 of Tramways Act 1870 - - - - -	24
 The Order of 1903—	
Inspection by Board of Trade - - - - -	13
For protection of Postmaster-General - - - -	16
Penalty for malicious damage - - - - -	17
Recovery of penalties - - - - -	18
Attachment of brackets to buildings - - - -	19

Use of tram-  
 way posts by  
 Postmaster-  
 General.

25.--(1) It shall be lawful for the Postmaster-General in any street or public road or part of a street or public road in which he is authorised to place a telegraph to use for the support of such telegraph any posts and standards (with the brackets connected therewith) erected in any such street or public road by the Corporation in connexion with the tramways and trolley vehicles authorised by this Order or by any order made by the Board of Trade under this Order and to lengthen adapt alter and replace such posts standards and

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brackets for the purpose of supporting any telegraph and from time to time to alter any telegraph so supported subject to the following conditions :—

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- (A) In placing maintaining or altering such telegraph no obstruction shall be caused to the traffic along the tramways or the working or user of the tramways or trolley vehicles :
- (B) The Postmaster-General shall give to the Corporation not less than twenty-eight days' notice in writing of his intention to exercise any of the powers of this section and shall in such notice specify the streets or public roads or parts of streets or public roads along which it is proposed to exercise such powers and the manner in which it is proposed to use the posts standards and brackets and also the maximum strain and the nature and direction of such strain Any difference as to any matter referred to in such notice shall be determined as herein-after provided :
- (C) Unless otherwise agreed between the Postmaster-General and the Corporation the Postmaster-General shall pay the expense of lengthening adapting altering or replacing under the provisions of this section any post standard or bracket and the expenses of providing and maintaining any appliances or making any alteration rendered necessary in consequence of the exercise of the powers of this section for the protection of the public or the unobstructed working or user of the tramways or trolley vehicles or to prevent injurious affection of the Postmaster-General's telegraphs or any telegraphic or telephonic line or electrical apparatus of the Corporation or by any regulations which may from time to time be made by the Board of Trade arising through the exercise by the Postmaster-General of the powers conferred by this section :
- (D) Unless otherwise agreed or in case of difference determined as herein-after provided all telegraphs shall be attached to the posts standards or brackets below the level of the trolley wires and on the side of such posts or standards farthest from the trolley wires Any difference as to the conditions of attachment shall be determined as herein-after provided :

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- (E) Unless otherwise agreed no telegraph shall be attached to any post or standard placed in or near the centre of any street or public road :
- (F) The Postmaster-General shall cause all attachments to posts standards or brackets used by him under the powers of this section to be from time to time inspected so as to satisfy himself that the said attachments are in a proper condition and state of repair :
- (G) The Postmaster-General shall make good to the Corporation and shall indemnify them against any loss damage or expense which may be incurred by them through or in consequence of the exercise by the Postmaster-General of the powers conferred upon him by this section unless such loss damage or expense shall be caused by or arise from gross negligence on the part of the Corporation their officers or servants :
- (H) The Postmaster-General shall make such reasonable contribution to the original cost of providing and placing any post standard or bracket used by him and also to the annual cost of the maintenance and renewal of any such post standard or bracket as having regard to the respective interests of the Corporation and the Postmaster-General in the use of the post standard or bracket and to all the circumstances of each case may be agreed upon between the Postmaster-General and the Corporation or failing agreement determined as herein-after provided :
- (I) The Corporation shall not be liable for any interference with or damage or injury to the telegraphs of the Postmaster-General arising through the exercise by the Postmaster-General of the powers conferred by this section and caused by the maintaining and working of the tramways or trolley vehicles or by any accident arising thereon or by the authorised use by the Corporation of electrical energy unless such interference damage or injury be caused by gross negligence on the part of the Corporation their officers or servants :

(J) If it shall become necessary or expedient to alter the position of or remove any post standard or bracket the Postmaster-General shall upon receiving twenty-eight days' notice thereof at his own expense alter or remove the telegraph supported thereby or at his option retain the post standard or bracket and pay the Corporation the value of the same. Provided that if the Corporation or the body having the control of the street or public road object to the retention of the post standard or bracket by the Postmaster-General a difference shall be deemed to have arisen and shall be determined as herein-after provided. A.D. 1915.

(2) Nothing in this section contained shall prevent the Corporation from using their posts standards or brackets for the support of any of their electric wires and apparatus whether in connexion with their tramways trolley vehicles or other municipal undertakings or shall take away any existing right of the Corporation of permitting the use by any company or person of their posts standards or brackets in connexion with the lighting of the streets or otherwise. Provided that any difference between the Postmaster-General and such company or person in relation to the use of the posts standards or brackets by the Postmaster-General and such company or person respectively shall be determined as herein-after provided.

(3) All differences arising under this section shall be determined in manner provided by sections 4 and 5 of the Telegraph Act 1878 for the settlement of differences relating to a street or public road.

(4) In this section—

The expression "the Corporation" includes their lessees;

The expression "telegraph" has the same meaning as in the Telegraph Act 1869;

Other expressions have the same meaning as in the Telegraph Act 1878.

26.—(1) The Corporation may provide (but shall not manufacture) motor omnibuses and may maintain work and run the same within the City and on the following route beyond the City (that is to say):—

From the existing boundary of the City at St. Fitticks Road along that road Girdleness Road and Greyhope Road to the existing boundary of the City at Greyhope Road;

Power to provide and run motor omnibuses.

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A.D. 1915. and the Corporation may provide such plant appliances and conveniences as may be requisite or expedient for the establishment running and equipment of such motor omnibuses and may demand and take for the conveyance of passengers in any motor omnibus run under the powers of this section fares rates and charges which the Corporation could have charged if such omnibuses had been carriages upon the tramways of the Corporation and may demand and take for the conveyance of parcels in any such motor omnibuses rates and charges not exceeding the rates and charges which the Corporation could have charged if such omnibuses had been carriages upon the tramways of the Corporation.

(2) The Corporation may make byelaws for regulating the travelling and for the prevention of nuisance in or upon their motor omnibuses Provided that any such byelaws shall be made subject and according to the provisions of the Tramways Acts with respect to the making of byelaws.

(3) Every motor omnibus moved by electrical power shall be so equipped and worked as to prevent any interference with telegraphic communication by means of any telegraphs of the Postmaster-General.

(4) The Corporation shall perform in respect of the motor omnibuses provided under this section all the services in regard to the conveyance of mails which are prescribed by the Conveyance of Mails Act 1893 in the case of a tramway as defined by that Act and authorised as in that Act stated.

(5) In this section the expression "motor omnibus" means any stage-carriage moved by mechanical power including in that expression steam electrical and every other motive power not being animal power.

(6) The undertaking authorised by this section shall be deemed to form part of the tramway undertaking of the Corporation Provided that in the accounts of the Corporation relative to their tramway undertaking the receipts and expenditure upon and in connexion with motor omnibuses shall (as far as may be reasonably practicable) be distinguished from the receipts and expenditure in connexion with the remainder of such undertaking.



PART IV.

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POLICE.

27. The Corporation may from time to time make byelaws with respect to the following matters:—

Byelaws for certain street offences.

- (1) For prohibiting any person from laying or throwing or causing to be laid or thrown upon any street or court or upon the seashore or any public place within the City any bottle broken glass pottery nails wires thorns or other articles or things having sharp edges or points:
- (2) For prohibiting or regulating the distribution for advertising purposes in any street or court or upon the seashore or any public place within the City of handbills circulars pamphlets leaflets or other printed matter:
- (3) For prohibiting any person from defacing the footpavement of any street or external wall or other external part of any building within the City by writing drawing or other marking or from employing any other person to commit a like offence:
- (4) For prohibiting any person from spitting or throwing fruit skin on the footpavement or footpath of any street or public place within the City or from spitting in any public building within the City.

Every person who acts in contravention of any byelaw made under this section shall be liable to a penalty not exceeding forty shillings.

28.—(1) It shall not be lawful for any person—

Restrictions on advertising vehicles &c.

- (A) To use or cause to be used in Union Street or Union Terrace or except with the consent in writing of the Corporation in any other street within the City any vehicle whatever be its form or construction for the purpose exclusively or principally of displaying advertisements; or
- (B) To carry or cause to be carried in Union Street or Union Terrace or except with the consent in writing of the Corporation in any other street within the City by any person for advertising

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purposes any board placard picture print or notice or any other advertisement exceeding four feet by two feet six inches.

(2) Any person making application for such consent and being aggrieved by the refusal thereof may within one month of such refusal appeal to the sheriff who may if he considers that such consent has been unreasonably refused grant the same.

(3) The Corporation may make byelaws for the regulation control and use of any vehicle board placard picture print notice or advertisement referred to in subsection (1) of this section.

(4) Every person who acts in contravention of the provisions of this section or of any byelaws made thereunder shall be liable to a penalty not exceeding forty shillings.

Application of provisions of Act of 1862 with respect to byelaws and police court jurisdiction.

29. The provisions and enactments contained in Parts XXXII. and XXXIV. of the Act of 1862 intituled respectively "Byelaws" and "Jurisdiction of Police Court" shall so far as applicable extend and apply to byelaws and offences under this Order.

PART V.

FINANCE AND ASSESSMENTS.

Power to borrow and provisions for repayment.

30.—(1) The Corporation may independently of any other borrowing power borrow at interest the sums herein-after mentioned and the Corporation may make and grant bonds and assignments for the money so to be borrowed and the provisions of the Act of 1891 with respect to the form of mortgage or assignment shall in so far as applicable apply to the moneys to be borrowed under the authority of this Order.

The sums herein-before referred to and authorised to be borrowed are as follows namely:—

- (A) (i) For the purchase of land for the tramway undertaking of the Corporation the sum of six thousand pounds;
- (ii) For the construction of the tramways the sum of twenty-nine thousand five hundred pounds;
- (iii) For the electrical equipment of the tramways the sum of three thousand pounds;

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- (iv) For providing rolling stock for the tramways the sum of fifteen thousand five hundred pounds; A.D. 1915.
- (B) For the provision of overhead equipment and the construction of other works necessary for working trolley vehicles the sum of four thousand pounds;
- (c) For the provision of trolley vehicles and motor omnibuses the sum of seven thousand pounds;
- (D) For repaving and re-causewaying the streets within the City the sum of twenty thousand pounds;
- (E) For paying the costs of preparing for and obtaining and confirming this Order the sum requisite for that purpose.

(2) Any moneys to be borrowed or re-borrowed under this Order for the purposes (A) (B) (c) and (E) mentioned in subsection (1) of this section shall be borrowed in the manner provided by subsection (1) of section 26 (Power to borrow) of the Act of 1898 and any money borrowed for the said purposes other than moneys for the construction of the intended tramways and re-construction of tramways shall be subject to the provisions contained in subsection (2) of section 26 of the Act of 1898.

(3) Any moneys to be borrowed or re-borrowed by the Corporation under this Order for the purpose (D) mentioned in this section shall be borrowed on the security of the City rate under the first head of the estimate authorised by the Act of 1891 and the powers and provisions of the Act of 1891 including the power to borrow on cash account shall be and are hereby subject to the provisions of this Order made applicable to the money to be borrowed under this Order for the purpose (D) aforesaid and to the bonds mortgages and assignations to be granted on security thereof and to the discharges and to the repayment of money so borrowed and to the investment of the sinking fund in the same way and manner as if the money so to be borrowed for the said purposes were borrowed and the bonds mortgages and assignations and discharges so to be granted were granted under the authority of the Act of 1891.

(4) The Corporation shall make provision for the repayment of the moneys borrowed under this section within the periods mentioned in this section by one or other of the following

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A.D. 1915. — methods as they may see fit (that is to say) either by repaying an equal portion of principal every year or by means of equal annual instalments of principal and interest or by means of an accumulating sinking fund.

The periods herein-before referred to are the following:—

As to moneys borrowed for the purpose (A) (i) mentioned in this section fifty years from the date or respective dates of borrowing the same;

As to moneys borrowed for the purpose (A) (ii) mentioned in this section thirty years from the date or respective dates of borrowing the same;

As to moneys borrowed for the purposes (A) (iii) and (A) (iv) and (B) mentioned in this section twenty years from the date or respective dates of borrowing the same;

As to moneys borrowed for the purposes (c) mentioned in this section as regards trolley vehicles ten years and as regards motor omnibuses five years from the date or respective dates of borrowing the same;

As to moneys borrowed for the purpose (D) mentioned in this section fifteen years from the date or respective dates of borrowing the same;

As to moneys borrowed for the purpose (E) mentioned in this section five years from the commencement of this Order.

(5) The interest on the moneys borrowed under the authority of this Order for the purpose (D) mentioned in this section and the sums provided annually in pursuance of this section for the repayment thereof shall be deemed expenditure under the first head of the said estimate and shall be included in the City rate and the proportion of the City rate corresponding thereto shall be payable by the occupiers of all lands and heritages within the City.

(6) Subject to the provisions of this Order the power of borrowing money granted by this Order shall be deemed a borrowing power of the Corporation within the meaning of the Act of 1891.

31.—(1) The Corporation shall have power—

(A) To borrow for the purpose of paying off any moneys previously borrowed under this Order which are intended to be forthwith repaid; or

Power to  
re-borrow.

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(B) To borrow in order to replace moneys which during the previous twelve months have been temporarily applied from other funds of the Corporation in repaying moneys previously borrowed under this Order and which at the time of such repayment it was intended to replace by borrowed moneys. A.D. 1915.

(2) Any moneys borrowed under this section shall for the purposes of repayment be deemed to form part of the original loan and shall be repaid within that portion of the period prescribed for the repayment of that loan which remains unexpired and the provisions which are for the time being applicable to the original loan shall apply to the moneys borrowed under this section.

(3) The Corporation shall not have power to borrow for the purpose of making any payment to a sinking fund or of paying any instalment or making any annual payment which has or may become due in respect of borrowed moneys.

(4) The Corporation shall not have power to borrow in order to replace any moneys previously borrowed which have been repaid—

- (A) By instalments or annual payments; or
- (B) By means of a sinking fund; or
- (C) Out of moneys derived from the sale of land; or
- (D) Out of any capital moneys properly applicable to the purpose of the repayment other than moneys borrowed for that purpose.

32. All moneys borrowed by the Corporation under this Order shall be applied only to the purposes for which they are authorised to be borrowed and to which capital is properly applicable. Application of moneys borrowed.

33. The Corporation may each year appropriate from the free surplus revenue of the tramway undertaking of the Corporation any sum or sums not exceeding in the whole one-third of such free surplus revenue and may apply and appropriate the same to the common good of the City or towards the reduction of the City rate or in carrying out City improvements Provided that any sum or sums so applied and appropriated to the common good shall not in any year exceed the amount of two thousand pounds. Application of surplus tramway revenue.

34.—(1) The Corporation shall cause to be kept books of account of all property heritable and movable vested in them Books of account.

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A.D. 1915. — showing the nature of such property and all rates or assessments levied and all moneys received and expended by or on account of the Corporation.

Yearly  
accounts to  
be made out.

(2) The Corporation shall yearly cause to be made out from the said books just and accurate accounts of all the moneys received and expended by them on account of the common good and revenue of the Corporation and on account of any rates or assessments levied or collected or moneys realised received or borrowed by them under any Act under which they are authorised to levy assessments or uplift or borrow money showing from what sources such moneys have been received and to what purposes the same have been laid out and applied. Such accounts shall as regards (A) the common good of the City (B) the City rates and assessments and (C) the tramway department of the Corporation be made out for the year ending on the thirty-first day of May immediately preceding and as regards the accounts of (D) the gas department and (E) the electricity department of the Corporation be made out for the year ending on the thirty-first day of July immediately preceding.

Accounts to  
exhibit a  
complete  
state of  
affairs.

(3) The said accounts shall be so made out as to exhibit a complete state showing—

- (A) The common good and all other assets of the Corporation :
- (B) The liabilities of the Corporation and the action taken during the year with a view to the extinction of such liabilities by way of payment of instalments or annuities contributions to sinking fund or otherwise classed under different heads :
- (C) The amount of each branch of revenue and assessment distinguishing how much thereof shall have been received and how much thereof shall be in arrear or remaining unpaid at the date of such accounts :
- (D) The amount of all sums received or loans contracted for annuities granted and sums received in consideration thereof or on sale or alienation of property distinguishing the same from the ordinary revenue :
- (E) Every sum paid and every sum remaining unpaid for or by reason of any expense incurred during the year for which such accounts shall be so made out distinguishing the fixed or ordinary from the casual or incidental expenditure :

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(F) All cautionary obligations positive or conditional incurred by or on account of the Corporation distinguishing such as shall have been incurred during the year. A.D. 1915.

(4) The Secretary for Scotland shall for the year commencing on the first day of June one thousand nine hundred and fifteen with respect to the common good City rates and assessments and the tramway undertaking of the Corporation and for the year commencing on the first day of August one thousand nine hundred and fifteen with respect to the gas and electricity undertakings and annually thereafter appoint for the purpose of the audit of the accounts of the Corporation an auditor or auditors who shall be an accountant or accountants practising in the City and in the case of dispute as to the remuneration of the auditor or auditors shall on the application of either party fix the fee to be paid to such auditor or auditors and in the event of the office of auditor or auditors becoming vacant by death or from any other cause before such accounts are audited by him or them as the case may be shall subject to the like incidents appoint an auditor or auditors to supply such vacancy. Appointment of auditor or auditors.

(5) The Corporation shall deliver to the auditor or auditors annually as soon as may be after the respective dates herein-before specified all the accounts to be audited by him or them respectively together with the books and vouchers and it shall be the duty of the auditor or auditors to audit such accounts and either make a special report thereon in any case where it appears to him or them expedient so to do or simply confirm the same provided that the auditor or auditors shall make a special report in every case where he is or they are of opinion that any statutory or other requirement with respect to the repayment or extinction of debt has not been observed or that any debt is not being duly repaid. Accounts &c. to be delivered to auditor.

(6) The yearly accounts as the same shall have been audited shall be laid before a meeting of the Corporation to be held not later than the month of September in each year and the confirmation or special report by the auditor or auditors shall be submitted at such meeting and the accounts shall if and as approved by the Corporation be signed by the chairman of such meeting and by the town clerk and the city chamberlain and shall be deposited with the town clerk and the Corporation shall Accounts to be laid before meeting of Corporation.

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A.D. 1915. — forthwith cause such accounts or an abstract thereof together with the confirmation or special report thereon by the auditor or auditors to be printed and shall permit any person assessed or any elector to inspect and examine such accounts at all reasonable times without payment of any fee or reward for such inspection and shall forthwith transmit to the Secretary for Scotland and shall also on the demand of any person assessed or elector on payment of such sum as the Corporation with the approval of the Secretary for Scotland may fix deliver to such person or elector a copy of such accounts or abstract and report as printed.

Appeal to  
sheriff.

(7) Any person assessed or elector who shall be dissatisfied with any such account or accounts or any item therein may complain against the same by petition to the sheriff specifying the grounds of objection and the sheriff shall hear and determine the matter of complaint in a summary way and his decision shall be final and not subject to review on any ground or by any process whatever Provided always that it shall not be competent to petition the sheriff after the lapse of three months from the date of the meeting aforesaid.

Accounts of  
mortifica-  
tions under  
management  
of Corpora-  
tion.

(8) Where the Corporation are the sole trustees for any charity foundation or mortification then and in every such case accounts relative to the same shall be kept distinct from the other accounts of the Corporation and the Corporation shall yearly cause to be made out an account relative to such charity foundation or mortification and all the provisions of this section relative to the preparation submission to the Corporation and audit of accounts shall be applicable to the accounts of the said charity foundation or mortification.

Repeal of  
provisions  
relating to  
accounts and  
audit. ]

(9) Notwithstanding anything contained in the resolution adopted by the Corporation on the fifteenth day of July in the year one thousand nine hundred and one under and in virtue of the provisions of the Town Councils (Scotland) Act 1900 the provisions of this section shall as from the dates when the same respectively come into force supersede the provisions of the City Acts and of any other Act or Order whether public and general or local and personal now in force with respect to the keeping of accounts by the Corporation and the audit thereof and such last-mentioned provisions shall as from the said respective dates cease to apply.



PART VI.  
MISCELLANEOUS.

A.D. 1915

35. With respect to the railway bridge at Castle Terrace herein-after referred to the following provisions shall apply and have effect (that is to say):—

Agreement  
with Great  
North of  
Scotland  
Railway  
Company  
respecting  
Castle Ter-  
race Bridge.

- (1) In this section “the company” means the Great North of Scotland Railway Company “the company’s Act of 1898” means the Great North of Scotland Railway Act 1898 “the existing bridge” means the existing bridge carrying Castle Terrace over the railway of the company and “the new bridge” means the new bridge to be constructed in place of the existing bridge:
- (2) The Corporation shall not use or work trolley vehicles upon the route (A) specified in the section of this Order of which the marginal note is “Power to provide trolley vehicles” until the existing bridge shall have been reconstructed by the company in terms of the powers and provisions of the company’s Act of 1898 and of this section:
- (3) The new bridge shall be constructed of sufficient strength to carry the trolley vehicles and motor omnibuses of the Corporation and such other vehicles as are now in use for the conveyance of traffic on the streets within the City:
- (4) The new bridge shall be constructed according to plans and specifications to be submitted to and approved of by the Corporation and shall with the whole of the street and other works therewith connected be completed within two years from the commencement of this Order and if any difference arise between the Corporation and the company as to the said plans and specifications the same shall be determined by an arbiter to be appointed by agreement between the Corporation and the company or in default of agreement to be appointed by the Board of Trade:
- (5) The company shall convey to the Corporation with entry at the term of Martinmas one thousand nine hundred and sixteen for the purpose of being added to the

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property of the gas undertaking of the Corporation the piece of land on the south-east side of Cotton Street containing five hundred square yards or thereabouts and coloured brown on the plan signed by the Right Honourable Algernon Hawkins Thomond Keith-Falconer Earl of Kintore the chairman of the commissioners to whom the application for this Order was referred and in this section referred to as "the signed plan" with the buildings thereon forming Nos. 8 12 14 and 16 Cotton Street In executing the works authorised by the company's Act of 1898 the company shall demolish the house No. 8 Cotton Street and in the event of the Corporation deciding to preserve the remaining houses Nos. 12 14 and 16 Cotton Street the Corporation shall at their own cost carry out all necessary works for that purpose:

- (6) The company shall convey to the Corporation with entry at the term of Martinmas one thousand nine hundred and nineteen for the purpose of widening Miller Street the piece of land on the west side of that street containing one hundred and ninety-two square yards or thereabouts coloured blue on the signed plan:
- (7) The said pieces of land shall be conveyed by the company on condition that the Corporation shall pay and relieve them of any feu duty or ground annual or any incumbrance affecting the same:
- (8) Upon the completion of the new bridge and relative works in accordance with the company's Act of 1898 and the provisions of this section the Corporation shall pay to the company the sum of four thousand pounds as a contribution towards the cost of the new bridge and as the price of the piece of land and buildings thereon in Cotton Street and of the piece of land in Miller Street:
- (9) (i) For the purpose of paying the said sum of four thousand pounds the Corporation may appropriate and apply the respective sums after mentioned (that is to say):—

(A) As a contribution towards the cost of the new bridge the sum of one thousand pounds such

sum to be payable out of the revenue of the tramway undertaking of the Corporation ;

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(B) As the price of the piece of land and buildings thereon in Cotton Street the sum of one thousand five hundred pounds such sum to be payable out of the revenue of the gas undertaking of the Corporation ;

(c) As the price of the piece of land in Miller Street and as a further contribution towards the cost of the new bridge the sum of one thousand five hundred pounds to be payable as hereinafter provided :

- (ii) Towards the said last-mentioned sum of one thousand five hundred pounds and the cost of the works required in connexion with the carrying out of the widening of Miller Street the Corporation may appropriate and apply the sum of one thousand pounds which was paid by the company to the Corporation in terms of the company's Act of 1898 with any interest accrued thereon Any further sum which may be required for such purpose shall be paid by the Corporation out of the City rate authorised to be levied by the Act of 1891 :

- (10) The provisions of section 7 (For protection of Corporation of Aberdeen) of the company's Act of 1898 shall except in so far as expressly varied by or inconsistent with this section apply and have effect.

36.—(1) The Corporation may either hold and use for the general purposes of the Corporation or may let on lease the lands or any part of the lands belonging to them described in Part I. of the schedule to the Order of 1911 so long as such lands are not used for the purposes of a refuse destructor and electricity generating station under the powers of the Order of 1911.

Power to let  
or sell refuse  
destructor  
lands.

(2) If the said lands are not used for the purposes of a refuse destructor or electricity generating station within six years from the commencement of this Order then on the expiration of that period the powers by the Order of 1911 granted for the construction of a refuse destructor or electricity

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A.D. 1915. — generating station or otherwise in relation thereto shall cease and the Corporation may sell or dispose of the lands or any part thereof.

(3) Any moneys arising from the sale of the said lands or any part thereof shall be applied by the Corporation to the credit of the capital account of the refuse destructor.

Means of  
escape from  
buildings in  
case of fire.

37.—(1) Every building used or intended to be used as an hotel restaurant hospital boarding-house common lodging-house or school or college shall be provided with such means of escape in case of fire for the persons dwelling or employed therein or resorting thereto as the Corporation may reasonably require.

(2) The means of escape in case of fire so provided in any building shall be maintained in good condition and free from obstruction.

(3) Any person who shall fail to provide within one month or such longer period as the Corporation may order such means of escape as the Corporation shall require or shall fail to maintain such means of escape in accordance with subsection (2) of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings so long as such failure shall continue.

(4) Nothing contained in this section shall be deemed to interfere with the operation of section 14 (Provision of means of escape from fire) of the Factory and Workshop Act 1901 or of any Act amending the same.

Demolition  
of buildings  
unfit for  
human  
habitation.

38. If any building shall in virtue of the powers contained in section 72 (Buildings unfit for human habitation) of the Act of 1881 be declared by the Corporation to be unfit for human habitation the Corporation may if they are of opinion that such building has not been rendered fit for human habitation and that the necessary steps are not being taken with all due diligence to render it so fit or that the continuance of such building is dangerous or injurious to the health of the public or of the inhabitants of the neighbouring dwelling-houses pass a resolution that it is expedient to order the demolition of the building. On such resolution being passed the provisions of Part II. of the Housing of the Working Classes Act 1890 with respect to the demolition of buildings unfit for human habitation shall so far as applicable extend and apply to any proceedings which may be taken by the Corporation for the demolition of such building.

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Section 35 (Demolition of buildings unfit for human habitation) of the Police Act of 1900 is hereby repealed. A.D. 1915.

39. From and after the commencement of this Order the power vested in justices of the peace by virtue of the Theatres Act 1843 to license theatres shall cease to apply within the City. Licensing of theatres.

40. The Corporation may from time to time erect and maintain or authorise the erection and maintenance of any statue or monument in any street park or public place within the City and may remove to another site any statue or monument which has been taken over or is maintained by the Corporation. Statutes and monuments.

41. 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 lands 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. Crown rights.

42. The costs charges and expenses of and incident to the preparing for obtaining and confirming of this Order or otherwise in relation thereto shall be paid by the Corporation out of moneys to be borrowed for that purpose under this Order or out of the public rates or municipal revenues of the City. Costs of Order.

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A.D. 1915.

The SCHEDULE referred to in the foregoing Order.

SECTIONS OF THE TRAMWAYS ACTS WHICH ARE APPLIED TO THE  
 TRAMWAYS AUTHORISED BY THIS ORDER.

Date of Act or Order and Marginal Note of Section.	Number of Section.
<b>The Act of 1888—</b>	
Gauge of tramways - - - - -	12
Carriages constructed for use on railways not to be used - - -	13
Tramways to be kept level with surface of roads - - - - -	15
Penalty for not maintaining tramways - - - - -	16
Company may be required to use improved rails - - - - -	20
Temporary tramways may be made when necessary - - - - -	22
Agreements between the Company and road authorities - - - - -	26
Byelaws - - - - -	31
Amendment of the Tramways Act 1870 as to byelaws by local authority - - - - -	33
Orders and byelaws - - - - -	34
<b>The Act of 1894—</b>	
Cheap fares for labouring classes - - - - -	14
As to fares on holidays and Sundays - - - - -	15
Periodical revision of tolls - - - - -	16
Provisions as to use of electric power - - - - -	18
Provisions as to General Tramways Acts - - - - -	20
<b>The Order of 1896—</b>	
Provisions as to construction of tramways - - - - -	6
<b>The Act of 1898—</b>	
Annual estimate for tramways - - - - -	30
<b>The Act of 1900—</b>	
Penalty for damage to tramways - - - - -	21
Provisions as to motive power - - - - -	22
Power to construct subsidiary works for working tramways by mechanical power - - - - -	23
Mechanical power works to be subject to Section 30 of Tramways Act 1870 - - - - -	24
Power to make byelaws to facilitate traffic - - - - -	26
Penalties for offences against byelaws - - - - -	27
Confirmation of byelaws &c. by sheriff - - - - -	28
Notice of confirmation of byelaws - - - - -	29

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SCHEDULE—*continued.*

A.D. 1915.

Date of Act or Order and Marginal Note of Section.	Number of Section.
The Order of 1903—	
Power to break up streets - - - - -	7
Rails of tramways - - - - -	8
Crossovers to be constructed in certain cases - - - - -	9
Power to make additional crossings and to double tramway lines - - - - -	10
Inspection by Board of Trade - - - - -	13
For protection of Postmaster-General - - - - -	16
Penalty for malicious damage - - - - -	17
Recovery of penalties - - - - -	18
Attachment of brackets to buildings - - - - -	19

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