



CHAPTER cxc.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Perth Corporation. A.D. 1904.
[15th August 1904.]

WHEREAS His Majesty's Secretary for Scotland has made the Provisional Order set forth in the Schedule hereunto annexed under the provisions of the Private Legislation Procedure (Scotland) Act 1899 and it is requisite that the said Order should be confirmed by Parliament: 62 & 63 Vict.
c. 47.

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

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

2. This Act may be cited as the Perth Corporation Order Confirmation Act 1904. Short title.

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SCHEDULE.

PERTH CORPORATION.

Provisional Order to authorise the Lord Provost magistrates and councillors of the city and royal burgh of Perth to construct tramways to borrow additional moneys for their tramway water and gas undertakings and city improvements and for other purposes.

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

And whereas the Corporation are the owners of the existing tramways within the burgh and extending beyond the burgh to the village of Scone authorised by the Tramways Orders as hereinafter defined formerly belonging to the Perth and District Tramways Company Limited and by the Perth Corporation (Tramways) Order 1903 they were authorised to place and run carriages and trucks on and work and use the same by animal power or subject to certain provisions of that Order by mechanical power as defined by that Order :

And whereas it is expedient and would be for the public convenience that the Corporation should be authorised to extend their tramways and to make and maintain and work and use the additional tramways by this Order authorised and to borrow money for the construction thereof :

And whereas the water undertaking of the Corporation as defined by the Perth Water Police and Gas Act 1899 became vested in the Corporation under and in virtue of the Town Councils (Scotland) Act 1900 and is maintained and managed by them :

And whereas the Corporation's Burghmuir Reservoir and Viewlands Reservoir are in a bad state of repair and it has become necessary to repair and enlarge the same and to extend

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and enlarge the Corporation's filter bed and water mains and to provide a new pumping engine and machinery and it is expedient that the Corporation be empowered to borrow additional money for those purposes :

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—

And whereas the gas undertaking of the Corporation as defined by the Perth Harbour City Improvements and Gas Act 1897 also became vested in the Corporation under and in virtue of the Town Councils (Scotland) Act 1900 and is maintained and managed by them :

And whereas the Corporation's borrowing powers for and in respect of their gas undertaking are exhausted and they have incurred a capital expenditure of upwards of three thousand pounds in excess of the aggregate amount of such borrowing powers and it has moreover become necessary for them to make certain extensions of their gas works mains and pipes and to provide additional gas stoves meters and other appliances in connection with their gas undertaking and it is expedient that the Corporation be empowered to borrow additional money for the purposes of their gas undertaking :

And whereas by the Perth Improvement Act 1893 (hereinafter called "the Act of 1893") powers were conferred on the then commissioners of the burgh under the Burgh Police (Scotland) Act 1892 to make and maintain certain new streets and street improvements in that Act described and to borrow for the purposes or any of the purposes of that Act the sum of seventy-five thousand pounds :

And whereas owing to the cost of the erection of labouring class dwellings necessary to be provided before demolishing buildings for street improvements and the time that must elapse before surplus properties not required for the purposes of new streets and street improvements can be realised the borrowing powers conferred by the Act of 1893 have been exhausted and it is necessary and expedient that the Corporation as coming in place of the said commissioners be empowered to borrow additional money to enable them to complete the works authorised by that Act :

And whereas plans and sections showing the lines and levels of the tramways authorised by this Order and also books 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 clerk of the county

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A.D. 1904. — of Perth and are hereinafter respectively referred to as “the deposited plans sections and books of reference” :

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

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

Short title. 1. This Order may be cited for all purposes as the Perth Corporation Order 1904.

Citation of Water and Gas Acts. 2. The Water Acts as in this Order defined and this Order so far as relating to water and water purposes may be cited as the Perth Water Acts 1877 to 1904 and the Gas Acts as in this Order defined and this Order so far as relating to gas and gas purposes may be cited as the Perth Gas Acts 1871 to 1904.

Division of Order into Parts. 3. This Order is divided into Parts as follows :—
Part I.—Preliminary.
Part II.—Tramways.
Part III.—Finance.

PART I.

PRELIMINARY.

Incorporation of Acts. 4. The Lands Clauses Acts (except the provisions of those Acts with respect to the purchase and taking of lands otherwise than by agreement) and section 3 (Interpretation of terms) section 19 (Local authority may lease or take tolls) and Parts II. and III. of the Tramways Act 1870 are so far as the same are applicable to the purposes and not varied by or inconsistent with the provisions of this Order incorporated with and form part of this Order and in this Order the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith shall have the same respective meanings unless there be something in the subject or context repugnant to such construction or unless herein otherwise expressly provided and the expression “the promoters” in the Tramways Act 1870 shall mean the Corporation.

Interpretation. 5. In this Order (unless there be something in the subject or context inconsistent with or repugnant to such construction)

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the several words and expressions following have the respective meanings hereby assigned to them (that is to say):— A.D. 1904.

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

“The burgh” means the city and royal burgh of Perth :

“The Tramways Orders” means the following Orders (that is to say):—

The Perth and District Tramways Order 1892 ;

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

The Perth and District Tramways Order 1899 :

“The Order of 1903” means the Perth Corporation (Tramways) Order 1903 :

“The Water Acts” means the following Acts (that is to say):—

The Perth Water Act 1877 (in this Order called “the Act of 1877”);

The Perth Water and Gas Act 1888 (in this Order called “the Act of 1888”) so far as relating to water and water purposes ; and

The Perth Water Police and Gas Act 1899 (in this Order called “the Act of 1899”) so far as relating to water and water purposes :

“The Gas Acts” means the following Acts and Order (that is to say):—

The Perth Gas Act 1871 (in this Order called “the Act of 1871”);

The Act of 1888 so far as relating to gas and gas purposes ;

The Perth Harbour City Improvements and Gas Act 1897 (in this Order called “the Act of 1897”) so far as relating to gas and gas purposes ;

The Act of 1899 so far as relating to gas and gas purposes ; and

The Perth Gas Order 1900 (in this Order called “the Order of 1900”) :

“The Police Acts” means the Burgh Police (Scotland) Acts 1892 to 1903 and any Act or Acts amending the same :

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- “The tramways” means the tramways and works connected therewith authorised by this Order :
- “The tramway undertaking” means the tramways and works connected therewith authorised by the Tramways Orders and this Order :
- “The water undertaking” means and comprehends the water undertaking as defined by the Act of 1899 :
- “The gas undertaking” means and comprehends the gas undertaking as defined by the Act of 1897 :
- “Tramway revenue” means and includes all moneys received for or in relation to the tramway undertaking other than borrowed moneys and other moneys which ought to be carried to the account of capital :
- “Telegraphic line” has the same meaning as in the Telegraph Act 1878 :
- “The commencement of this Order” means the date of the passing of the Act confirming this Order.

PART II.

TRAMWAYS.

Power to Corporation to make new tramways.

6. 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 hereinafter described in the lines and according to the levels shown on the deposited plans and sections and in all respects in accordance with those plans and sections with all necessary and proper rails plates chairs points junctions cross-overs passing-places sleepers engines engine houses tubes subways conduits section boxes ropes wires poles manholes shafts turn-tables houses offices stables carriages buildings warehouses works and conveniences connected therewith Provided that nothing in this Order shall authorise any interference with electric lines and works of any undertakers under the Electric Lighting Acts 1882 and 1888 to which the provisions of section 15 of the former Act apply except in accordance with and subject to the provisions of that section The tramways hereinbefore referred to and authorised by this Order are—

- (1) A Tramway (No. 1) (partly a double and partly a single line) 4 furlongs 8·37 chains in length to be situate wholly in the city and burgh of Perth commencing in the road or highway known as Dunkeld Road at a point

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therein 0·40 chain or thereabouts measuring in a south-easterly direction from the junction of the centre lines of the Crieff Road and the said Dunkeld Road and passing thence in a south-easterly direction along the said Dunkeld Road and Barrack Street thence in an easterly direction along Atholl Street to and thence in a southerly direction along North Methven Street and South Methven Street to and thence in an easterly direction along High Street and terminating in that street by a junction with the existing tramway of the Corporation at a point 0·60 chain or thereabouts eastwards from the junction of the centre lines of High Street and South Methven Street:

- (2) A Tramway (No. 2) (single line) 1·50 chains in length to be situate wholly in the city and burgh of Perth commencing in South Methven Street by a junction with the intended tramway No. 1 before described at a point 0·75 chain or thereabouts measuring in a northerly direction from the junction of the centre lines of South Methven Street and High Street and passing thence in a southerly direction along South Methven Street and terminating therein by a junction with the existing tramway of the Corporation in South Methven Street at or near a point 0·75 chain or thereabouts measuring in a southerly direction from the junction of the centre lines of South Methven Street and High Street.

7. Subject to the provisions of this Order the tramways shall for all purposes form part of the tramway undertaking and the Corporation and their lessees and licensees may in respect of the tramways exercise and enjoy all and the like rights powers and authorities which they now may or are empowered to exercise and enjoy and shall be subject and liable to the like obligations which they are subject and liable to with respect to the tramway undertaking or any part thereof and may demand take and recover in respect of the tramways or any part or parts thereof the like tolls rates and charges for the use thereof and for the conveyance thereon of traffic of all kinds and for the use of carriages and trucks placed and run thereon by them as they may demand and take in respect of the tramways authorised by the Tramways Orders.

Tramways to form part of tramway undertaking for all purposes.

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Gauge of
tramways.

8. The tramways shall be constructed on a gauge of three feet and six inches :

Provided that so much of section 34 of the Tramways Act 1870 as limits the extent of the carriages used on the tramways beyond the outer edge of the wheels of such carriages shall not apply to carriages used on the tramways authorised by the Tramways Orders and this Order but no engine or carriage used on such tramways shall exceed six feet six inches in width or such less width as may from time to time be prescribed by the Board of Trade.

The proviso to section 9 (Gauge of tramways) of the Perth and District Tramways Order 1892 is hereby repealed.

Rails of
tramways.

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

Plan of pro-
posed mode
of construc-
tion of tram-
ways.

10. In addition to the requirements of section 26 of the Tramways Act 1870 the Corporation shall before they proceed to open or break up any road for the purpose of constructing laying down or renewing the tramways lay before the Board of Trade a plan showing the proposed mode of constructing laying down or renewing such tramways and a statement of the materials intended to be used therein and the Corporation shall not commence the construction laying down or renewal of the tramways or part of either of the tramways respectively until such plan and statement have been approved by the Board of Trade and after such approval the works shall be executed in accordance in all respects with such plan and statement.

Power to
break up
streets &c.

11. For the purposes and during the construction of the tramways and in maintaining the same the Corporation may use break up or cross over or under alter or stop up temporarily any streets paths bridges tramways sewers drains watercourses gas pipes or water pipes and electric or telephonic apparatus in any of the lands shown on the deposited plans and specified in the deposited books of reference which they may find it expedient for any of those purposes so to interfere with providing in every case a proper temporary substitute before interrupting the traffic on any such street path bridge or tramway or the flow of water gas sewage or electricity in any such sewer drain watercourse pipe or apparatus and making full compensation to all persons injuriously affected by the exercise of the powers of this section Provided that nothing in this section shall extend to or authorise any interference with

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electric apparatus or other property of His Majesty's Postmaster General Provided also that nothing in this section shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Act 1882 to which the provisions of section 15 of the said Act apply except in accordance with the provisions of that section. A.D. 1904.

12.—(1) The Corporation shall at all times maintain and keep in good condition and repair and so as not to be a danger or annoyance to the ordinary traffic the rails of the tramways by this Order authorised and of all other tramways of the Corporation and the substructure upon which the same rest and if the Corporation at any time fail to comply with this provision or with the provisions of section 28 of the Tramways Act 1870 they shall be subject to a penalty not exceeding five pounds and to a daily penalty not exceeding five pounds. Penalty for not maintaining rails and roads.

(2) In case it is represented in writing to the Board of Trade by twenty inhabitant ratepayers of the burgh that the Corporation have made default in complying with the provisions in this section contained or with any of the requirements of section 28 of the Tramways Act 1870 the Board of Trade may if they think fit direct an inspection by an officer to be appointed by the said Board and if such officer report that the default mentioned in such representation has been proved to his satisfaction then and in every such case a copy of such report certified by a Secretary or an Assistant Secretary of the Board of Trade may be adduced as evidence of such default and of the liability of the Corporation to such penalty or penalties in respect thereof as is or are by this section imposed.

13. If and whenever after the commencement of this Order the level of any road along or across which any part of the tramways is laid or authorised to be laid is altered the Corporation may and shall from time to time alter or (as the case may be) lay the rails of the tramways so that the uppermost surface thereof shall be on a level with the surface of the road as altered. Tramways to be kept on level of surface of road.

14.—(1) The Corporation may subject to the provisions of this Order with the consent of the Board of Trade make maintain alter and remove such cross-overs passing-places sidings junctions and other works in addition to those particularly specified in and authorised by this Order as they find necessary or convenient for the efficient working of their existing tramways or of the tramways Power to make cross-overs and to double tramway lines.

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A.D. 1904. — or for providing access to any warehouses stables or carriage-houses or works of the Corporation.

(2) Notwithstanding anything shown on the deposited plans the Corporation may with the consent of the Board of Trade lay down double lines in lieu of single or interlacing lines or single lines in lieu of double or interlacing lines or interlacing lines in lieu of double or single lines on the tramways or on the existing tramways and if at any time the road in which any tramway or part thereof is authorised to be laid or is laid has been or shall be altered or widened the Corporation may with the like consent construct such tramway or part thereof or (as the case may be) take up or reconstruct the same in such position as they may think fit.

(3) Provided that if in the construction of any works under this section any rail is intended to be so laid that for a distance of thirty feet or upwards a less space than nine feet six inches would intervene between it and the outside of the footpath on either side of the road the Corporation shall not less than one month before commencing the works give notice in writing to every owner and occupier of houses shops or warehouses abutting on the place where such less space would intervene and such rail shall not be so laid if the owners or occupiers of one third of such houses shops or warehouses by writing under their hands addressed and delivered to the Corporation within three weeks after receiving the notice from the Corporation express their objection thereto.

Temporary tramways to be made where necessary.

15. Where by reason of the execution of any work affecting the surface or soil of any road along which the tramways or either of them or any portion thereof are or is laid it is in the opinion of the Corporation necessary or expedient temporarily to remove or discontinue the use of such tramway or portion of tramway the Corporation may construct on the same or any adjacent road and subject to the like conditions and in accordance with the like regulations maintain so long as occasion may require a temporary tramway in lieu of the tramway or portion of tramway so removed or discontinued.

Period for completion of tramways.

16. The tramways shall be completed within three years from the commencement of this Order and on the expiration of that period the powers by this Order granted to the Corporation for constructing 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. The tramways shall not be opened for public traffic until they have been inspected and certified to be fit for such traffic by the Board of Trade.

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Inspection
by Board of
Trade.

18. The following sections of the Order of 1903 shall so far as not varied by or inconsistent with the provisions of this Order extend and apply mutatis mutandis to the tramways (that is to say) :—

Application
of sections
of Order of
1903.

- Section 6 (Provisions as to motive power) ;
- Section 7 (Land for generating station) ;
- Section 8 (Special provisions as to use of electrical power) ;
- Section 9 (Alteration of telegraphic lines of Postmaster-General) ;
- Section 10 (For protection of Postmaster-General) ;
- Section 11 (Incidental works) ;
- Section 12 (Attachment of brackets to buildings) ;
- Section 13 (Apparatus used for mechanical power to be deemed part of tramway) ;
- Section 14 (Power to acquire patent rights) ;
- Section 17 (Penalty for malicious damage) ;
- Section 18 (Temporary use of omnibuses) ;
- Section 19 (Corporation may use tramways for certain special purposes) ;
- Section 20 (As to fares on Sundays and holidays) ;
- Section 21 (Cheap fares for labouring classes) ;
- Section 22 (Byelaws) ;
- Section 23 (Recovery of penalties) ;
- Section 24 (Amendment of Tramways Act 1870 as to byelaws by local authority) ;
- Section 26 (Orders and byelaws) ;
- Section 43 (Provision as to general Tramway Acts).

19. Whereas certain of the existing tramways of the Corporation are carried over or pass under bridges belonging to the Caledonian Railway Company (hereinafter called "the company") the Corporation in executing any works authorised by the section of this Order the marginal note of which is "Power to make cross-overs and to double tramway lines" shall unless otherwise agreed upon between the Corporation and the company be subject to the following provisions (that is to say) :—

For protec-
tion of Cale-
donian Rail-
way Com-
pany.

- (1) Before commencing any works or operations affecting any bridge of the company or works connected therewith

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the Corporation shall submit plans sections working drawings and specifications of such works or operations to the company for their approval and the said works and operations shall be constructed in conformity only with said plans sections working drawings and specifications at the sight and to the reasonable satisfaction of the company's engineer and such works shall thereafter be maintained and repaired by the Corporation under the superintendence of said engineer Provided that the approval of the company as aforesaid shall not be unreasonably withheld and that it shall be deemed to have been given unless the company signify their disapproval within fourteen days after submission of the said plans sections working drawings and specifications :

- (2) Except as otherwise herein provided the Corporation shall not in the construction maintenance or use of the said tramways injure alter or interfere with the structure of the said bridges of the company or of any of the works of the company or cause any interruption to or interference with the traffic on the said railways :
- (3) If any injury to or interference with said bridges or works of the company or any interruption to the traffic on the railways shall arise or be occasioned at any time by the works or operations of the Corporation in connection with the said tramways and not by reason of any fault or neglect of the company or their servants or any person using their railways the Corporation shall forthwith make good or remove such injury interference or interruption at their own expense or the company may execute the necessary works for that purpose at the expense of the Corporation and the Corporation shall repay to the company all costs and expenses incurred by them in so doing and all loss or damage sustained by the company in consequence of such injury interference or interruption :
- (4) Nothing in this Order contained or which may be done in pursuance thereof shall prevent the company so far as they have power to do so from maintaining and repairing and when necessary altering or reconstructing said bridges or other works of the company without interference on the part of the Corporation in respect

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of the said tramways and without incurring any liability to the Corporation or to any party working or using the said tramways for any loss injury damage or expense or interruption of traffic on the said tramways which may arise from such maintenance repair alteration or reconstruction and any extra expense which the company may incur in such maintenance repair alteration or reconstruction by reason of the construction or existence of the said tramways shall be paid by the Corporation. Provided that all such operations shall be executed by the company in such manner as to cause as little interruption or inconvenience as practicable to the traffic on the said tramways and the company shall give fourteen days' notice in writing to the Corporation before commencing any such operations and the same so far as interfering with the said tramways shall only be executed at the sight and to the reasonable satisfaction of the engineer of the Corporation :

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- (5) If any difference shall arise between the Corporation and the company or their respective engineers under any of the preceding subsections as to any plans sections working drawings and specifications or as to any works or the method of executing the same or in any other way such difference shall be determined by an engineer to be agreed upon between the Corporation and the company or failing agreement to be nominated by the Board of Trade on the application of either party and the costs of the reference shall be borne and paid as such engineer shall direct.

20. Where any tramway constructed under this Order shall pass any land or building vested in or under the control of His Majesty's Principal Secretary of State for the War Department no cross-over passing-place siding or junction whether shown on the deposited plans or not and no other work not shown on the deposited plans opposite to such land or building shall be constructed until it shall have been approved by the said Secretary of State or by an officer acting on his behalf. And if at any time it shall in the opinion of the said Secretary of State be desirable that such cross-over passing-place siding junction or other work shall be altered or removed the Corporation or their lessees shall alter or

For protec-
tion of Sec-
retary of
State for
War.

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The Corporation or their lessees shall not permit any of their engines carriages or trucks to stop or stand upon their tramway opposite or near to the entrance to any lands or buildings vested in or under the control of the said Secretary of State in such manner as to interfere with access to or from such lands or buildings.

PART III.

FINANCE.

Tramway Undertaking.

Additional
borrowing
powers for
tramway
purposes.

21. The Corporation in addition to any money which they may have borrowed independently of this Order or which they are or may be authorised to borrow under the provisions of the Order of 1903 or any Act of Parliament may from time to time borrow at interest on the credit and security of the tramway revenue and of the burgh general assessment leviable by them under the Police Acts or partly of the tramway revenue and partly of the said burgh general assessment as they may resolve such sums of money not exceeding in the whole the sum of ten thousand pounds as may be necessary for and in connection with the purposes of the Order of 1903 and Part II. of this Order and if after having borrowed the said sums or any part thereof the Corporation pay off the same otherwise than by means of the sinking fund they may again borrow the amount so paid off and so from time to time Provided that if the burgh general assessment is by reason of its limitation insufficient along with the tramway revenue to enable the Corporation to raise the moneys authorised to be borrowed under this section on advantageous terms the Board of Trade may extend the limit of such assessment to such amount as they shall think fit Provided further that as regards any money borrowed under this section for any purpose except for the construction of the tramways the Corporation may and shall borrow the same on the credit and security of the free annual revenue of the common good of the burgh (after deduction of the usual annual outgoings of the burgh) as well as of the tramway revenue and of the burgh general assessment but the said free annual revenue of the common good (after such deduction) shall be liable in relief of the burgh general assessment.

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22. The following sections of the Order of 1903 shall be and are hereby made applicable to the money authorised to be borrowed under the last preceding section of this Order and the expression "tramway purposes" wherever used therein shall include the purposes of Part II. of this Order (that is to say):—

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Application of sections of Order of 1903 relating to borrowing for tramway purposes.

- Section 28 (Bonds for borrowed money);
- Section 29 (Rates to include interest and sinking fund);
- Section 30 (Present bonds and securities by Corporation not to be prejudiced);
- Section 32 (Application of money borrowed);
- Section 35 (Sinking fund may be adjusted in certain events);
- Section 37 (Bonds to be lien on tramway revenue and assessment and common good);
- Section 38 (For appointment of judicial factor);
- Section 39 (Powers of judicial factor).

23. All bonds and securities granted by the Corporation for money borrowed by them under the authority of the Order of 1903 and subsisting at the commencement of this Order shall during the continuance of such bonds and securities have priority over any bonds or securities to be granted by the Corporation for money borrowed or raised by them for and in relation to the tramway undertaking after the commencement of this Order.

Priority of existing securities for money borrowed for tramway purposes.

24. Section 40 (Application of tramway revenue) of the Order of 1903 is hereby repealed and the tramway revenue shall subject to the provisions of the Order of 1903 and this Order be applied—

Application of tramway revenue.

- (1) In maintaining the tramway undertaking and so much of the streets and roads as is required to be maintained and kept in good repair and condition by the promoters of tramways by section 28 of the Tramways Act 1870:
- (2) In paying all working and other expenses properly chargeable to revenue:
- (3) In providing the interest on any moneys borrowed or raised by the Corporation under the powers of the Order of 1903 together with the amount necessary to be paid into a sinking fund to provide for the repayment of such moneys:
- (4) In providing the interest on any moneys borrowed or raised by the Corporation under the powers of this

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Order for the purposes of the tramway undertaking together with the amount necessary to be paid for loans instalments or into a sinking fund to provide for the repayment of such moneys :

- (5) The surplus after providing for such payments as aforesaid may be transferred by the Corporation if they think fit to a reserve fund or renewal fund for the purposes of the tramway undertaking or into a suspense account and may be invested by the Corporation in or on any of the securities in or on which the sums directed to be set apart as a sinking fund are by this Order directed to be invested and such surplus and the proceeds of any investment thereof and the interest and produce of the same may be applied in extending and developing the tramway undertaking or in increasing the amount required to be paid into the sinking fund in respect of money borrowed by the Corporation for tramway purposes but subject as hereinafter mentioned no part of the surplus shall be paid to the credit of any rate or of the common good until a reserve fund of at least five per centum on the capital required for tramway purposes shall have been provided Provided that if and whenever there shall be remaining in the hands of the Corporation any surplus on account of tramway revenue after payment of the charges and making the transfers and appropriations hereinbefore provided for such surplus shall be (1) applied in relief of the burgh general assessment and thereafter of the free annual revenue of the common good so far as the said assessment and revenue respectively have been drawn upon for the purposes of the tramway undertaking and (2) carried to the credit of the burgh general assessment.

Statement
and balance
sheet and
estimates to
be laid
before Cor-
poration.

25.—(1) Section 41 (Statement and balance sheet and estimates to be laid before Corporation) of the Order of 1903 is hereby repealed.

(2) The Corporation shall once in each year after the first year's working cause to be laid before them a statement and balance sheet of the tramway accounts including the reserve or renewal fund and the suspense account for the preceding year and an estimate of the revenue to be derived for the ensuing year from the working and use of the tramways and carriages and trucks thereon

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and also an estimate of the sums required to meet for such year the expenses of working management maintenance of lines works machinery and rolling-stock repairs renewals materials wages taxes and other outgoings and charges and also the interest on borrowed money and the payment of the sums required to be annually made to the sinking fund and the loans instalments hereinafter mentioned and the Corporation shall thereupon fix annually the tolls fares and charges to be levied by them for the use of the tramways and of carriages and trucks used or propelled thereon for the said year then ensuing not exceeding the tolls fares and charges authorised by the Tramways Orders and this Order so that the revenue shall as nearly as possible meet the expenditure as before specified for each year Provided that if in any year the revenue exceeds such expenditure such excess shall be dealt with by the Corporation as required by subsection (5) of the section of this Order of which the marginal note is "Application of tramway revenue" and that should there be a deficiency in any year it shall be provided for in the estimate for the following year by drawing from reserve fund or varying the tolls fares and charges or reducing working expenses or be carried to a suspense account and reduced gradually over a period of years not exceeding five.

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Water Undertaking.

26. In addition to any money borrowed or which the Corporation have power to borrow under and in virtue of the Water Acts the Corporation may from time to time under the authority of this Order borrow on mortgage of the several rates and charges leviable by them under the provisions of the Water Acts and this Order any sums they think requisite for the purposes of those Acts relating to and for the general purposes of the water undertaking not exceeding in the whole the sum of fifteen thousand pounds and may make and grant mortgages of and over the said several rates and charges accordingly in security of the payment of the money so borrowed and interest thereon and if after having borrowed the sums of money by this section authorised or any part thereof the Corporation pay off the same or any part thereof otherwise than by means of the sinking fund hereinafter mentioned it shall be lawful for them again to borrow the amount so paid off and so from time to time.

Power to Corporation to borrow additional money for water undertaking.

27. The following sections of the Act of 1877 shall be and are hereby made applicable to the money to be borrowed or raised

Provisions as to mortgages and judicial

[Ch. cxc.] *Perth Corporation Order Confirmation* [4 EDW. 7.]
Act, 1904.

A.D. 1904.
—
factor &c. in
Act of 1877
to be applic-
able.

by the Corporation under the authority of this Order relating to the water undertaking and to the mortgages assignments or transfers of mortgages interest warrants drafts or orders and discharges to be granted in respect thereof in the same manner as if such money and such mortgages assignments or transfers of mortgages interest warrants drafts or orders and discharges had been borrowed or raised or granted under the authority of the Act of 1877 (that is to say):—

Section 113 (Forms of mortgage and transfer);

Section 114 (Mortgages may be accompanied with interest warrants);

Section 116 (Manner in which mortgages and orders on bank account to be signed and executed);

Section 120 (Arrears may be enforced by appointment of judicial factor);

Section 121 (Powers and duties of judicial factor);

Section 122 (Mortgages to be personal estate);

Section 123 (Discharge of mortgages):

Provided that every mortgage to be granted after the commencement of this Order for moneys borrowed for the purposes of the Water Acts and the water undertaking shall be granted in the corporate name of the Corporation and shall be executed and completed in the manner prescribed by section 9 of the Town Councils (Scotland) Act 1900.

Application
of money
borrowed or
raised for
water under-
taking.

28. The several sums to be borrowed or raised by the Corporation on mortgage or on cash credit or cash account under the authority of this Order relating to the water undertaking shall be applied only for the purposes of the Water Acts and the general purposes of the water undertaking to which capital is properly applicable and to no other purpose whatsoever. Provided that with the exception of the cost of enlarging or increasing the number of mains and pipes and of extending the works mains and pipes the several sums borrowed or raised by the Corporation under the authority of this Order relating to the water undertaking shall not be applied to any of the purposes to which the rates and charges by the Water Acts and this Order authorised to be levied by them are by this Order specially made applicable.

Priority of
existing
securities
for money

29. All mortgages and securities granted by the commissioners incorporated by the Act of 1877 and by the former burgh commissioners and by the Corporation in pursuance of the powers of the

[4 EDW. 7.] *Perth Corporation Order Confirmation* [Ch. cxc.]
Act, 1904.

Water Acts before the commencement of this Order and which shall be subsisting at the commencement of this Order shall during the continuance of such mortgages and securities have priority over any mortgages or securities to be granted by the Corporation for moneys borrowed or raised by them in relation to the water undertaking under this Order.

A.D. 1904.
—
borrowed
for water
purposes.

30. In estimating and fixing once in every year the amount of money necessary to be levied for the purposes mentioned in section 84 of the Act of 1877 the Corporation shall include the interest on the money that may be borrowed by them under the authority of this Order relating to the water undertaking and the moneys by this Order provided to be set apart as a sinking fund in respect thereof and the rates by the Water Acts and this Order authorised in respect of the water undertaking shall respectively be assessed and levied to such an amount as will be sufficient to meet the same in addition to the purposes mentioned in the said section of the Act of 1877 and the amount so levied shall be applied in payment thereof.

Annual esti-
mates to in-
clude inter-
est on money
borrowed &c.

31. Section 35 (Application of water revenue) of the Act of 1899 is hereby repealed and subject to the provisions of the Water Acts and this Order the Corporation shall apply all moneys from time to time received by them under the powers of the Water Acts or this Order (not being money raised by borrowing for the application of which provision is otherwise made) in the manner and order following and not otherwise (that is to say):—

Application
of water
revenue.

(Firstly) In payment of the expenses of managing and maintaining the water undertaking including therein all expenses of and incidental to the raising levying and recovering of rates rents charges and revenues and the borrowing of moneys and also in payment of any feu-duties ground annuals or other charges exigible in respect of any lands or property forming part of the water undertaking :

(Secondly) In payment of interest of money borrowed under the authority of the Act of 1877 :

(Thirdly) In payment of interest of money borrowed under the authority of the Act of 1888 relating to the water undertaking :

(Fourthly) In payment of interest of money borrowed under the authority of the Act of 1899 relating to the water undertaking :

[Ch. cxc.] *Perth Corporation Order Confirmation* [4 Edw. 7.]
Act, 1904.

A.D. 1904.

(Fifthly) In payment of interest of money borrowed under the authority of this Order relating to the water undertaking:

(Sixthly) In setting apart annually the sinking fund for paying off the money borrowed under the authority of the Water Acts and this Order relating to the water undertaking:

(Seventhly) In carrying the other powers and provisions of the Water Acts (so far as not repealed or altered) and this Order so far as relating to the water undertaking into execution:

(Lastly) The surplus (if any) from time to time shall be so applied as to facilitate the reduction of the domestic water rate when circumstances shall permit the same to be done.

Gas Undertaking.

Power to Corporation to borrow additional money for gas undertaking.

32. In addition to any money borrowed or which the Corporation have power to borrow under and in virtue of the Gas Acts the Corporation may from time to time under the authority of this Order borrow on mortgage (a) for repaying the moneys expended in excess of the amount already authorised to be borrowed for the purposes of the Gas Acts and of the gas undertaking a sum not exceeding three thousand pounds and (b) for the purposes of the said Acts and undertaking such sums as they think requisite not exceeding in the whole the sum of seventeen thousand pounds and may make and grant mortgages of and over the several rates and charges leviable by them under the provisions of the Gas Acts and this Order in security of the payment of the money so borrowed and interest thereon and if after having borrowed the sums of money by this section authorised or any part thereof the Corporation pay off the same or any part thereof otherwise than by means of the sinking fund hereinafter mentioned it shall be lawful for them again to borrow the amount so paid off and so from time to time.

Provisions as to mortgages &c. in Act of 1871 to be applicable to this Order.

33. Section 75 (Manner in which mortgages and orders on bank account to be signed and executed) and section 79 (Discharge of mortgages) of the Act of 1871 shall be and are hereby made applicable to the money to be borrowed or raised by the Corporation under the authority of this Order relating to the gas undertaking and to the mortgages drafts or orders and discharges to be granted in respect thereof in the same manner as if such money and such mortgages drafts or orders and discharges had been borrowed or raised or granted under the authority of the Act of 1871 Provided

[4 EDW. 7.] *Perth Corporation Order Confirmation* [Ch. cxc.]
Act, 1904.

that every mortgage to be granted after the commencement of this Order for moneys borrowed for the purposes of the Gas Acts and the gas undertaking shall be granted in the corporate name of the Corporation and shall be executed and completed in the manner prescribed by section 9 of the Town Councils (Scotland) Act 1900.

A.D. 1904.

34. Section 76 (Arrears may be enforced by the appointment of judicial factor) section 77 (Powers and duties of judicial factor) and section 78 (Mortgages to be personal estate) of the Act of 1871 shall be and are hereby made applicable to the money to be borrowed or raised and to the mortgages to be granted by the Corporation under the authority of this Order relating to the gas undertaking in the same manner as if such money had been borrowed or raised under the authority of the Act of 1871.

Provisions
as to judicial
factor &c.

35. The several sums to be borrowed or raised by the Corporation on mortgage or on cash credit or cash account for the purposes of the Gas Acts and the gas undertaking under the authority of this Order shall be applied only for the purposes of the Gas Acts and the general purposes of the gas undertaking Provided that the several sums so borrowed by the Corporation under the authority of this Order shall not be applied to any purpose to which capital is not properly applicable or to any of the purposes to which the rates and charges by the Gas Acts and this Order authorised to be levied by them are by this Order specially made applicable excepting temporary advances for payment of the annuities as provided by the Act of 1871.

Application
of money
borrowed or
raised for
gas under-
taking.

36. All mortgages and securities granted by the Corporation in pursuance of the powers of the Gas Acts before the commencement of this Order and which shall be subsisting at the commencement of this Order shall during the continuance of such mortgages and securities have priority over any mortgages or securities to be granted by the Corporation for moneys borrowed or raised by them for the gas undertaking under this Order.

Priority of
existing
securities
for money
borrowed for
gas purposes.

37. In the estimate provided by section 65 (Commissioners to fix rates for gas) of the Act of 1871 of the sums required to meet for each year the outgoings and charges mentioned in that section the Corporation shall include the interest on the money that may be borrowed by them under the authority of this Order for the gas undertaking and the repayment thereof as in this Order provided and any additional charges and expenses to be incurred in carrying out the purposes of this Order relating

Annual esti-
mate to in-
clude interest
on money
borrowed &c.

[Ch. cxc.] *Perth Corporation Order Confirmation* [4 EDW. 7.]
Act, 1904.

A.D. 1904. to the gas undertaking by the Corporation and the rates by the Gas Acts and this Order authorised shall respectively be assessed and levied to such an amount as will be sufficient to meet the same in addition to the purposes mentioned in the said section of the Act of 1871 and the amount so levied shall be applied in payment thereof.

Application
of gas re-
venue.

38. Section 74 (Application of gas revenue) of the Act of 1897 is hereby repealed and the rates and charges levied or leviable under the authority of the Gas Acts and this Order or any of them and the other revenues of the Corporation arising from the gas undertaking shall be applied in manner following (that is to say):—

(Firstly) In defraying the expenses of management and maintenance of the gas undertaking including the annual costs charges and expenses of providing and supplying gas and the payment of any annual burdens or payments in respect of the gas undertaking :

(Secondly) In payment of the annuities to the annuitants and of the interest of money borrowed under the authority of the Act of 1871 :

(Thirdly) In payment of the interest of money borrowed for gas purposes under the authority of the Act of 1888 :

(Fourthly) In payment of the interest of money borrowed for gas purposes under the authority of the Act of 1897 :

(Fifthly) In payment of the interest of money borrowed for gas purposes under the authority of the Act of 1899 :

(Sixthly) In payment of the interest of money borrowed under the authority of the Order of 1900 :

(Seventhly) In payment of the interest of money borrowed for gas purposes under the authority of this Order :

(Lastly) In payment of the sums by the Gas Acts and this Order required to be annually set apart and appropriated for the purpose of the sinking fund in respect of the gas undertaking and of the sum by the Act of 1897 required to be set apart annually for the contingency and depreciation of works fund.

City Improvements.

Power to
borrow for
city improve-
ments.

39. The Corporation in addition to any money which they or the former commissioners of the burgh may have borrowed under the powers and for the purposes or any of the purposes of the Act

[4 EDW. 7.] *Perth Corporation Order Confirmation* [Ch. cxc.]
Act, 1904.

of 1893 may from time to time borrow at interest on the credit and security of the burgh general assessment and the general improvement rate leviable by them under the Police Acts or on the credit and security of either of them or partly of the said burgh general assessment and partly of the said general improvement rate as they may resolve and also to such extent as they may resolve on the credit and security of the rate or assessment authorised to be levied by them as the burgh local authority by and under the Roads and Bridges (Scotland) Act 1878 and Acts amending the same such sums of money not exceeding in the whole the sum of twenty-five thousand pounds as shall be necessary for the completion of the new streets and street improvements authorised by the Act of 1893 or other the purposes of that Act and if after having borrowed the said sums or any part thereof the Corporation pay off the same otherwise than by means of the sinking fund hereinafter provided they may again borrow the amount so paid off and so from time to time:

A.D. 1904.

Provided that notwithstanding anything to the contrary contained in the Police Acts the said general improvement rate may be levied by the Corporation to the amount of but not exceeding sixpence in the pound instead of threepence in the pound to which such rate is limited by the Police Acts.

40. All bonds to be granted for money to be borrowed under the authority of the last preceding section of this Order may be in the form contained in the Police Acts and the Corporation may grant bonds accordingly for the moneys so to be borrowed and may assign the said burgh general assessment and general improvement rate and the said rate or assessment leviable by them as the burgh local authority under the Roads and Bridges (Scotland) Act 1878 respectively in security of the money to be so borrowed and of the interest thereof and all such bonds may be assigned in manner and according to the form provided by the Police Acts and sections 375 376 377 and 378 of the Burgh Police (Scotland) Act 1892 as amended by the Burgh Police (Scotland) Act 1903 shall be and are hereby made applicable to the moneys to be borrowed by the Corporation under the last preceding section of this Order and to the bonds and assignments to be executed in respect thereof in the same manner as if such moneys and such bonds and assignments had been borrowed or executed under the authority of the Police Acts Provided always that all bonds to be granted for money to be borrowed under the authority of the last preceding section of

Bonds for
borrowed
money for
improve-
ments.

[Ch. cxc.] *Perth Corporation Order Confirmation* [4 Edw. 7.]
Act, 1904.

A.D. 1904. — this Order shall specify that such money was borrowed by virtue and under the authority thereof. Provided further that every bond to be granted after the commencement of this Order for moneys borrowed for the purposes of the Act of 1893 shall be granted in the corporate name of the Corporation and shall be executed and completed in the manner prescribed by section 9 of the Town Councils (Scotland) Act 1900.

Present bonds and securities not to be prejudiced.

41. Nothing herein contained shall prejudice or affect any bonds or securities which may have been granted by the former commissioners of the burgh or by the Corporation for money borrowed by them respectively previous to the commencement of this Order but the same shall as to the rates funds and property comprised therein respectively have priority over all money borrowed under the authority of section 39 (Power to borrow for city improvements) of this Order.

Application of money borrowed.

42. All money borrowed by the Corporation under the authority of this Order for the completion of the new streets and street improvements authorised by the Act of 1893 or other the purposes of that Act shall be applied to the purposes of that Act and to no other purpose whatsoever. Provided always that no borrowed money shall be applied to any purpose for which capital is not properly applicable.

Rates to include interest and sinking fund.

43. The Corporation shall subject to the provisions of this Order annually include in and as part of the burgh general assessment and the general improvement rate authorised to be assessed and charged by them by or under the Police Acts and the rate or assessment leviable by them as the burgh local authority by and under the Roads and Bridges (Scotland) Act 1878 and the Acts amending the same or in and as part of any one or more of such rates or assessments as the case may be such sums as shall be necessary for paying the interest of any money borrowed by them under the authority of the said section 39 (Power to borrow for city improvements) of this Order and also the sums to be set apart annually for repayment thereof under this Order.

Sinking fund may be adjusted in certain events.

44. If the Corporation out of the proceeds of the sale or disposition of lands under the powers of the Act of 1893 or out of other moneys received by them on capital account under that Act other than borrowed moneys repay any principal moneys borrowed under the powers of that Act and the said section 39 (Power to borrow for city improvements) of this Order the payments to

[4 EDW. 7.] *Perth Corporation Order Confirmation* [Ch. cxc.]
Act, 1904.

the sinking fund may be reduced to such extent and upon such terms as may be from time to time approved by the Secretary for Scotland. A.D. 1904.

General.

45. The Corporation shall pay off all moneys borrowed by them under the powers of this Order within the respective periods following (hereinafter in this Order referred to as "the prescribed period") (that is to say):—

Periods of
repayment
of moneys
borrowed.

- (1) As to moneys borrowed for and in connection with the purposes of the Order of 1903 and Part II. of this Order within thirty years from the date or dates of the borrowing of the same:
- (2) As to moneys borrowed for the purposes of the Water Acts and the general purposes of the water undertaking within forty years from the date or dates of the borrowing of the same:
- (3) As to moneys borrowed under section 32 of this Order (Power to Corporation to borrow additional money for gas undertaking) for the purpose (a) in that section mentioned within fifteen years and for the purpose (b) in that section mentioned within thirty years from the date or dates of the borrowing of the same:
- (4) As to moneys borrowed for the completion of the new streets and street improvements authorised by the Act of 1893 or other the purposes of that Act within forty years from the date or dates of the borrowing of the same:
- (5) As to moneys borrowed for paying the costs charges and expenses referred to in section 52 (Costs of Order) of this Order within five years from the commencement of this Order.

46. The Corporation shall pay off all moneys borrowed by them under the powers of this Order either by equal yearly or half-yearly instalments of principal or of principal and interest combined or by means of a sinking fund or partly by one of those methods and partly by another or others of them and subject to the provisions of this Order the payment of the first instalment or the first payment to the sinking fund shall be made within one year from the date of borrowing the sum in respect of which the payment is made. Mode of repayment.

[Ch. cxc.] *Perth Corporation Order Confirmation* [4 EDW. 7.]
Act, 1904.

A.D. 1904.

Sinking
fund.

47.—(1) If the Corporation determine to repay by means of a sinking fund any moneys borrowed by virtue of this Order such sinking fund shall be formed or maintained either—

(a) By payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed. A sinking fund so formed is hereinafter called a non-accumulating sinking fund; or

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

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

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

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

(5)—(A) If and so often as the income of an accumulating sinking fund is not equal to the income which would be derived from the amount invested if the same were invested at the rate

per centum per annum on which the annual payments to the fund are based any deficiency shall be made good by the Corporation :

(B) If and so often as the income of an accumulating sinking fund is in excess of the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any such excess may be applied towards such annual payments.

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

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

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

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

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

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Act, 1904.

A.D. 1904.

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

Power to
Corporation
to borrow on
cash account.

48. The Corporation may accept and take from any bank or banking company credit on a cash account to be opened and kept with such bank or banking company in the name of the Corporation according to the usage of bankers in Scotland to the extent of the aggregate amount of the several sums respectively which the Corporation are by this Order authorised to borrow or any part thereof and may make and grant mortgages bonds or securities as provided by this Order applicable to the particular borrowing in security of the payment of the amount of such credit or of the sums advanced from time to time on such cash account with interest thereon. Provided always that the whole principal sums due and owing by the Corporation on such cash account and for money borrowed by them on mortgage bond or other security as aforesaid shall not when taken together exceed the aggregate amount of the several sums respectively authorised to be borrowed and not discharged by means of the sinking fund by this Order provided.

Protection
of lenders
from inquiry.

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

Order not to
restrict bor-
rowing powers
of Corpora-
tion.

50. Nothing in this Order shall restrict any of the powers of the Corporation under the Police Acts or otherwise for borrowing money for purposes not specified in this Order.

Annual re-
turn to Sec-
retary for
Scotland
with respect
to sinking
fund.

51. The Corporation shall within two months after the expiration of each financial year during which any sums are by this Order required to be set apart to the sinking fund transmit to the Secretary for Scotland a return in such form as may be prescribed by the Secretary for Scotland and verified by statutory declaration if so required by him showing the amounts which have been so set apart in respect of that year and also showing the purposes to which any portion of such sinking fund and the interest or income thereof has been applied during the same period and the total amounts remaining to the credit of such fund at the end of the same period and in the event of any default in

[4 EDW. 7.] *Perth Corporation Order Confirmation* [Ch. cxc.]
Act, 1904.

making such return the Corporation shall be liable to a penalty not exceeding twenty pounds which shall be recoverable by the Secretary for Scotland as a debt to the Crown is recoverable. If it appear to the Secretary for Scotland by any such return or otherwise that the Corporation have failed to set apart the sums required by this Order to be set apart to the sinking fund or have applied any portion of the moneys set apart to that fund or any interest or income thereof to any purposes other than those authorised by this Order the Secretary for Scotland may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart to the sinking fund and such order shall be enforceable by decree of either division of the Inner House of the Court of Session in Scotland pronounced in a summary application presented for that purpose.

A.D. 1904.

52. The costs charges and expenses of and incident to the preparing and applying for and the issue of this Order and the confirmation thereof by Parliament or otherwise in relation thereto shall be paid by the Corporation to the extent of one fourth thereof in respect of the tramway undertaking to the extent of one fourth thereof in respect of the water undertaking to the extent of one fourth thereof in respect of the gas undertaking and to the extent of the remaining one fourth thereof in respect of new streets and street improvements out of the funds and revenues of those four undertakings or out of moneys which the Corporation are hereby authorised to borrow for the payment of the costs charges and expenses aforesaid on the security of the said funds and revenues in the same proportions.

Costs of
Order.

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