



CHAPTER cxci.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Wemyss Tramways. A.D. 1905.
[11th August 1905.]

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

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

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

2. This Act may be cited as the Wemyss Tramways Order Confirmation Act 1905. Short title.

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SCHEDULE.

WEMYSS TRAMWAYS.

Provisional Order authorising Randolph Gordon Erskine Wemyss to make and maintain Tramways and other Works in the County of Fife and for other purposes.

WHEREAS the making and maintaining of the tramways and other works hereinafter described and by this Order authorised and the working of such tramways by mechanical power would be of public and local advantage :

And whereas Randolph Gordon Erskine Wemyss of Wemyss Castle in the county of Fife (hereinafter called "the Undertaker") is willing at his own expense to construct the tramways if authorised so to do with adequate powers for the purpose and it is expedient that he should be empowered accordingly as by this Order provided :

And whereas portion of the tramways in so far as not situate on lands belonging to the Undertaker will be laid along streets and roads the property on both sides of which belongs or is claimed to belong to the Undertaker :

And whereas the Wemyss Estate contains a valuable coal field now in course of development and the traffic between the said estate and the burghs of Kirkcaldy and Leven along the said streets and roads is large and increasing :

And whereas the construction of the tramways will greatly facilitate such traffic :

And whereas the local and road authorities having jurisdiction over the streets and roads on which the tramways will in part be situate are willing that the tramways should be constructed and no frontager or other person interested in the property in any of the said streets and roads has made any objection to this Order :

And whereas it is expedient that the Undertaker and certain local authorities should be empowered to enter into and carry into

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effect agreements as hereinafter provided and that the other powers mentioned in this Order be conferred upon the Undertaker and that the provisions of the Tramways Act 1870 as to the purchase of the undertaking by this Order authorised should be amended as hereinafter mentioned :

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

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

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

1. This Order may be cited as the *Wemyss Tramways Order 1905* and shall come into operation at the date of the passing of the Act confirming the same which date is hereinafter referred to as “the commencement of this Order.”

Short title
and com-
mencement.

2. The following Acts and parts of Acts (that is to say) :—

The Lands Clauses Acts ;

Sections 6 8 to 16 18 to 37 60 to 68 70 to 85 and 90 to 99 so far as the same are not repealed of the Railways Clauses Consolidation (Scotland) Act 1845 ; and

Section 3 (Interpretation of terms) Part II. (Construction of Tramways) and Part III. (General Provisions) of the Tramways Act 1870 ;

Incorporation of
general Acts.

so far as they are applicable to and are not varied by or inconsistent with the provisions of this Order are incorporated with and form part of this Order and shall apply to the undertaking Provided that—

(1) The provisions of the Railways Clauses Consolidation (Scotland) Act 1845 herewith incorporated shall apply

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only to the Tramways Nos. 3 5 7 and 9 and to such portions of Tramways Nos. 2 4 6 8 and 11 as may under the provisions of this Order be constructed on private lands and for the purposes thereof such tramways shall be deemed to be railways and the Undertaker shall be deemed to be a railway company ;

- (2) The provisions of Part II. of the Tramways Act 1870 herewith incorporated shall not apply to the Tramways Nos. 3 5 7 and 9 or to such portions of Tramways Nos. 2 4 6 8 and 11 as may under the provisions of this Order be constructed on private lands ;
- (3) The provisions of section 43 (Future purchase of undertaking by local authority) of the Tramways Act 1870 shall not apply to any of the tramways or any part thereof.

Interpreta-
tion.

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

“ The Undertaker ” means Randolph Gordon Erskine Wemyss and includes his heirs successors and assigns ;

“ The company ” means the limited company to whom under the section of this Order whereof the marginal note is “ Undertaking shall be transferred to a registered company ” the undertaking by this Order authorised is to be transferred ;

“ The sheriff ” means the sheriff of the county of Fife and includes his substitutes ;

“ The Kirkcaldy Corporation ” means the provost magistrates and councillors of the royal burgh of Kirkcaldy ;

“ The Leven Corporation ” means the provost magistrates and councillors of the burgh of Leven ;

“ The tramways ” and “ the undertaking ” mean respectively the tramways and the undertaking and any part thereof by this Order authorised ;

“ Mechanical power ” includes steam electrical and every other motive power not being animal power ;

“ Engine ” includes motor.

TRAMWAYS.

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4. Subject to the provisions of this Order the Undertaker may make form lay down work use and maintain the tramways hereinafter described in the lines and within the limits of deviation 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 foundations sleepers tubes pulley pits underground chambers shafts manholes embankments cuttings bridges drains stations platforms gates junctions turntables turnouts crossings crossovers passing-places pillars posts poles brackets cables chains wires engines dynamos approaches sidings waiting rooms stables engine houses carriage houses depôts buildings sub-stations apparatus machinery appliances works and conveniences connected therewith and equip the same with the necessary plant and rolling stock and the Undertaker or the company may but in the case of the Undertaker by agreement only enter upon take and use such of the lands delineated on the said plans and described in the deposited book of reference as may be required for that purpose 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 the Electric Lighting (Scotland) Act 1890 and the Electric Lighting (Scotland) Act 1902 to which the provisions of section 15 of the first of the said Acts apply except in accordance with and subject to the provisions of that section.

Power to
make tram-
ways.

The tramways hereinbefore referred to and authorised by this Order will be situate wholly in the county of Fife and are—

Tramway No. 1 A tramway (1 furlong 4·1 chains or thereabouts in length of which 4·1 chains or thereabouts will be double line and 1 furlong or thereabouts will be single line) wholly in the parish of Kirkcaldy and Dysart and burgh of Kirkcaldy commencing by a junction with the existing tramway of the Kirkcaldy Corporation at its termination in Rosslyn Street 117 yards or thereabouts measured in a southerly direction along that street from its intersection with Randolph Road and terminating in Randolph Road at the eastern boundary of the burgh of Kirkcaldy at a point 195 yards or thereabouts measured in an easterly direction from the junction of that road with Rosslyn Street:

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Tramway No. 2 A tramway (3 furlongs 4·3 chains or thereabouts in length of which 6·4 chains or thereabouts will be double line and 2 furlongs 7·9 chains or thereabouts will be single line) commencing in the parish of Kirkcaldy and Dysart by a junction with Tramway No. 1 at its termination and terminating in the parish of Wemyss at a point 67 yards or thereabouts measured in a northerly direction from the intersection of Randolph Road with the road to Cameron Bridge Provided that the Undertaker may by agreement with the owners lessees and occupiers interested construct Tramway No. 2 in whole or in part on lands abutting on the road :

Tramway No. 3 A tramroad (1 mile 2 furlongs 8·1 chains or thereabouts in length of which 3 furlongs 8·6 chains or thereabouts will be double line and 6 furlongs 9·5 chains or thereabouts will be single line and which except where it crosses the public road leading from West Wemyss village to West Wemyss Station will be wholly laid on private lands) wholly in the parish of Wemyss commencing by a junction with Tramway No. 2 at its termination and terminating on the north side of the Kirkcaldy and Leven road at a point 23 yards or thereabouts measured in a westerly direction from the intersection by that road of the branch railway from the Buckhaven branch of the North British Railway to Hugo Pit :

Tramway No. 4 A tramway (2 furlongs 7·5 chains or thereabouts in length single line) wholly in the parish of Wemyss commencing by a junction with Tramway No. 3 at its termination and terminating on the north side of the Kirkcaldy and Leven road at a point 280 yards or thereabouts measured in a south-westerly direction from the Ordnance bench mark on Heather Cottage Provided that the Undertaker may construct Tramway No. 4 on the side of or on any lands belonging to him adjoining the Kirkcaldy and Leven road :

Tramway No. 5 A tramroad (5 furlongs 6·4 chains or thereabouts in length of which 3·8 chains or thereabouts will be double line and 5 furlongs 2·6 chains or thereabouts will be single line and which except where it crosses the public road leading from the Kirkcaldy and Leven road to Newton farmhouse will be wholly laid on private lands) wholly in

the parish of Wemyss commencing by a junction with Tramway No. 4 at its termination and terminating on the north side of the Kirkcaldy and Leven road at a point 190 yards or thereabouts measured in a south-westerly direction from the centre of the bridge carrying that road over the Chemiss Burn :

Tramway No. 6 A tramway (5 furlongs 8·9 chains or thereabouts in length of which 7·8 chains or thereabouts will be double line and 5 furlongs 1·1 chains or thereabouts will be single line) wholly in the parish of Wemyss commencing by a junction with Tramway No. 5 at its termination and terminating on the east side of the Kirkcaldy and Leven road at a point 94 yards or thereabouts measured in a north-easterly direction from the centre of the bridge carrying that road over the Buckhaven branch of the North British Railway Provided that the Undertaker may by agreement with the owners lessees and occupiers interested construct Tramway No. 6 in whole or in part on lands abutting on the road :

Tramway No. 7 A tramroad (1 furlong 5·1 chains or thereabouts in length single line and which will be wholly laid on private lands) wholly in the parish of Wemyss commencing by a junction with Tramway No. 6 at its termination and terminating on the east side of the Kirkcaldy and Leven road at a point 430 yards or thereabouts measured in a north-easterly direction along that road from the centre of the last-mentioned bridge over the said Buckhaven branch railway :

Tramway No. 8 A tramway (1 furlong 1·25 chains or thereabouts in length double line) wholly in the parish of Wemyss commencing by a junction with Tramway No. 7 at its termination and terminating on the south side of the Kirkcaldy and Leven road at a point 130 yards or thereabouts measured in a north-easterly direction from the Ordnance bench mark on the corner of Rosie Cottages Provided that the Undertaker may construct Tramway No. 8 on the side of or on any lands belonging to him adjoining the Kirkcaldy and Leven road :

Tramway No. 9 A tramroad (2 miles 5 furlongs 9·3 chains or thereabouts in length of which 2 furlongs 1·8 chains or thereabouts will be double line and 2 miles 3 furlongs 7·5 chains or thereabouts will be single line and which

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except where it crosses the public road leading from the Kirkcaldy and Leven road to Buckhaven and the public road leading from Kirkland to Methil will be wholly laid on private lands) wholly in the parish of Wemyss commencing by a junction with Tramway No. 8 at its termination and terminating on the south side of the Kirkcaldy and Leven road at a point 90 yards or thereabouts measured in a south-westerly direction from the centre of the bridge carrying that road over the River Leven :

Tramway No. 10 A tramway (5 furlongs 1·4 chains or thereabouts in length of which 1 furlong 0·4 chain or thereabouts will be double line and 4 furlongs 1 chain or thereabouts will be single line) commencing in the parish of Wemyss by a junction with Tramway No. 9 at its termination and terminating in the parish of Scoonie and burgh of Leven in Durie Street at a point two hundred yards or thereabouts measured in a southerly direction from the centre of the bridge carrying the road from Durie Street to Scoonie over the North British Railway East Fife section :

Tramway No. 11 A tramway (6 furlongs 1·1 chains or thereabouts in length of which 3·8 chains or thereabouts will be double line and 5 furlongs 7·3 chains or thereabouts will be single line) commencing in the parish of Kirkcaldy and Dysart by a junction with Tramway No. 2 at a point in the road to Cameron Bridge 57 yards or thereabouts measured in a northerly direction from the intersection of Randolph Road with the road to Cameron Bridge and terminating in the parish of Kirkcaldy and Dysart and burgh of Dysart in Townhead Road at a point 18 yards or thereabouts measured in a southerly direction along that road from its intersection with the mineral railway to Frances Pit Provided that the Undertaker may by agreement with the owners lessees and occupiers interested construct Tramway No. 11 in whole or in part on lands abutting on the road.

LANDS.

Lands for
generating
station.

5. Subject to the provisions of this Order the company may enter upon take hold and use the lands hereinafter described and may on such lands construct a station or stations for producing and generating transforming storing and applying electrical energy and erect thereon buildings and use dynamos engines accumulators

batteries and other apparatus and things necessary or proper for the generation of electrical energy and for the working of the tramways thereby and may produce generate transform store use and apply such power accordingly The lands hereinbefore referred to are as follows :—

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A piece of land containing 1·25 acres or thereabouts situate in the parish of Wemyss in the county of Fife on the south side of the Buckhaven branch of the North British Railway near Wemyss Castle Station bounded on the north by the said Buckhaven branch railway on the east by the road leading from the Kirkealdy and Leven road to Wemyss Castle Station on the south by the Kirkealdy and Leven road and on the west by an imaginary line drawn in a southerly direction to the Chemiss Burn from a point in the fence on the south side of the said Buckhaven branch railway 200 yards or thereabouts measured in a south-westerly direction from the west corner of the Wemyss Castle Station buildings and belonging or reputed to belong to the Undertaker.

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

Correction
of errors &c.
in deposited
plans and
book of
reference.

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Period for compulsory purchase of lands.

7. The powers of the company for the compulsory purchase of lands for the purposes of this Order shall cease after the expiration of four years from the commencement of this Order.

Persons under disability may grant servitudes &c.

8. Persons empowered by the Lands Clauses Acts to sell and convey or discharge lands may if they think fit subject to the provisions of those Acts and of this Order grant to the Undertaker any servitude right or privilege (not being a servitude right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Order in over or affecting any such lands and the provisions of the said Acts with respect to lands feu duties and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such servitudes rights and privileges as aforesaid respectively.

Purchase of lands by agreement.

9. In addition to the other lands which the Undertaker is by this Order authorised to purchase and acquire he may purchase take on lease or acquire by agreement and may hold for the purpose of the undertaking any lands not exceeding ten acres and he may on such lands and on any other lands purchased or acquired under the authority of this Order erect or construct and hold carriage and engine houses shelters waiting rooms gatekeepers' houses stables sheds depôts yards offices buildings stations sidings works and other conveniences in connection with the undertaking but nothing in this Order shall exonerate the Undertaker from any action or other proceeding for nuisance in the event of any nuisance being caused or permitted by him on any land purchased or acquired by agreement under the powers of this section.

Restriction on taking houses of labouring class.

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

If the Undertaker acquire or appropriate any house or houses for the purposes of this Order in contravention of the foregoing provisions he shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable

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by the Secretary for Scotland by action in the Court of Session and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the court may if it think fit reduce such penalty. A.D. 1905.

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

CONSTRUCTION AND MAINTENANCE.

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

12. 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 Undertaker 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.

13.—(1) The tramways shall be constructed on a gauge of three feet six inches or such other gauge as may from time to time be approved by the Board of Trade but carriages or trucks adapted to run on railways shall not be run thereon. Gauge of
tramways.

(2) So much of section 34 of the Tramways Act 1870 as limits the extent of the carriage used on any tramway beyond the edge of the wheels of such carriage shall not apply to carriages used on the tramways but no carriage or engine shall if the gauge of the tramways is three feet six inches exceed six feet three inches or in the event of the tramways being constructed on a less gauge six feet in width or such other width as may from time to time be prescribed by the Board of Trade.

14. The Undertaker in constructing the Tramways Nos. 3 5 7 and 9 may deviate laterally from the lines thereof shown on the deposited plans to any extent within the limits of deviation shown on those plans and he may deviate vertically from the levels thereof shown on the deposited sections except where any such tramway Power to
deviate in
constructing
Tramways
Nos. 3 5 7
and 9.

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Tramways to be kept on level of surface of road.

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

Plan of proposed mode of construction.

16.—(1) In addition to the requirements of section 26 of the Tramways Act 1870 the Undertaker shall lay before the Board of Trade and the road authority a plan showing the proposed mode of constructing laying down and renewing such tramways and a statement of the materials intended to be used therein and the Undertaker shall not commence the construction laying down or renewal of any of the tramways or part of any of the tramways respectively until such plan and statement have been approved by the Board of Trade and after such approval the works shall be executed in accordance in all respects with such plan and statement and under the superintendence and to the reasonable satisfaction of the surveyor of the road authority as provided by section 26 of the said Act Provided that the word "materials" in this section does not include materials used for paving any part of any street or road under the provisions of the Tramways Act 1870 or this Order.

(2) If any dispute shall arise between the Undertaker and the road authority or the said surveyor under this section such dispute shall be referred to arbitration under the Tramways Act 1870.

Repair of part of road where tramway is laid.

17. The materials with which and the manner in which the Undertaker shall maintain and keep in good condition and repair the portion of the road referred to in section 28 of the Tramways Act 1870 shall be such as may be agreed between the road authority and the Undertaker or in case of difference between them as may be determined by the Board of Trade on the application of either party.

Rails of tramways.

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

Penalty for not maintaining rails and roads.

19.—(1) The Undertaker shall at all times maintain and keep in good condition and repair and so as not to be a danger or

annoyance to the ordinary traffic the rails of the tramways and the substructure upon which the same rest and if the Undertaker at any time fail to comply with this provision or with the provisions of section 28 of the Tramways Act 1870 as varied by this Order he shall be subject to a penalty not exceeding five pounds and to a daily penalty not exceeding five pounds.

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(2) In case it is represented in writing to the Board of Trade by the road authority of any district in which the tramways or any portion thereof are or is situate or by twenty inhabitant ratepayers of such district that the Undertaker has 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 as varied by this Order the Board of Trade may if they think fit direct an inspection by an officer to be appointed by the said Board and if the 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 Undertaker to such penalty or penalties in respect thereof as is or are by this section imposed.

Board of Trade may on complaint inspect tramways.

20. Every local and road authority shall at all times have free access to and communication with all their sewers and drains and power to lay lateral and private drains to communicate therewith without the consent or concurrence of the Undertaker and the provisions contained in sections 32 and 33 of the Tramways Act 1870 shall be applicable in the case of any sewer or private drain of or under the control of the said authority as if the same were a pipe for the supply of gas or water.

Local and road authority to have access to sewers.

21. Where in any road in which a double line of tramway is laid there shall be less width between the outside of the footpath on either side of the road and the nearest rail of the tramway than nine feet six inches the Undertaker shall if and where required by the Board of Trade construct a cross-over or cross-overs connecting the one tramway with the other and by the means of such cross-over or cross-overs the traffic shall when necessary be diverted from one tramway to the other.

Cross-overs to be constructed in certain cases.

22.—(1) The Undertaker may subject to the provisions of this Order with the consent of the Board of Trade make maintain alter and remove such crossings cross-overs passing places sidings turn-outs junctions and other works in addition to those particularly specified in and authorised by this Order as he finds necessary

Power to make additional cross-overs and to double tramway lines.

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A.D. 1905. or convenient for the efficient working of the tramways or for providing access to any generating stations stables or carriage houses or works of the Undertaker or for providing access to any premises near any part of the tramways or for forming junctions with other tramways.

(2) Notwithstanding anything shown on the deposited plans the Undertaker 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 any of the tramways and may with the like consent at any time alter the position in the road or from the road to lands adjoining the road of any of the Tramways Nos. 2 4 6 8 and 11 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 Undertaker 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 he may think fit.

(3) Provided that if in the construction of any works under this section any rail is intended to be so laid nearer to the footpath than previously authorised in such a manner that for a distance of thirty feet or upwards a less space than nine feet six inches would intervene between it and the outside of the footpath on either side of the road the Undertaker 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 (except with the consent of the Board of Trade) 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 Undertaker within three weeks after receiving the notice from the Undertaker express their objection thereto.

Temporary tramways may be made where necessary.

23. Where by reason of the execution of any work affecting the surface or soil of any road along which any of the tramways is laid it is in the opinion of the Undertaker necessary or expedient temporarily to remove or discontinue the use of such tramway or any part thereof the Undertaker may with the consent of the local and road authority construct in the same or any adjacent road and maintain so long as occasion may require a temporary tramway or temporary tramways in lieu of the tramway or part of a tramway so removed or discontinued.

24. The Undertaker may increase the roadway of any street or road in which any of the tramways are authorised to be laid to such extent as may be necessary to leave a space of nine feet and six inches between the outside of the footpath on each or either side of such street or road and the nearest rail of such tramway by reducing the width of the footpath on each or either side of such street or road. Provided that any footway shall not be reduced in width without the consent of the road authority or other person in whom it is vested nor to such an extent as to be less than six feet wide.

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Undertaker may reduce footpath for constructing tramway.

25. Any paving metalling or material excavated by the Undertaker in the construction of the tramways from any road or bridge under the jurisdiction or control of any road authority may be applied by the Undertaker so far as may be necessary in or towards the reinstatement or making up of the road or bridge and the maintenance for six months after completion of any of the tramways within the district of such road authority of so much of the roadway on either side of such tramways as the Undertaker is by section 28 of the Tramways Act 1870 as varied by this Order required to maintain and the Undertaker shall if so required deliver the surplus paving metalling or material not used or required to be retained for the purposes aforesaid to the surveyor of the road authority or to such person or persons as he may appoint to receive the same. Provided that if within seven days after the setting aside of the surplus arising from the excavation of any such paving metalling or material and notice duly given such surplus is not removed by such surveyor or by some other person named by him for that purpose such surplus paving metalling or material shall absolutely vest in and belong to the Undertaker and may be dealt with removed and disposed of by him in such manner as he may think fit. Any difference between the Undertaker and any road authority or surveyor or other person with reference to any of the matters aforesaid shall be settled by an arbiter to be nominated by the Board of Trade on the application of either party.

Application of road materials excavated in construction of works.

26. The Undertaker may erect and maintain in any district sheds or shelters or waiting rooms for the accommodation of passengers and of the servants of the Undertaker and the Undertaker may with the consent of the local and road authority of such district for such period and on such terms as may be agreed upon use for that purpose portions of the public streets or roads within such district.

Shelters or waiting rooms.

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Stopping of
roads during
execution of
works.

27. Subject to the provisions of this Order the Undertaker may during the execution of the tramways with the consent of the road authority expressed in writing by the clerk of such authority stop up temporarily the carriageway or footway of any road or bridge as he thinks necessary and for that purpose may put up bars posts and other erections Provided that the Undertaker shall before stopping up any footway under this section provide a temporary substitute therefor.

As to elec-
trical works
&c.

28.—(1) The Undertaker may in under or over the surface of any street or road including the footways thereof or public place in any district in which the tramways will be situate construct lay down erect maintain renew and repair electric wires conductors posts tubes boxes and other electrical apparatus and may make and maintain openings and ways for the purpose of working the tramways by electrical power and may for that purpose subject to the provisions contained in Part II. of the Tramways Act 1870 and to the provisions of this Order open and break up any such street or road including the footways thereof or public place and any sewers drains water or gas pipes tubes wires telephonic and telegraphic apparatus therein or thereunder and with the consent of the owners thereof remove replace or alter the position of any lamp-post or letter box in any such street or road including the footways thereof or public place Provided as follows:—

(A) All posts and apparatus erected by the Undertaker under the powers of this Order in any street or road including the footways thereof or public place shall be of such design as the local authority may approve and shall be placed in such position as the local authority and road authority may approve Provided that no post or other apparatus shall be erected on the carriageway except with the consent of the Board of Trade:

(B) The route in which any electrical apparatus is to be laid or erected (elsewhere than in any street or road including the footways thereof or public place in which the tramways will be situate) shall be approved by the local authority and the road authority within whose jurisdiction each portion of the route is situate.

(2) Nothing in this section shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Acts 1882 and 1888 the Electric Lighting (Scotland) Act 1890 and the Electric Lighting (Scotland)

Act 1902 to which the provisions of section 15 of the first of the said Acts apply. A.D. 1905.

29. The Undertaker may make junctions between the tramways and any other tramroad wagonway or light railway laid near the tramways and which can be worked in connection therewith but only with the consents of the owners and lessees of such tramroad wagonway or light railway and (where such junctions are laid upon any road) of the road authority within whose district such junctions are intended to be laid and the provisions of the Tramways Act 1870 incorporated with this Order and of this Order with respect to the construction maintenance and working of the tramways shall apply to such junctions where laid along any road and such junctions when made shall for all purposes be deemed to be part of the undertaking of the Undertaker.

Junctions with tramroads which can be worked in connection with tramways.

30. If the Undertaker at any time find it necessary or desirable to remove snow or other matter impeding the traffic on the tramways the Undertaker shall at his own cost remove the snow or other matter to the side of the road but so as not to impede or obstruct the ordinary traffic on the road.

As to removal of snow &c.

31. The Undertaker may with the consent of the owner of any building or bridge or of any column post or standard erected for lighting purposes in any road street footway footpath or public place in which any of the tramways are situate attach thereto such brackets wires and apparatus as may be required for the working of the tramways by mechanical power :

Attachment of brackets to buildings.

Provided that—

- (1) Where in the opinion of the Company any consent under this section is unreasonably refused they may appeal to the sheriff who shall have power having regard to the character of the building or bridge or of such column post or standard as the case may be and to the other circumstances of the case to allow the attachment subject to such terms as to compensation or rent and otherwise as he may think reasonable or to disallow the same and may determine by which of the parties the costs of the appeal are to be paid ;
- (2) Any consent of an owner and any order of the sheriff under this section shall not have effect after that owner ceases to be in possession of the building or

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bridge or of such column post or standard but any attachments fixed under the provisions of this section shall not be removed until the expiration of three months after any subsequent owner shall have given to the Company notice in writing requiring the attachments to be removed. Where such notice is given the preceding provisions of this section shall apply and the sheriff shall have the same powers as under proviso (1);

- (3) The owner may require the Company to temporarily remove the attachments where necessary during any reconstruction or repair of the building or bridge or of such column post or standard.

For the purpose of this section any occupier of a building whose tenancy exceeds one year unexpired and in the case of any other tenancy the person receiving the rent shall be deemed to be the owner.

PROTECTIVE PROVISIONS.

For protection of local authority of area affected.

32. For the protection of the local authority of the area in which any of the tramways may be situate the following provisions shall unless otherwise agreed between the local authority and the Undertaker have effect:—

- (1) The tramways shall be laid down under the superintendence and to the reasonable satisfaction of the local authority:
- (2) The tramways shall not be used for experimental purposes and shall be constructed so as to interfere as little as may be with the ordinary traffic on the roads on which the same are laid:
- (3) All standards poles wires and supports erected for the purpose of the electrical equipment of the tramways shall be of such design and shall be erected and placed in such manner and situation and according to such plans as shall have been previously submitted to and approved of by the local authority and the local authority shall have power upon giving to the Undertaker one month's notice in writing of their desire so to do to make use of such standards or poles for the support of electric or gas lamps and all internal wires

connections and pipes or other fittings necessary for such electric or gas lamps belonging to or to be used by the local authority in such manner and so far as the same will not interfere with the electric system of the Undertaker or weaken damage or otherwise prejudicially affect the said standards or poles. Provided that the approval of the local authority shall not be withheld unreasonably and that if the local authority shall not within twenty-eight days after the submission of such designs or plans signify in writing to the Undertaker their disapproval and their requirements in lieu thereof they shall be deemed to have approved thereof :

- (4) Every standard or pole shall be painted in such colours and manner and so often (not being more than once in every three years) as the local authority may require and if any standard or pole after it has been erected is in the opinion of the local authority an obstruction the Undertaker shall alter the position thereof in such manner as the local authority in writing shall reasonably require :
- (5) The Undertaker shall if required by the local authority light in so far as may be necessary to avoid danger to traffic such of the standards or poles placed on any roadway or footway within the jurisdiction of the local authority as the local authority may select :
- (6) Every carriage used on the tramways shall be kept in proper repair and condition and be painted by the Undertaker to the reasonable satisfaction of the local authority who may prohibit the use of any carriage not in their opinion in proper repair and condition :

The carriages used on the tramways shall be electrically lighted and shall be provided by the Undertaker with all necessary lightning arresters :

All electrical fittings used on the carriages of the Undertaker shall be sufficiently protected so as to prevent injury to passengers :

- (7) When the Undertaker opens or breaks up any street roadway or footway for the purpose of erecting any pole the Undertaker shall within three days after the same

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has been opened or broken up reinstate the same in as good condition as that in which it was before it was opened or broken up and in case the Undertaker makes any default in so doing the local authority may reinstate the same as aforesaid at the expense of the Undertaker :

- (8) The Undertaker shall not without the consent of the local authority remove any public lamp and all lamps so removed under such consent shall be re-erected by the Undertaker in such manner and position as the local authority may direct :
- (9) Whenever the Undertaker desires to erect any pole which involves any alteration or removal of any sewer or drain or machinery or appliance connected therewith vested in or belonging to the local authority the local authority may at their option (but without prejudice to any protection afforded to them by the Tramways Act 1870) make such alteration or removal as the case may be and do all works incidental thereto and all the reasonable and necessary expenses which the local authority shall thereby incur shall be defrayed or repaid to them by the Undertaker :
- (10) No advertisement other than a notice or advertisement relating to the undertaking of the Undertaker shall without the consent of the local authority be affixed to or displayed upon any standard or pole of the Undertaker :
- (11) Where any street or road on which the tramways are laid is widened by the local authority the Undertaker shall alter the position of the rails on such street or road at his own expense if required to do so by the local authority and subject to the provisions of this Order and of the Acts incorporated therewith place them where the local authority may direct :
- (12) Sections 30 32 and 33 of the Tramways Act 1870 shall apply to the local authority with reference to the water and gas mains pipes and apparatus belonging to the local authority in like manner as the same apply to a company or person being the owner of water or gas pipes or mains :

- (13) No advertisement shall be placed on the windows of any carriage used on the tramways in such a position as to obstruct the view and the local authority may order the removal of any advertisements placed on the carriages of the Undertaker which shall in their opinion be objectionable : A.D. 1905.
- (14) If any difference arise between the Undertaker and the local authority with respect to the reasonableness of any act or requirement of the local authority the same shall be determined by the arbitration of an arbiter to be agreed upon between the local authority and the Undertaker or failing agreement to be appointed by the Board of Trade on the application of either of them and the costs of such arbitration shall be borne and paid as such arbiter shall direct :
- (15) If the Undertaker shall subject to the provisions of the immediately preceding subsection fail to comply with any of the subsections of this section numbered four five six seven ten and thirteen he shall be liable for every such failure to comply to make payment to the local authority by way of damages of a sum not exceeding five pounds and in the event of a continued failure of a further sum not exceeding one pound for each day during which such further failure is continued :
- (16) All money payable by the Undertaker to the local authority under the provisions of this section shall be payable on demand in writing and in default thereof may be recovered by the local authority from the Undertaker by action in any competent court.

33. For the protection of the waterworks commissioners of Kirkcaldy and Dysart (hereinafter called "the commissioners") and of the waterworks mains pipes fittings apparatus and property belonging to the commissioners the following provision shall notwithstanding anything contained in this Order or in the Acts incorporated herewith and in addition to all protection and benefit which the commissioners have under and by virtue of the provisions contained in this Order and in the Acts incorporated herewith as altered by this section have effect unless otherwise agreed on between the commissioners and the Undertaker The

For protection of waterworks commissioners of Kirkcaldy and Dysart.

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A.D. 1905. — provisions of sections 30 and 32 of the Tramways Act 1870 as altered by this Order shall apply to all the waterworks mains pipes fittings apparatus and property belonging to the commissioners (including consumers' pipes) whether within the limits of compulsory supply as defined by the Kirkcaldy and Dysart Waterworks Act 1867 and as extended by the Kirkcaldy Burgh and Harbour Act 1876 or beyond such limits of compulsory supply.

For protec-
tion of Leven
Corporation.

34. For the protection of the Leven Corporation the following provisions shall unless otherwise agreed upon between that corporation and the Undertaker have effect (that is to say):—

- (1) The Undertaker shall before selling the whole or any portion of the tramways within the burgh of Leven to any person offer the same to the Leven Corporation and the Leven Corporation may within two months from the receipt of such offer but not after by notice in writing require the Undertaker to sell and thereupon the Undertaker shall sell to the Leven Corporation the whole or such portion of the tramways within the burgh upon the terms of paying the fair market value thereof as a going concern. Such value to be determined in case of difference by an arbiter to be appointed failing agreement on the application of either party by the Board of Trade:
- (2) When any such sale shall have been made to the Leven Corporation all the rights powers and authorities of the Undertaker in respect to the tramway or portion of tramway so purchased shall be transferred to vested in and may be exercised by the Leven Corporation in like manner as if such tramway or portion of tramway had been constructed by the Leven Corporation under powers conferred upon them by a Provisional Order under the Tramways Act 1870 and in reference to such tramway or portion of tramway the Leven Corporation shall be deemed to be the promoters:
- (3) Upon the completion of any such sale the Undertaker may subject to the approval of the Board of Trade (which approval the Board of Trade are hereby authorised to give) accept and take from the Leven Corporation and the Leven Corporation may notwithstanding anything in the Tramways Act 1870 contained grant a

lease or leases of the tramway or portion of tramway so purchased on such terms and conditions and for such period not exceeding a period of forty-two years from the date of the lease as may be agreed upon between the Undertaker and the Leven Corporation and during the continuance and subject to the terms and conditions of any such lease the Undertaker may work maintain and use the undertaking thereby leased and demand take and recover in respect thereof tolls fares and charges not exceeding the tolls fares and charges authorised to be taken thereon by this Order or by any subsequent Act or Order relating to or regulating the same.

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

For protec-
tion of North
British Rail-
way Com-
pany.

- (1) Before commencing any works or operations under the powers of this Order affecting any railway belonging or leased to or run over or worked by the railway company (in this section referred to as "the railway") or affecting any bridge over the railway the Undertaker shall submit plans and sections of such works or operations to the railway company for their approval and the said works and operations shall be constructed and carried on in conformity only with such plans and sections and at the sight and to the reasonable satisfaction of the engineer of the railway company and such works shall thereafter be maintained and repaired by the Undertaker to the reasonable satisfaction of such engineer. Provided that the approval of the railway company shall not be unreasonably withheld and that it shall be deemed to have been given unless the railway company signifies their disapproval within twenty-eight days after the submission of the said plans and sections:
- (2) The Undertaker shall not in the construction alteration maintenance or use of the tramways cause any interruption to or interference with the traffic on the railway:

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- (3) If any injury to or interference with the railway or any bridge or works of the railway company or any interruption to the traffic on the railway shall arise or be occasioned at any time by the works or operations of the Undertaker the Undertaker shall forthwith make good or remove such injury interference or interruption at his or their own expense or the railway company may execute the necessary works for that purpose at the expense of the Undertaker and the Undertaker shall repay to the railway company all costs and expenses properly incurred by them in so doing and all loss or damage sustained by the railway 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 railway company from maintaining and repairing and when necessary altering or reconstructing the railway or any bridge or other work of the railway company without interference on the part of the Undertaker and without incurring any liability to the Undertaker or to any party working or using the tramways for any loss injury damage expense or interruption of traffic which may arise from such maintenance repair alteration or reconstruction and any extra expense which the railway company may incur in such maintenance repair alteration or reconstruction by reason of the construction or existence of the tramways shall be paid by the Undertaker and such extra expense if any shall be determined by the arbiter appointed as hereinafter mentioned Provided that all such operations shall be executed by the railway company in such manner as to cause as little interruption or inconvenience as practicable to the traffic on the tramways and the railway company shall if reasonably necessary in consequence of the operations of the railway company lay at their own expense temporary tramways to maintain the continuity of the tramway traffic and the railway company shall give twenty-eight days' notice in writing to the Undertaker before commencing any such operations and the same so far as interfering with the tramways shall be conducted at the sight and to the reasonable satisfaction of the engineer of the Undertaker :

(5) The Undertaker shall pay to the railway company any extra expense which the railway company may incur or be put to in maintaining or repairing any bridge or the roadway thereon or any approach to any bridge or any part of any road for the maintenance of which the railway company are liable by reason of the construction use or existence of the tramways and such extra expense if any shall be determined by the arbiter appointed as hereinafter mentioned : A.D. 1905.

(6) The Undertaker shall not stop any tramway cars or other carriages on any level crossing by the tramways of the railway so as to interfere with or obstruct the traffic on the railway to a greater extent than is reasonably necessary for the proper working of the tramways and no mineral trains shall be allowed to stand on any level crossing over which the tramway lines are conducted so as to interfere with or obstruct the traffic on the tramway :

(7) If any difference shall arise between the Undertaker and the railway company or their engineers as to the meaning of this section or as to any plans and sections or as to any works or the method of executing the same or as to any expenses referred to in this section the same shall be determined by an arbiter to be agreed upon between the Undertaker and the railway company or failing agreement to be nominated by the Board of Trade on the application of either of the parties and the costs of such arbitration shall be borne and paid as such arbiter shall direct.

RATES AND REGULATIONS.

36. The Undertaker may demand and take for every passenger travelling upon the tramways or any part or parts thereof including every expense incidental to such conveyance a fare not exceeding one penny per mile and in computing the said fare the fraction of a mile shall be deemed a mile but in no case shall the Undertaker be bound to charge a less sum than one penny. Passengers' fares.

37. Every passenger travelling upon the tramways may take with him his personal luggage not exceeding twenty-eight pounds in weight without any charge being made for the carriage thereof Passengers' luggage.

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Carriage of passengers and goods.

38. The tramways may be used for the carriage of passengers and passengers' luggage and of consignments of single articles and of goods of every kind in parcels bags hampers sacks vessels or packages provided that each consignment shall not exceed five hundred pounds in weight but the Undertaker shall not be bound unless he thinks fit to carry any such consignments but only passengers and their personal luggage as aforesaid not exceeding twenty-eight pounds in weight.

Rates for goods in parcels &c.

39. With respect to the consignments mentioned in the preceding section the Undertaker may demand and take any rates and charges not exceeding the following (that is to say):—

Not exceeding seven pounds in weight threepence ;

Exceeding seven pounds and not exceeding fourteen pounds in weight fivepence ;

Exceeding fourteen pounds and not exceeding twenty-eight pounds in weight sevenpence ;

Exceeding twenty-eight pounds and not exceeding fifty-six pounds in weight ninepence ;

Exceeding fifty-six pounds but not exceeding five hundred pounds in weight such sum as the Undertaker may think fit.

Service of carriages.

40. The Undertaker shall run the carriages on the tramways at intervals suitable to the requirements of the districts served and if in the opinion of the local authority of any such district the Undertaker is not providing a sufficient service the Board of Trade may on the representation of the local authority and after considering all the circumstances order the Undertaker to provide and the Undertaker shall forthwith provide such additional service of carriages as the Board may in their discretion think reasonable and prescribe.

Cheap fares for labouring classes.

41.—(1) The Undertaker at all times after the opening of the tramways for public traffic shall and he is hereby required to run a proper and sufficient service of carriages for artisans mechanics and daily labourers each way every morning and every evening (Sundays New Year's Day and general holidays always excepted) at such hours not being later than eight in the morning or earlier

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than five in the evening respectively as may be most convenient for such workmen going to and returning from their work at fares not exceeding one halfpenny for every mile or fraction of that distance On Saturdays the Undertaker in lieu of running such carriages after five o'clock in the evening shall run the same at such hours between noon and two o'clock in the afternoon as may be most convenient for the said purposes.

(2) If complaint is made to the Board of Trade that such proper and sufficient service is not provided the Board after considering the circumstances of the locality may by order direct the Undertaker to provide such service as may appear to the Board to be reasonable.

(3) The Undertaker shall be liable to a penalty not exceeding five pounds for every day during which he fails to comply with any order under this section.

42. The Undertaker shall not take or demand on Sunday or any public holiday any higher fares or charges than those levied by him on ordinary week days.

As to fares on Sundays or holidays.

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

Periodical revision of rates and charges.

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Byelaws.

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

For regulating the use of any bell whistle or other warning apparatus fixed to the engines or carriages :

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

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

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

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

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

Amendment
of Tramways
Act 1870 as
to byelaws
by local
authority.

45. The provisions of the Tramways Act 1870 relating to the making of byelaws by the local authority with respect to the rate of speed to be observed in travelling on the tramways shall not authorise the local authority to make any byelaws sanctioning a higher rate of speed than that authorised by this Order or by the Board of Trade regulations at which engines are to be driven or propelled on the tramways under the authority of this Order Provided that carriages may be driven or propelled on the tramways at such speed not exceeding fifteen miles an hour as the Board of Trade may prescribe.

Penalty for
malicious
damage.

46. If any person wilfully does or causes to be done with respect to any apparatus used for or in connection with the working of any tramway or of any light railway owned leased or worked by the Undertaker anything which is calculated to obstruct or interfere with the working of such tramway or light railway or to cause injury to any person he shall (without prejudice to any proceedings

by way of interdict or otherwise to which he may be subject) be guilty of an offence punishable on summary conviction and every person convicted of such offence or of any offence under section 50 of the Tramways Act 1870 with respect to any such tramway or light railway shall be liable to a penalty not exceeding twenty pounds and the Undertaker may himself remove obstructions caused by any breakdown or illegal act or cause from any such tramway or light railway so as to free the traffic thereon from any such obstruction.

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MOTIVE POWER.

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

Provisions as
to motive
power.

(1) The mechanical power shall not be used except with the consent of and according to a system approved by the Board of Trade:

(2) The Board of Trade shall make regulations (in this Order referred to as "the Board of Trade regulations") for securing to the public all reasonable protection against danger arising from the use under this Order of mechanical power on the tramways and for regulating the use of electrical power:

(3) The Undertaker or any company or person using any mechanical power on the tramways contrary to the provisions of this Order or of the Board of Trade regulations shall for every such offence be liable to a penalty not exceeding ten pounds and also in the case of a continuing offence to a further penalty not exceeding five pounds for every day during which such offence is continued after conviction thereof:

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

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

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

may by order either direct the Undertaker or such company or person to cease to use such mechanical

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

Special provisions as to use of electrical power.

48. The following provisions shall apply to the use of electrical power under this Order unless such power is entirely contained in and carried along with the carriages:—

- (1) The Undertaker shall employ either insulated returns or uninsulated metallic returns of low resistance:
- (2) The Undertaker shall take all reasonable precautions in constructing placing and maintaining his electric lines and circuits and other works of all descriptions and also in working the undertaking so as not injuriously to affect by fusion or electrolytic action any gas or water pipes or other metallic pipes structures or substances or to interfere with the working of any wire line or apparatus from time to time used for the purpose of transmitting electrical power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus:
- (3) The electrical power shall be used only in accordance with the Board of Trade regulations and in such regulations provision shall be made for preventing fusion or injurious electrolytic action of or on gas or water pipes or other metallic pipes structures or substances and for minimising as far as is reasonably practicable injurious interference with the electric wires lines and apparatus of other parties and the currents therein whether such lines do or do not use the earth as a return:
- (4) The Undertaker shall be deemed to take all reasonable precautions against interference with the working of any wire line or apparatus if and so long as he adopts and employs at his option either such insulated returns or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with the electric wires lines and apparatus of other parties and the currents therein as may be prescribed by the Board of Trade regulations and in prescribing

such means the Board shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking :

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—

- (5) At the expiration of two years from the commencement of this Order the provisions of this section shall not operate to give any right of action in respect of injurious interference with any electric wire line or apparatus or the currents therein unless in the construction erection maintaining and working of such wire line and apparatus all reasonable precautions including the use of an insulated return have been taken to prevent injurious interference therewith and with the currents therein by or from other electric currents :
- (6) If any difference arises between the Undertaker and any other party with respect to anything hereinbefore in this section contained such difference shall unless the parties otherwise agree be determined by the Board of Trade or at the option of the Board by an arbiter to be appointed by the Board and the costs of such determination shall be in the discretion of the Board or of the arbiter as the case may be :
- (7) The expression " Undertaker " in this section shall include licencees and any person owning working or running carriages over any tramway of the Undertaker.

49. Notwithstanding anything in this Order contained if any of the works authorised to be executed by this Order involves or is likely to involve any alteration of any telegraphic line belonging to or used by the Postmaster-General the provisions of section 7 of the Telegraph Act 1878 shall apply (instead of the provisions of section 30 of the Tramways Act 1870) to any such alteration and in case any such alteration be made a telegraphic line of the Postmaster-General shall not be altogether removed from any highway (including the unmetalled or waste land by the side of the highway) without his consent.

Alteration of telegraph lines of Postmaster-General.

50. In the event of any tramways of the Undertaker being worked or lighted by electricity the following provisions shall have effect :—

For protection of Post Office telegraph lines.

- (1) The Undertaker shall construct his electric lines and other works of all descriptions and shall work the undertaking

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in all respects with due regard to the telegraphic lines from time to time used or intended to be used by His Majesty's Postmaster-General and the currents in such telegraphic lines and shall use every reasonable means in the construction of his electric lines and other works of all descriptions and the working of the undertaking to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein Any difference which arises between the Postmaster-General and the Undertaker as to compliance with this subsection shall be determined by arbitration :

- (2) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Undertaker of his electric lines and works or by the working of the undertaking the Undertaker shall pay the expense of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection :
- (3) Before any electric line is laid down or any act or work for working or lighting the tramways by electricity is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs) the Undertaker or his agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Undertaker and his agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work :

Any difference which arises between the Postmaster-General and the Undertaker as to any requirement so made shall be determined by arbitration :

- (4) If any telegraphic line of the Postmaster-General situate within one mile of any portion of the works of the Undertaker is injuriously affected and he is of opinion

that such injurious affection is or may be due to the construction of the works of the Undertaker or to the working of the undertaking the engineer-in-chief of the Post Office or any person appointed in writing by him may at all times when electrical energy is being generated by the Undertaker enter any of the works of the Undertaker for the purpose of inspecting the plant of the Undertaker and the working of the same and the Undertaker shall in the presence of such engineer-in-chief or such appointed person as aforesaid make any electrical tests required by the Postmaster-General and shall produce for the inspection of the Postmaster-General the records kept by the Undertaker pursuant to the Board of Trade regulations :

- (5) In the event of any contravention of or wilful non-compliance with this section by the Undertaker or his agents the Undertaker shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues :
- (6) Provided that nothing in this section shall subject the Undertaker or his agents to a fine under this section if he satisfies the court having cognizance of the case that the immediate doing of any act or the execution of any work in respect of which the penalty is claimed was required to avoid an accident or otherwise was a work of emergency and that he forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice :
- (7) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work :

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- (8) For the purposes of this section and subject as therein provided sections 2 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Order :
- (9) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882 :
- (10) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbiter appointed by the Board of Trade on the application of either party whose decision shall be final and sections 30 to 32 both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Undertaker or his agents were a company within the meaning of that Act :
- (11) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against the Undertaker by indictment action or otherwise in relation to any of the matters aforesaid :
- (12) In this section the expression "the Undertaker" includes his lessees and any person owning working or running carriages on any of the tramways of the Undertaker.

Apparatus used for mechanical power to be deemed part of tramways.

51. The provisions of sections 26 to 33 and 41 of the Tramways Act 1870 (except so much of section 28 as relates to the repair of the road between and on each side of the rails of the tramway) shall apply as if all posts tubes pipes wires and other apparatus used or to be used by the Undertaker for the purposes of mechanical power were parts of the tramways.

Power to acquire patent rights.

52. For the purpose of using mechanical power the Undertaker may acquire hold and exercise patent and other rights or licences relating to motive power or otherwise but not so as to acquire any exclusive right therein.

DEPOSIT FUND.

Deposit fund not to be repaid except so far as tramways are opened.

53. Whereas pursuant to the General Orders under the Private Legislation Procedure (Scotland) Act 1899 and to the Parliamentary Deposits Act 1846 as applied in such General Orders a sum of two thousand five hundred and seventy-four pounds eleven shillings has been deposited with the King's and Lord Treasurer's Remembrancer on behalf of the Court of Exchequer in Scotland in respect

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of the application for this Order which sum (hereinafter referred to as "the deposit fund") represents five per centum upon the amount of the estimate in respect of the tramways. Be it enacted that notwithstanding anything contained in the said Parliamentary Deposits Act 1846 the deposit fund shall not be paid or transferred to or on the application of the person named in the warrant or order issued in pursuance of the said Act or his executors heirs or assigns (hereinafter referred to as "the depositor") unless the Undertaker shall previously to the expiration of the period limited by this Order for completion of the tramways open the same for the public conveyance of passengers and if the Undertaker shall make default in so opening the tramways the deposit fund shall be applicable and shall be applied as provided by the next following section. Provided that if within such period as aforesaid the Undertaker opens any portion of the tramways for the public conveyance of passengers then on the production of a certificate of the Board of Trade specifying the length of the portion of the tramways opened as aforesaid and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length of the tramways so opened bears to the entire length of the tramways the Court shall on the application of the depositor order the portion of the deposit fund specified in the certificate to be paid or transferred to the depositor or as he shall direct and the certificate of the Board of Trade shall be sufficient evidence of the facts therein certified and it shall not be necessary to produce any certificate of the Act confirming this Order having passed anything in the Parliamentary Deposits Act 1846 to the contrary notwithstanding.

54. If the Undertaker does not previously to the expiration of the period limited for the completion of the tramways complete the same and open them for the public conveyance of passengers then and in every such case the deposit fund or so much thereof as shall not have been paid to the depositor shall be applicable and after due notice in the Edinburgh Gazette shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the tramways or any portion thereof or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Order and also in compensating all road authorities for the expense incurred by them in taking up any

A.D. 1905.
—
Application
of deposit
fund.

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A.D. 1905. — tramway or materials connected therewith placed by the Undertaker in or on any road vested in or maintainable by such road authorities respectively and in making good all damage caused to such roads by the construction or abandonment of such tramways and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Court of Exchequer in Scotland may seem fit. And if no such compensation is payable or if a portion of the deposit fund has been found sufficient to satisfy all just claims in respect of such compensation then the deposit fund or such portion thereof as may not be required as aforesaid shall if a judicial factor has been appointed or the Undertaker is insolvent or the undertaking has been abandoned be paid or transferred to such factor or be applied in the discretion of the Court as part of the assets of the depositor for the benefit of his creditors and subject to such application shall be repaid or re-transferred to the depositor. Provided that until the deposit fund has been repaid or re-transferred to the depositor or has become otherwise applicable as hereinbefore mentioned any interest or dividends accruing thereon shall from time to time and as often as the same shall become payable be paid to or on the application of the depositor.

AGREEMENTS.

Confirming
agreement
with Kirk-
caldy Cor-
poration.

55.—(1) The agreement between the Kirkcaldy Corporation and the Undertaker as set forth in the schedule to this Order is hereby confirmed and shall be binding upon the parties thereto.

(2) The Kirkcaldy Corporation may at the expiration of five years from the commencement of this Order and at the expiration of every subsequent period of five years by notice in writing require the Undertaker to sell and thereupon the Undertaker shall sell to them either the whole of the tramways within the burgh of Kirkcaldy or the portion thereof in Rosslyn Street upon the terms of paying the then structural value thereof exclusive of any allowance for past or future profits. Such value to be in case of difference determined by an arbiter to be appointed failing agreement on the application of either party by the Board of Trade.

(3) When any such sale shall have been made all the rights powers and authorities of the Undertaker in respect to the portion of the tramways so purchased shall be transferred to vested in and may be exercised by the Kirkcaldy Corporation and such portion shall for all purposes be and be deemed to form part of the tramway undertaking of the Kirkcaldy Corporation authorised by the

Kirkcaldy Corporation and Tramway Act 1899 and the Kirkcaldy Corporation Order 1904. A.D. 1905.

(4) A transfer under this section shall not be deemed to be a sale within the meaning of subsection one of the section of this Order whereof the marginal note is "For protection of Leven Corporation."

56.—(1) The Undertaker may subject to the provisions of this Order enter into agreements with the road authority with respect to the forming laying down maintaining renewing repairing working and using of the tramways and the rails plates sleepers posts wires apparatus and works connected therewith and for facilitating the passage of carriages and traffic over and along any roads or streets in the district of such authority upon or along which any of the tramways are intended to be laid or any part thereof. Agreements with road authority.

(2) The Undertaker on the one hand and the road authority on the other hand may enter into and carry into effect agreements with respect to the cost of the widening and improving by the road authority of any roads streets bridges courts passages and footpaths within the district of such authority and as to the contribution by the Undertaker towards the moneys to be expended on such works.

57. The Undertaker may enter into and carry into effect contracts and agreements with the Kirkcaldy Corporation and any local authority company or person (authorised to enter into such contracts or agreements) owning or working any tramways or light railways which can be worked with the tramways of the Undertaker with respect to all or any of the following matters (that is to say):— Undertaker may contract to work tramways or light railways in neighbouring districts.

The working use management and maintenance of all or any of the tramways or light railways of the contracting parties and the works connected and used therewith or any part or parts thereof respectively ;

The making of all necessary junctions ;

The supply and maintenance under any agreement for all or any of the respective tramways or light railways of the contracting parties being worked and used by any one or more of them of rolling stock plant machinery and electrical energy necessary for the purposes and during the continuance of such agreement ;

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The appointment and removal of officers and servants ;

The payments to be made and the conditions to be performed in respect of the matters aforesaid ;

The interchange accommodation conveyance transmission and delivery of traffic coming from or destined for the respective undertakings of the contracting parties ;

The division and apportionment of the revenue arising from such traffic and the payment of any fixed or contingent rent ; and

The giving and taking of guarantees against any loss arising by reason of any such agreement and the paying out of their respective rates of any loss arising by reason of such guarantees :

Provided that any such supply of electrical energy to the Undertaker and any works constructed for the purpose thereof shall be subject to all provisions for the protection of the Postmaster-General and of his rights in respect thereof which are contained in the Act or Order by which the supplying local authority company or person is authorised to generate or supply electricity for the purposes of its own undertaking.

Agreements with local authorities and others as to supply of electrical energy.

58.—(1) The Undertaker on the one hand and any local authority company body or person authorised by any Act or Provisional Order to supply electrical energy in any district in which any of the tramways may be situate on the other hand may enter into and carry into effect agreements for or with respect to all or any of the following purposes and all matters incidental thereto (that is to say) :—

(A) The supply to the Undertaker by such local authority company body or person of electrical energy for use by the Undertaker beyond as well as within the area of supply of such local authority company body or person for working any tramways which may for the time being be worked by the Undertaker by electrical power under the provisions of this Order and for lighting any streets which the Undertaker may be under any obligation to light in connection with the working of any such tramways Provided that any supply of electrical energy by any such local authority company body or person to the Undertaker shall except with respect to the area within which such supply may

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Act, 1905.

be used be subject to the provisions of the respective Acts or Orders under which such local authority company body or person may be empowered to supply electrical energy : A.D. 1905.

(B) The supply by the Undertaker to any such local authority company body or person of electrical energy Provided that any supply of electrical energy by the Undertaker under this Order and any works constructed for that purpose shall be subject to all the provisions for the protection of the telegraphic lines of the Postmaster-General and of his rights in respect thereof which are contained in the Electric Lighting (Clauses) Act 1899 or in this Order :

(c) The payments to be made or other consideration to be given in respect of any such supply.

(2) For the purpose of carrying out any such agreement as aforesaid the Undertaker may subject to the provisions contained in the Schedule to the Electric Lighting (Clauses) Act 1899 and in this Order lay down electric lines mains or cables through any district in such line or route and in a trench of such dimensions and subject to such other terms and conditions as may be agreed between the Undertaker and the local authority of such district or as failing agreement shall be determined by arbitration.

MISCELLANEOUS.

59. Subject to the provisions of the sections of this Order whereof the marginal notes are respectively "For protection of Leven Corporation" and "Confirming agreement with Kirkcaldy Corporation" the Undertaker may subject to the approval of the Board of Trade and after the completion of the tramways or any part thereof lease to any local authority company body or person authorised to take such lease the whole or such part of the tramways or the right of user of the same and of levying tolls rates fares and charges in respect thereof for such period (not exceeding in the case of any local authority forty-two years) and generally upon such terms and conditions as may be agreed on between the contracting parties. Power to lease tramways.

60.—(1) Subject to the provisions with respect to purchase of portions of the undertaking of the sections of this Order whereof the marginal notes are respectively "For protection of Leven Undertaking shall be transferred to a registered company.

A.D. 1905. Corporation" and "Confirming agreement with Kirkcaldy Corporation" the Undertaker shall subject to the approval of the Board of Trade and within two years from the commencement of this Order transfer the undertaking to a limited company registered under the Companies Acts 1862 to 1900.

(2) Within that period the Undertaker may transfer and the Company to whom the transfer is to be made may take a transfer of the undertaking with the consent of and on such terms and conditions as may be approved by the Board of Trade.

(3) On any such transfer the rights powers authorities obligations and liabilities of the Undertaker in respect to the undertaking shall be transferred to and may be exercised by and shall attach to the company to whom the transfer is made and that company shall subject to the provisions of this Order become the Undertaker for the purposes of this Order.

Form and
delivery of
notices.

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

(1) Every notice given under this Order by the Undertaker or by the local or road authority shall be sufficiently authenticated by being signed by their secretary or clerk:

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

Consents of
local or road
authority.

62. Where the consent or approval of any local or road authority is by this Order required before the exercise of any powers by the Undertaker such consent or approval shall not be unreasonably withheld and if any difference arises as to whether any consent or approval is unreasonably withheld that difference shall be referred to an arbiter to be appointed by the Board of Trade.

63. Nothing in this Order contained shall exempt the Undertaker or the tramways from the provisions of any general Act relating to tramways passed before or after the commencement of this Order or from any future revision or alteration under the authority of Parliament of the maximum fares rates or charges authorised by this Order.

A.D. 1905.
—
Provision as
to general
Tramway
Acts.

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

Recovery
of penalties.

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

Orders &c.
of Board of
Trade.

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

Costs of
Order.

The SCHEDULE referred to in the foregoing Order.

MINUTE OF AGREEMENT between the PROVOST MAGISTRATES AND COUNCILLORS OF THE BURGH OF KIRKCALDY (hereinafter called "the corporation") on the one part and RANDOLPH GORDON ERSKINE WEMYSS Esquire of Wemyss on the other part.

WHEREAS under the Kirkcaldy Corporation and Tramway Act 1899 and the Kirkcaldy Corporation Order 1904 the corporation own and work certain tramways situated in the burgh of Kirkcaldy :

And whereas the said Randolph Gordon Erskine Wemyss has applied to the Secretary for Scotland for a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 (hereinafter called "the Order") to authorise him to construct a line of tramways between Leven and Kirkcaldy (hereinafter called "the Wemyss tramways") forming a junction in the burgh of Kirkcaldy with the tramways belonging to the corporation at their terminus in Rosslyn Street 3 chains or thereby northwards from the junction of Oswald Road and Rosslyn Street (hereinafter called "the Oswald Road terminus") :

And whereas the said Randolph Gordon Erskine Wemyss has applied to the corporation for their consent as the local and road authority within the said burgh under and for the purposes of the Tramways Act 1870 to the construction of portion of the Wemyss tramways within the burgh :

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And whereas the corporation are of opinion that it will be to the public and local advantage that such tramways should be constructed subject to the conditions hereinafter contained :

Therefore the parties hereby agree as follows :—

1. The corporation shall consent to the said Randolph Gordon Erskine Wemyss and his heirs successors and assigns in the Wemyss tramways (all hereinafter called and included in the expression "the Promoter") laying a tramway within the burgh along Randolph Road and Rosslyn Street to the Oswald Road terminus.

2. It is hereby agreed (1) that Rosslyn Street and Randolph Road for a distance of 80 feet or thereby eastwards from the junction of the centre lines of Rosslyn Street and Randolph Road shall be causewayed by the Promoter from side to side (2) in the remainder of Randolph Road so far as in the burgh the tramway line shall be placed at one side of the road and the mode of construction so far as regards the materials of the roadway shall be the same as may be agreed on between the district committee of the county of Fife and the Promoter in regard to the portion of Randolph Road situated in the county (3) the gradient of Randolph Road where it joins Rosslyn Street shall in the laying of the tramways be improved by the Promoter at his expense to the reasonable satisfaction of the corporation provided no alterations are required on walls fences or buildings and (4) the precise situation of the tramway line so far as in the burgh shall be submitted to and approved of by the corporation.

3. The cost of making and maintaining the necessary junction at the Oswald Road terminus shall be paid by the Promoter but the work shall be carried out to the satisfaction of the engineer appointed for that purpose by the corporation.

4. The Promoter shall have the right of running through cars over the tramways of the corporation (hereinafter called "the corporation tramways") from Oswald Road terminus thence southwards down Rosslyn Street and St. Clair Street thence along Junction Road Factory Road Nairn Street Victoria Road Bennoch Road Wemyssfield and Whytescauseway to the foot of that street or such other terminus as may be agreed on.

5. The Promoter shall have right to take up and set down passengers when his cars are on the corporation tramways.

6. The passengers on the Promoter's cars while on the corporation tramways shall be furnished with tickets supplied by the corporation to the Promoter at the fares fixed by the corporation and the Promoter will account to the corporation for the fares received by him in exchange for said tickets but under deduction of an amount to cover (1) the wages of drivers and conductors and (2) the interest repairs and depreciation charges on rolling stock and (3) insurance against accident all based on the Promoter's own operating expenses.

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7. The corporation shall from time to time supply the Promoter with the necessary tickets and the Promoter shall grant to the corporation a receipt for the tickets so supplied and he shall at the expiry of every three months during the subsistence of this agreement account to the corporation for the fares received by him in exchange for said tickets under the deduction referred to in Article 6 hereof.

8. It is hereby agreed that the deduction to be made for the first two years for the wages of drivers and conductors and the interest repairs and depreciation charges on rolling stock shall be threepence halfpenny per car mile run of the cars of the Promoter over the corporation tramways as such mileage shall be certified by the superintendent of the corporation tramways.

9. Through fares for through parcels and passengers' luggage shall be adjusted between the parties and the through fares shall be divided between the corporation and the Promoter in the proportion of one fourth to the corporation and three fourths to the Promoter and the corporation shall supply the Promoter with the tickets for such through parcels and passengers' luggage and the Promoter shall account for the same every three months. This article refers only to rates for carriage and does not include delivery.

10. Parcels and passengers' luggage lifted and carried on the corporation tramways shall be charged at the rates charged by the corporation on their cars at the time and the charges for such parcels and passengers' luggage shall be paid over to the corporation under the same deduction as in the case of passengers' fares. The corporation shall supply the tickets and the Promoter shall account for the same every three months.

11. In the event of the corporation having to withdraw and store any of their cars in consequence of the traffic being overtaken by the Promoter's cars the Promoter shall make good to the corporation any loss in advertising receipts through the storing of such cars.

12. The Promoter's cars must be constructed to the satisfaction of the engineer appointed for the purpose by the corporation as to gauge height length and dimensions generally and such engineer must be satisfied that the motors of the Promoter's cars are so designed that they can be run on the corporation tramways at the voltage used by the corporation and at such speeds as are admissible within the burgh.

13. The corporation tramway inspectors shall have right to board the Promoter's cars at all times when on the corporation tramways and to examine and check the passengers' tickets.

14. The cars of the Promoter shall be run on the corporation tramways according to the time tables to be from time to time submitted to and approved of by the corporation.

15. All officers and servants of the Promoter shall be under the superintendence and subject to the control of the corporation so long as the Promoter's cars are on the corporation tramways. The byelaws regulations

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A.D. 1905. and instructions from time to time in force on the corporation tramways shall be carefully observed by the Promoter's employees. If in the opinion of the corporation tramway manager the work of any employee of the Promoter is not satisfactory he shall at the request of the corporation tramway manager be kept off the corporation tramways.

16. The Promoter shall maintain the cars run by him upon the corporation tramways in good condition and repair to the reasonable satisfaction of the corporation:

17. The rules and regulations which may be from time to time adopted by the corporation for the placing of advertisements on their own cars shall both as regards the situation and the nature of the advertisements be observed by the Promoter in the case of advertisements on his cars.

18. The corporation shall at their own expense generate transmit and distribute the electric energy required by the cars of the Promoter upon the corporation tramways.

19. The corporation shall maintain their tracks and all posts cables wires and plant and appliances connected therewith on such of the tramways as the Promoter is by this agreement authorised to run over in a state of repair and efficiency to his reasonable satisfaction.

20. The corporation shall relieve the Promoter of claims for damages from accidents occurring on the corporation tramways.

21. No animals minerals manure or goods traffic of any kind shall be carried by the Promoter over the corporation tramways.

22. In the event of the corporation finding it necessary from increased traffic to double any part of the corporation tramways which is at present a single line and in the event of the corporation being of opinion that there is a claim for a contribution from the Promoter in respect of the expense thereof such claim shall be settled by an arbiter to be appointed failing agreement as hereinafter provided.

24. Articles 1 2 3 4 12 14 15 16 17 21 22 this article and Article 25 hereof shall remain in force for the period of thirty-five years from the date of the opening of the portion of the Wemyss tramways within the burgh but at the expiration of two years from said date of opening and at the expiration of every succeeding period of five years during the currency of this agreement either party shall be entitled to require the revision of the financial terms and conditions of this agreement as hereby agreed or as revised from time to time hereunder and in default of agreement such revision shall be made by an arbiter to be appointed failing agreement as hereinafter provided. The terms and conditions so revised shall have effect and be binding on the parties as if they had been hereby agreed and in substitution for the terms and conditions hereby agreed so far as they may be inconsistent therewith.

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25. Notwithstanding anything hereinbefore contained any question between the parties with respect to the intent and meaning of this agreement shall be settled by a single arbiter to be appointed failing agreement by the Board of Trade. A.D. 1905.

26. This agreement is conditional on the Order being made by the Secretary for Scotland and confirmed by Parliament and is subject to such alterations as the Secretary for Scotland and Parliament may think fit to make therein but nothing in this agreement shall prevent the corporation opposing the Order or any clauses amendments additions or matters therein to which they may object at any stage if they see fit and if the Order shall vary or alter in any way the clauses conditions and provisions of this agreement of which the corporation shall be the sole judges and whether such alterations or variations are made by the Secretary for Scotland or by Parliament or otherwise the corporation reserve full right and liberty to withdraw from and abandon the agreement and thereupon it shall be of no force or effect in law.

27. This agreement shall be scheduled to and confirmed by the Order.

In witness whereof &c.

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