



**CHAPTER clxiii.**

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Colinton Tramways. [25th November 1909.]

A.D. 1909.

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

62 & 63 Vict.  
c. 47.

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

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

Confirmation  
of Order in  
schedule.

2. This Act may be cited as the Colinton Tramways Order Confirmation Act 1909.

Short title.

A.D. 1909.

S C H E D U L E.

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COLINTON TRAMWAYS.

*Provisional Order incorporating the Colinton Tramways Company and empowering that Company to make and maintain tramways and other works and for other purposes.*

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

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

And whereas it is expedient that the Company and certain local authorities and others should be empowered to enter into and carry into effect agreements as herein-after provided and that the other powers mentioned in this Order be conferred upon the Company and that the provisions of the Tramways Act 1870 as to the purchase of the undertaking of the Company should be modified as herein-after mentioned:

And whereas the provision and working of a service of omnibuses in connexion with the Company's undertaking as in this Order provided would also be of public and local advantage and it is expedient that the Company be authorised to provide and work such a service accordingly:

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 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 of the county of Midlothian and are herein-after respectively referred to as the deposited plans sections and book of reference:

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And whereas supplemental plans and sections relative to Tramway No. 2 herein-after authorised describing altered and additional works by this Order authorised and the lands which may be taken or used for the purposes thereof and also a book of reference to such supplemental plans were duly deposited in the month of July last with the sheriff clerk of the county of Midlothian which supplemental plans sections and book of reference are in this Order respectively included in the expression "the deposited plans sections and book of reference":

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And whereas it is expedient that the agreement entered into between the promoters of this Order and His Majesty's Principal Secretary of State for War as set forth in the Second Schedule to this Order be confirmed and made binding on the Company and the said Secretary of State respectively:

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 Colinton Tramways Order 1909 and shall come into operation at the date of the passing of the Act confirming the same which date is herein-after referred to as "the commencement of this Order."

Short title  
and com-  
mencement.

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

Incorpora-  
tion of  
general Acts.

The Companies Clauses Consolidation (Scotland) Act 1845;

Part I. (relating to cancellation and surrender of shares) of the Companies Clauses Act 1863 as amended by subsequent Acts;

The Lands Clauses Acts;

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;

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A.D. 1909. are so far as they are applicable to and are not varied by or inconsistent with the provisions of this Order 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 only to such portions of the tramways by this Order authorised as are not to be laid along any public road and for the purposes thereof the same shall be deemed to be a railway and the Company shall be deemed to be a railway company.
- (2) The provisions of Part II. and Part III. (excepting sections 34 to 40 43 44 45 49 to 56 63 64 and so much of sections 46 and 47 as relates to byelaws to be made by the promoters of a tramway) of the Tramways Act 1870 as modified by this Order shall not apply to any tramways or portions of tramways which under the provisions of this Order may be constructed elsewhere than along any public road.

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 Company” means the Company incorporated by this Order ;

“Tramway” includes tramway and tramroad ;

“The sheriff” means the sheriff of the Lothians and Peebles and includes his substitutes ;

“The tramways” “the street works” and “the undertaking” mean respectively the tramways the street works 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 ;

“Road” means road or street ;

“Waste” means that part of the road which consists of waste land at the side thereof not for the time being formed and maintained for carriage traffic ;

“Contingencies” in section 125 of the Companies Clauses Consolidation (Scotland) Act 1845 include the contingency of the undertaking being sold to the local authorities under section 43 of the Tramways Act 1870 herewith incorporated at a sum less than the aggregate amount of the capital and debts of the Company. A.D. 1909

4. Colin George Macrae Charles David Geddes Ian MacIntyre George Mackenzie Brown and Colin Mackenzie Black and all other persons who have already subscribed to or shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and are hereby united into a company for the purpose of making maintaining and working the tramways and for other the purposes of this Order and for those purposes shall be and are hereby incorporated by the name of “The Colinton Tramways Company” and by that name shall be a body corporate with perpetual succession and a common seal and with power to purchase take hold and dispose of lands and other property for the purposes of this Order. Company incorporated.

#### TRAMWAYS AND STREET WORKS.

5. Subject to the provisions of this Order the Company may make form lay down work use and maintain the tramways herein-after described in the lines and according to the levels and within the limits of deviation shown on the deposited plans and sections and in all respects in accordance with those plans and sections with all proper stations sidings approaches rails plates works and conveniences connected therewith and may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for that purpose but nothing in this section contained shall empower the Company to lay down any tramway along any public road or to enter upon or use the same otherwise than in accordance with the provisions of the Tramways Act 1870 incorporated herewith 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 tramways.



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The tramways herein-before referred to and authorised by this Order will be situate partly in the county of Midlothian and partly in the county of the city of Edinburgh and are—

**Tramway No. 1** A tramway or tramroad (6 furlongs and 8·79 chains or thereabouts in length of which 1 furlong and 2·12 chains or thereabouts will be double line and 5 furlongs 6·67 chains or thereabouts will be single line including 1 chain or thereabouts double line and 2 chains or thereabouts single line which will be constructed on existing roads) wholly situate in the parish of Colinton commencing in Colinton Road at or near the point at which it is crossed by the boundary between the county of Midlothian and the county of the city of Edinburgh and terminating in the centre of Colinton Road 40 yards or thereby measured in a south-westerly direction from the southmost corner of "Oriel Cottage":

**Tramway No. 2** A tramway or tramroad (5 furlongs and 1·82 chains or thereabouts in length of which 1 furlong and 2·12 chains or thereabouts will be double line and 3 furlongs and 9·70 chains or thereabouts will be single line including 6·46 chains or thereabouts double line and 2 furlongs and 1·12 chains or thereabouts single line which will be constructed upon the roads known as the Colinton Road and Woodhall Road) wholly situate in the parish of Colinton commencing at the herein-before described point of termination of Tramway No. 1 and terminating in the centre of Woodhall Road at or near its junction with the Loan Provided that notwithstanding anything shown on the deposited plans the said Tramway No. 2 shall so far as situate upon Colinton Road to the west of Redford be laid on the north side of the road:

**Tramway No. 3** A tramway or tramroad (9·39 chains or thereabouts in length double line) wholly situate in the parish of Colinton commencing by a junction with Tramway No. 1 herein-before described at or near the middle of the boundary between the fields No. 518 and No. 579 on the  $\frac{1}{2500}$  Ordnance Survey map (edition 1908) of Colinton Parish and terminating in said field No. 579 on said Ordnance map at a point 160 yards or thereby measured in an easterly direction from the north-west corner of said field No. 579:

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Tramway No. 4 A tramway or tramroad (6·52 chains or thereabouts in length single line) wholly situate in the parish of Colinton commencing at the point of termination of Tramway No. 3 herein-before described and terminating at a point in said field No. 579 at or near its extreme north corner: A.D. 1909.

Tramway No. 5 A tramway or tramroad (1 furlong and 2·12 chains or thereabouts in length of which 3·03 chains or thereabouts will be double line and 9·09 chains or thereabouts will be single line) wholly situate in the parish of Colinton commencing at the point of termination of Tramway No. 3 herein-before described and terminating in the field No. 576 on the  $\frac{1}{2500}$  Ordnance Survey map (edition 1908) of Colinton Parish at a point 110 yards or thereby measured in a north-easterly direction from the centre of the Curling Pond No. 573 on said Ordnance map:

Tramway No. 6 A tramway or tramroad (1 furlong and 7·35 chains or thereabouts in length of which 3·03 chains or thereabouts will be double line and 1 furlong and 4·32 chains or thereabouts will be single line including 3·03 chains or thereabouts double line and 5 chains or thereabouts single line which will be constructed upon the road known as Slateford Road) situate in the parishes of Colinton and city parish of Edinburgh or one of them commencing at the herein-before described point of termination of Tramway No. 5 and terminating in Slateford Road at the south end of the road in course of formation between Slateford and Gorgie Roads near the Slaughter House:

Tramway No. 7 A tramway or tramroad (1 furlong and 1·14 chains or thereabouts single line) situate in the parishes of Colinton and city parish of Edinburgh or one of them commencing at the termination of Tramway No. 5 herein-before described and terminating at or near the west end of the Caledonian Railway sidings immediately to the north-east of Slateford Passenger Station.

6. Subject to the provisions of this Order the Company may make the works herein-after in this section described in the lines and within the limits of deviation and according to the levels Power to make works.

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A.D. 1909. shown on the deposited plans and sections together with all necessary and proper works improvements junctions connexions approaches and conveniences connected therewith or incidental thereto and may enter upon take hold and use such of the lands and buildings delineated on the deposited plans and described in the deposited book of reference as may be required for those purposes and may enter upon open break up and interfere with such roads as may be necessary for the like purposes.

The works herein-before referred to and authorised by this Order will be situate partly in the county of the city of Edinburgh and partly in the county of Midlothian and are—

Work A A lowering and alteration of the levels of Slateford Road including footpaths in the city parish of Edinburgh and the county of the city of Edinburgh under and for about 150 lineal yards on either side of the crossing of said road by the Caledonian Railway Company's main line:

Work B A road wholly situate in the parish of Colinton in the county of Midlothian on or near the north side of the Union Canal commencing at a point in Tramway No. 5 120 yards from its commencement and near to its crossing of said canal and terminating in the south-east corner of the field or enclosure numbered 578. on the  $\frac{1}{2500}$  Ordnance Survey map (edition 1908) of the parish of Colinton.

LANDS.

7. Subject to the provisions of this Order—

- (1) The Company may enter upon take hold and use the lands herein-after in this section described or any part or parts thereof 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 and may also on such lands construct and erect car sheds repairing shops

Lands for  
generating  
station &c.



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depôts and other buildings The lands herein- A.D. 1909.  
before referred to are as follows:—

Certain lands in the parish of Colinton and county of Midlothian extending to two acres or thereabouts and bounded as follows On the south-east by the Union Canal on the north partly by the boundary between the county of Midlothian and the county of the city of Edinburgh and partly by the ground feued to the county council of Midlothian for a fever hospital and on the west and south by property belonging or reputed to belong to the trustees of the Craiglockhart Estate Company being parts of the fields or enclosures numbered 576 and 578 on the  $\frac{1}{2500}$  Ordnance map (edition 1908) of Colinton Parish:

- (2) The Company may also construct and use for the like purposes a generating station upon any site which may be granted to them by the Secretary of State for War in terms of the agreement set forth in the Second Schedule hereto (such site not being within 300 yards of any building occupied as a dwelling-house unless with the consent previously obtained of the owners lessees and occupiers thereof):
- (3) The Company shall not create or permit any nuisance on such lands or site and shall not erect any generating station except upon the said lands or site.

8. 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 Midlothian and a

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

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A.D. 1909. 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.

Arbitration. 9. Where power is conferred on the Company under the provisions of this Order to take and acquire lands compulsorily the Company or any owner or occupier upon whom a notice to treat under the provisions of this Order has been served may failing agreement as to price apply to the Secretary for Scotland to appoint a single arbiter to fix and determine the amount of compensation to be paid on such acquisition and on such appointment being made such compensation shall be determined by such arbiter and it shall not be competent to have the same determined by arbiters oversman sheriff or jury as required by the Lands Clauses Acts The remuneration of such arbiter shall be fixed by the Secretary for Scotland and shall be paid by the Company An arbiter appointed under this section shall be deemed to be a sole arbiter within the meaning of the Lands Clauses Acts and the provisions of these Acts with respect to an arbitration shall apply accordingly.

Costs of  
arbitration  
in certain  
cases.

10. The tribunal to whom any question of disputed purchase money or compensation under this Order is referred shall if so required by the Company award and declare whether a statement in writing of the amount of compensation claimed has been delivered to the Company by the claimant giving sufficient particulars and in sufficient time to enable the Company to make a proper offer and if the tribunal shall be of opinion that no such statement giving sufficient particulars and in sufficient time shall have been delivered and that the Company has been prejudiced thereby the tribunal shall have power to decide whether the claimant's costs or any part thereof shall be borne by the claimant:

Provided that it shall be lawful for the Lord Ordinary on the Bills to permit any claimant after seven days' notice to

the Company to amend the statement in writing of the claim delivered by him to the Company in case of discovery of any error or mistake therein or for any other reasonable cause such error mistake or cause to be established to the satisfaction of the Lord Ordinary on the Bills after hearing the Company if they object to the amendment and such amendment shall be subject to such terms enabling the Company to investigate the amended claim and to make an offer de novo and as to postponing the hearing of the claim and as to costs of the inquiry and otherwise as to the Lord Ordinary on the Bills may seem just and proper under all the circumstances of the case:

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Provided also that this section shall be applicable only in cases where the notice to treat under the Lands Clauses Consolidation (Scotland) Act 1845 either contained or was endorsed with a notice of the effect of this section.

11. And whereas in the construction of the tramways and works hereby authorised or otherwise in exercise of the powers of this Order it may happen that portions only of the houses or other buildings or manufactories shown on the deposited plans may be sufficient for the purposes of the same and that such portions may be severed from the remainder of the said properties without material detriment thereto Therefore notwithstanding section 90 of the Lands Clauses Consolidation (Scotland) Act 1845 the owners of and other persons interested in the houses or other buildings or manufactories described in the First Schedule to this Order and whereof parts only are required for the purposes of this Order may if such portions can in the opinion of the jury arbiters or other authority to whom the question of disputed compensation shall be submitted be severed from the remainder of such properties without material detriment thereto be required to sell and convey to the Company the portions only of the premises so required without the Company being obliged or compellable to purchase the whole or any greater portion thereof the Company paying for the portions required by them and making compensation for any damage sustained by the owners thereof and other parties interested therein by severance or otherwise.

Owners may be required to sell parts only of certain properties.

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

Period for compulsory purchase of lands.

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Persons  
under dis-  
ability may  
grant servi-  
tudes &c.

13. Persons empowered by the Lands Clauses Acts to sell and convey or discharge lands may if they think fit subject to the provisions of those Acts and of this Order grant to the Company any servitude right or privilege (not being a servitude right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Order in over or affecting any such lands and the provisions of the said Acts with respect to lands feu-duties ground annuals 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.

14. In addition to the other lands which the Company are by this Order authorised to purchase and acquire they may by agreement purchase take on lease or acquire and may hold for the purposes of the undertaking any lands not exceeding ten acres and they may on such lands erect or construct and hold carriage and engine houses shelters waiting rooms stables sheds depôts yards wharves offices buildings stations sidings works and other conveniences in connexion with the undertaking.

Nuisance.

15. Nothing in this Order shall exonerate the Company from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them on any lands purchased or used by them for the purposes of their undertaking.

Restriction  
on taking  
houses of  
labouring  
class.

16. The Company shall not under the powers of this Order purchase or acquire in any district within the meaning of the Public Health (Scotland) Act 1897 ten or more houses which on the fifteenth day of April 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 April but have been or shall be subsequently so occupied.

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

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 such persons who may then be residing with them. A.D. 1909.

17. The Company may sell feu lease or otherwise dispose of any lands to the north of the Union Canal which they may acquire under the section of this Order the marginal note of which is "For protection of trustees of Craiglockhart Estate Company" and which they may not require for the purposes of their undertaking. Power to Company to sell certain lands.

#### CONSTRUCTION AND MAINTENANCE.

18. 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.

19. The tramways and works herein-before described shall be completed within five years from the commencement of this Order and on the expiration of said period the powers by this Order granted to the Company 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.

20.—(1) The tramways shall be constructed on a gauge of four feet eight and a half inches or such other gauge as may from time to time be approved by the Board of Trade: 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 exceed such width as may from time to time be prescribed by the Board of Trade. This section shall take effect and apply as from the date of the opening of the tramways for public traffic.



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*Act, 1909.*

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Power to deviate in constructing tramroads.

21. The Company in constructing such portions of the tramways as are not laid along any public road 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 they may deviate vertically from the levels thereof shown on the deposited sections except where any such tramway is laid across any public road to the extent and subject to the conditions prescribed in the case of a railway by sections 11 12 14 and 15 of the Railways Clauses Consolidation (Scotland) Act 1845 Provided that nothing in this Order shall authorise the Company to construct along any existing public road any part of the tramways which is not shown on the deposited plans as intended to be so constructed.

Power to deviate in constructing street works.

22. The Company in making any street works may deviate vertically from the levels thereof shown on the deposited sections to any extent not exceeding two feet but not so as to increase without the consent of the road authority the rate of inclination of the roads or streets as shown on the deposited plans.

Power to make subsidiary works.

23. Subject to the provisions of this Order and within the limits of deviation shown on the deposited plans the Company in connexion with the Works A and B by this Order authorised and for the purposes thereof may with the consent of the local authority make junctions and communications with any existing roads which may be interfered with by or be contiguous to such works and may with the like consent make diversions widenings or alterations of lines or levels of any existing roads for the purpose of connecting the same with such works or otherwise and may with the like consent alter divert and stop up all or any part of any drain sewer or channel within the said limits the Company providing a proper substitute before interrupting the flow of sewage in any drain or sewer and making compensation for any damage done by them in the execution of any such works under the powers of this section.

Vesting of street works in road authority.

24. The street works so far as the same affect any public road when the same shall respectively have been completed to the satisfaction of the road authority shall together with the surface rights in all lands laid into and appropriated for such works and the subsidiary works connected therewith vest in such road authority and shall for all purposes form part of the roads to which they are respectively added.

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25. 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 Company may and shall from time to time alter or (as the case may be) lay their rails so that the uppermost surface thereof shall be on a level with the surface of the road as altered.

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Tramways to be kept on level of surface of road.

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

Plan of proposed mode of construction.

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

(3) The provisions of this section shall not apply to any portion of the tramways constructed elsewhere than on public roads.

27. The materials with which and the manner in which the Company 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 Company or in case of difference between them as may be determined by the Board of Trade on the application of either party.

Repair of part of road where tramway is laid.

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

Rails of tramways.

29.—(1) The Company shall at all times maintain and keep in good condition and repair and so as not to be a danger or annoyance to the ordinary traffic the rails of the tramways and

Penalty for not maintaining rails on roads.

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A.D. 1909. the substructure upon which the same rest and if the Company at any time fail to comply with this provision or with the provisions of section 28 of the Tramways Act 1870 as varied by this Order they shall be subject to a penalty not exceeding five pounds and in the event of a continued failure to a daily penalty not exceeding five pounds.

Board of Trade may on complaint inspect tramways.

(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 Company have made default in complying with the provisions in this section contained or with any of the requirements of section 28 of the Tramways Act 1870 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 such officer report that the default mentioned in such representation has been proved to his satisfaction then and in every such case a copy of such report certified by a secretary or an assistant secretary of the Board of Trade may be adduced as evidence of such default and of the liability of the Company to such penalty or penalties in respect thereof as is or are by this section imposed.

Local and road authority to have access to sewers.

30. Every local and road authority shall at all times have free access to and communication with all their sewers and drains and power to lay lateral and private drains to communicate therewith without the consent or concurrence of the Company and the provisions contained in 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.

Cross-overs to be constructed in certain cases.

31. Where in any road in which a double line of tramways 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 Company 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.

Power to make additional cross-

32.—(1) The Company may subject to the provisions of this Order with the consent of the Board of Trade make maintain

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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 they find necessary or convenient for the efficient working of the tramways or for providing access to any generating stations stables carriage-houses works or premises of the Company or for forming junctions with other tramways railways light railways or waggon ways or to any premises near any part of the tramways.

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overs and to  
double tram-  
way lines.

(2) Notwithstanding anything shown on the deposited plans the Company 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 of any of the tramways or any part thereof in the road (including the waste) 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 Company may with the like consent construct such tramway or part thereof or (as the case may be) take up or reconstruct the same in such position as they may think fit.

(3) Provided that if in the construction of any works under this section any rail is intended to be 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 Company 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 Company within three weeks after receiving the notice from the Company express their objection thereto.

33. When by reason of the execution of any work affecting the surface or soil of any road along or across the carriageway of which any of the tramways are or is laid it shall in the opinion of the road authority be expedient temporarily to remove or discontinue the use of such tramway or any part thereof the Company may with the consent of the road authority and subject

Temporary  
tramways  
may be made  
where neces-  
sary.



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A.D. 1909. to such conditions as the road authority may impose construct in the same or any adjacent road and (so long as occasion may require) maintain a temporary tramway in lieu of the tramway or part of the tramway so removed or discontinued.

If any difference arises between the Company and the road authority with respect to any conditions or with respect to the mode of constructing any temporary tramway under the authority of this section the same shall be settled by arbitration under this Order.

Company may reduce footpath for constructing tramways.

34. The Company may increase the carriageway of any road in which any of the tramways are authorised to be laid to such extent as may be necessary by reducing the width of the footpath or waste on each or either side of such road Provided that neither the footway nor waste shall be reduced in width without the consent of the road authority or other person, in whom it is vested nor as regards the footway to such an extent as to be less than six feet wide.

Application of road materials excavated in construction of works.

35. Any paving metalling or material excavated by the Company in the construction of the tramways or street works from any road or bridge under the jurisdiction or control of any road authority may be applied by the Company so far as may be necessary in or towards the reinstatement or making up of the road street work 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 Company are by section 20 of the Tramways Act 1870 as varied by this Order required to maintain and the Company 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 Company and may be dealt with removed and disposed of by them in such manner as they may think fit Any difference between the Company 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.



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*Act, 1909.*

36. The Company may erect and maintain in any district sheds or shelters or waiting-rooms for the accommodation of passengers and of the servants of the Company and the Company 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 roads within such district.

A.D. 1909:  
Shelters or  
waiting-  
rooms.

37. Subject to the provisions of this Order the Company may during the execution of the tramways and street works 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 they think necessary and for that purpose may put up bars posts and other erections Provided that the Company shall before stopping up any footway under this section provide a temporary substitute therefor with accesses therefrom to the carriageway for the use of the occupiers of the houses abutting on the road.

Stopping of  
roads during  
execution of  
works.

38.—(1) The Company may in under or over the surface of any 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 those purposes 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 road including the footways thereof or public place and any sewers drains water or gas pipes tubes wires telephonic and telegraphic apparatus therein thereover 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 road including the footways thereof or public place Provided as follows:—

As to elec-  
trical works  
&c.

- (A) All posts and apparatus erected by the Company under the powers of this Order in any 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 posts or other apparatus shall be erected on the carriageway except with the consent of the Board of Trade:

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

As to removal of snow &c.

39. If the Company at any time find it necessary or desirable to remove snow or other matter impeding the traffic on the tramways the Company shall at their 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.

Attachment of brackets &c. to buildings.

40. The Company 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 footway footpath or public place in which any of the tramways are situate attach thereto such brackets rosettes wires and apparatus as may be required for the working of the tramways by mechanical power:

Provided that—

(1) Where in the opinion of the Company any consent under this section is unreasonably refused they may apply to the sheriff who shall have power to deal therewith in a summary manner and after hearing the parties and taking such evidence (if any) as he thinks just and 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 application are to be paid and the decision of the sheriff shall be final:

(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 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 power as under proviso (1):

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- (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.

41. The Company may cut and lop any trees planted in or near any highway along which the tramways or any of them are laid which may in any way interfere with the construction or working of the tramways or the trolley telephone or other wires in connexion therewith or with the clear and safe passage of the carriages and the passengers thereon doing no unnecessary damage to the trees and making compensation to any persons who may sustain damage by the exercise of the powers conferred by this section such compensation to be finally settled by the sheriff in manner provided in the immediately preceding section. Provided that except in cases of emergency the Company shall give written notice to the owners or reputed owners or their known agents or factors eight days before exercising the said powers.

Power to lop trees.

#### PROTECTIVE PROVISIONS.

42. For the protection of the Edinburgh and District Water Trustees (in this section called "the water trustees") the following provisions shall unless otherwise agreed between the Company and the water trustees have effect (that is to say):—

For protection of Edinburgh and District Water Trustees.

Notwithstanding anything contained in section 30 of the Tramways Act 1870 or in this Order the Company shall

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not in making forming laying down maintaining repairing or renewing the tramways or any part thereof themselves alter or interfere with the existing lines or levels of the mains aqueducts conduits or lines of pipes and apparatus connected therewith or any of them belonging to the water trustees including consumers' pipes nor injuriously affect or interrupt the supply of water conveyed by the same but any such duplication or alteration or removal and relaying of or interference with the mains aqueducts conduits or lines of pipes and apparatus connected therewith of the water trustees including consumers' pipes as in the reasonable opinion of the engineer of the water trustees are necessary or convenient in consequence of the construction and maintenance of the tramways and of the works and operations of the Company shall be executed by the water trustees at the expense of the Company Provided always that the water trustees shall at all times have a right of access to such mains aqueducts conduits or lines of pipes and apparatus connected therewith including consumers' pipes and to the roads on which the tramways are laid for the duplication extension renewal repair enlargement alteration and maintenance of such mains aqueducts conduits and lines of pipes and for making new connexions and laying additional pipes when and wherever the water trustees shall see fit and any additional cost thereof caused by the works of the Company in any road where any such mains aqueducts conduits or lines of pipes and apparatus connected therewith including consumers' pipes shall have been laid before the execution of the said works shall be borne by the Company And in all cases where works are to be executed by the water trustees to be paid for by the Company under this section the water trustees shall use every means in their power to have the same executed as economically and as expeditiously as possible and all payments therefor including engineer's fees reasonably incurred shall be made by the Company within three months after the cost thereof has been certified by the engineer of the water trustees with interest till paid and if any difference shall at any time arise between the Company and the water trustees or their respective engineers with respect to the necessity for or the cost of or as to time taken or required for executing any of the works or

operations such differences shall be referred to an engineer to be mutually agreed on or failing agreement to an engineer to be appointed by the sheriff on the application of either the Company or the water trustees it being however specially agreed that in reference to the twelve-inch and larger mains of the water trustees and the apparatus and valves connected therewith the engineer of the water trustees shall be entitled absolutely to decide the manner in which such mains shall be altered or interfered with and in these cases the said arbiter shall failing agreement decide whether and to what extent such alteration or interference was due to the operations of the Company and the amount reasonably chargeable against the Company in respect thereof Provided always that the provisions of this section shall be in addition to the provisions of the Tramways Act 1870 for the protection of the works of local authorities.

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43. For the protection of the Water of Leith Purification and Sewerage Commissioners (in this section called "the commissioners") the following provisions shall unless otherwise agreed between the Company and the commissioners have effect (that is to say):—

For protection of Water of Leith Purification and Sewerage Commissioners.

Notwithstanding anything contained in section 31 of the Tramways Act 1870 or in this Order the Company shall not in carrying out any of the works authorised by this Order themselves alter or interfere with the existing main and branch sewers belonging to or vested in the commissioners or the lines and levels of the same or any apparatus manholes accesses or entrances connected therewith nor injuriously affect or interrupt the flow of sewage or other materials through or by the same but all such alterations on or interference with or protective works for the main or branch sewers of the commissioners or apparatus connected therewith as in the opinion of the commissioners are necessary in consequence of the carrying out of any of such works by the Company or which the Company may in the exercise of the powers by this Order conferred require to be carried out shall be executed by the commissioners at the expense of the Company (provided that if in carrying out any alterations or other works the



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commissioners lay down mains sewers or apparatus of a capacity in excess of existing mains sewers or apparatus the proportion of the cost of such alterations or other works effecting to such excess shall be borne by the commissioners) and the commissioners shall at all times have right of access to such main or branch sewers or manholes or apparatus connected therewith for the renewal repair enlargement alteration and maintenance of the same and for making new connections and laying additional pipes when and where they shall see fit and any additional cost of such alterations or repairs caused by the works of the Company in any road or street where any such main or branch sewers or manholes or apparatus connected therewith shall have been laid before the execution of the said works by the Company shall be borne by the Company And in all cases where works are to be executed by the commissioners to be paid for by the Company the commissioners shall use every means in their power to have the same executed as economically and as expeditiously as possible and the commissioners shall furnish the Company from time to time during the progress of the works with detailed statements of labour and material employed in such works to enable the Company to check the same and all payments therefor shall be made by the Company within three months after the cost thereof has been certified by the engineer of the commissioners with interest till paid and if any difference shall at any time arise between the Company and the commissioners or their respective engineers with respect to the necessity for the diversion from the roads in which the same are situate of any existing mains or other property of the commissioners or the cost of or as to time taken or required for executing any of the works carried out under this section such differences shall be referred to an arbiter to be mutually agreed on or failing agreement to an arbiter to be appointed by the Board of Trade on the application of either the Company or the commissioners.

For protection of  
Edinburgh  
and Leith

44. For the protection of the Edinburgh and Leith Corporations Gas Commissioners (in this section called "the commissioners") the following provisions shall unless otherwise agreed

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between the Company and the commissioners have effect (that is to say):—

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Corporations  
Gas Commis-  
sioners.

Notwithstanding anything contained in section 30 of the Tramways Act 1870 or in this Order the Company shall not in making forming laying down maintaining repairing or renewing the tramways or any part thereof themselves alter or interfere with the existing lines or levels of the mains or lines of pipes and apparatus connected therewith or any of them belonging to the commissioners including consumers' pipes nor injuriously affect or interrupt the supply of gas conveyed by the same but any such duplication or alteration or removal and relaying of or interference with the mains or pipes and apparatus connected therewith of the commissioners including consumers' pipes as in the opinion of the engineer of the commissioners are necessary in consequence of the construction and maintenance of the tramways and of the works and operations of the Company or which the Company may in the exercise of the powers by this Order conferred require to be carried out shall be executed by the commissioners at the expense of the Company (provided that if in carrying out any alterations or other works the commissioners lay down mains pipes or apparatus of a capacity in excess of existing mains pipes or apparatus the proportion of the cost of such alterations or other works effecting to such excess shall be borne by the commissioners) and the commissioners shall at all times have a right of access to such mains and pipes and apparatus connected therewith including consumers' pipes and to the roads on which the tramways are laid for the duplication extension renewal repair enlargement alteration and maintenance of such mains and pipes and for making new connections and laying additional pipes when and wherever they shall see fit and any additional cost of such alterations or repairs caused by the works of the Company in any road or street where any such mains and pipes and apparatus connected therewith including consumers' pipes shall have been laid before the execution of the said works shall be borne by the Company And in all cases where works are to be executed by the commissioners to be paid for by the Company under this section the commissioners shall use every means in their power to have the same executed

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as economically and as expeditiously as possible and the commissioners shall furnish the Company from time to time during the progress of the works with detailed statements of labour and material employed in such works to enable the Company to check the same and all payments therefor shall be made by the Company within three months after the cost thereof has been certified by the engineer of the commissioners with interest till paid and if any difference shall at any time arise between the Company and the commissioners or their respective engineers with respect to the necessity for the diversion from the roads in which the same are situate of any existing mains or other property of the commissioners or the cost of or as to time taken or required for executing any of the works or operations carried out under this section such differences shall be referred to an engineer to be mutually agreed on or failing agreement to an engineer to be appointed by the Board of Trade on the application of either the Company or the commissioners.

For protection of North British Railway Company.

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

- (1) The Company shall not take or acquire by compulsion under the provisions of this Order any lands or property belonging to the railway company or in which the railway company is interested:
- (2) The bridge for carrying Tramway No. 1 over the Union Canal shall have a clear span of not less than 50 feet on the square and a clear headway of not less than 9 feet above the level of the surface of the water in the Union Canal:
- (3) Before commencing any works or operations under the powers of this Order affecting any of the works or property of the railway company the Company 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 out 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 Company 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 signify their disapproval within twenty-eight days after submission of the said plans and sections:

- (4) The Company shall not in the construction maintenance or use of the tramways and works by this Order authorised injure or interfere with the Union Canal belonging to the railway company or the structure thereof or any embankment bridge aqueduct towing-path or other works relating to the said canal or cause any interruption to or interference with the traffic on the said canal:
- (5) If in constructing adapting or altering the tramways the Company lower the level of any road passing under or alongside the said canal the Company shall if so determined by the arbiter to be appointed as after-mentioned underpin or otherwise strengthen the bridge or aqueduct carrying the canal over such road or the works supporting the canal along such road and such underpinning or strengthening shall be executed at the sole cost of the Company and at the sight and to the reasonable satisfaction of the engineer of the railway company and the Company shall pay to the railway company all expenses properly incurred by them in connexion with such underpinning or strengthening including the expense of inspectors watchmen and others and all extra precautions reasonably required for the safety and working of traffic necessitated by the works or operations of the Company:
- (6) If any injury to or interference with the said canal or any bridge aqueduct or works of the railway company or any interruption to the traffic on the said canal shall arise or be occasioned at any time by the works or operations of the Company they shall forthwith make good or remove such injury interference

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or interruption at their own expense or the railway company may execute the necessary works for that purpose at the expense of the Company and the Company shall repay to the railway company all costs and expenses properly incurred by them in so doing and all loss or damage sustained by them in consequence of such injury interference or interruption :

- (7) 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 said canal or other works of the railway company without interference on the part of the Company and without incurring any liability to the Company 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 Company and such extra expense if any shall be determined by the arbiter to be appointed as herein-after 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 necessary in consequence of their operations 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 Company 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 Company :
- (8) In the event of the telegraphic or telephonic or electrical lines or electrical signal communications of the railway company or the currents therein being at any time interfered with by the operations of the Company the Company shall be at the expense of such



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alterations of the said telegraphic or telephonic or electrical lines or electrical signal communications or remedial works as may be reasonably necessary for the protection of the railway company and in the event of any difference between the Company and the railway company regarding the alterations or remedial works to be adopted such difference shall be determined as herein-after provided: A.D. 1909.

(9) The protection afforded to the railway company by this section shall not extend to the case of any interference due to induction or leakage with the wires lines and apparatus of the railway company or the currents therein to which the section of this Order of which the marginal note is "Special provisions as to use of electrical power" applies but the railway company shall not by reason of being specially protected as regards other matters under this section lose as regards any such interference any protection to which they are otherwise entitled:

(10) If any difference shall arise between the Company and the railway company or their engineer as to the meaning of this section or as to any plans and sections or as to any work 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 Company and the railway company or failing agreement to be nominated by the Board of Trade on the application of either of the parties.

46. Whereas certain of the intended tramways will be laid along roads which are carried over or pass under certain bridges belonging to the Caledonian Railway Company (herein-after called "the Caledonian Company") And whereas with the consent of the Caledonian Company a junction or junctions may be effected between their railways and the tramways or tramroads of the Company And whereas the works and operations of the Company on the said roads and the making of any such junction or junctions may affect the railways and works of the Caledonian Company Therefore the following provisions shall (unless otherwise agreed) apply for the protection of the Caledonian Company:—

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

(1) Notwithstanding anything in this Order contained the Company shall not take or acquire by compulsion

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under the provisions of this Order any lands or property belonging to the Caledonian Company or in which the Caledonian Company is interested:

- (2) Before commencing any works or operations under the powers of this Order affecting any railways sidings or works connected therewith of the Caledonian Company or affecting any bridge under or over such railways or the roadway carried under or over such bridge or the approaches thereto or the works connected therewith including works necessary to effect a junction with the railways or sidings of the Caledonian Company the Company shall submit plans sections working drawings and specifications of such works or operations to the Caledonian Company for their approval and the said works and operations shall be constructed and carried on in conformity only with the said plans sections working drawings and specifications at the sole cost of the Company and at the sight and to the reasonable satisfaction of the Caledonian Company's engineer and such work shall thereafter be maintained and repaired by the Company under the superintendence of the said engineer and without such approval no such works or operations shall be commenced. Provided that the approval of the Caledonian Company as aforesaid shall not be unreasonably withheld and that it shall be deemed to have been given unless the Caledonian Company signify their disapproval within twenty-eight days after submission of the said plans sections working drawings and specifications. And provided also that notwithstanding anything contained in this Order no junction shall be effected with any of the railways or sidings of the Caledonian Company without the consent of that company:
- (3) If in the construction of any works authorised by this Order the Company lower the level of any road where such road passes under a bridge belonging to the Caledonian Company the Company shall if so determined by the arbiter to be appointed as after mentioned underpin or otherwise strengthen the bridge carrying the railway over such road and such underpinning or strengthening of such bridge shall

be executed at the sole cost of the Company and at the sight and to the reasonable satisfaction of the Caledonian Company's engineer and the Company shall pay to the Caledonian Company all expenses properly incurred by the Caledonian Company in connexion with such underpinning or strengthening of such bridge including the expense of inspectors signalmen watchmen and others and of all extra precautions for the safety and working of traffic necessitated by the Company's works or operations. The Company shall also take down and rebuild where necessary the fence walls bounding the Caledonian Company's property and any portion of the abutments of such bridge and retaining walls in connexion therewith that may be exposed by such lowering of the road shall be dressed and finished uniformly with the part thereof above the present surface of the ground. The Company shall make adequate provision for the drainage of the said road where lowered under said bridge:

- (4) In altering the level of any road over which a railway of the Caledonian Company is carried by means of a bridge the Company shall not without the consent of the Caledonian Company injuriously interfere with permanently the access to any passenger or goods station or works connected therewith and if any such interference takes place the Company shall carry out the alteration of the level of such road in accordance with plans previously submitted to and approved of by the engineer of the Caledonian Company as herein-before provided and so as to interfere as little as may be with any such access or works connected therewith:
- (5) Any alteration that may require to be made upon the access to any such station or works connected therewith in consequence of the alteration of the level of such road shall be executed by and at the cost of the Company and on the completion thereof the altered works shall be taken over by the Caledonian Company:
- (6) Except as otherwise herein provided the Company shall not in the construction adaptation alteration main-

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tenance or use of the intended tramways injure alter or interfere with the structure of any of the said bridges or any of the railways sidings or works of the Caledonian Company or the electric telegraphic telephonic or signalling apparatus belonging to or maintainable by the Caledonian Company or cause any interruption to or interference with the traffic on the Caledonian Company's railways :

- (7) Any electric wires of the Company which may be attached to the under side of any of the said bridges shall be fixed to the reasonable satisfaction of the engineer of the Caledonian Company and so as not to injure the said bridges :
- (8) If any injury to or any interference with the said bridges or works or apparatus of the Caledonian Company or any interruption to the traffic on their railways shall arise or be occasioned at any time by the works or operations of the Company in connexion with the tramways by this Order authorised and not by reason of any fault or neglect of the Caledonian Company or their servants or any person lawfully using their railways the Company shall forthwith make good or remove such injury interference or interruption at their own expense or in default of their doing so the Caledonian Company may execute the necessary works for that purpose at the expense of the Company and the Company shall pay to the Caledonian Company all costs and expenses properly incurred by them in so doing and all loss or damage sustained by the Caledonian Company in consequence of such injury interference or interruption :
- (9) Nothing in this Order contained or which may be done in pursuance thereof shall prevent the Caledonian Company from maintaining and repairing and when necessary renewing altering or reconstructing any of the said railways sidings junctions bridges or other works or widening the lines of railway under or over such bridges without interference on the part of the Company in respect of the intended tramways and without incurring any liability to the Company or to any party working or using the tramways for any loss injury damage expense or interruption of traffic

on the said tramways which may arise from such maintenance repair renewal alteration or reconstruction and any extra expense which the Caledonian Company may incur in such maintenance repair renewal alteration or reconstruction by reason of the construction maintenance or user of the intended tramways shall be paid by the Company: A.D. 1909.

- (10) If having regard to the proposed position of the intended tramways when considered in relation to the position of the works of the Caledonian Company at any point where the wires of the Caledonian Company pass over or under the intended tramways it is advisable that the electric telegraphic telephonic or signalling apparatus belonging to or maintainable by the Caledonian Company should be altered the Caledonian Company may after reasonable notice to the Company execute any works reasonably necessary for such alteration and the reasonable expense of executing such works shall be borne by the Company:
- (11) The protection afforded to the Caledonian Company by this section shall not extend to the case of any interference due to induction or leakage with the wires lines and apparatus of the Caledonian Company or the currents therein to which the section of this Order of which the marginal note is "Special provisions as to use of electrical power" applies but the Caledonian Company shall not by reason of being specially protected as regards other matters under this section lose as regards any such interference any protection to which they are otherwise entitled:
- (12) If any difference shall arise between the Company and the Caledonian Company or their engineer under any of the preceding subsections as to any plans sections working drawings and specifications or as to any works or the method of executing the same or as to any costs or expenses referred to in this section the same shall be determined by the arbitration of an engineer to be agreed upon between the Company and the Caledonian Company or failing agreement to be nominated by the Board of Trade on the application of either party.



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For protection of county council of county of Midlothian.

47. For the protection of the county council of the county of Midlothian (in this section called "the county council") the following provisions shall unless otherwise agreed upon between the county council and the Company have effect (that is to say):—

- (1) In this section the expression "the tramway" means such portion or portions of the tramways as is or are situate on public streets or roads within the jurisdiction of the county council:
- (2) Tramway No. 1 where it leaves the public road at or near its commencement shall be laid on a line and level to be approved of by the county council within the limits of deviation prescribed by this Order:
- (3) The Company shall not under the powers of this Order construct or work without the consent of the county council the section of Tramway No. 2 situate within a distance of 75 yards from its termination in Woodhall Road until the width of the roadway in which such section is situate has been increased to 36 feet and the Company shall to the satisfaction of the county council pave with causeway setts laid on concrete between the rails and 7 feet 6 inches on either side thereof the section of Tramway No. 1 situate within a distance of 50 feet from the commencement thereof and the section of Tramway No. 2 situate within a distance of 50 feet from the south-western terminus of the tramway as actually constructed and the Company shall thereafter maintain such paved portions to the satisfaction of the county council:
- (4) Tramway No. 1 where it crosses Craiglockhart Brae on the level shall be laid on such line and level within the said limits of deviation and paved with causeway setts laid on concrete between the rails and to an extent not exceeding 1 foot 6 inches on the south side and not exceeding 15 feet on the north side thereof in such manner as may be approved by the county council and the tramway where it crosses Colinton Road on the level shall be similarly paved between the rails and to an extent not exceeding 7 feet 6 inches on either side thereof and such paving shall thereafter be maintained by the Company to the satisfaction of the county council:

- (5) The Company shall if required by the county council provide at said level crossings suitable gates to the satisfaction of the county council provided that if at any time after said gates have been erected the same are no longer necessary the Company may with the consent of the county council discontinue and remove the same: A.D. 1909.
- (6) The Company shall subject to the provisions of the immediately preceding subsection at all times maintain the said gates to the satisfaction of the county council and keep the gates properly closed so that the tramway is shut and the roads are open at all times except when trains are passing across the roads and the roads shall not at any time be closed to traffic for a longer period than three minutes The Company shall during the period between one hour after sunset and one hour before sunrise when the gates are open and the roads closed to traffic affix to the gates lighted lamps showing a red light:
- (7) If in the construction of any part of Tramway No. 2 which may be laid on private lands alongside Colinton Road any rail is intended to be laid so that a less space than 10 feet would intervene between it and Colinton Road the tramways shall be laid so that the uppermost surface thereof shall be on a level with the surface of the road at its nearest point or at such lower level as the county council may require so as to secure a proper camber:
- (8) In the event of Tramway No. 1 or any part thereof being constructed along Colinton Road the portion of the road in which the tramway is laid shall be widened by the Company to 46 feet between the outer fences Provided that this obligation shall not apply to the crossing of the Colinton Road in front of Redford Estate And in such event the Company shall in exercise of the powers by this Order conferred acquire the land and the county council shall at the expense of the Company and as economically as possible carry out with all reasonable dispatch the work and supply the materials necessary for the purpose of such widening subject to the provisions of subsection (12) hereof:

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*Act, 1909.*

A.D. 1909.

- (9) Tramway No. 2 shall subject to the provisions of the section of this Order of which the marginal note is "Power to make tramways" be constructed in the lines and according to the levels and within the limits of deviation shown on the supplemental deposited plans and sections and the Company shall at their own expense construct a gravel footpath on the north side of the said tramway so far as constructed on Redford Estate with kerb and channel on the side of the footpath next to the roadway and all such works shall be carried out to the satisfaction of the county council :
- (10) The Company shall at their own expense if required by the county council acquire such parts of the lands numbered 37 and 38 in the deposited book of reference as may be required for the purpose of widening Colinton Road ex adverso of said lands to such extent as may be required by the county council and shall also at their own expense carry out such widenings to the satisfaction of the county council :
- (11) The Company shall at their own expense macadamise the roadway between the tramway track and the roadside wall ex adverso of Inchdrewer House and Colinton Farm and shall lay along the roadside wall a whinstone channel grouted with cement with gullies and connections to the existing road drain all to the reasonable satisfaction of the county council :
- (12) The Company shall subject to the provisions of subsections (3) and (4) hereof lay down with macadam to the satisfaction of the county council the portion of the road between the rails of the tramway and 18 inches on either side thereof and thereafter the county council shall maintain and keep in repair the said portion of the road (but not the tramway rails and fish plates and tie rods) and the Company shall repay to the county council a proportion of the total cost of maintaining and keeping in repair the carriageway of the roads in which the tramway is laid corresponding to the proportion which the width of said portion of the road bears to the total width of the carriageway :

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- (13) The Company in working Tramway No. 7 where it crosses on the level the road leading to the Fever Hospital belonging to the county council shall not permit their carriages or engines to remain stationary or carry on shunting operations on the said road so as to interfere with the traffic thereon : A.D. 1909.
- (14) The Company shall repay to the county council any additional expenditure which they may incur in superintending the works authorised by this Order and the Company shall also repay to the county council any additional expenditure incurred by the county council in respect of any extraordinary traffic of the Company on the roads along which the tramway is to be laid during the construction of the tramway or in respect of the ordinary traffic on such roads being restricted to one side thereof during construction :
- (15) The exercise by the Company of the powers conferred by the section of this Order the marginal note of which is "Power to make additional cross-overs and to double tramway lines" shall so far as regards works to be situate in public roads within the jurisdiction of the county council be subject to the consent of the county council :
- (16) Subject as herein-after provided no steam engine shall be run on the tramway except with the consent of the county council Provided that this prohibition shall not apply to the tramway while used as temporary service lines in connexion with the construction of Redford Barracks or during the period of construction of the tramways And provided further that the Company shall free and relieve the county council of all claims for damages in respect of accidents attributed to the use of steam engines on the tramway :
- (17) The Company shall not without the consent of the county council erect any generating station car shed or repair shop within a distance of 100 feet from the existing boundary fence of the said Fever Hospital :
- (18) The Company shall not in the exercise of the powers by the section of this Order the marginal note of which is "Animals and goods" conferred unload heavy materials on public roads within the jurisdiction of the county council :

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*Act, 1909.*

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(19) Notwithstanding anything contained in section 30 of the Tramways Act 1870 or in this Order the Company shall not in making forming laying down maintaining repairing or renewing the tramway or any part thereof themselves alter or interfere with the existing lines or levels of the mains aqueducts conduits or lines of pipes and apparatus connected therewith or any of them belonging to the county council including consumers' pipes or injuriously affect or interrupt the supply of water conveyed by the same but any alterations in or interference with the mains aqueducts conduits or lines of pipes and apparatus connected therewith of the county council including consumers' pipes which may at any time be necessary in consequence of the construction of the tramway shall on the requisition of the Company be executed by the county council at the expense of the Company and the county council shall at all times have a right of access to such mains aqueducts conduits or lines of pipes and apparatus connected therewith including consumers' pipes for the renewal repair enlargement alteration and maintenance of the same and for making new connections and laying additional pipes when and wherever they shall see fit and any additional cost of such alteration or repairs caused by the works of the Company of any such mains aqueducts conduits or lines of pipes and apparatus connected therewith including consumers' pipes laid before the construction of the said tramway shall be borne by the Company and in all cases where works are to be executed by the county council and to be paid for by the Company the county council shall use every means in their power to have the works executed as economically as possible and with all reasonable dispatch:

(20) The county council shall have power upon giving to the Company one month's notice in writing of their desire so to do to make use of all standards or poles erected for the purpose of the electrical equipment of the tramway 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 county council in



such manner and so far as the same will not interfere with the electric system of the Company or weaken damage or otherwise prejudicially affect the said standards or poles or the working of the tramway : A.D. 1909.

- (21) If any standard or pole on the line of the tramway after it has been erected is in the opinion of the county council an obstruction the Company shall alter the position thereof in such manner as the county council in writing shall reasonably require :
- (22) The Company shall if required by the county council light such of the standards or poles placed on any roadway within the jurisdiction of the county council as the county council may select Provided that nothing in this Order contained shall relieve the county council of any obligation in regard to the lighting of any road :
- (23) Every carriage used on the tramway shall be kept in proper repair and condition and be painted by the Company to the reasonable satisfaction of the county council who may prohibit the use of any carriage not in their opinion in proper repair and condition The carriages used on the tramway shall if electricity be the motive power be electrically lighted and shall be provided by the Company with all necessary lightning arresters All electrical fittings used on the carriages of the Company shall be sufficiently protected so as to prevent injury to passengers :
- (24) When the Company open or break up any street roadway or footway for the purpose of erecting any pole or doing any other work in connexion with the tramway the Company shall within three days after the same 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 Company make any default in so doing the county council may reinstate the same as aforesaid at the expense of the Company :
- (25) The Company shall not without the consent of the county council remove any public lamp and all

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lamps so removed under such consent shall be re-erected by the Company in such manner and position as the county council may direct:

- (26) Whenever the Company desire to erect any pole or do any other work in connexion with the tramway which involves any alteration or removal of any sewer or drain or machinery or appliance connected therewith vested in or belonging to the county council the county council 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 county council shall thereby incur shall be defrayed or repaid to them by the Company:
- (27) The Company shall not without the consent of the county council affix to or display upon or allow to be affixed to or displayed upon any standard or pole on the line of the tramway any advertisement other than a notice or advertisement relating to the undertaking of the Company:
- (28) Sections 30 32 and 33 of the Tramways Act 1870 shall in relation to the tramway apply to the county council with reference to the water and gas mains pipes and apparatus belonging to the county council in like manner as the same apply to a company or person being the owner of water or gas pipes or mains:
- (29) If any question arise between the Company and the county council under this section the same shall be determined by arbitration:
- (30) If the Company shall subject to the provisions of the immediately preceding subsection fail to comply with any of the subsections of this section numbered 22 23 24 and 27 they shall be liable for every such failure to comply to make payment to the county council 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:

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*Act, 1909.*

(31) All money payable by the Company to the county council under the provisions of this section shall be payable on demand in writing and in default thereof may be recovered by the county council from the Company by action in any competent court. A.D. 1909.

48. For the protection of John More Dick Peddie architect Edinburgh and William Davidson Barton Lauriston Castle Davidson's Mains Trustees of the Craiglockhart Estate Company and the said Craiglockhart Estate Company and partners thereof (in this section called "the Craiglockhart Estate Company") the following provisions shall unless otherwise agreed between the Company and the Craiglockhart Estate Company have effect (that is to say):—

For protection of trustees of Craiglockhart Estate Company.

(1) The Craiglockhart Estate Company shall give to the Company possession of so much land as may be necessary for the formation of a road 50 feet in width along the line of Tramway No. 1 within the Craiglockhart Estate Company's lands and the tramway shall as far as practicable be laid along the line shown on the deposited plans or such other line within the limits of deviation as shall be found to be advantageous for the purposes of feuing and shall be fixed failing agreement by arbitration as after provided And subject to the provisions of subsection (10) hereof possession of the said ground shall be given by the Craiglockhart Estate Company and shall be accepted by the Company solely for the purpose of the formation thereon by the Company of the said road and so far as desired by the Company of an ordinary tramway and for the other purposes of this Order And the provisions of the Tramways Act 1870 herewith incorporated shall apply to the said tramway when formed and the said tramway shall for no purposes be deemed to be a railway Provided that as regards that portion of Tramway No. 1 between its point of commencement and its junction with Tramway No. 3 the Company shall be under no obligation to construct the said tramway:

(2) From the point where Tramway No. 1 enters the Craiglockhart Estate Company's lands at Colinton Road to Craiglockhart Avenue the Company at their

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own expense shall form the road (herein-after called the eastern portion of the road) for its full width including footpaths and shall make up and construct the same with kerbs and channelling so as to be suitable and sufficient for all traffic all at the sight and to the reasonable satisfaction of an engineer to be appointed by the Craiglockhart Estate Company whose fee shall be paid by the Company And as regards the portion of the road from Craiglockhart Avenue to the point where Tramway No. 1 leaves the Craiglockhart Estate Company's lands on their western march (herein-after called the western portion of the road) the Company shall only be bound to form the same to the extent of embanking and cutting The Company shall be entitled but shall not be bound to form sewers or other main pipes but any existing sewers shall be reinstated and all land drainage rendered necessary by the construction of the road shall be provided for by the Company The tramway lines shall be laid as nearly as may be practicable along the centre of the road having regard to the possibility of future doubling of single lines:

- (3) The eastern portion of the road shall be completed in sections of not less than 100 yards in length as and when stances are feued or ground is sold or leased for building or other similar purposes ex adverso of said sections but so as always to give to the said stances a direct communication with the Colinton or other existing main road The Company unless ground is feued or sold or leased as aforesaid shall be under no obligation to form any part of either the eastern or western portions of the road until the expiry of four years and three months from the commencement of this Order but the eastern portion of said road shall be completed within the period of five years from the commencement of this Order and that under a penalty of 500*l.* to be paid by the Company to the Craiglockhart Estate Company in case of failure and the western portion of the road shall be formed to the extent aforesaid within eight years from the commencement of this Order And security for the payment of the said penalty shall

be given by the Company to the satisfaction of the Craiglockhart Estate Company before possession of the ground for the eastern portion of the road is given. Provided that nothing in this subsection contained shall derogate from any right to the exclusive use of the tramway by His Majesty's Principal Secretary of State for War conferred upon him by this Order: A.D. 1909.

- (4) On taking possession of the ground for the said road the Company shall forthwith erect suitable fences on either side thereof and shall maintain the same in good order and repair but as ground is feued or sold this obligation shall cease so far as regards the portion of the fence immediately bounding such ground:
- (5) The ground of which possession is to be given for the formation of the said road shall remain vested in the trustees of the Craiglockhart Estate Company who for the purposes of this Order shall be deemed to be the road authority until the road is taken over by the road authority of the district subject to the Company's right of user therein in accordance with the provisions of the Tramways Act 1870 herewith incorporated but the surface of the said eastern portion of the said road and the footpaths as the sections of the same are formed shall be maintained in good order by the Company until the said eastern portion of the road shall be completed. And except in the case of corner stances whose principal entrances are not situated in the eastern portion of the road (such corner stances not being more than two in number) the Craiglockhart Estate Company shall take feuers purchasers or tenants on long leases along the line of said eastern portion of the road bound to pay the cost of the formation and construction of one half thereof so far as ex adverso of the ground feued sold or leased including footpaths kerbs and channelling but exclusive of that portion of the road occupied by the tramway rails and 18 inches beyond the outer rail within a period not exceeding two years from the dates when the respective feus or other grants are staked off and the Craiglockhart Estate Company shall use due



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diligence in recovering the said cost And the Craiglockhart Estate Company shall pay over to the Company when received from the feu or others as aforesaid the amount of the cost paid by him under deduction of any necessary expenses incurred by the Craiglockhart Estate Company in recovering the same but the Craiglockhart Estate Company shall in no event be bound at any time themselves to repay any part of the cost of said eastern portion of the road unless they shall themselves erect houses or other buildings with entrances therefrom:

(6) In the event of the Company forming any of the Tramways Nos. 5 6 or 7 so far as situated on the north side of the Union Canal or erecting their generating station to the north of the said canal the Company shall acquire from the Craiglockhart Estate Company at the price of 300*l.* per acre the whole unfeued portion of the Craiglockhart Estate Company's lands of Allan's Park lying to the north of said canal and extending to 8 acres 1 rood or thereby Provided always that the Company shall be bound to intimate in writing to the Craiglockhart Estate Company within nine calendar months from the commencement of this Order their intention to proceed with or abandon the said tramways or generating station and on their intimating their determination to proceed with all or any of the same the Company shall forthwith pay the agreed on price and shall accept and obtain a conveyance of the said lands with right to immediate entry and natural possession but should the Company not intimate their intention to proceed with the said tramways north of the said canal or the said generating station within the said period of nine months the powers conferred upon them by this Order so far as applicable to Tramways Nos. 5 6 and 7 and the said generating station shall cease and determine:

(7) The Company shall satisfy all claims exigible by the agricultural tenants and shall relieve the Craiglockhart Estate Company of all such claims But in the event of the Company acquiring the unfeued portions

of the lands of Allan's Park in terms of the immediately foregoing subsection the Craiglockhart Estate Company shall exercise for behoof of the Company such power to resume the said lands of Allan's Park as is competent in terms of their leases with their agricultural tenants and the Company shall only be bound to settle with the said tenants of the Craiglockhart Estate Company for all crop if any which may be taken and unexhausted manure in the said lands of Allan's Park :

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- (8) In the event of the Company forming Tramway No. 4 the Company shall acquire from the Craiglockhart Estate Company the small triangular piece of ground extending to .298 of an acre or thereby lying between Tramways 4 and 5 on the south side of the said canal and that at the price of 500*l.* per acre :
- (9) The Company before proceeding with the construction temporary or permanent of Tramways Nos. 3 and 4 and so much of Tramway No. 5 as is situated south of the said canal respectively shall acquire from the Craiglockhart Estate Company the land respectively necessary for the said tramways and that at the price of 600*l.* per acre :
- (10) The Company may use or grant the use of the ground to be occupied by the said road for the purpose of temporary railways or tramways for the conveyance of building or other materials but this right shall be exercised in such a manner as to cause as little damage as possible to the estate of Craiglockhart and shall cease after the expiry of four years and three months from the commencement of this Order :
- (11) After the expiry of four years and three months from the commencement of this Order the Company shall be at liberty to carry along any of the tramways authorised by this Order goods or materials of any description except dung manure compost or other offensive or objectionable matter but said goods traffic shall be restricted to such reasonable hours and subject to such regulations as may be agreed upon by the Company and the Craiglockhart Estate Company having due regard to the amenity of the estate and the neighbourhood or failing agreement

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as may be determined by an arbiter to be appointed by the Secretary for Scotland Provided always that should hay or straw or fodder of any kind at any time be conveyed on said tramways the waggons or other vehicles conveying the same shall be effectively covered:

- (12) After the expiry of four years and three months from the commencement of this Order electrical power only shall be used for moving carriages or other vehicles used on the tramways unless otherwise agreed upon between the Craiglockhart Estate Company and the Company:
- (13) If any difference shall arise between the Company and the Craiglockhart Estate Company as to any matter referred to in or arising out of this section except as to the construction of the new road referred to in subsection (2) and the hours for and regulations respecting goods traffic referred to in subsection (11) the same shall be determined by an arbiter to be agreed upon between the Company and the Craiglockhart Estate Company or failing agreement to be nominated by the Board of Trade on the application of either party:
- (14) The Company shall before entering on any of the Craiglockhart Estate Company's land necessary for the purposes of this Order pay to the Craiglockhart Estate Company the sum of one hundred and five pounds sterling.

For protection of  
Hon. Arthur  
Ralph  
Douglas  
Elliot and  
another.

49. For the protection of the Honourable Arthur Ralph Douglas Elliot trustee under the antenuptial contract of marriage entered into between Lieutenant-Colonel John Moubray Trotter and the late Honourable Mary Catherine Elizabeth Abercromby or Trotter and as such heritable proprietor of the estate of Colinton House Colinton in the county of Midlothian and the said Lieutenant-Colonel John Moubray Trotter the liferent proprietor of the said estate (in this section called "the owners") the following provisions shall unless otherwise agreed between the Company and the owners have effect (that is to say):—

- (1) The owners shall give to the Company possession of so much land as may be necessary for the formation of a road 50 feet in width along the line of Tramway

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No. 1 within the 'owners' lands and the line of the said tramway shall be such as shall be found to be advantageous for the purpose of feuing and shall as far as practicable be laid along the line shown on the deposited plans and shall in any case be within the limits of deviation shown thereon and shall be fixed in relation to the line of continuation of the said intended road through the lands of the trustees for the Craiglockhart Estate Company And if any question shall arise as to the line of the said road so far as situate on the property of the owners the same shall be referred to James Inglis Davidson land surveyor Saughton Mains Corstorphine as sole arbiter And subject to the provisions of subsection (6) hereof possession of the said ground shall be given by the owners and shall be accepted by the Company solely for the purpose of the formation thereon by the Company of the said road and of an ordinary tramway and for other the purposes of this Order not involving erection of buildings on the said ground And the provisions of the Tramways Act 1870 herewith incorporated shall apply to the said tramway when formed and the tramway shall for no purposes be deemed to be a railway :

- (2) The Company shall on taking possession of the land for the purposes of this Order forthwith at their own expense (a) erect suitable fences on either side thereof and shall maintain the same in good order and repair but as ground is feued sold or leased for building or other similar purposes this obligation shall cease so far as regards the portion of the fence immediately bounding such ground and (b) make up and form said road for its full width including footpaths and shall within a period of five years from the commencement of this Order complete the footpaths provide kerbs and channelling and finish off and complete the whole of the said road with macadam so as to be suitable for all traffic at the sight and to the reasonable satisfaction of the owners' surveyor or engineer Provided that as regards any parts of said road the period within which the Company is under obligation to construct as aforesaid may be extended if in the

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opinion of the owners' surveyor or engineer such extension is in the circumstances existing at the time reasonable The Company shall be entitled but shall not be bound to form sewers or other main pipes but any existing sewers shall be reinstated and all land drainage rendered necessary by the construction of the road shall be provided for by the Company The tramway lines shall be laid as nearly as may be practicable along the centre of the road having regard to the possibility of the future doubling of single lines :

- (3) The land of which possession is to be given for the formation of said road as aforesaid shall remain vested in the owners who for the purposes of this Order shall be deemed to be the road authority until the road is taken over by the road authority of the district subject to the Company's right of user therein in accordance with the provisions of the Tramways Act 1870 herewith incorporated :
- (4) The owners shall take feuars or purchasers or lessees as aforesaid along the line of said road except in the case of corner stances not exceeding two in number whose principal entrances may not be situated in said road bound to pay to the Company within a period of not exceeding two years from the dates of the respective grants of the respective feus sales or leases foresaid the cost (exclusive of any interest thereon) of bottoming metalling and finishing one-half of the width of the road so far as ex adverso of the ground so feued sold or leased including footpaths kerbs and channelling but exclusive of that portion of the road occupied by the tramways and 18 inches beyond the outer rails on either side thereof and the owners shall if desired by the Company and at the Company's expense use due diligence in recovering said cost for the Company But the owners shall in no event be bound at any time themselves to pay to the Company any part of the cost of said road unless they shall themselves erect houses or other buildings ex adverso of the said road :
- (5) The Company shall satisfy all claims exigible by agricultural and other tenants and shall relieve the owners of all such claims The owners shall afford the Company



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all reasonable facilities and do all things in their power reasonably necessary to permit of the said claims being settled advantageously to the Company : A.D. 1909.

- (6) The Company may use or grant the use of the ground to be occupied by the said road for the purpose of temporary railways or tramways for the conveyance of building or other materials but this right shall be exercised in such a manner as to cause as little damage as possible to the estate of the owners and shall cease after the expiry of four years and three months from the commencement of this Order :
- (7) After the expiry of four years and three months from the commencement of this Order the Company shall be at liberty to carry along any of the tramways authorised by this Order goods or materials of any description except dung manure compost or other offensive or objectionable matter But said goods traffic shall be restricted to such hours and subject to such regulations as may be agreed upon between the Company and the owners having due regard to the amenity of the estate and the neighbourhood or failing agreement as may be determined by an arbiter to be appointed by the Secretary for Scotland Provided always that should hay or straw or fodder of any kind at any time be conveyed on the said tramways the waggons or other vehicles conveying the same shall be effectively covered :
- (8) The Company shall before taking possession of any lands of the owners for the purposes of said road or the tramway to be constructed thereon pay the owners the sum of 100*l.* sterling :
- (9) Tramway No. 2 shall not be constructed otherwise than in accordance with the provisions of the section of this Order the marginal note of which is "Power to make tramways" :
- (10) After the expiry of four years and three months from the commencement of this Order electrical power only shall unless otherwise agreed upon between the owners and the Company be used for the moving of the carriages or other vehicles used on the tramways :
- (11) If any difference shall arise between the Company and the owners under this section including any question as

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to whether the consent of the owners is unreasonably withheld or as to the reasonableness of any condition laid down by the owners the same shall except as otherwise specially provided for be referred to an arbiter to be agreed upon between the Company and the owners or failing agreement to be appointed by the Board of Trade on the application of either party.

For protection of corporation of Edinburgh.

50. Notwithstanding anything in this Order contained the following provisions shall apply for the protection of the lord provost magistrates and council of the city of Edinburgh (hereinafter called "the corporation") :—

(1) If the Company construct that portion of Tramway No. 6 which is to be situate on the Slateford Road and make Work A they shall do so for behoof of the corporation and upon the Company completing the said Tramway No. 6 that portion thereof which is situate on Slateford Road shall vest in and become the property of the corporation and the corporation shall forthwith make payment to the Company of the cost of constructing the said portion of Tramway No. 6 and of making Work A such cost in the event of any difference of opinion being fixed by arbitration and thereafter that portion of the said tramway so constructed may be worked by the corporation or by any person having their authority Provided that until the corporation construct a tramway along Slateford Road the Company shall be entitled and bound if and so long as required by the corporation to work the said portion of the said tramway upon Slateford Road in conjunction with the remainder of Tramway No. 6 and to pay to the corporation as consideration for the user of the said portion of the said tramway such sum as may be agreed upon or failing agreement as may be fixed by arbitration :

(2) The corporation may before the Company have commenced to construct Tramway No. 6 apply for and obtain powers for constructing and may construct tramways inter alia upon that portion of Slateford Road upon which Tramway No. 6 is intended to be laid and in the event of the corporation obtaining such powers and constructing such tramway the provisions of this Order applicable to such portion of Tramway

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No. 6 as is intended to be laid on Slateford Road shall cease and be superseded by the provisions of the Act or Order sanctioning such corporation tramway Provided that when the portion of Tramway No. 6 not to be constructed in Slateford Road shall be duly constructed by the Company they may connect the said portion of Tramway No. 6 to the corporation's line along Slateford Road and thereafter a working arrangement as after-mentioned for a through service of cars along the tramways authorised by this Order and any tramway constructed by the corporation along Slateford Road from the point of junction eastwards shall be entered into between the corporation and the Company on the terms specified in the immediately succeeding subsection Provided that the systems adopted by the corporation and the Company respectively for the time being admit of such through service:

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- (3) In the event of the corporation hereafter obtaining parliamentary powers to construct and constructing a tramway upon Slateford Road or other route leading into the city of Edinburgh to be worked according to a system adapted for interchange of cars and through service a working agreement shall be entered into between the corporation and the Company which agreement shall provide inter alia (A) that the corporation shall take forward and bring back the Company's cars upon the corporation line in Slateford Road to such point within the city as the corporation may with the Company's consent from time to time fix and on the other hand the Company shall take forward and bring back the corporation cars upon such portion of the tramways authorised by this Order as the corporation require (B) the number of cars which shall be run to maintain the through service and the times at which the said cars shall run and (C) for the establishment of through fares between the respective tramways and for the apportionment of such fares between the corporation and the Company:
- (4) In the event of any question or difference arising in regard to the terms of the said agreement to be entered into between the corporation and the Company the same shall be determined by arbitration Provided that

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nothing in this Order shall be held (1) to confer upon either the corporation or the Company or entitle either party to acquire running powers over any part of each other's lines and no arbiter shall be entitled to confer upon either party running powers over any part of each other's lines or (2) to bind the corporation to carry on any tramway constructed by them along Slateford Road any animals or goods other than passengers' luggage and parcels Provided also that the corporation and the Company may make arrangements for employing each other's servants in conducting the through traffic :

- (5) The Company shall not supply electrical energy within the city of Edinburgh but shall be entitled to purchase electrical energy from the corporation on as favourable terms as if the whole undertaking were within the said city :
- (6) In addition to the requirements of section 26 of the Tramways Act 1870 the Company shall submit to the corporation a plan showing the proposed mode of constructing and laying down the portion of Tramway No. 6 to be constructed on Slateford Road together with a statement of the materials to be used therein and a specification of the work to be performed and the Company shall not commence the construction and laying down of the said portion of Tramway No. 6 until such plan statement and specification have been approved of by the corporation and such approval shall not be unreasonably withheld :
- (7) When the said portion of Tramway No. 6 to be constructed along Slateford Road has been constructed and vested in the corporation the provisions of the section of this Order the marginal note of which is "For protection of Caledonian Railway Company" shall apply to the corporation as if the corporation were the Company.

RATES AND REGULATIONS.

Passengers'  
fares.

51. The Company may demand and take for every passenger travelling upon the tramways or 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

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of a mile shall be deemed a mile but in no case shall the Company be bound to charge a less sum than one penny Provided that the Company may appoint stages upon the tramways each not less than half a mile in length and may demand and take for every passenger travelling upon the tramways including every expense incidental to the conveyance of such passenger any fare not exceeding one penny for each two stages or portion of that distance travelled and for this purpose the fraction of a stage shall be deemed a stage This section shall take effect and apply as from the date of the opening of the tramways for public traffic. A.D. 1909.

52. Every passenger travelling upon the tramways may take with him his personal luggage not exceeding twenty-eight pounds in weight without any charge being made for the carriage thereof all such luggage to be carried by hand and at the responsibility of the passenger and not to occupy any part of a seat nor to be of a form or description to annoy or inconvenience other passengers This section shall take effect and apply as from the date of the opening of the tramways for public traffic. Passengers' luggage.

53. The tramways may be used for the carriage of passengers and passengers' luggage and parcels and single articles not exceeding five hundred pounds in weight but not otherwise for the carriage of animals goods minerals articles and things except that Tramway No. 3 Tramway No. 4 Tramway No. 5 Tramway No. 7 that portion of Tramway No. 1 extending from the commencement of Tramway No. 3 to the termination of Tramway No. 1 and that portion of Tramway No. 2 extending from the commencement thereof to the junction with the siding into or for the purposes of Redford Barracks all as shown on the deposited plans may be used as follows (A) during the period of four years from the commencement of this Order for the conveyance of stone and other building materials from any point thereon to any other point thereon (B) from the commencement of this Order and so long as Redford Barracks or the site thereof is used for War Office or other Government purposes for the conveyance of animals goods minerals articles and things to and from Redford Barracks or the site thereof on the one hand from and to Slateford Station and the Union Canal on the other hand and (c) with the consent of the Caledonian Railway Company as regards traffic originating or terminating Carriage of passengers and goods.



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A.D. 1909. at Slateford Station and with the consent of the North British Railway Company as regards traffic originating or terminating at the Union Canal for the conveyance of any animals goods minerals articles and things from and to Slateford Station and the Union Canal.

Animals and goods.

54. The Company may demand and take in respect of any animals goods minerals articles or things conveyed by them on the tramways or any of them including every expense incidental to such conveyance (except a reasonable sum for loading and unloading and for delivery and collection of goods minerals parcels and other things and any other service incidental to the business of a carrier where any such service is performed by the Company) any rates or charges not exceeding the rates per mile following in respect of animals and goods conveyed on the tramways:—

ANIMALS.

For every horse mule or other beast of draught or burden fourpence;

For every ox cow bull or head of cattle threepence;

For every calf pig sheep and small animal one penny halfpenny.

GOODS.

For all coals coke culm charcoal cannel limestone chalk lime salt sand fireclay cinders dung compost and all sorts of manure and all undressed materials for the repair of public roads or highways per ton twopence;

For all iron ironstone iron ore pig iron bar iron rod iron sheet iron hoop iron plates of iron slabs billets and rolled iron bricks slag and stone stones for building pitching and paving tiles slates and clay (except fireclay) and for wrought iron not otherwise specially classed herein and for heavy iron castings including railway chairs per ton twopence halfpenny;

For all sugar grain corn flour hides dyewoods earthenware timber staves deals and metals (except iron) nails anvils vices and chains and for light iron castings per ton threepence;

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For cotton wools drugs manufactured goods fodder and all other wares merchandise fish articles materials or things not otherwise specially classed herein per ton fourpence; A.D. 1909.

For every carriage of whatever description not exceeding one ton in weight one shilling with the additional charge of threepence per quarter of a ton over one ton in weight;

For every bicycle other than a motor bicycle fourpence for any distance.

55. With respect to small parcels and single articles of great weight the Company may demand and take any rates and charges per mile not exceeding the following (that is to say):— Rates for small parcels and single articles of great weight.

For any parcel not exceeding seven pounds in weight threepence;

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

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

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

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

Provided that no parcel under fifty-six pounds in weight exceed four feet in length or measure more than twelve cubic feet:

Provided also that articles sent in large aggregate quantities although made up in separate parcels such as bags of sugar coffee meal and the like shall not be deemed small parcels but that term shall apply only to single parcels in separate packages:

For the carriage of single articles of great weight:—

For the carriage of any iron boiler cylinder or single piece of machinery or single piece of timber or stone or other single article the weight of which including the carriage shall exceed four tons but shall not exceed eight tons such sum as the Company may think fit not exceeding two shillings per ton per mile;

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For the carriage of any single piece of timber stone machinery or other single article the weight of which with the carriage shall exceed eight tons such sum as the Company may think fit.

Regulations  
as to rates on  
tramways.

56. In respect of the rates and charges which the Company are by this Order authorised to make in respect of animals goods minerals articles or things (other than small parcels) conveyed on the tramways the following provisions shall have effect (that is to say):—

For animals goods minerals articles or things conveyed on the tramways for a less distance than two miles the Company may demand rates and charges as for two miles;

A fraction of a mile beyond an integral number of miles shall be deemed a mile;

For a fraction of a ton the Company may demand rates according to the number of quarters of a ton in such fraction and if there be a fraction of a quarter of a ton such fraction shall be deemed a quarter of a ton;

With respect to all articles except stone and timber the weight shall be determined according to the Imperial avoirdupois weight;

With respect to stone and timber fourteen cubic feet of stone forty cubic feet of oak mahogany teak beech or ash or other hard wood and fifty cubic feet of any other timber shall be deemed one ton weight and so in proportion for any smaller quantity;

With respect to bulky articles of goods the Company shall have the option of charging per ton measurement reckoning at the rate of fifty cubic feet to the ton.

Service of  
carriages.

57. The Company shall run the carriages on the tramways at intervals of time suitable to the requirements of the districts served and if the Company 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 Company to provide and the Company shall forthwith provide such additional service of carriages as the Board may in their discretion think reasonable and prescribe This section shall take effect and apply as from the date of the opening of the tramways for public traffic.

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58. The Company shall not take or demand on Sunday or any public holiday any higher fares or charges than those levied by them on ordinary week days.

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As to fares on Sundays or holidays.

59.—(1) The Company at all times after the opening of the tramways for public traffic shall and they are 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 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 but the Company shall not be bound to take any fare less than a penny On Saturdays the Company 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.

Cheap fares for labouring classes.

(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 Company to provide such service as may appear to the Board to be reasonable.

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

60. 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 rate-payers of that district or by the Company that under the circumstances then existing all or any of the fares or other charges demanded and taken in respect of the traffic on the tramways or on such portion should be revised the Board of Trade may if they think fit direct an inquiry by a referee to be appointed by the said Board in accordance with the provisions of the Tramways Act 1870 and if the referee reports that it has been proved to

Periodical revision of rates and charges.

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A.D. 1909. 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 by the Company.

Byelaws.

61. 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 engines 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.

Byelaws by  
local authorities.

62. The provisions of the Tramways Act 1870 relating to the making of byelaws by the local authorities with respect to the rate of speed to be observed in travelling on the tramways shall not authorise the local authorities 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



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of this Order Provided that carriages may be driven or propelled on the tramways at such speed as the Board of Trade may prescribe and in the case of such portions of the tramways as are laid along the carriageway of any public road such speed shall not exceed fifteen miles an hour. A.D. 1909.

63. Notwithstanding anything contained in the Tramways Act 1870 the Roads and Bridges (Scotland) Act 1878 the Local Government (Scotland) Act 1889 the Burgh Police (Scotland) Act 1892 the Burgh Police (Scotland) Act 1903 and any Acts amending the same or in any byelaws made thereunder by the magistrates or local authority or authorities as the case may be in whose districts the tramways or parts thereof are situate it shall not be necessary for carriages used on ~~the~~ tramways to be licensed as stage or hackney carriages or otherwise or for the drivers or conductors in charge of carriages used on such tramways to be licensed as drivers or conductors of stage or hackney carriages or otherwise Nothing in this section contained shall apply to any licences required to be taken out under statutes relating to the Revenue of Excise. Exemption of tramway cars &c. from licensing.

64. If any person wilfully does or causes to be done with respect to any apparatus used for or in connexion with the working of any tramway owned leased or worked by the Company anything which is calculated to obstruct or interfere with the working of such tramway or to cause injury to any person he shall (without prejudice to any proceedings by way of indictment 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 shall be liable to a penalty not exceeding twenty pounds and the Company may themselves remove obstructions caused by any breakdown or illegal act or cause from any such tramway so as to free the traffic thereon from any such obstruction. Penalty for malicious damage.

#### MOTIVE POWER.

65. 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:

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

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

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

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

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

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

Special provisions as to use of electrical power.

66. 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 Company shall employ either insulated returns or uninsulated metallic returns of low resistance:

(2) The Company shall take all reasonable precautions in constructing placing and maintaining their electric lines and circuits and other works of all descriptions and also in working the undertaking so as not

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

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

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

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

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

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

Special provisions as to use of electrical power.

66. 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 Company shall employ either insulated returns or uninsulated metallic returns of low resistance:

(2) The Company shall take all reasonable precautions in constructing placing and maintaining their electric lines and circuits and other works of all descriptions and also in working 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 Company shall be deemed to take all reasonable precautions against interference with the working of any wire line or apparatus if and so long as they adopt and employ at their 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 :
- (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 :

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- (6) If any difference arises between the Company and any other party with respect to anything herein-before in this section contained such difference shall unless the parties otherwise agree be determined by the Board of Trade or at the option of the Board by an arbiter to be appointed by the Board and the costs of such determination shall be in the discretion of the Board or of the arbiter as the case may be:
- (7) When any department of His Majesty's Government represents to the Board of Trade that the use of electrical power under this Order injuriously affects or is likely to injuriously affect any instruments or apparatus whether electrical or not used in any observatory or laboratory belonging to or under the control of that department the Board of Trade after such inspection or inquiry as they may think proper may by their regulations require the Company to use such reasonable and proper precautions including insulated returns as the Board of Trade may deem necessary for the prevention of such injurious affection For the purposes of this subsection any inspector of the Board of Trade may during his inspection of the Company's works and apparatus be accompanied by any person or persons appointed in that behalf by the Government department concerned and the Company shall give all due facilities for the inspection Provided always that in the case of any observatory or laboratory established after the passing of this Order or of any instruments or apparatus hereafter used in any existing observatory or laboratory which may be of greater delicacy than those used therein at the passing of this Order the Board of Trade shall consider to what extent if any it is expedient in the interests of the public that the powers of this subsection should be exercised regard being had to the site of the observatory or laboratory or the purposes of the instruments or apparatus as the case may be:
- (8) The expression "Company" in this section shall include licencees and any person owning working or running carriages over any tramway of the Company.



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67. 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.

A.D. 1909.  
—  
Alteration of  
telegraph  
lines of  
Postmaster-  
General.

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

For protec-  
tion of Post  
Office tele-  
graph lines.

(1) The Company shall construct their electric lines and other works of all descriptions and shall work the undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by His Majesty's Postmaster-General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of 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 Company 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 Company of their electric lines and works or by the working of the undertaking the Company shall pay the expense of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection:

(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 Company or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-

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General specifying the course of the line and the nature of the work including the gauge of any wire and the Company and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work :

Any difference which arises between the Postmaster-General and the Company 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 Company 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 Company 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 Company enter any of the works of the Company for the purpose of inspecting the plant of the Company and the working of the same and the Company 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 Company pursuant to the Board of Trade regulations :
- (5) In the event of any contravention of or wilful non-compliance with this section by the Company or their agents the Company shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues :
- (6) Provided that nothing in this section shall subject the Company or their agents to a fine under this section if they satisfy the court having cognisance of the case that the immediate doing of any act or the execution of any work in respect of which the penalty

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is claimed was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice :

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- (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 :
- (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 Company or their 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 Company by indictment action or otherwise in relation to any of the matters aforesaid :
- (12) In this section the expression "the Company" includes their lessees and any person owning working or running carriages on any of the tramways of the Company.

69.—(1) It shall be lawful for the Postmaster-General in any street or public road or part of a street or public road in which he is authorised to place a telegraph to use for the support of such telegraph any posts and standards (with the brackets

Use of tramway posts by Postmaster-General.

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A.D. 1909. connected therewith) erected in any such street or public road by the Company in connexion with the tramways and to lengthen adapt alter and replace such posts standards and brackets for the purpose of supporting any telegraph and from time to time to alter any telegraph so supported subject to the following conditions:—

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

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Any difference as to the conditions of attachment shall be determined as herein-after provided: A.D. 1909.

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



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

(2) Nothing in this section contained shall prevent the Company from using their posts standards or brackets for the support of any of their electric wires and apparatus in connexion with their tramways or shall take away any existing right of the local authority of using the posts standards or brackets of the Company in connexion with the lighting of the streets or otherwise Provided that any difference between the Postmaster-General and the local authority in relation to the use of the posts standards or brackets by the Postmaster-General and the local authority respectively shall be determined as herein-after provided.

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

(4) In this section the expression "Company" includes their lessees the expression "telegraph" has the same meaning as in the Telegraph Act 1869 and other expressions have the same meaning as in the Telegraph Act 1878.

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

70. 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 a tramway) shall apply as if all posts tubes pipes wires and other apparatus used or to be used by the Company for the purposes of mechanical power were parts of the tramways.

Power to  
acquire  
patent  
rights.

71. For the purpose of using mechanical power the Company 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.

72. The Company shall not erect any generating station or take a supply of energy from any generating station unless the site for such generating station is specified in an Act of Parliament or in an Order confirmed by or having the effect of an Act of Parliament Provided always that this section shall not apply to any site granted to the Company by the Secretary of State for War in terms of the agreement set forth in the Second Schedule to this Order or to any sub-station for the transformation and distribution of electrical power or to any generating station which may be in existence and which shall not be extended beyond the limits of the site occupied by the buildings of such station at the commencement of this Order.

A.D: 1909.  
As to generating stations.

#### CAPITAL &C.

73. The capital of the Company shall be fifty thousand pounds in fifty thousand shares of one pound each.

Capital.

74. Subject to the provisions of this Order the Company with the authority of three-fourths of the votes of the shareholders present in person or by proxy at a general meeting of the Company specially convened for the purpose may divide any shares in their capital into half shares of which one shall be called "preferred half share" and the other shall be called "deferred half share" but the Company shall not divide any share under the authority of this Order unless and until not less than sixty per centum upon such share has been paid up and upon every such division fifty per centum upon the entire share shall be carried to the credit of the deferred half share (being the whole amount payable thereon) and the residue to the credit of the preferred half share.

Power to divide shares.

75. The dividends which would be payable on any divided share if the same had continued an entire share shall be applied in payment of dividends on the two half shares in manner following (that is to say) First in payment of dividend after such rate not exceeding seven per centum per annum as shall be determined once for all at a general meeting of the Company specially convened for the purpose on the amount for the time being paid up on the preferred half share and the remainder if any in payment of dividend on the deferred half share and the Company shall not pay any greater amount of dividend on the two half shares than would have been payable on the entire share if the same had not been divided.

Dividends on half shares.

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A.D. 1909. Dividend on preferred half shares to be paid out of profits of year only. 76. Each preferred half share shall be entitled out of the profits of each year to the dividend which may have been attached to it by the Company as aforesaid in priority to the deferred half share bearing the same number but if in any financial year there shall not be profits available for the payment of the full amount of dividend on any preferred half share for that year no part of the deficiency shall be made good out of the profits of any subsequent year or out of any other funds of the Company.

Half shares to be registered and certificates issued. 77. Forthwith after the creation of any half shares the same shall be registered by the directors and each half share shall bear the same number as the number of the entire share certificate in respect of which it was issued and the directors shall issue certificates of the half shares accordingly and shall cause an entry to be made in the register of the entire shares of the conversion thereof but the directors shall not be bound to issue a certificate of any half share until the certificate of the existing entire share be delivered to them to be cancelled unless it be shown to their satisfaction that such certificate is destroyed or lost and on any certificate being so delivered up the directors shall cancel it.

Terms of issue to be stated in certificates. 78. The terms and conditions on which any preferred half share or deferred half share created under this Order is issued shall be stated on the certificate of each such half share.

Forfeiture of preferred half shares. 79. The provisions of the Companies Clauses Consolidation (Scotland) Act 1845 with respect to the forfeiture of shares for non-payment of calls shall apply to all preferred half shares created under the authority of this Order and every such preferred half share shall for that purpose be considered an entire share distinct from the corresponding deferred half share and until any forfeited preferred half share shall be sold by the directors all dividends which would be payable thereon if the same had not been forfeited shall be applied in or towards payment of any expenses attending the declaration of forfeiture thereof and of the arrears of calls for the time being due thereon with interest.

Preferred half shares not to be cancelled or surrendered. 80. No preferred half share created under the authority of this Order shall be cancelled or be surrendered to the Company.

Half shares to be half shares in capital. 81. The several half shares under this Order shall be half shares in the capital of the Company and every two half shares (whether preferred or deferred or one of each) held by the same person shall confer such right of voting at meetings of the

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Company and (subject to the provisions herein-before contained) shall confer and have all such other rights qualifications privileges liabilities and incidents as attach and are incident to an entire share. A.D. 1909

82. The Company shall not issue any share created under the authority of this Order nor shall any such share vest in the person accepting the same unless and until a sum not being less than one-fifth of the amount of such share is paid in respect thereof. Shares not to be issued until one-fifth paid.

83. If any money is payable to a shareholder or mortgagee being a pupil minor idiot or lunatic the receipt of the guardian or committee of his estate or of his tutor or curator or curator bonis shall be a sufficient discharge to the Company. Receipt in case of persons not sui juris.

84. The Company may from time to time borrow on mortgage of the undertaking any sum or sums not exceeding in the whole one-third part of the amount of the share capital of the Company at the time actually issued and accepted but no part of any such sum or sums shall be borrowed until the shares in respect of which the borrowing power is exercised are issued and accepted as aforesaid and one-half thereof is paid up and the Company shall have proved to the sheriff who is to certify under the forty-second section of the Companies Clauses Consolidation (Scotland) Act 1845 before he so certifies that such shares have been issued and accepted and that one-half thereof has been paid up and that not less than one-fifth part of the amount of each separate share issued and accepted has been paid on account thereof before or at the time of the issue or acceptance thereof and upon production to such sheriff of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof. Power to borrow.

85. Every mortgage of the Company's undertaking shall be deemed to comprise all purchase money which may be paid to the Company in the event of a compulsory sale to the local authority under section 43 of the Tramways Act 1870 as modified by this Order and may comprise all or any moneys carried to the contingency fund according to the terms of the mortgage and every mortgage deed shall be endorsed with notice that the mortgage will not be a charge upon the tramways or the undertaking or any part thereof in the event of such sale. Rights of mortgagees on sale of tramways.

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Appoint-  
ment of  
judicial  
factor.

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

Company not to  
create debenture  
stock.

87. The Company shall not create debenture stock.

Application  
of moneys.

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

Money  
borrowed on  
mortgage to  
have  
priority.

89. All moneys to be borrowed on mortgage under this Order from the time when the same shall be advanced and the interest for the time being due thereon shall have priority against the Company and all the property from time to time of the Company over all other claims on account of any debts incurred or to be incurred or engagements entered into or to be entered into by them. Provided always that this priority shall not affect any claims against the Company or their property in respect of any feu-duty or ground annual payable or to become payable by them in pursuance of the Lands Clauses Acts or in respect of any rent or sum reserved by or tack duty payable under any lease granted or made to the Company which is entitled to rank in priority to or *pari passu* with the interest on their mortgages. Nor shall anything in this section contained affect any claim in respect of land taken used or occupied by the Company for the purposes of the Company's undertaking and works or injuriously affected by the construction thereof or by the exercise of any powers conferred on the Company.

First and  
subsequent  
ordinary  
meetings.

90. The first ordinary meeting of the Company shall be held within nine months after the commencement of this Order. The subsequent ordinary meetings of the Company shall be held in the month of April in every year or at such other time or times as shall be appointed for that purpose by an order of a general meeting.

As to ap-  
pointment of  
proxies.

91. Notwithstanding anything in the Companies Clauses Consolidation (Scotland) Act 1845 the attorney of any shareholder duly authorised in writing may appoint a proxy to vote for and on behalf of the shareholder and for that purpose may



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execute on behalf of the shareholder the necessary form of proxy A.D. 1909.  
Provided that the instrument appointing the attorney shall be  
transmitted to the secretary of the Company at the same time  
as the instrument appointing the proxy.

92. Notwithstanding anything contained in the Companies Joint  
Clauses Consolidation (Scotland) Act 1845 where several persons holders.  
are jointly entitled to and registered as holders of any share any  
one of those persons may vote at any meeting either personally  
or by proxy in respect of the share as if he were solely entitled  
thereto but if more than one of the joint holders be present at  
any meeting personally or by proxy that one of the said persons  
so present whose name stands first on the register in respect  
of the share shall alone be entitled to vote in respect thereof  
Several executors or administrators of a deceased member in  
whose name any share stands shall for the purposes of this  
section be deemed joint holders thereof.

93. The number of directors shall be three but the Com- Number of  
pany may vary the number provided that the number be not at directors.  
any time more than seven or less than three.

94. The qualification of a director shall be the possession in Qualification  
his own right of shares of the nominal value of two hundred of directors.  
and fifty pounds.

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

96. Colin George Macrae Charles David Geddes and Ian First and  
MacIntyre shall be the first directors of the Company and shall subsequent  
continue in office until the first ordinary meeting held after the directors.  
commencement of this Order At that meeting the shareholders  
present in person or by proxy may either continue in office the  
directors appointed by this Order or any of them or may elect  
a new body of directors or directors to supply the place of those  
not continued in office the directors appointed by this Order  
being (if they continue qualified) eligible for re-election and at  
the first ordinary meeting to be held in every year after the  
first ordinary meeting the shareholders present in person or by  
proxy shall (subject to the power herein-before contained for  
varying the number of directors) elect persons to supply the

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A.D. 1909. places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation (Scotland) Act 1845 and the several persons elected at any such meeting being neither removed nor disqualified nor having died or resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act.

As to qualification of directors.

97. Notwithstanding anything in the Companies Clauses Consolidation (Scotland) Act 1845 no person shall be disqualified from being a director of the Company by reason of his holding any office or place of trust or profit under the Company or by reason of his being interested in any contract with the Company nor shall any director be required to cease from voting or acting as a director by reason of his accepting any such office or place of trust or profit or becoming interested in any such contract Provided that in the case of his being or becoming interested in any contract with the Company whether such interest shall arise before or after his appointment as a director the nature of his interest in the contract shall be disclosed by him at the meeting of the directors at which the contract is determined on if his interest then exists or in any other case at the first meeting of the directors after the acquisition of his interest or after his appointment and also in the next annual report of the Company and that no director shall as a director vote in respect of any such contract and if he does so vote his vote shall not be counted but this prohibition shall not apply to any contract by or on behalf of the Company to give to the directors or any of them any security by way of indemnity.

Continuing directors.

98. The continuing directors may act notwithstanding any vacancy in their body but so that if at any time the number of directors of the Company holding office shall be less than the minimum number prescribed by this Order the directors shall not except for the purpose of filling vacancies and allotting shares to any proposed director or directors act so long as the number is below such minimum.

Notice of candidature for office of director.

99. Except in the case of a director retiring by rotation and offering himself or being proposed for re-election no person shall be capable of being elected a director of the Company in place either of a director retiring by rotation or of a director dying refusing to act or ceasing to be qualified or being disqualified to act unless notice in writing that such person intends to offer

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himself or will be proposed for the office of director shall have been given to the secretary of the Company or left at the office of the Company fourteen days at least before the day of election. A.D. 1909.

100. The Company may elect one or more auditors who need not hold shares in the Company. Auditors.

101. The directors may in any year without calling a meeting of shareholders for the purpose declare and pay such interim half-yearly dividend out of the then ascertained profits of the Company as in their judgment the position of the Company justifies. Interim dividend.

102. It shall be lawful for the directors to close the register of transfers for a period not exceeding fourteen days previous to the declaration of any interim dividend and they may fix a day for closing the same of which seven days' notice shall be given by advertisement in some newspaper published or circulating in the district within which the principal office of the Company is situate and any transfer made during the time when the transfer books are so closed shall as between the Company and the party claiming under the same but not otherwise be considered as made subsequently to the declaration of any such dividend. Closing of transfer books previous to declaring interim dividend.

103. 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 one thousand five hundred and thirty-four pounds twelve shillings and seven pence sterling has been deposited with the King's and Lord Treasurer's Remembrancer on behalf of the Court of Exchequer in Scotland in respect of the application for this Order of which sum one thousand three hundred and sixty-four pounds twelve shillings and seven pence sterling (herein-after referred to as "the tramways deposit fund") represents five per centum upon the amount of the estimate in respect of the tramways and the remainder (herein-after referred to as "the works deposit fund") that is to say one hundred and seventy pounds sterling represents four per centum upon the amount of the estimate for the works other than tramway works Be it enacted that notwithstanding anything contained in the said Parliamentary Deposits Act 1846 the tramways deposit fund shall not be paid or transferred to or on the application of the person or persons or the majority of the persons named in the warrant or order issued in pursuance of the said Act or the survivors or survivor of them (which persons survivors or survivor are or is in this Tramways deposit fund not to be repaid except so far as tramways are opened.

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A.D. 1909. Order referred to as "the depositors") unless the Company 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 Company shall make default in so opening the tramways the tramways deposit fund shall be applicable and shall be applied as provided by the next following section Provided that if within such period as aforesaid the Company open any portion of the 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 tramways deposit fund which bears to the whole of the tramways 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 depositors order the portion of the tramways deposit fund specified in the certificate to be paid or transferred to them or as they 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.

Application  
of tramways  
deposit fund.

104. If the Company do 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 tramways deposit fund or so much thereof as shall not have been paid to the depositors shall be applicable and after due notice in the Edinburgh Gazette shall be applied towards compensating any landowners or other persons whose property 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 tramway or materials connected therewith placed by the Company in or on any road vested in or maintainable by such road authorities respectively and in making good all damage caused to such roads by the construction or abandonment of such tramways and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the

Court of Exchequer in Scotland may seem fit And if no such compensation is payable or if a portion of the tramways deposit fund has been found sufficient to satisfy all just claims in respect of such compensation then the tramways deposit fund or such portion thereof as may not be required as aforesaid shall if a judicial factor has been appointed or the Company is insolvent and has been ordered to be wound up or the undertaking has been abandoned be paid or transferred to such factor or to the liquidator or liquidators of the Company or be applied in the discretion of the court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid or retransferred to the depositors Provided that until the tramways deposit fund has been repaid or retransferred to the depositors or has become otherwise applicable as herein-before mentioned any interest or dividends accruing thereon shall from time to time and as often as the same shall become payable be paid to or on the application of the depositors.

A.D. 1909.

105. On the application of the depositors at any time after the commencement of this Order the Court of Exchequer in Scotland may and shall order that the works deposit fund and the interest and dividends thereon shall be paid or transferred to the depositors or any other person or persons whom the depositors may appoint in that behalf.

Repayment  
of works  
deposit fund.

#### AGREEMENTS.

106. The agreement between the persons named in the section of this Order whereof the marginal note is "Company incorporated" of the one part and His Majesty's Principal Secretary of State for War of the other part as set forth in the Second Schedule to this Order is hereby confirmed and made binding on the Company and the said Secretary of State respectively The Secretary of State for War and any contractor employed and duly authorised by him may during the continuation of the said agreement and subject to the provisions thereof exercise all or any of the powers by this Order conferred upon the Company for the construction and working of the tramways in so far as is necessary for the due carrying out of the said agreement.

Confirmation  
of agreement  
with Secre-  
tary of State  
for War.

107.—(1) The Company may subject to the provisions of this Order enter into agreements with the road authority with respect to the construction of all or any part of the street or other works situate in the district of such authority and with respect to the forming laying down maintaining renewing

Agreements  
with road  
authority.



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A.D. 1909. 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.

(2) The Company 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 forming widening and improving of any roads streets bridges courts passages and footpaths within the district of such authority and as to the contributions to be made by the contracting parties respectively towards the moneys to be expended on such works and the payment of any sums payable under this section by the Company to the road authority shall be deemed a purpose of this Order to which capital is properly applicable.

Working  
agreements.

108. The Company may subject to the provisions of this Order enter into and carry into effect agreements with any local authority company or person (authorised to enter into such agreements) owning or working any tramways or light railways which can be worked with the Company's tramways with respect to all or any of the following matters (that is to say):—

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 by the working party 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 of them of rolling stock plant and machinery necessary for the purposes and during the continuance of such agreement;

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 : A.D. 1909.

Provided that any agreement under this section shall be submitted to and be subject to the approval of the Board of Trade.

109. The Company on the one hand and any local authority company body or person authorised by any Act or Provisional Order to supply or take 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) :— Agreements as to supply of energy.

(a) The supply to the Company by such local authority company body or person of electrical energy for use by the Company 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 Company by electrical power under the provisions of this Order and for lighting any roads which the Company may under this Order be required to light in connection with the working of such tramways. Provided that any supply of electrical energy by any such local authority company body or person to the Company shall except with respect to the area within which such supply may 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 :

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

#### MISCELLANEOUS.

110. Section 43 of the Tramways Act 1870 shall in its application to the undertaking and to the Company in relation thereto be modified as follows (that is to say) :— As to purchase of undertaking.

(1) The local authorities in whose districts the tramways are situate (if by resolution passed at a special meeting of the members constituting each of such local

A.D. 1909.

authorities they so decide) may within six months after the expiration of a period of twenty-eight years from the commencement of this Order and within six months after the expiration of every subsequent period of seven years with the approval of the Board of Trade (which approval the Board of Trade are hereby authorised to give) by notice in writing require the Company to sell to them the whole of the tramways situate within such districts as one undertaking upon the terms of paying the fair market value of the undertaking as a going concern and all lands buildings works materials and plant of the Company suitable to and used by the Company exclusively for the purposes thereof but without any allowance for compulsory purchase such value to be in cases of difference determined by an arbiter to be appointed by the Board of Trade on the application of either party and the costs of such arbitration to be borne and paid as the arbiter may direct:

- (2) If any of the local authorities aforesaid be unwilling to join in such purchase the remaining local authorities or authority may exercise the powers of purchasing the undertaking under the immediately preceding subsection provided that the provisions of the Tramways Act 1870 with respect to the purchase of the undertaking by a local authority shall from the date of such purchase apply and be exerciseable in respect of such portion of the undertaking as is situate within the district of any local authority not being a party to such joint purchase by such local authority except that the period of forty years shall be deemed to be substituted for the period of twenty-one years in section 43 of that Act mentioned:
- (3) No such resolution shall be valid unless one month's previous notice of the meeting and of the purpose thereof has been given in the manner in which notices of meetings of the local authority are usually given nor unless two-thirds of the members constituting the local authority are present and vote at the meeting and a majority of those present and voting concur in the resolution and it shall be lawful for the chairman of any such meeting with the consent of a majority

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of the members present to adjourn the same from A.D. 1909.  
time to time :

- (4) When any such sale shall have been made all the rights powers and authorities of the Company in respect to the undertaking so purchased shall be transferred to vested in and may be exercised by the local authorities or authority as the case may be in like manner as if such tramways were constructed by the local authorities or authority as the case may be under powers conferred upon such local authorities or authority as the case may be by a Provisional Order under the Tramways Act 1870 together with power to place and run carriages upon and to work such tramways and to demand and take tolls rates and charges in respect of the same or in respect of the use of such carriages and in reference to such tramways the local authorities or authority shall be deemed to be the Company :
- (5) The local authorities may subject to the approval of the Board of Trade enter into such agreements and arrangements inter se as may be necessary or convenient for giving effect to the purposes of the foregoing provisions :
- (6) The Company shall not (subject as regards that portion of Tramway No. 6 situate on Slateford Road to the provisions of the section of this Order of which the marginal note is "For protection of corporation of Edinburgh") be bound to sell any part of their tramways or tramway undertaking to any local authority unless at the same time the whole of the undertaking is purchased by such local authority or by them and one or more of the other local authorities within whose districts the tramways are situate as herein-before provided.

111.—(1) The Company may provide maintain work and run omnibuses to be moved by animal or mechanical power in connexion with the tramways or when the running of carriages upon the tramways is impracticable or during the construction alteration or repair of the tramways or in prolongation of any tramway route the extension of which may be contemplated by the Company but such omnibuses

Power to  
provide and  
run omni-  
buses.

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the tramways.

(2) The Company may convey passengers and parcels in the said omnibuses and may demand take and recover tolls rates and charges for the use of such omnibuses and for such conveyance as aforesaid.

(3) The powers of this section shall only be exercisable by the Company subject to such byelaws as the magistrates or local authority or authorities as the case may be within whose districts or district such omnibuses may be run are now or may hereafter be empowered to make and enforce with reference to omnibuses.

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

(5) All provisions of the Conveyance of Mails Act 1893 relating to the conveyance of mails on tramways shall apply and have effect in relation to the omnibuses provided under this section as if such omnibuses were carriages on tramways authorised by an Act passed after the 1st day of January 1893.

(6) The omnibuses of the Company shall not for the purpose of the purchase by any local authority of the Company's tramways be deemed to form or form part of the undertaking of the Company and in ascertaining the capital and revenue of the undertaking respectively for that purpose the capital employed in the said omnibuses, and the revenue derived therefrom shall not be taken into account.

Power to  
lease tram-  
ways.

112. Subject to the provisions of the Tramways Act 1870 the Company may subject to the approval of the Board of Trade and after the completion of the tramways lease to any local authority company body or person the whole or any 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  
supply elec-  
tricity.

113. The Company may apply for and if obtained carry into effect powers to supply electricity under the Electric Lighting Acts 1882 and 1888 the Electric Lighting (Scotland) Act 1890 and the Electric Lighting (Scotland) Act 1902 and may take



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transfers of the powers of any undertakers under those Acts who may be authorised to transfer the same provided that no such powers shall be applicable within the city of Edinburgh. A.D. 1909.

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

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

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

115. Where the consent or approval of any local or road authority is by this Order required before the exercise of any powers by the Company 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 arbitration. Consents of local or road authority.

116. Where under this Order any question or dispute is to be referred to arbitration then unless other provision is made the reference shall be to an arbiter appointed by the Board of Trade. References to arbitration.

117. The Company shall not out of any money by this Order authorised to be raised pay or deposit any sum which by any Standing Order of either House of Parliament or any General Order made under the Private Legislation Procedure (Scotland) Act 1899 now or hereafter in force may be required to be deposited in respect of any application to the Secretary for Scotland for the purpose of obtaining an Act or Order authorising the Company to construct any other tramway or to execute any other work or undertaking. Deposits for future Acts and Orders not to be paid out of capital.

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A.D. 1909.  
Provision as  
to general  
Tramway  
Acts.

118. Nothing in this Order contained shall exempt the Company or the tramways from the provisions of any general Acts 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.

Recovery of  
penalties.

119. 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) Act 1908.

Orders &c.  
of Board of  
Trade.

120. 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.

Copy of Act  
to be regis-  
tered.

121. The Company shall deliver to the Registrar of Joint Stock Companies a printed copy of the Act confirming this Order and he shall retain and register the same and if such copy is not so delivered within three months from the commencement of this Order the Company shall incur a penalty not exceeding two pounds for every day after the expiration of those three months during which the default continues and any director or manager of the Company who knowingly and wilfully authorises such default shall incur the like penalty Every penalty under this section shall be recoverable summarily.

There shall be paid to the Registrar by the Company on such copy being registered the like fee as is for the time being payable under the Companies (Consolidation) Act 1908 on registration of any document other than a memorandum of association.

Costs of  
Order.

122. 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 Company.

The SCHEDULES referred to in the foregoing Order. A.D. 1909.

**THE FIRST SCHEDULE.**

DESCRIBING PROPERTIES OF WHICH PORTIONS ONLY MAY BE  
TAKEN.

Parish.	Nos. on deposited Plans.
Colinton - - - -	17 31 37 and 38.

**THE SECOND SCHEDULE.**

AN AGREEMENT made the 24th day of July 1909 between COLIN GEORGE MACRAE Knight CHARLES DAVID GEDDES Mining Engineer IAN MACINTYRE Writer to the Signet GEORGE MACKENZIE BROWN Publisher and COLIN MACKENZIE BLACK Writer to the Signet all of Edinburgh (herein-after called "the Promoters") of the one part and HIS MAJESTY'S PRINCIPAL SECRETARY OF STATE FOR WAR (herein-after called "the Secretary of State") of the other part.

WHEREAS the Secretary of State proposes to erect barracks at Redford and it is desirable that tramway communication should be provided between such barracks and the city of Edinburgh:

And whereas the Promoters have pursuant to the Private Legislation Procedure (Scotland) Act 1899 presented a petition to the Secretary for Scotland praying him to issue a Provisional Order incorporating the Colinton Tramways Company and empowering that company to make and maintain tramways and other works and for other purposes:

And whereas the tramways referred to in the said Provisional Order are seven in number and are described in the draft Order and the deposited plans and supplemental plans therein referred to and will if they are all authorised and made be situate partly in the county of Midlothian and partly in the county of the city of Edinburgh

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A.D. 1909. and be connected with (A) the Union Canal and (B) the Slateford Sidings of the Caledonian Railway Company :

And whereas it will be a convenience for the Secretary of State and any contractor employed by him that the Secretary of State or such contractor as aforesaid shall during the erection of the said barracks have the use of the track of the said tramways in the manner and for the purposes herein-after mentioned and the right to use the tramways when constructed as herein-after specified :

Now it is hereby agreed as follows :—

1. The Promoters will take all necessary steps in their power (A) to obtain with as little delay as possible a Provisional Order authorising the construction of the said tramways and (B) to get such Order when made confirmed by Act of Parliament.

2. As soon as possible after the confirmation of the said Order and in any event within nine calendar months after such confirmation the company which is to be incorporated by the said Order (herein-after referred to as "the Company") shall acquire all land necessary for the construction of the said tramways from Redford Estate to (A) the said canal and (B) the said Slateford Sidings and make up and complete the track of the said tramways between those points so as to enable the Secretary of State or any contractor employed by him to lay down his own rails thereon from Redford Estate to the said canal and sidings. Provided always that if terms satisfactory to the Company cannot within six calendar months after such confirmation be made with the landowners through whose lands the branch of the said tramways which connects the main tramway with the said sidings passes (being Tramways Nos. 5 and 7 in the draft Order) the Company shall be exempted from any obligation to comply with the terms of this clause so far as relates to that branch but in any event the Company shall make up and complete the track to the canal within a period of six months.

3. The Secretary of State shall procure that the contractor or other person by whom the work of constructing the said barracks shall be carried out shall if and so far as desired by the Company deposit any suitable earth or other materials excavated in the course of erecting or preparing for the erection of the said barracks and not required by the Secretary of State upon some point or points approved by or on behalf of the Secretary of State on the line of the said tramways for the purpose of being utilised by the Company in making up the track of the said tramways in accordance with the deposited plans and sections but no more materials shall be so deposited than the Company desires.

4. As soon as the track of the said tramways shall have been made up and completed in the manner and to the extent required

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by the terms of clause 2 hereof the contractor or other person by whom the work of constructing the said barracks shall be carried out shall for a period of three years from that time and also after the expiration of that period unless and until the arrangement shall be determined at or after such expiration by not less than three calendar months' notice in writing given either by the Secretary of State or by the Company to the other of them have the exclusive use of the said track for the purpose of conveying materials persons and things to and from the site of the said barracks and for all other purposes connected with the erection of the said barracks and may for the purposes aforesaid lay down temporary rails on the said track and do all other things reasonably necessary or convenient for the purposes aforesaid Provided that such exclusive use shall not in any event extend beyond the expiration of a period of four years and three months from the commencement of this Order Provided also that so far as can be done in the opinion of the Secretary of State without interference with the conveyance of materials for the construction of the said barracks the said contractor or other person by whom the work of construction of the said barracks is carried out shall if required by the Company and with the consent of the Secretary of State grant reasonable facilities for the conveyance of materials for the construction of buildings along the line of the tramways or for other purposes at such rates as may be arranged or failing arrangement as may be fixed by an arbiter to be appointed by the Secretary for Scotland.

5. During the period of three years mentioned in the last preceding clause hereof the Secretary of State shall pay to the Company—

- (1) A sum equal to one-third of the total cost as herein-after defined of constructing the track of Tramways Nos. 3 and 5 referred to in the said draft Order including (as part of such track) the bridge over the canal;
- (2) A sum equal to two-thirds of the total cost as herein-after defined of constructing the track of Tramways Nos. 4 and 7 referred to in the said draft Order;
- (3) A sum of 500*l.* towards the cost of obtaining the said Provisional Order;

such sums to be paid by twelve equal quarterly payments spread over the said period of three years of which the first shall be made at the expiration of three calendar months from the commencement of the said period Provided that in the event of the application for the said Order being refused the said sum of 500*l.* third above mentioned shall thereupon immediately become payable.

6. Provided always that if the said tramways shall not be made to connect with the said Slateford Sidings no share of the cost of



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A.D. 1909. constructing the track of Tramways Nos. 5 and 7 or either of them shall be payable by the Secretary of State under clause 5 hereof.

7. Provided also that the total amount payable by the Secretary of State under clause 5 hereof during the said period of three years shall not exceed 3930*l.* if the said tramways shall be made to connect with the said Slateford Sidings or 1965*l.* if they shall not be made so to connect.

8. The Secretary of State shall also pay to the Company as rent during the first period of three years the sum of 485*l.* per annum and during any further period for which the tramway track may be used under the provisions of clause 4 hereof the sum of 460*l.* per annum such rent to be paid quarterly and the first payment thereof to be made at the end of three calendar months after the commencement of the said period of three years.

9. Provided always that if the tramways shall not be made to connect with the said Slateford Sidings the rent for the first three years shall be at the rate of only 255*l.* per annum and for any subsequent period at the rate of only 230*l.* per annum.

10. For the purpose of clause 5 hereof the total cost of constructing the track of any tramway referred to therein shall include the cost of taking and acquiring the necessary land and constructing the tramway up to the point to which it is constructed when it is first handed over under this agreement to the Secretary of State or ~~any contractor employed by him and all fencing and engineering and~~ other proper expense in connexion therewith down to the time when the tramway is first handed over under this agreement to the contractor or other person by whom the work of constructing the said barracks shall be carried out. But it shall not include the cost of laying the permanent rails or of otherwise completing the tramway.

11. The Company shall from time to time produce all vouchers and do all other things which may be reasonably required by the Secretary of State for ascertaining or verifying the total cost hereinbefore referred to and the amount properly payable by the Secretary of State under the provisions hereinbefore contained.

12. Whilst any contractor or other person employed by the Secretary of State shall be entitled under this agreement to the exclusive use of the tramway and track the contractor or such other person shall be solely responsible for the line and the working of the traffic thereon and shall maintain and keep the line in good order and shall relieve the Company from any claims or responsibilities in connexion with such tramway or its use including all claims of damages to persons and property and shall pay all rates and taxes owners and occupiers for the time being payable in respect thereof and shall comply

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with any regulations laid down by the local or other authorities with regard to the working of traffic along or across public roads The Secretary of State will take the contractor or other person employed as aforesaid bound to observe and perform the terms of this agreement and will give the Company all reasonable facilities for procuring the enforcement thereof. A.D. 1909.

13. If required by the Company the contractor or other person employed by the Secretary of State to construct the said barracks shall before removing the temporary rails and other things placed by him on the track of the said tramways (which he shall do on the requisition of the Company) take delivery of and carry forward the permanent rails and other materials which will be required by the Company for permanently completing the said tramways after possession thereof shall have been resumed by the Company and shall unload the same at places on the said tramways to be pointed out by the Company and shall be paid by the Company for everything done under this clause reasonable rates or sums which in default of agreement shall be fixed by an arbiter appointed by the Secretary for Scotland.

14. After the construction of the said barracks the Company shall complete as soon as practicable the tramways for passenger traffic from Edinburgh to the said barracks and the Secretary of State and his successors and all persons authorised by him or them shall have the right to use the said tramways both for the carriage of troops and other passengers over all the said tramways and also for the carriage of goods from the railway and canal to the barracks (subject as regards Tramways Nos. 5 and 7 to the same being constructed in accordance with the conditions foresaid) at such reasonable hours and subject in each case to such reasonable regulations as may be agreed upon by the Company the Secretary of State and the owners of lands abutting on the tramways and the Secretary of State or other the person or persons exercising the rights mentioned in this clause shall pay therefor such rates as may be arranged between the Secretary of State and the Company and failing agreement or arrangement as may be determined by an arbiter appointed by the Secretary for Scotland.

15. The Secretary of State shall be entitled without any payment therefor to make a junction with the Company's tramways to connect with any branch line or lines which he may make or cause to be made on or adjoining the War Department property The plans of such junction shall before execution of the works be submitted to the Company for approval.

16. The Company shall do all in its power to obtain a through and direct passenger route without change of cars from the said barracks to the centre of Edinburgh.

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17. The Secretary of State shall if required by the Company grant to the Company a site not exceeding 1 acre together with suitable access thereto for a generating station and repair shop or car shed at some suitable point on the property of the Secretary of State to be selected by him (provided that said site shall not be within 300 yards of any building occupied as a dwelling-house unless with the consent previously obtained of the owners lessees and occupiers thereof) at a price (either a principal sum or by way of feu-duty or otherwise) to be agreed upon or failing agreement to be determined by an arbiter appointed by the Secretary for Scotland.

18. The Secretary of State shall grant such servitudes and rights of user as may be necessary for enabling the Company to construct maintain and work a single line of tramway along a strip of War Department land ex adverso of the Colinton Road and part of the Redford lands so far as belonging to the War Department in property and so far as said lands are traversed by Tramways Nos. 1 and 2 so as to allow 12 feet in the clear between the most southerly trees and the War Department fence except for the fifty yards next Inchdrewar House and for the fifty yards next the point where Tramway No. 2 joins Tramway No. 1 where the clearance shall be 20 feet in order to allow of a double line for crossing. The Company shall construct maintain and work the tramway along the said strip as part of their undertaking as authorised by the said Order and all works of construction and maintenance shall be carried out to the satisfaction of the Secretary of State to whom 7 days' previous notice thereof shall be given and ~~the Company shall also make up and maintain in good condition~~ to the satisfaction of the Secretary of State the whole of the land lying between the public road and the War Department fence for the time being provided that if the Secretary of State shall require a footpath on the said strip adjoining the War Department fence he shall construct the same at his own cost and the Secretary of State without prejudice to his rights as owner of the solum reserves full rights of access across the said tramway at all points and for all purposes and the right to lay and carry cables sewers drains pipes for gas water electricity or otherwise under or over the same and the Secretary of State shall have the right to close the said strip of land for one day in each year for the purpose of preventing the acquisition of public rights thereover. Provided that if and for any cause the tramways should in the opinion of an arbiter to be appointed by the Secretary for Scotland be permanently discontinued the said servitude shall thereupon cease and determine and the Company shall thereupon remove their lines and works and restore the surface of the ground. If within five years from the opening of the tramways for passengers the Company wishes to double the line between the above crossing places the Secretary of State will if required grant to the Company upon the same conditions and subject to the same

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reservations as aforesaid all such servitudes as may be necessary for that purpose over an additional strip of land not exceeding 8 feet in width so that the strip over which the rights of the Company shall extend shall be 20 feet throughout on being paid for such additional rights a rent in respect of such user to be agreed upon or failing agreement to be determined by an arbiter appointed by the Secretary for Scotland. The Company shall not permit any of their engines or carriages to stop or stand upon their tramway opposite or near to the entrance to any lands or buildings vested in or under the control of the Secretary of State in such manner as to interfere with access to or from such lands or heritages. A.D. 1909.

19. The Secretary of State shall take from the Company any electrical energy required for lighting or other purposes at the said barracks so long as the Company is in a position to regularly and constantly supply the same at a price to be fixed from time to time by agreement with reference to the cost at which current can be otherwise obtained by the War Department or failing agreement to be fixed with like reference by an arbiter appointed by the Secretary for Scotland.

20. The Company shall give to the Secretary of State all reasonable facilities for constructing and laying without making any payment therefor to the Company sewers and surface water drains and telegraph and telephone wires from the said barracks down the line of the tramways. But before constructing any sewer or surface water drain down the line of the tramways under this clause the Secretary of State shall give notice to the Company of his intention so to do and if within three calendar months from the receipt of such notice the Secretary of State shall receive from the Company or from the adjoining landowners a contribution sufficient in amount to cover the increased cost the sewer or surface water drain in question shall be made large enough to accommodate the feuing lands through which the tramways will or may pass as well as the said barracks.

22. If any question or dispute shall arise under or with reference to this agreement it shall be referred to an arbiter to be agreed upon by the parties between whom the question or dispute shall arise or failing agreement to be nominated by the Secretary for Scotland.

23. The Promoters shall by scheduling this agreement to the said Provisional Order or in some other proper manner endeavour to get this agreement made binding upon the Company and upon this agreement being so made binding upon the Company the Promoters shall be discharged from all liability hereunder.

24. This agreement is made subject to the approval of Parliament and to such alterations as may be made thereon during the progress

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As witness the hands of the parties hereto the day and year first above written.

R. B. HALDANE

*H.M. Secretary of State for War.*

COLIN G. MACRAE.

C. D. GEDDES.

IAN MACINTYRE.

G. M. BROWN.

C. M. BLACK.

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