



CHAPTER lix.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Dunfermline and District Tramways. [26th July 1910.] A.D. 1910.

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

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

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

2. This Act may be cited as the Dunfermline and District Tramways (Extensions) Order Confirmation Act 1910. Short title.

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SCHEDULE.

DUNFERMLINE AND DISTRICT TRAMWAYS
(EXTENSIONS).

*Provisional Order to authorise the Dunfermline and District
Tramways Company to construct additional Tramways and
other Works and for other purposes.*

WHEREAS by the Dunfermline and District Tramways Order 1906 (in this Order called "the Order of 1906") the Dunfermline and District Tramways Company (in this Order called "the Company") were incorporated with a share capital of one hundred and fifty thousand pounds and with power to borrow fifty thousand pounds and were authorised to construct the tramways and works therein described all in the county of Fife:

And whereas the Company have constructed and opened for the public conveyance of passengers the greater portion of the tramways and works authorised by the Order of 1906 and in respect thereof the Company have incurred capital liabilities to the amount of approximately one hundred and ten thousand pounds:

And whereas the Company have created and issued fifty-five thousand seven hundred and ten shares of one pound each and such shares are fully paid up and have also created and issued two thousand shares of one pound each upon each of which four shillings have been paid up:

And whereas no portion of the said sum of fifty thousand pounds has been borrowed by the Company:

And whereas it is expedient that the Company should be authorised to construct the new tramways and the street works herein-after described and to raise additional capital and borrow further moneys for the purposes of this Order and of their authorised undertaking:

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And whereas the new tramways are extensions of the tramway system of the Company and it is expedient that the provisions of the Order of 1906 as amended by this Order with respect to the working and motive power of the authorised tramways of the Company should be extended to the new tramways :

And whereas it is expedient that the provisions of the Order of 1906 in relation to the purchase of the authorised tramways of the Company should be amended as herein-after provided and that such provisions as so amended should be extended to the new tramways :

And whereas it is expedient that the other powers in this Order contained should be conferred on the Company :

And whereas plans and sections showing the lines and levels of the new tramways and the street works authorised by 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 the lands required or which may be taken for the purposes or under the powers of this Order were duly deposited with the principal sheriff clerk for the county of Fife and are herein-after respectively referred to as the deposited plans sections and book of reference :

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

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

1. This Order may be cited as the *Dunfermline and District Tramways (Extensions) Order 1910* and the Order of 1906 and this Order may be cited together as the *Dunfermline and District Tramways Orders 1906 and 1910* This Order 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
of Order.

2. The following Acts and parts of Acts are (except where expressly varied by this Order) incorporated with and form part of this Order (that is to say) :—

Incorpora-
tion of
general
Acts.

The Companies Clauses Consolidation (Scotland) Act 1845
and Part I. (relating to cancellation and surrender of

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shares) and Part II. (relating to additional capital) of the Companies Clauses Act 1863 as amended by subsequent Acts;

The Lands Clauses Acts; and

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

Provided that section 30 (except subsections (1) and (5) thereof) of the Tramways Act 1870 shall in its application to the new tramways have effect as if wires or apparatus laid in a road included wires or apparatus erected or carried over a road or footpath.

Interpretation.

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 new tramways” and “the street works” mean respectively the new tramways and the street works by this Order authorised;

“The existing tramways” means the tramways authorised by the Order of 1906;

“The tramways” means the new tramways and the existing tramways;

“The undertaking” means the undertaking of the Company authorised by the Order of 1906 and this Order;

“Contingencies” in section 125 of the Companies Clauses Consolidation (Scotland) Act 1845 includes the contingency of the undertaking being sold at a sum less than the aggregate amount of the capital and debts of the Company.

Power to make new tramways.

4. Subject to the provisions of this Order the Company may make form lay down work use and maintain the new tramways herein-after described in the lines and within the limits of deviation and according to the levels shown on the deposited plans and sections and in all respects in accordance with those plans and sections with all proper rails plates works and conveniences connected therewith Provided that nothing in this Order shall authorise any interference with electric lines

and works of any undertakers under the Electric Lighting Acts 1882 to 1909 to which the provisions of section 15 of the Electric Lighting Act 1882 apply except in accordance with and subject to the provisions of that section: A.D. 1910.

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

Tramway No. 1.—A tramway 6 furlongs 9·70 chains or thereabouts in length (double line) commencing in the royal burgh of Dunfermline in New Row by a junction with Tramway No. 13 authorised by the Order of 1906 at a point 0·65 chain or thereabouts north of Priory Lane passing thence into and along Priory Lane Reid Street Nethertown Broad Street and Elgin Street to and terminating in Grange Road in the parish of Dunfermline at a point opposite the north entrance to Grange Farm:

Tramway No. 1A.—A tramway 1·5 chains or thereabouts in length (double line) situate wholly in the parish and royal burgh of Dunfermline commencing in Priory Lane by a junction with Tramway No. 1 herein-before described at a point 0·65 chain or thereabouts west of New Row passing thence into New Row and terminating therein by a junction with Tramway No. 13 authorised by the Order of 1906 at a point 1 chain or thereabouts south of Priory Lane:

Tramway No. 2.—A tramway 1 mile 5 furlongs 1·70 chains or thereabouts in length (of which 5 furlongs 1·50 chains or thereabouts will be single line and 1 mile 0·20 chain or thereabouts will be double line) commencing in the parish of Dunfermline in Grange Road by a junction with Tramway No. 1 at its termination herein-before described passing thence in a southerly direction along the said road to and terminating in Brankholm Lane in the parish of Inverkeithing at a point 1 chain or thereabouts north of the new road from Kincardine to Inverkeithing (hereinafter called "the New Kincardine Road"):

Tramway No. 3.—A tramway 7 furlongs 2·7 chains or thereabouts in length (of which 3 furlongs 6·4 chains or thereabouts will be single line and 3 furlongs 6·3 chains or thereabouts will be double line) situate wholly in the

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parish of Inverkeithing commencing in Brankholm Lane by a junction with Tramway No. 2 at its termination herein-before described passing thence in a south-easterly and easterly direction into and along the New Kincardine Road and terminating therein at a point 1 chain or thereabouts east of the main road from Dunfermline to North Queensferry :

Tramway No. 4—A tramway 2 miles 8·3 chains or thereabouts in length (of which 1 mile 1 furlong 5·3 chains or thereabouts will be single line and 7 furlongs 3 chains or thereabouts will be double line) commencing in the parish of Inverkeithing in the New Kincardine Road by a junction with Tramway No. 3 at its termination herein-before described passing thence in an easterly and southerly direction along the New Kincardine Road into the royal burgh of Inverkeithing and thence in a southerly direction along the said road and into and along the main road from Kinross to North Queensferry (herein-after called “the Great North Road”) Church Street High Street Hope Street and the Great North Road and again into the parish of Inverkeithing continuing in a generally southerly direction along and terminating in the said road at a point 2 chains or thereabouts south-east of its junction with the old main road from Kincardine to North Queensferry (herein-after called “the Old Kincardine Road”) :

Tramway No. 5—A tramway 4 furlongs 6·60 chains or thereabouts in length (of which 3 furlongs 7·85 chains or thereabouts will be single line and 8·75 chains or thereabouts will be double line) situate wholly in the parish of Inverkeithing commencing in Brankholm Lane by a junction with Tramway No. 2 at its termination herein-before described passing thence in a southerly direction along the said lane and terminating therein at a point 0·65 chain or thereabouts north of its junction with the Old Kincardine Road :

Tramway No. 5A—A tramway 1·5 chains or thereabouts in length (single line) situate wholly in the parish of Inverkeithing commencing in Brankholm Lane by a junction with Tramway No. 5 at a point 1 chain or thereabouts south of the New Kincardine Road passing

thence in a north-easterly direction into the New Kincardine Road and terminating therein by a junction with Tramway No. 3 herein-before described at a point 1 chain or thereabouts east of Brankholm Lane : A.D. 1910.

Tramway No. 6—A tramway 2 miles 1 furlong 1·70 chains or thereabouts in length (of which 1 mile 4 furlongs 8·02 chains or thereabouts will be single line and 4 furlongs 3·68 chains or thereabouts will be double line) commencing in the burgh of Lochgelly in the parish of Auchterderran in Bank Street by a junction with Tramway No. 8 authorised by the Order of 1906 at its termination passing thence in a northerly direction along Bank Street to and terminating in the road from Lochgelly to Ballingry in the village of Lochore in the parish of Ballingry at a point 9·20 chains or thereabouts north of the centre of the bridge carrying the said road over the Lochore Branch of the North British Railway :

Tramway No. 9—A tramway 5 furlongs 2·2 chains or thereabouts in length (of which 3 furlongs 4·7 chains or thereabouts will be single line and 1 furlong 7·5 chains or thereabouts will be double line) situate wholly in the parish of Auchterderran commencing in the village of Auchterderran in the main road from Inverkeithing to Leslie near the "Auld Hoose" public-house at a point 0·75 chain or thereabouts south-west of the junction of the said main road with the road from Auchterderran to Cardenden (herein-after referred to as "the Cardenden Road") passing thence in an easterly and southerly direction to and into the Cardenden Road and terminating therein at a point 1 chain or thereabouts north of the centre of the bridge carrying the Dunfermline and Thornton section of the North British Railway over the said road :

Tramway No. 9A—A tramway 1 chain or thereabouts in length (single line) situate wholly in the parish of Auchterderran in the village of Auchterderran commencing in the Cardenden Road by a junction with Tramway No. 9 at a point 1 chain or thereabouts east of its commencement herein-before described passing thence in a north-westerly direction into and terminating in the main road

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from Inverkeithing to Leslie at a point 1·30 chains or thereabouts north of the north-west corner of the "Auld Hoose" public-house:

Provided that the construction of Tramways Nos. 1 2 and 3 shall not be commenced until Work C by this Order authorised shall be approaching completion. Provided also that Tramways Nos. 5 and 5A shall not be constructed except with the consent in writing of the Admiralty.

Power to
make street
works.

5. Subject to the provisions of this Order the Company may make the street works herein-after described in the lines and according to the levels and within the limits of deviation 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 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 streets or roads as may be necessary for the like purposes:

The street works herein-before referred to and authorised by this Order will be situate wholly in the county of Fife and are—

Work A—A widening of the eastern side of Elgin Street in the parish and royal burgh of Dunfermline and of the eastern side of Grange Road in the parish of Dunfermline between points respectively 2 chains or thereabouts to the north and 2 chains or thereabouts to the south of the centre of Grange Bridge including a widening of the said bridge:

Work B—A lowering and alteration of the levels of Grange Road in the parish of Dunfermline between points respectively 2 chains or thereabouts to the north and 2 chains or thereabouts to the south of the centre of the bridge carrying the North British Railway (Charlestown Branch) over the said road:

Work C—A widening of Grange Road and Brankholm Lane in the parishes of Dunfermline and Inverkeithing on the west side thereof between points respectively 1 furlong 6·5 chains or thereabouts north and 1 mile 5 furlongs 2·9 chains or thereabouts south of the north entrance to Grange Farm including a widening of the bridge over the Brankholm Burn:

Work D—A raising and altering of the levels of Brankholm Lane in the parishes of Dunfermline and Inverkeithing between points respectively 5·5 chains or thereabouts north and 7·2 chains or thereabouts south of the centre of the bridge over the Brankholm Burn : A.D. 1910.

Work E—A lowering and alteration of the levels of the road from Lochgelly to Ballingry in the burgh of Lochgelly and parish of Auchterderran between points respectively 5 chains or thereabouts north and 2·5 chains or thereabouts south of the centre of the bridge carrying the Dunfermline Branch of the North British Railway over the said road :

Work M—A lowering and alteration of the levels of the Cardenden Road in the parish of Auchterderran between points respectively 2·2 chains or thereabouts north-west and 0·9 chain or thereabouts south-east of the centre of the bridge carrying a mineral branch line of the North British Railway over the said road at a point 1 furlong 7 chains or thereabouts from the commencement of Tramway No. 9 by this Order authorised.

6. The Company may subject to the consent of the road authority construct on the east side of Grange Road in the parish of Dunfermline as authorised to be widened by this Order a footpath between points respectively 0·4 chain and 16·5 chains or thereabouts north of the termination of Tramway No. 1 by this Order authorised in substitution for the existing footpath on the west side of that road between the said points and may on the completion of the substituted footpath to the satisfaction of the road authority merge the said existing footpath in the carriageway of the said road. Alteration of footpath.

7. The following sections of the Order of 1906 shall so far as the same are applicable in that behalf and are not inconsistent with the provisions of this Order extend and apply mutatis mutandis to and in relation to the new tramways and the street works and to the Company in respect thereof (that is to say) :— Application of certain sections of Order of 1906 to new tramways and street works.

Section 8 (Correction of errors &c. in deposited plans and book of reference);

Section 10 (Persons under disability may grant servitudes &c.);

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- Section 13 (Inspection by Board of Trade);
Section 15 (Gauge of tramways);
Section 17 (Power to make subsidiary works);
Section 18 (Vesting of street works in road authority);
Section 19 (Tramways to be kept on level of surface of road);
Section 20 (Plan of proposed mode of construction);
Section 22 (Rails of tramways);
Section 23 (Penalty for not maintaining rails and roads—
Board of Trade may on complaint inspect tramways);
Section 24 (Local and road authority to have access to sewers);
Section 25 (Cross-overs to be constructed in certain cases);
Section 26 (Power to make additional cross-overs and to double tramway lines);
Section 27 (Temporary tramways may be made where necessary);
Section 28 (Company may reduce footpath for constructing tramways);
Section 29 (Application of road materials excavated in construction of works);
Section 30 (Shelters or waiting-rooms);
Section 31 (Stopping of roads during execution of works);
Section 32 (As to electrical works &c.);
Section 33 (As to removal of snow &c.);
Section 34 (Attachment of brackets &c. to buildings);
Section 35 (Power to lop trees);
Section 43 (Passengers' fares);
Section 44 (Passengers' luggage);
Section 45 (Carriage of parcels);
Section 46 (Rates for parcels &c.);
Section 47 (Service of carriages);
Section 48 (Cheap fares for labouring classes);
Section 49 (As to fares on Sundays or holidays);
Section 50 (Periodical revision of rates and charges);
Section 51 (Byelaws);

- Section 52 (Exemption of tramway cars &c. from A.D. 1910. licensing);
- Section 53 (Penalty for malicious damage);
- Section 54 (Provisions as to motive power);
- Section 55 (Special provisions as to use of electrical power);
- Section 56 (Alteration of telegraph lines of Postmaster-General);
- Section 57 (For protection of Post Office telegraph lines);
- Section 58 (Apparatus used for mechanical power to be deemed part of tramways);
- Section 59 (Power to acquire patent rights);
- Section 80 (Agreements with road authority);
- Section 83 (Power to provide and run omnibuses);
- Section 86 (Form and delivery of notices);
- Section 87 (Consents of local or road authority);
- Section 88 (References to arbitration);
- Section 91 (Recovery of penalties);
- Section 92 (Orders &c. of Board of Trade).

8. For the protection of the provost magistrates and councillors of the royal burgh of Dunfermline (in this section respectively referred to as "the corporation" and "the burgh") the following provisions shall unless otherwise agreed upon between the corporation and the Company apply and have effect (that is to say):—

For protection of corporation of Dunfermline.

- (1) The Company shall not commence the construction of Work A described in the section of this Order of which the marginal note is "Power to make street works" unless and until they shall have first delivered to the corporation plans and sections together with a statement of the materials to be used by the Company for the purposes of the works intended to be executed and the same have been examined and approved by the corporation or by an arbiter appointed as hereinafter provided. Provided always that if the corporation shall fail to approve or disapprove of the said plans sections and statement of materials for one month after such plans sections and statement of materials have been delivered to the corporation then the

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corporation shall be deemed to have approved the same and the said work shall be carried out by the Company in accordance with such plans sections and statement of materials. Provided also that if the corporation within such period shall have expressed their disapproval of the said plans sections and statement of materials then the Company shall not commence or execute the said work unless and until plans sections and statement of materials thereof have been considered and settled by an arbiter to be appointed as herein-after provided:

- (2) The Company shall execute the said work as aforesaid in accordance with the said plans sections and statement of materials as approved or settled at their sole expense and to the reasonable satisfaction of the corporation and the Company shall subsequently maintain the said work and all necessary works connected therewith for a period of twelve months after completion in good substantial condition and repair:
- (3) If the corporation prior to the construction of the said Work A acquire or provide the land necessary for the purpose of making the proposed widening of Elgin Street comprised in that work of a greater length at either end or both ends thereof than is shown on the deposited plans then the Company shall at their own expense when constructing the said Work A make such further widening of Elgin Street as the corporation may require and the provisions of the preceding subsections of this section shall apply to such extended road widening:
- (4) The Company shall not under the powers of this Order enter upon take use or otherwise interfere with any part of the lands shown on the deposited plans as intended to be acquired for the purposes of Work C described in the section of this Order of which the marginal note is "Power to make street works" (which lands are numbered 12 on the deposited plans in the parish of Dunfermline) so far as such lands belong to the corporation except with the written consent of the corporation:

- (5) Notwithstanding anything contained in the section of this Order of which the marginal note is "Power to deviate in constructing street works" the Company shall not deviate from the lines and levels of the existing roads and streets in the burgh except with the consent in writing of the corporation (which consent shall not be unreasonably withheld) and under such conditions and restrictions as the corporation may reasonably impose: A.D. 1910.
- (6) In the event of its becoming necessary to alter the level of the roadway and foot-pavements in New Row at the junction between the lines of tramway authorised by this Order and the lines of tramway in New Row authorised by the Order of 1906 the Company shall at their own expense make all reasonable and necessary alterations so as to leave the said roadway and foot-pavements in a fit state for public traffic thereon to the satisfaction of the corporation:
- (7) If any poles or posts erected by the Company in the burgh may in the opinion of the corporation and of the Company or in the event of difference of an arbiter to be appointed as herein-after mentioned be or become objectionable or obstructions the same shall be taken up and removed by and at the expense of the Company and be placed in such position as the corporation may determine:
- (8) The Company shall construct and maintain to the satisfaction of the corporation good and sufficient drains to carry away water or other liquid from the rails of the new tramways into the public sewers or other suitable watercourse:
- (9) Where in the construction of the works authorised by this Order any footpath is narrowed any lamp or other post which if left in its original position would be outside the line of kerb shall be replaced by and at the expense of the Company on the new footpath to the reasonable satisfaction of the corporation and in such position as the corporation may reasonably direct:
- (10) The Company shall at their own expense pave and thereafter maintain the roadway of all streets or roads on

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which any part of the new tramways may be constructed with whinstone or granite setts between the rails of such tramways and for a distance of eighteen inches beyond the rails of and on each side of any such tramways to the reasonable satisfaction of the corporation:

- (11) If the corporation desire to have the remainder of the carriageway of the streets or roads along the route of the new tramways paved with setts similar to those used by the Company the Company shall when constructing the new tramways (on receiving reasonable notice from the corporation prior to the commencement of the work) pave the remainder of the carriageway of the said streets or roads with whinstone or granite setts as the case may be and the corporation shall pay to the Company the cost of such additional paving:
- (12) If in constructing the new tramways any alterations in the position thereof are in the opinion of the corporation reasonably necessary in the public interest the Company shall at their own expense if and as required by the corporation so far as the Company may lawfully do so under the powers of this Order alter the position of the same accordingly:
- (13) The Company shall allow their standards and poles to be used by the corporation for attaching thereto lighting apparatus if required by the corporation under such reasonable conditions as may with the approval of the Board of Trade be agreed upon between the Company and the corporation. Provided however that no holes shall be bored by the corporation in such standards and poles:
- (14) Any dispute or difference arising between the Company and the corporation under this section shall be referred to and determined by an arbiter to be appointed by the Board of Trade on the application of either party.

For protection
of corporation
of Inverkeith-
ing.

9. The following provisions for the protection of the provost magistrates and councillors of the burgh of Inverkeithing (in this

section called "the corporation") shall unless otherwise agreed upon between the Company and the corporation have effect (that is to say):— A.D. 1910.

(1) In this section the expression "the tramway" means such portion or portions of the new tramways as is or are situate within the jurisdiction of the corporation:

(2) The Company shall to the reasonable satisfaction of the corporation—

(A) Pave with whinstone or other setts approved by the corporation the roadway between the rails and for a distance of eighteen inches] on either side of the tramway;

(B) Maintain and keep in good condition and repair the roadway between the rails and for a distance of eighteen inches on either side of the tramway and also in the case of double lines of tramway the roadway between such double lines:

(3) If any difference shall arise between the corporation and the Company under this section such difference shall be determined by arbitration under this Order.

10. For the protection of the county council of the county of Fife and the Kirkcaldy District Committee of that county (herein-after in this section respectively referred to as "the county council" and "the district committee") the following provisions shall unless otherwise agreed upon between the county council or the district committee as the case may be and the Company have effect:—

For protec-
tion of Fife
County
Council
and their
Kirkcaldy
District
Committee.

(1) For the purpose of constructing Tramway No. 6 the Company shall subject to the provision by the district committee of the necessary land as herein-after provided widen the carriageway of the road from Lochgelly to Ballingry including the bridge carrying the said road over the river Fitty to a width not exceeding twenty-seven feet all as shown on plan dated the fourth day of May one thousand nine hundred and ten and signed by George Balfour on behalf of the Company and by George Donaldson on behalf of the district committee Provided always that the district committee shall within a period of

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six months after the commencement of this Order put the Company in possession of the necessary land to carry out the said widenings:

- (2) The Company shall not under the powers of this Order construct or work Tramway No. 9 until the width of the bridge and the approaches thereto carrying the road from Auchterderran to Cardenden over the river Ore has been increased to twenty-seven feet. Provided that if the district committee contribute the money required for the purpose the Company shall further widen the said bridge to such extent as the district committee may require. Provided further that the Company shall not be bound to widen the said bridge and approaches unless and until the district committee supply the necessary land:
- (3) If the Company alter the level of any road the portion of the road so altered and also in the case of widenings of the road the additions to the existing road shall be bottomed with nine inches of whinstone rubble and finished with six inches of whinstone metal properly consolidated and the drainage system and fencing of the road in so far as the same may have been dislocated by the Company's operations shall be reinstated in such a manner that the road shall be drained and fenced in as efficient a manner as it was before the commencement of the Company's operations all at the Company's expense:
- (4) The Company shall if and when required by the district committee sufficiently fence to the reasonable satisfaction of the district committee such portion or portions of the highway as may have been rendered dangerous by reason of the construction existence or use of the new tramways:
- (5) The Company shall not without the consent of the district committee use salt or any other material for thawing ice or snow on any highway:
- (6) The surplus paving metalling or material which the Company are required by section 29 of the Order of 1906 to deliver to the surveyor of the road authority shall be delivered to him at such point on the tramway route not being at a greater distance than one mile

from the point where said surplus paving metalling or material was excavated as the surveyor may require : A.D. 1910.

- (7) If any standard or pole on the line of the new tramways after erection is an obstruction to the public traffic the Company shall alter the position thereof in such manner as the county council or district committee shall reasonably require :
- (8) Notwithstanding anything contained in section 30 of the Order of 1906 the Company shall not erect except in such position as failing agreement between the Company and the county council or district committee as the case may be shall be determined by arbitration as herein-after provided any sheds or shelters or waiting-rooms within twenty-five feet of the centre of the highway without the consent of the district committee :
- (9) Sections 30 32 and 33 of the Tramways Act 1870 shall in relation to the new tramways 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 :
- (10) If any difference shall arise between the Company and the county council or the district committee under this section such difference shall be determined by an arbiter to be agreed upon between the parties or failing agreement to be appointed by the sheriff of the county of Fife on the application of either party.

11. For the protection of the county council of the county of Fife and the Dunfermline District Committee of that county the following provisions shall unless otherwise agreed upon between the Company and as the case may be the said county council or district committee have effect (that is to say) :—

For protec-
tion of Fife
County
Council
and their
Dunferm-
line District
Committee.

- (1) The Company in constructing Tramway No. 2 shall for a distance of fifteen chains measured in a southerly direction along the Grange Road from the centre of the bridge carrying the North British Railway over that road where the space between the outside rail of the

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tramway and the margin of the footpath or if there be no footpath of the road does not exceed four feet pave the same in manner similar to the paving laid down by the Company between the rails of that tramway :

- (2) All material excavated by the Company from the New Kincardine Road in constructing Tramway No. 3 and not applied by the Company so far as may be necessary for the purpose of the new tramways and in or towards the reinstatement or making up of roads shall be deposited at such points along the route of Tramway No. 2 as the said district committee may require :
- (3) The provisions of the immediately preceding section of this Order other than the provisions of subsection (3) thereof relating to the alteration of the level and widening of roads shall so far as applicable extend and apply to and for the protection of the said county council and district committee.

For protection of North British Railway Company.

12. The following provisions for the protection of the North British Railway Company (in this section called "the railway company") and the railways owned leased worked or run over by the railway company (in this section called "the railways") 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 railways lands or property belonging to the railway company or in which the railway company is interested :
- (2) Before commencing any works or operations under the powers of this Order affecting any of the railways or affecting any bridge over or under any of the railways or the roadway under or on any such bridge 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 on in conformity only with such plans and sections and at the sight and to the reasonable satisfaction of the engineer of the railway company and such works shall thereafter be maintained

and repaired by the 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 :

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- (3) The Company shall not in the construction alteration maintenance or use of the new tramways and works by this Order authorised injure alter or interfere with the structure of any bridge over or under any of the railways or cause any interruption to or interference with the traffic on any of the railways except as otherwise specially provided by this Order :
- (4) If in constructing adapting or altering the new tramways or works by this Order authorised the Company lower the level of any road passing under any of the railways the Company shall if in the opinion of the arbiter to be appointed as after mentioned it is necessary underpin or otherwise strengthen the bridge carrying such railway over 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 engineering expenses and also the expense of inspectors signalmen 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 :
- (5) If in consequence of the construction use or existence of the new tramways it may be necessary to reconstruct or alter or strengthen the structure of any such bridge the Company shall bear the reasonable expense of such reconstruction alteration or strengthening and the work thereof shall be carried out by the Company at the sight and to the reasonable satisfaction of the railway company's engineer :

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(6) If any injury to or interference with any of the railways or any bridge or works of the railway company or any interruption to the traffic on any of the railways 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 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 the railway company 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 extending or reconstructing any of the railways or bridges 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 person working or using the tramways for any loss injury damage expense or interruption of traffic which may arise from such maintenance repair alteration extension or reconstruction and any extra expense which the railway company may incur in such maintenance repair alteration extension or reconstruction by reason of the construction or existence of the new 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 may if necessary in consequence of the operations of the railway company lay at the expense of the Company 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 : A.D. 1910.

- (8) The Company shall pay to the railway company any extra expense which the railway company may incur or be put to in maintaining or repairing any bridge or the roadway thereon or any approach to any bridge or any part of any road for the maintenance of which the railway company is liable by reason of the construction use or existence of the new tramways and such extra expense if any shall be determined by the arbiter appointed as herein-after mentioned :
- (9) If having regard to the proposed position of the new tramways or works of the Company when considered in relation to the position of the works of the railway company at any point where the wires of the railway company pass over or under the tramways it is advisable in the reasonable opinion of the railway company that the electric telegraphic telephonic or signal wires or apparatus belonging to or maintainable by the railway company should be altered the railway company may execute any works reasonably necessary for such alteration and the reasonable expense of executing such works shall be borne by the Company :
- (10) 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 section 55 (Special provisions as to use of electrical power) of the Order of 1906 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 :
- (11) If any difference shall arise between the Company or their engineer 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

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the railway company or failing agreement to be nominated by the Board of Trade on the application of any of the parties.

New tramways to form part of undertaking.

13. The new tramways shall for all purposes be deemed to be part of the undertaking.

Period for completion of new tramways and street works.

14. The new tramways and the street works shall be completed within five years from the commencement of this Order and on the expiration of that period the powers by this Order granted to the Company for executing the same respectively or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Period for compulsory purchase of lands.

15. 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.

Purchase of lands by agreement.

16. In addition to the other lands which the Company have acquired or may acquire under or for the purposes of the Order of 1906 and this Order they may purchase take on lease or acquire by agreement and may hold for the purposes of the undertaking any lands not exceeding five acres and they may on such lands and on any other lands purchased or acquired under the authority of this Order erect or construct and hold depôts yards wharves offices buildings sidings works and other conveniences in connexion with the undertaking.

Nuisance.

17. Nothing in this Order shall exonerate the Company from any 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 the undertaking.

As to generating stations.

18. The Company shall not erect any generating station or take a supply of energy from any generating station (other than a generating station consented to by the Board of Trade under section 2 of the Electric Lighting Act 1909) 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 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 time of the commencement of this Order.

19. The Company in making the 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.

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Power to deviate in constructing street works.

20. The Company may make and maintain junctions between the tramways and any other tramway tramroad waggonway or light railway now laid or which may hereafter be laid in the county of Fife near the tramways and which can be worked in connexion therewith but only with the consent of the Board of Trade and of the owners and lessees of such tramway tramroad waggonway or light railway and (where such junctions are laid upon any road) of the road authority within whose district such junctions are intended to be laid and the provisions of the Tramways Act 1870 incorporated with this Order and of this Order with respect to the construction maintenance and working of the new tramways including subsection (3) of section 26 of the Order of 1906 shall apply to such junctions where laid along any road and such junctions when made shall for all purposes be deemed to be part of the undertaking.

Junctions with tramways &c. which can be worked in connexion with tramways.

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

Working agreements.

The working use running over management occupation and maintenance by the contracting parties of the undertakings tramways light railways and works of or leased to the other of them or any part or parts thereof respectively;

The working and leasing of their respective tramways and light railways or any part thereof and the conveyance of traffic thereon;

The supply and maintenance by the working party under and during the continuance of any such agreement as aforesaid for the working of the said tramways or light railways of rolling stock plant machinery and electrical energy necessary for the purposes of such agreement;

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- The making of all necessary junctions;
- 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;
- 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; and
- The appointment of joint committees for the carrying into effect of such agreements:

Provided that any contract or agreement under this section shall be submitted to and be subject to the approval of the Board of Trade and that any supply of electrical energy thereunder to the Company and any works constructed for the purpose thereof shall be subject to all provisions for the protection of the Postmaster-General and of his rights in respect thereof which are contained in the Act or Order by which the supplying local authority company or person is authorised to generate or supply electricity for the purposes of its own undertaking:

During the continuance of any agreement to be entered into under the provisions of this section for the working owning or leasing by the Company of any tramways or light railways such tramways or light railways and the tramways shall for the purpose of calculating the fares rates and charges to be taken in respect of traffic conveyed thereon by the Company be deemed to be one undertaking.

Agreements
with Admiralty.

22. The Company may enter into contracts and agreements with the Admiralty for the working by the Company of any tramway or light railway laid down by the Admiralty on lands within the parishes of Inverkeithing and Dunfermline vested in or under the control of the Admiralty and may in respect

thereof during the continuance of any such contract or agreement levy fares and charges not exceeding the fares and charges authorised by the Order of 1906. A.D. 1910.

23.—(1) It shall be lawful for the Postmaster-General in any street or public road or part of a street or public road in which he is authorised to place a telegraph to use for the support of such telegraph any posts and standards (with the brackets connected therewith) erected in any such street or public road by the 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 (unless otherwise agreed upon between the Postmaster-General and the Company) to the following conditions:—

Use of
tramway
posts by
Postmaster-
General.

- (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

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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 Any difference as to the conditions of attachment shall be determined as herein-after provided :
- (E) Unless otherwise agreed no telegraph shall be attached to any post or standard placed in or near the centre of any street or public road :
- (F) The Postmaster-General shall cause all attachments to posts standards or brackets used by him under the powers of this section to be from time to time inspected so as to satisfy himself that the said attachments are in a proper condition and state of repair :
- (G) The Postmaster-General shall make good to the 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:

(J) If it shall become necessary or expedient to alter the position of or remove any post standard or bracket the Postmaster-General shall upon receiving twenty-eight days' notice thereof at his own expense alter or remove the telegraph supported thereby or at his option retain the post standard or bracket and pay the 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 "the 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.

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As to purchase of tramways by local authorities.

24.—(1) Notwithstanding anything in section 82 (As to purchase of undertaking) of the Order of 1906 contained the periods (First) and (Second) mentioned in subsection (1) of that section shall be calculated from the commencement of this Order.

(2) The provisions of the said section 82 as amended by this section shall extend and apply to the new tramways and the undertaking by this Order authorised as if such tramways and undertaking had been authorised by the Order of 1906.

Power to lease tramways.

25. Subject to the provisions of section 82 (As to purchase of undertaking) of the Order of 1906 as amended by the immediately preceding section of this Order 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.

Amending section 85 of Order of 1906.

26. Section 85 (Company may apply for and take transfers of Electric Lighting Orders) of the Order of 1906 shall be read and have effect as if the words "prior to the commencement of this Order" therein appearing had been omitted from the said section.

New tramways deposit fund not to be repaid except so far as new tramways are opened.

27. 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 six thousand one hundred and twenty-one pounds 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 five thousand nine hundred and five pounds (herein-after referred to as "the new tramways original deposit fund") represents five per centum upon the amount of the estimate in respect of the new tramways proposed to be authorised by this Order as deposited in the office of the Secretary for Scotland and the remainder (herein-after referred to as "the street works deposit fund") (that is to say) two hundred and sixteen pounds represents four per centum upon the amount of the estimate for the street works proposed to be authorised by this Order as so deposited And

whereas four of the said tramways (that is to say Tramways Nos. 7 7A 8 and 10) so proposed to be authorised were withdrawn from this Order during its progress through the Scottish Office and the estimate for the tramways authorised by this Order amounts to seventy-nine thousand nine hundred and sixty-five pounds Be it enacted that notwithstanding anything contained in the said Parliamentary Deposits Act 1846 out of the new tramways original deposit fund a sum of three thousand nine hundred and ninety-eight pounds five shillings being five per centum upon the amount of the estimate in respect of the new tramways by this Order authorised (which last-mentioned sum is in this Order referred to as "the new 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 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 new tramways open the same for the public conveyance of passengers and if the Company shall make default in so opening the new tramways the new 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 new 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 new tramways opened as aforesaid and the portion of the new tramways deposit fund which bears to the whole of the new tramways deposit fund the same proportion as the length of the new tramways so opened bears to the entire length of the new tramways the Court of Exchequer in Scotland shall on the application of the depositors order the portion of the new 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.

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28. If the Company do not previously to the expiration of the period limited for the completion of the new tramways

Application
of new tram-
ways deposit
fund.

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Repayment
of portion
of deposit
fund.

29. 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 sum of one thousand nine hundred and six pounds fifteen shillings being the balance of the new tramways original deposit fund and the interest

thereon and also the street works deposit fund and the interest thereon shall be paid or transferred to the depositors or any other person or persons whom the depositors may appoint in that behalf. A.D. 1910.

30.—(1) The directors of the Company may appoint one or more of their body to be managing director or managing directors of the Company either for a fixed term or without any limitation as to time and may remove or dismiss him or them from office and appoint another or others in his or their place or places. Managing
director.

(2) A managing director shall not while holding that office be subject to retirement by rotation and shall not be taken into account in determining the rotation of retirement of directors but if he ceases to hold the office of director from any other cause he shall ipso facto immediately cease to be a managing director.

(3) The remuneration of a managing director shall from time to time be fixed by the directors and may be by way of salary or commission or participation in profits or by any or all of those modes.

(4) The directors may entrust to and confer upon any managing director such of the powers exercisable by the directors and subject to such conditions as they may think fit and may from time to time revoke withdraw alter or vary all or some of such powers Provided that the directors shall be responsible for the acts of any managing director acting under the powers of this section.

31. The Company may subject to the provisions of Part II. of the Companies Clauses Act 1863 raise any additional capital not exceeding in the whole ninety thousand pounds nominal capital by the issue at their option of new ordinary shares or preference shares or wholly or partially by any one or more of those modes respectively but the Company shall not issue any share of less nominal value than one pound nor shall any 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 shall have been paid in respect thereof. Power to
raise addi-
tional
capital.

32. The capital in new shares created by the Company under this Order and the new shares therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in New shares
to be sub-
ject to same
incidents as
other shares.

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New shares to form part of capital of Company.

33. The capital in new shares so created shall form part of the capital of the Company.

Dividends on new shares.

34. Every person who becomes entitled to new shares shall in respect of the same be a holder of shares in the Company and shall be entitled to a dividend with the other holders of shares of the same class or description proportioned to the whole amount from time to time called up and paid on such new shares.

Restriction as to votes in respect of preferential shares.

35. Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any new shares to which a preferential dividend shall be assigned.

Power to borrow.

36. The Company may in respect of the additional capital of ninety thousand pounds which they are by this Order authorised to raise from time to time borrow on mortgage of the undertaking in addition to the sums which they are already authorised to borrow any sum or sums not exceeding in the whole thirty thousand pounds and of that sum they may borrow any sum or sums not exceeding one thousand pounds in respect of each three thousand pounds of such additional capital. But no part of the before-mentioned sums of one thousand pounds shall be borrowed until shares for the portion of the capital in respect of which the borrowing powers are to be exercised are issued and accepted and one-half thereof is paid up and the Company 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 shares for the whole of such portion of capital have been issued and accepted and that one-half of such portion has been paid up and that not less than one-fifth part of the amount of each separate share in such portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that such shares were issued and accepted and to the extent aforesaid paid up bonâ fide and are held by the persons to whom the same were issued or their executors administrators successors or assigns and also that such persons or their executors administrators

successors or assigns are legally liable for the same 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.

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37. All moneys to be borrowed after the commencement of this Order on mortgage under the Order of 1906 or this Order shall rank equally 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 after the commencement of this Order but nothing in this section shall affect any claim in respect of land acquired by the Company for the purposes of the undertaking or injuriously affected by the construction of the tramways or by the exercise of any of the powers conferred upon the Company.

Moneys borrowed on mortgage to have priority.

38. Every mortgage of the undertaking shall be deemed to comprise all purchase money which may be paid to the Company in the event of a sale to the local authority under section 43 of the Tramways Act 1870 as modified by the Order of 1906 and 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 in the event of such sale.

Rights of mortgagees on sale of tramways.

39. Section 65 (Appointment of judicial factor) of the Order of 1906 is hereby repealed but without prejudice to any appointment which may have been made or to the continuance of any proceedings which may have been commenced prior to the commencement of this Order. 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 and 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 ten thousand pounds in the whole.

Appointment of judicial factor.

40. The Company shall not create debenture stock.

Company not to create debenture stock.

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Application of moneys.

41. All moneys raised under this Order whether by shares or borrowing shall be applied only to the purposes of this Order and to the general purposes of the undertaking being in every case purposes to which capital is properly applicable and the Company may apply to the purposes of this Order any moneys which they have raised or may hereafter raise under the Order of 1906 and which may not be required for the purposes of that Order.

Interest not to be paid out of capital.

42. No interest shall be paid out of any share or loan capital which the Company are by this or any other Order authorised to raise to any shareholder on the amount of the calls made in respect of the shares held by him but nothing in this Order shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation (Scotland) Act 1845.

Deposits for future Orders not to be paid out of capital.

43. 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.

Construction and removal of crossings &c. opposite to Admiralty buildings.

44. Where any tramway constructed under this Order shall pass any land or building vested in or under the control of the Admiralty no crossing passing place siding junction or other work opposite to such land or building shall be constructed until it shall have been approved by the Admiralty or by an officer acting on their behalf in writing and if at any time it shall in the opinion of the Admiralty be desirable that such crossing passing place siding junction or other work shall be altered or removed the Company shall alter or remove it within twenty-eight days from the time at which they are called upon so to do.

The Company shall not permit any of their engines cars or carriages to stop or stand upon the tramway opposite or near to the entrance to any lands or buildings vested in or under the control of the Admiralty in such manner as to interfere with access to or from such lands or buildings.

[10 EDW. 7 & *Dunfermline and District Tramways* [Ch. lix.]
1 GEO. 5.] (*Extensions*) *Order Confirmation Act*, 1910.

45. Nothing in this Order contained shall exempt the Com- A.D. 1910.
pany or the tramways from the provisions of any general Act Provision as
relating to tramways passed before or after the commencement to general
of this Order or from any future revision or alteration under the Tramway
authority of Parliament of the maximum fares rates or charges Acts.
authorised to be taken by the Company.

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

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THE UNIVERSITY OF CHICAGO
DEPARTMENT OF CHEMISTRY

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ON THE CHEMISTRY OF
THE CARBON DIOXIDE SYSTEM
IN AQUEOUS SOLUTIONS
AT HIGH PRESSURES
AND TEMPERATURES
BY
J. H. VAN DEN KAMMEN
AND
R. M. MANNING

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