



CHAPTER xxiv.

An Act to authorise the Edinburgh and District Water Trustees to construct additional Works to make deviations of authorised Works and for other purposes. A.D. 1898.

[23rd May 1898.]

WHEREAS by the Edinburgh and District Waterworks Act 1869 (in this Act referred to as "the Act of 1869") the Edinburgh and District Water Trustees (in this Act called "the Trustees") were incorporated for the purpose of supplying water within the limits therein mentioned:

And whereas by the Edinburgh and District Waterworks (Additional Supply) Act 1874 (in this Act referred to as "the Act of 1874") the Trustees were authorised to construct additional waterworks and to borrow additional sums of money and the limits within which the Trustees were authorised to supply water were extended and certain further powers were conferred on the Trustees:

And whereas by the following Acts namely the Edinburgh and District Waterworks Act 1876 (in this Act referred to as "the Act of 1876") the Edinburgh and District Waterworks Act 1877 (in this Act referred to as "the Act of 1877") the Edinburgh and District Waterworks Act 1880 (in this Act referred to as "the Act of 1880") the Edinburgh and District Waterworks Act 1889 (in this Act referred to as "the Act of 1889") and the Edinburgh and District Waterworks (Additional Supply) Act 1895 (in this Act referred to as "the Act of 1895") further powers were conferred on the Trustees in relation to their undertaking and which said several Acts together with the Act of 1869 and the Act of 1874 herein-before mentioned are in this Act referred to as "the recited Acts":

And whereas the Trustees were authorised by the Act of 1895 to bring in an additional supply of water from the Talla Water in the county of Peebles and were authorised to construct and maintain the waterworks and other works in that Act described:

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And whereas by the Act of 1895 the limits of compulsory supply were extended as therein mentioned :

And whereas by the Edinburgh Extension Act 1896 the limits of compulsory supply of water by the Trustees were further extended so as to include therein the city of Edinburgh as extended and defined by that Act :

And whereas in consequence of the time required for the construction of the Talla Waterworks authorised by the Act of 1895 and the introduction of the water supply therefrom it will be necessary in order to meet the large and constantly increasing demand for water for the domestic and other purposes for which the Trustees are authorised and required to supply the same to utilise the existing sources of supply of the Trustees and for that purpose it is expedient that the Trustees should be authorised to raise the height of their existing Gladhouse Reservoir and to make and maintain the aqueducts herein-after mentioned and to appropriate and use the additional water to be thereby impounded for the purposes of the Trustees' undertaking :

And whereas by the Act of 1876 the Trustees were authorised after the compensation water referred to in that Act and in the Act of 1874 was delivered to take and use from time to time for the purposes of their undertaking the whole surplus waters of the Portmore Loch Tweeddale Burn and Gladhouse Burn or South Esk above the embankment of the Gladhouse Reservoir :

And whereas the said waters to be impounded by the heightening of the Gladhouse Reservoir authorised by this Act are part of the said surplus waters to which by the Act of 1876 the Trustees are entitled as aforesaid :

And whereas the main pipes of the Trustees for bringing in the water supply from Gladhouse Reservoir are insufficient to bring into the service reservoirs of the Trustees for distribution sufficient quantities of water required within the limits of supply it is expedient that the Trustees should be authorised to make and maintain the conduit or line of pipes (Aqueduct No. 1) herein-after described :

And whereas it is expedient to alter the route or line of certain parts of the Aqueduct No. 1 authorised by the Act of 1895 and to construct certain deviations of the said aqueduct as in this Act described and to abandon certain portions of the said aqueduct between the several points of deviation and to relinquish the lands authorised to be acquired for the purposes of the same :

And whereas it is expedient that the limits of supply by the Trustees should be further extended as herein-after provided and the existing compulsory limits of supply should be more clearly defined :

And whereas it is expedient that the Trustees should be authorised to levy rates and to raise further money for the purposes of the works authorised by this Act and for the purchase of lands and for the general purposes of their undertaking : A.D. 1898.

And whereas it is expedient that the other powers in this Act mentioned should be conferred on the Trustees :

And whereas plans and sections showing the lines situations and levels of the several works authorised by this Act and also a book of reference thereto containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of the lands and other property required or which may be taken for the several purposes or under the powers of this Act were duly deposited with the principal sheriff clerks of the counties of Midlothian and Peebles respectively and are in this Act referred to as the deposited plans sections and book of reference :

And whereas the purposes of this Act cannot be effected without the authority of Parliament :

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen'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 (that is to say) :—

1. This Act may be cited for all purposes as the *Edinburgh and District Waterworks Act 1898.* Short title.

2. In this Act the several words and expressions to which meanings are assigned in the recited Acts and in any Acts wholly or partially incorporated with those Acts shall have the meanings attached to them in the recited Acts unless there be something in the subject or context repugnant to such construction and subject to the variations and amendments following (that is to say) :— Interpretation.

The expression "the city of Edinburgh" means and includes the city and royal burgh of Edinburgh according to the boundaries thereof at the passing of this Act ;

The expression "the undertaking" shall in addition to the undertaking defined in the Act of 1895 include the works lands and property and rights powers authorities and privileges authorised and conferred by this Act ;

The expression "limits of compulsory supply" means the existing limits for the compulsory supply of water by the Trustees as the same are defined in this Act ;

The expression "the limits of this Act" or "the limits of the Act" means the limits defined in the recited Acts and as further extended by this Act.

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Citation of
recited Acts
and this Act.

3. This Act and the recited Acts may be cited as the Edinburgh and District Waterworks Acts 1869 to 1898.

Incorporation of Acts.

4. The following Acts and parts of Acts (so far as the same respectively are applicable for the purposes and are not inconsistent with or varied by the provisions of this Act) are hereby incorporated with this Act:—

The Lands Clauses Acts ;

The Waterworks Clauses Acts 1847 and 1863 with the exceptions specified in the recited Acts ;

The clauses of the Railways Clauses Consolidation (Scotland) Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof and the crossing of roads and other interference therewith and in construing the said clauses for the purposes of this Act the word "company" shall mean the Trustees and the word "railway" the works authorised by this Act and the words "centre of the railway" any part of the said works Provided that in the case of the Aqueduct No. 1 authorised by this Act and the deviations authorised by this Act the powers of the said Act with respect to the temporary occupation of lands shall apply only to the use of private roads ;

The Commissioners Clauses Act 1847 with the exceptions specified in the recited Acts.

Works.

5. Subject to the provisions of this Act the Trustees may make construct execute maintain and use the works herein-after described or some of them or some part or parts thereof together with all proper embankments reservoirs dams roads approaches ways pipes conduits tunnels cuts channels sluices weirs and all other works and conveniences connected therewith or incidental thereto as may be necessary or proper and may enter on take and use such of the lands described in the deposited plans and book of reference as they may require for those purposes The works herein-before referred to are the following (that is to say):—

A heightening of the waste weir of the existing work of the Trustees known as Gladhouse Reservoir wholly situate in the parish of Temple and county of Midlothian commencing the said heightening at the west end of the said waste weir and terminating at the east end thereof and the raising of the existing top water level of the said reservoir to the extent of one foot or thereabouts whereby certain lands and property adjacent to the said reservoir wholly situate in the said parish of Temple and county of Midlothian will or may be submerged :

An aqueduct conduit or line of pipes (Aqueduct No. 1) commencing in the existing well belonging to the Trustees called Gillygubdean Well in the parish of Temple and county of Midlothian and terminating in the existing Alnwick Hill service reservoir of the Trustees in the parish of Liberton and county of Midlothian and which aqueduct conduit or line of pipes will pass from in through or into the following parishes or some of them namely the parishes of Temple Carrington Penicuik Glencorse Lasswade and Liberton all in the county of Midlothian:

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A deviation or diversion of certain portions of the aqueduct or line of pipes being the Aqueduct No. 1 authorised by the Edinburgh and District Waterworks (Additional Supply) Act 1895 between the respective points following (that is to say):—

A deviation or diversion commencing in the parish of Drummelzier and county of Peebles at a point three miles three furlongs three chains from the commencement of the said last-mentioned Aqueduct No. 1 shown on the deposited plans referred to in the Act of 1895 and terminating in the united parishes of Broughton Glenholm and Kilbucho and county of Peebles at a point seven miles one furlong three chains from the commencement of the said last-mentioned Aqueduct No. 1 as shown on the said deposited plans referred to in the Act of 1895 and which deviation or diversion will pass from through or into the said parish of Drummelzier and the united parishes of Broughton Glenholm and Kilbucho both in the county of Peebles:

A deviation or diversion commencing at a point fifteen miles six furlongs from the commencement of the said last-mentioned Aqueduct No. 1 as shown on the said deposited plans referred to in the Act of 1895 and terminating at a point sixteen miles one furlong three chains from the commencement of the said last-mentioned Aqueduct No. 1 as shown on the said deposited plans referred to in the Act of 1895 which deviation or diversion will be wholly situate in the parish of Linton and county of Peebles:

A deviation or diversion commencing in the parish of Penicuik and county of Midlothian at a point twenty-four miles five furlongs eight chains from the commencement of the said last-mentioned Aqueduct No. 1 as shown on the said deposited plans referred to in the Act of 1895 and terminating in the parish of Glencorse and county of

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Midlothian at a point twenty-eight miles four furlongs seven chains from the commencement of the said last-mentioned Aqueduct No. 1 as shown on the said deposited plans referred to in the Act of 1895 which deviation or diversion will pass from through or into the said parishes of Penicuik and Glencorse and county of Midlothian :

A deviation or diversion commencing in the parish of Glencorse and county of Midlothian at a point thirty miles two chains from the commencement of the said last-mentioned Aqueduct No. 1 as shown on the said deposited plans referred to in the Act of 1895 and terminating in the parish of Lasswade and county of Midlothian at a point thirty miles five furlongs six chains from the commencement of the said last-mentioned Aqueduct No. 1 as shown on the said deposited plans referred to in the Act of 1895 which deviation or diversion will pass from through or into the said parishes of Glencorse and Lasswade and county of Midlothian.

Power to deviate laterally and vertically.

6. The Trustees may in constructing the works by this Act authorised deviate laterally from the lines thereof as shown on the deposited plans to the extent of the limits of lateral deviation shown thereon and when the line of any work is shown on those plans as passing along any road and no limits of lateral deviation are marked on the deposited plans the Trustees may in making such work deviate laterally to any extent within the boundaries of such road and the Trustees may also deviate from the levels of the works authorised by this Act as shown on the deposited sections to any extent not exceeding five feet upwards and to any extent downwards. Provided that the heightening of the waste weir of Gladhouse Reservoir shall not exceed the height shown on the deposited sections. Provided also that in the exercise of such powers of vertical deviation the Trustees shall not lay above ground any pipe unless so shown on the deposited sections and then only to the extent so shown.

For the protection of the North British Railway Company.

7. The following provisions for the protection of the North British Railway Company (herein-after called "the North British Company") shall unless otherwise agreed between the Trustees and the North British Company apply and have effect (that is to say) :—

The aqueduct conduit or line of pipes (Aqueduct No. 1) by this Act authorised where the same is intended to pass under and across the railways of the North British Company at the

following places namely the Peebles Branch near Roslynlee Station the Edinburgh Loanhead and Roslin Branch near Roslin Station and where the same is intended to be carried over and across the Penicuik Branch near Roslin Castle Station by means of a bridge to be erected close to and adjoining the existing bridge carrying the existing aqueduct or line of pipes of the Trustees over the said last-mentioned branch and thence to pass under the siding connected therewith by means of an arch or culvert shall be executed at the expense of the Trustees under the superintendence and to the reasonable satisfaction of the engineer of the North British Company:

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The Trustees shall not enter upon or interfere with the railways works or lands belonging to the North British Company further or otherwise than may be necessary for constructing maintaining and effecting repairs to any works of the Trustees to be laid under or across or over any such railway work or land and they shall not alter or interfere with the lines or levels of any such railway or work and shall only acquire such an easement or servitude through over or in any land or property of the North British Company as may be required for making maintaining repairing and using the works of the Trustees in accordance with the provisions of this Act:

All works of the Trustees for constructing and maintaining the said bridge and for laying down executing or subsequently maintaining repairing or renewing the said bridge and aqueduct conduit or line of pipes and the aqueduct conduit or line of pipes under and across the foresaid branch railways and siding and any other mains pipes and works of the Trustees which may be laid under across over or which may in any way affect the railways works or lands of the North British Company shall be executed and subsequently maintained repaired and renewed under the superintendence and to the reasonable satisfaction of the engineer of the North British Company and according to plans and sections and in such manner and of such design and materials as shall be previously approved by such engineer and in all things by and at the expense of the Trustees:

The Trustees shall restore and make good any injury or interference caused by them to the railway works or lands of the North British Company in laying down the said aqueduct conduit or line of pipes under the Peebles Branch and the Edinburgh Loanhead and Roslin Branch Railways or in the construction maintenance and renewal of the bridge carrying the said

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conduit or line of pipes over the foresaid Penicuik branch and under the siding therewith connected :

All the works and operations of the Trustees under this Act shall be constructed executed and done so as not to cause any injury to the railways or any interruption to the passage or conduct of traffic over the railways :

If any such injury or interruption shall arise from or be in any way owing to the works or operations of the Trustees or the bursting or leakage of the said aqueduct conduit or line of pipes or other work of the Trustees the Trustees shall make good or remove such injury or interruption at their own expense or the North British Company may do the same and the Trustees shall pay the North British Company all costs and expenses loss or damage incurred or sustained by them in respect thereof :

If any difference shall arise between the Trustees and the North British Company or between their respective engineers as to any plans or sections or as to the mode of executing any works or as to any cost loss or damage provided for in this section such difference shall be determined by the sheriff of the Lothians and Peebles on the application of either the Trustees or the North British Company and the costs of any such reference shall be borne and paid by the Trustees.

Abandonment of parts of authorised aqueduct.

8. The Trustees may abandon the construction of so much of the Aqueduct No. 1 authorised by the Act of 1895 as lies between the respective points of commencement and termination of the several deviations or diversions authorised by this Act and may relinquish all lands and property authorised by the said Act to be taken for the purposes of the portions of the said aqueduct which may be abandoned but excepting and reserving such portions of the said lands and property as may be required and taken for the execution of the deviations or diversions authorised by this Act.

For protection against accidents from reservoirs &c.

9. The provisions in the recited Acts for protection against accidents from reservoirs shall extend and be applied to the heightening of the waste weir of Gladhouse Reservoir by this Act authorised.

Power to alter roads &c. temporarily.

10. For the purposes and during the execution of the several works which the Trustees are by this Act authorised to make and in maintaining the same and subject to the provisions of this Act the Trustees may from time to time in any of the lands shown on the deposited plans and specified in the deposited book of reference break up or cross over or under and temporarily alter stop up or divert any streets highways roads lanes paths bridges railways canals passages

sewers drains streams watercourses gas pipes and water pipes and electric or telephonic apparatus which they may from time to time find it expedient for any of those purposes so to interfere with providing when possible a proper temporary substitute before interrupting the traffic on any such street highway or railway or the flow of water gas sewage or electricity in any such sewer drain stream watercourse or pipe and making full compensation to all persons injuriously affected by anything done under the provisions of this section Provided that nothing in this section shall extend to or authorise any interference with electric apparatus or other property of Her Majesty's Postmaster-General Provided also that nothing in this section shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Acts 1882 to 1890 to which the provisions of section 15 of the Electric Lighting Act 1882 apply.

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11. The Trustees may subject to the supply of compensation water referred to in the Act of 1874 as amended by the Act of 1876 by means of the works herein-before described or some of them take appropriate impound store use collect abstract divert and distribute for the purposes of the water supply of the Trustees and of the undertaking the whole surplus waters of Portmore Loch Tweeddale Burn and Gladhouse Burn or South Esk above the embankment of the Gladhouse Reservoir.

Power to
take and
supply
water.

12. The compensation water discharged under the provisions of the Act of 1874 as amended by the Act of 1876 and of the Act of 1876 shall if and while discharged be deemed to be full compensation to all millowners and other persons for the water intercepted and appropriated under and for the purposes of those Acts and this Act.

Compensa-
tion water.

13. The Trustees may subject to the provisions of this Act take by agreement and any person by the Lands Clauses Acts or otherwise enabled to sell lands may grant to them any easement servitude right or privilege (not being an easement servitude right or privilege of water in which others than the parties to the agreement have an interest) in over affecting or belonging to lands at a price or yearly rent feu duty or otherwise but in the case of a person not enabled otherwise than by the said Acts to sell lands then subject and according to the provisions relative to the taking of lands by agreement contained in the said Acts and for the purposes of this section any such easement servitude right or privilege shall be deemed to be lands within the meaning of those Acts.

Power to
agree for
easements
&c.

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

14. And whereas in the construction of the works hereby authorised or otherwise in exercise of the powers of this Act it may happen that portions only of the lands 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 lands houses or other buildings or manufactories described in the schedule to this Act and whereof portions only are required for the purposes of this Act 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 Trustees the portions only of the premises so required without the Trustees being obliged or compellable to purchase the whole or any greater portion thereof the Trustees paying for the portions taken by them and making compensation for any damage sustained by the owners thereof and other parties interested therein by severance or otherwise Provided that if in any case in the opinion of the jury arbiters or other authority as aforesaid any such portion cannot be severed from the remainder of such property without material detriment thereto the Trustees may at any time within one month after the date of the final decision of such jury arbiters or other authority withdraw their notice to treat for the portion required by them and thereupon they shall pay to the owner of and other parties interested in the property in respect of which or of any portion of which they have given notice to treat all loss and damage sustained and all costs charges and expenses (as the same shall be taxed as between solicitor and client) reasonably incurred by them in consequence of such notice Provided also that nothing in this section contained shall be held as determining whether the properties described in the said schedule are or are not subject to the provisions of section 90 of the Lands Clauses Consolidation (Scotland) Act 1845 and every such notice to sell and convey lands shall be endorsed with notice of this proviso.

Limiting time for exercise of compulsory powers of purchase.

15. The powers of the Trustees for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Period for completion of works.

16. If the works described in section 5 of this Act are not completed within seven years from the passing of this Act then on the expiration of that period the powers by this Act granted

to the Trustees for executing any of the said works not so completed or in relation thereto shall cease except as to so much thereof as is then completed but nothing herein contained shall restrict the Trustees from maintaining using extending enlarging altering replacing relaying duplicating increasing adding to or removing any of their conduits aqueducts mains or pipes filter beds tanks and other works for the purpose of supplying water within the limits of the Act and for purposes of the Trustees' undertaking.

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

Restriction
on taking
houses of
labouring
class.

18. The limits of compulsory supply for the purposes of the recited Acts and this Act are the city of Edinburgh and the town of Leith including the port thereof.

Limits of
compulsory
supply.

19. The limits of the Act shall from and after the passing of this Act in addition to the existing limits be extended to and shall include the parishes of Lasswade Newton and Cockpen all in the county of Midlothian.

Extension
of limits of
Act.

20. The Trustees may subject to the provisions of this Act lay down maintain use extend alter renew relay replace enlarge and increase the number and size of the mains pipes filter-beds tanks and other works and conveniences from time to time in use or required for conveying and distributing water for the purposes of the undertaking. Provided always that such extension enlargement or increase shall be executed only on lands or property belonging to the Trustees or over which they may have an easement under the provisions of this Act or which may be acquired by them by agreement or which they are by the Waterworks Clauses Acts 1847 and 1863 entitled to open and break up for such purposes.

Trustees may
enlarge or
increase
number of
pipes.

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Power to
acquire ease-
ments only.

21. Subject to the provisions of this Act the Trustees may instead of acquiring lands for the purpose of any aqueducts conduits or lines of pipes or deviations or diversions by this Act authorised acquire such easements or servitudes over and rights in such lands as they may require for the purpose of from time to time constructing reconstructing placing laying inspecting maintaining cleansing repairing replacing enlarging adding to conducting or managing the same and may give notice to treat in respect of such easements servitudes and rights and may in such notice describe the nature thereof and the several provisions of the Lands Clauses Acts (inclusive of those with regard to limited owners and to arbitration and the summoning of a jury) shall apply to such easements servitudes and rights as fully as if the same were lands within the meaning of such Acts :

Provided that as regards any lands taken or used by the Trustees for the purpose of laying aqueducts conduits or pipes therein where such aqueducts conduits or pipes are laid underground the Trustees shall not (unless they give notice to treat for such lands and not merely for easements or servitudes therein) be required or entitled to fence off or sever such lands from the adjoining lands but the owners or occupiers for the time being shall at all times after the completion of the works have the same rights of passing over such lands for all purposes of or connected with the use or enjoyment of the adjoining lands as if such lands had not been taken or used by the Trustees :

Provided always that nothing herein contained shall authorise the Trustees to acquire by compulsion any such easement or servitude in any case in which the owner in his particulars of claim shall require the Trustees to acquire the lands in respect of which they have given notice to treat for the acquisition of an easement or servitude only and every notice to treat for the acquisition of an easement or servitude shall be endorsed with notice of this proviso but this proviso shall not apply in regard to so much of the deviations or diversions by this Act authorised as shall be in tunnel and at a depth of not less than forty feet from the surface of the ground to the top of the aqueduct conduit or pipe.

Power to
Trustees and
local autho-
rities &c. to
agree as to
supply of
water.

22. The Trustees may supply water in bulk beyond the limits of the Act to any owners and occupiers of lands and heritages and to any local authority or other public authority or person within the parishes of Temple and Carrington in the county of Midlothian from any of the mains conduits or pipes of the Trustees or from any of the reservoirs of the Trustees and the Trustees may contract with all or any such persons and authorities for such supply upon such terms

and conditions and for such period or periods of time as they may agree Provided always that such supply shall not prejudicially affect or restrict the supply of water required within the limits of the Act Provided further that the supply of water by the Trustees under this section shall be subject to the consent of any local authority or company supplying water within the said parishes under the authority of Parliament.

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23. The Trustees may at any time for the purposes of conveying water from any of the sources of their water supply whether existing or authorised or for distributing and supplying water within the limits districts or areas or any part of the same within which the Trustees are authorised to supply sell or distribute water either in bulk or otherwise and that whether within the limits of the Act or beyond the same and so far as beyond such limits with the consent of the road authority lay down make and maintain and use aqueducts conduits or lines of pipe through over under along across or into any public road or highway and renew alter enlarge duplicate and increase the number and size thereof or extend the same and stop up temporarily any such public road or highway for such purposes providing when possible a proper temporary substitute to the reasonable satisfaction of the road authority before interrupting the traffic on any such road and making full compensation to all persons injuriously affected by anything done under the provisions of this section.

Laying
mains on
public roads.

24. For the purpose of executing any necessary work of repair or of cleansing or of examining any aqueduct or conduit by this Act authorised the Trustees may cause the water in any such aqueduct or conduit to be temporarily discharged into any available drain stream or watercourse.

Powers for
repair of
aqueducts
and tem-
porary dis-
charge of
water into
streams.

In the exercise of the power conferred by this section the Trustees shall do as little damage as may be and shall make full compensation to all persons for any damage sustained by them by reason or in consequence of the exercise of such power the amount of compensation to be settled in case of difference by arbitration.

25. The estimate required to be made and the rates rents and charges authorised and required to be levied by the Trustees under and for the purposes of the recited Acts shall be made levied and charged so that the same shall not only include and be sufficient with the other rates and revenue of the Trustees for the purpose of defraying the annual sums or expenditure specified in the recited Acts but also the interest of any money which may be borrowed or raised under the provisions of this Act and the payment to the

Estimates
&c. by
Trustees to
include
purposes of
this Act.

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As to
borrowing
powers in
recited Acts.

26. The powers to borrow and raise money contained in the recited Acts and to grant security as provided by the next following section for such borrowed money shall and may be exercised by the Trustees for the purposes of this Act as well as for the purposes of the recited Acts and the money so borrowed may be applied for the said purposes so far as the same are purposes to which capital is properly applicable.

Power to
borrow
additional
money.

27. In addition to any money which the Trustees have borrowed or raised or are authorised to borrow or raise under the recited Acts the Trustees may from time to time under the authority of this Act borrow or raise all such sums as they think requisite for the purposes of the recited Acts and this Act and for the purchase of lands and construction of the works authorised by this Act and for the other purposes of this Act and of the undertaking not exceeding the sum of two hundred thousand pounds on the security of the several rates rents and charges leviable by the Trustees under the provisions of the recited Acts and this Act and on the other revenues of the Trustees and if after having borrowed or raised the said sums or any part thereof the Trustees pay off the same except by means of the sinking fund it shall be lawful for them again to borrow or raise the amount so paid off and so from time to time And all the provisions as to security re-borrowing borrowing on cash account funding of debt granting of terminable annuities and application for judicial factor contained in the recited Acts with reference to the sums therein authorised to be borrowed shall subject to the provisions of this Act apply to the additional sums to be borrowed under this Act.

Sinking
fund.

28. The provisions of section 51 of the Act of 1895 with respect to the sinking fund thereby required to be created for the repayment of money borrowed under that Act are hereby incorporated and shall also extend and apply to any sums to be borrowed by the Trustees under the authority of this Act.

Application
of borrowed
money.

29. The several sums to be borrowed by the Trustees on mortgage under the authority of this Act shall be applied for the purposes of the recited Acts and this Act only to which capital is properly applicable.

30. The powers conferred on the Trustees by section 4 of the Act of 1880 and by section 4 of the Act of 1889 enabling them to borrow for current expenses as therein provided shall be held to be in addition to any powers of borrowing conferred by the recited Acts and this Act.

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Borrowing
power for
current
expenses.

31. Nothing in this Act contained shall prejudice or affect the several preferences created by the Act of 1869 or any annuity debentures mortgages or assignments in security granted by the Trustees under authority of the recited Acts and subsisting at the passing of this Act and the same shall during the continuance thereof be as valid and effectual in all respects as if this Act had not been passed and shall have priority to any money which may be raised under this Act. Provided always that all securities granted by the Trustees for money borrowed or raised under this Act shall rank together *pari passu* without preference or priority the one over the other.

Saving
existing
annuities
and securi-
ties.

32. Any person lending or paying money under the recited Acts or this Act to the Trustees shall not be bound to inquire as to the observance by the Trustees of any provisions of the recited Acts or this Act or of any Act incorporated therewith or be bound to see to the application or be answerable for any loss or non-application of such money or of any part thereof.

Protection
of lenders
from inquiry.

33. In borrowing money under this Act the mortgages and transfers of the same and the warrants for interest thereon shall be in the forms appended to the Act of 1874 as nearly as may be subject to the enactments of the Act of 1876 the Act of 1877 the Act of 1880 the Act of 1889 and the Act of 1895 and shall refer to the title of this Act but it shall not be necessary in any mortgages which may be hereafter granted under the powers of the Trustees to refer to the objects for which the money is borrowed.

Application
of forms of
mortgage &c.

34. The power of issuing interest warrants with mortgages under the Act of 1874 shall apply to all mortgages of the Trustees whether granted or to be granted before or after the passing of this Act including the mortgage debt of the dissolved Edinburgh Water Company and any mortgages granted under the Act of 1869 in payment or exchange for such mortgage debt or any portion thereof.

Interest
warrants
applicable
to all mort-
gages.

35. Subject to the provisions of this Act the works to be constructed under the authority of this Act shall for all purposes whatsoever be and be deemed to be part of the undertaking of the Trustees.

New works
to form
part of
Trustees'
undertaking.

A.D. 1898.
 Application
 of recited
 Acts.

36. All the powers and provisions contained in the recited Acts or any of them with reference to the undertaking of the Trustees in so far as they are not repealed or altered by any of the recited Acts and this Act shall be and the same are hereby in so far as applicable extended and applied to the purposes of this Act.

Expenses of
 Act.

37. All the costs charges and expenses incurred preparatory to and in applying for obtaining and passing this Act or in any way incidental thereto shall be paid by the Trustees out of the rates to be levied by them or other revenue of the Trustees or moneys borrowed or to be borrowed on the security of the same.

SCHEDULE referred to in the foregoing Act.

LANDS HOUSES OR OTHER BUILDINGS OR MANUFACTORIES OF WHICH
 PORTIONS MAY BE TAKEN WITHOUT TAKING THE WHOLE.

Parish.	Numbers on deposited Plans.
United parishes of Broughton Glenholm and Kilbucho - - - - -	28.
Parish of Linton - - - - -	5 5A.
Parish of Penicuik - - - - -	27.
Parish of Carrington - - - - -	8.

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