



CHAPTER xxxii.

An Act to authorise the Lord Provost Magistrates and Council of the City of Edinburgh to widen and improve Streets to construct new Tramways to acquire Tramways by agreement to provide a new Fire Brigade Station to acquire Lands to transfer the Portobello Gasworks to the Edinburgh and Leith Corporations Gas Commissioners to confer further powers on the said Commissioners to amend Acts and for other purposes.

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[3rd June 1897.]

WHEREAS by the Edinburgh Extension Act 1896 the boundaries of the city and royal burgh of Edinburgh and of the county of the city of Edinburgh were extended as therein particularly described :

And whereas the municipal and police administration of the said city and other matters connected therewith are vested in and managed by the Lord Provost Magistrates and Council thereof (herein-after called "the Corporation") under among others the Edinburgh Municipal and Police Acts 1879 to 1896 :

And whereas it is expedient that the Corporation should be authorised to make and maintain the works herein-after mentioned and to acquire lands for the purposes thereof :

And whereas it is expedient that the Corporation should be authorised to acquire certain other lands within the city for the purpose of providing a new fire brigade station for the city and maintaining the same :

And whereas the Corporation are the owners of the tramways within the city formerly belonging to the Edinburgh Street Tramways Company except the tramways of that company situate between the eastern boundary of the city as existing previous to the extension thereof under the said Edinburgh Extension Act 1896. and their termination at Portobello

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And whereas by the Edinburgh Corporation Tramways Act 1893 the Corporation were under the provisions thereof authorised to adopt and use cable power on their tramways or on any part or parts thereof and to make and maintain all necessary works in connexion with the use of cable power and by the Edinburgh Improvement and Tramways Act 1896 further powers were conferred on the Corporation for the use of mechanical power on their said tramways :

And whereas it is expedient and would be for the public convenience that the Corporation should be authorised to extend their tramways and to make and maintain the additional tramways by this Act authorised :

And whereas it is expedient that the Corporation should be authorised to discontinue take up and remove certain parts of the tramways herein-after described :

And whereas the tramways works and undertaking of the Edinburgh Northern Tramways Company are wholly situate within the city and royal burgh of Edinburgh and jurisdiction of the Corporation :

And whereas an agreement as set forth in the Fourth Schedule of this Act has been made between the said Edinburgh Northern Tramways Company on the one part and the Corporation on the other part for the purchase by the Corporation of the tramways works and undertaking of the said company on the terms therein mentioned and it is expedient that the said agreement should be confirmed and that the said company and the Corporation should respectively be authorised and empowered to carry the same into effect :

And whereas it is expedient that the Corporation should be authorised and empowered to lease to any person or company the tramways for the time being owned by the Corporation and the tramways to be constructed and the tramways acquired under this Act or any part or parts thereof and to make and enter into agreements or leases for that purpose :

And whereas it is expedient that the Corporation should be authorised to borrow money for the construction of the works and the tramways authorised by this Act and for the payment of the purchase price of the tramways works and undertaking acquired or to be acquired by them and for the purchase of lands and for the other purposes of this Act :

And whereas it is expedient that for the purposes of this Act the Corporation should be empowered to levy rates and assessments :

And whereas it is expedient that the further powers in this Act mentioned should be conferred on the Corporation in respect of

their tramways and of the tramway undertaking and works acquired or that may be acquired by them or constructed under the powers of this Act :

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And whereas the Corporation acquired under the provisions of the Edinburgh Extension Act 1896 the gasworks of the Portobello Gas Light Company Limited and it is expedient that the said gasworks should be transferred to and vest in and be maintained and used by the Edinburgh and Leith Corporations Gas Commissioners as part of the gas undertaking of those commissioners and that the commissioners should free and relieve the Corporation of and from all the obligations undertaken by the Corporation with respect to the said purchase :

And whereas the Corporation and the said gas commissioners have agreed for the transfer of the said works to the gas commissioners and it is expedient that such agreement should be confirmed and carried into effect as herein-after mentioned :

And whereas it is expedient that the gas commissioners should be authorised to make and store gas and to manufacture residual products arising therefrom in the said works and that further powers should be conferred on the gas commissioners as herein-after provided :

And whereas it is expedient that the limits of supply of the said gas commissioners should be extended so as to include in addition to the existing limits of supply the area which immediately previous to the commencement of the said Edinburgh Extension Act 1896 formed the burgh of Portobello and now forms part of the city of Edinburgh :

And whereas it is expedient that further powers should be conferred on the Corporation and on the magistrates of Edinburgh with respect to the use preservation and regulation of the foreshore ex adverso of the city :

And whereas the execution of the works authorised by the Edinburgh North Bridge Improvement Act 1894 will extend over a period of years during which time the Corporation will not derive any return therefrom for the recoupment of outlay it is expedient to postpone the sinking fund contributions provided by that Act as herein-after provided :

And whereas it is expedient that the further powers herein-after mentioned should be conferred on the Corporation and that the provisions of the Edinburgh Municipal and Police Acts should be amended as in this Act provided :

And whereas plans and sections showing the lines and levels of the several works and tramways authorised by this Act and the lands proposed to be taken for the purposes thereof and plans of

A.D. 1897. the lands to be acquired for the other purposes of this Act and also books of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands or houses which may be taken under the powers of this Act were duly deposited with the principal sheriff clerk of the county of Midlothian and also with the principal sheriff clerk of the county of the city of Edinburgh and the same are herein-after respectively referred to as the deposited plans sections and books of reference :

And whereas these objects 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) :—

Short title. 1. This Act may be cited for all purposes as the Edinburgh Corporation Act 1897 and where the Edinburgh Municipal and Police Acts 1879 to 1896 are referred to in conjunction with this Act they may be cited as the Edinburgh Municipal and Police Acts 1879 to 1897.

PART I.—PRELIMINARY.

Division of
Act into
parts.

2. This Act is divided into parts as follows :—

Part I.—Preliminary.

Part II.—New Works.

Part III.—Tramways.

Part IV.—Acquisition of Lands.

Part V.—Transfer of Portobello Gasworks to Edinburgh and Leith Corporations Gas Commissioners.

Part VI.—Assessments and Borrowing Powers.

Part VII.—Bye-laws.

Part VIII.—Miscellaneous.

Interpreta-
tion.

3. In this Act and for the purposes of this Act unless there be something in the subject or context inconsistent with this Act or repugnant to such construction the several words and expressions to which meanings are assigned by the Edinburgh Municipal and Police Acts and by the Edinburgh Corporation Tramways Act 1893 shall subject to the provisions of this Act have the same respective meanings :

“The Edinburgh Municipal and Police Acts” mean and include the Edinburgh Municipal and Police Acts 1879 to 1896 as amended by this Act and this Act ;

“The Act of 1879” means the Edinburgh Municipal and Police Act 1879 ;

“The Act of 1891” means the Edinburgh Municipal and Police (Amendment) Act 1891;

“The Act of 1893” means the Edinburgh Improvement and Municipal and Police (Amendment) Act 1893;

“The Extension Act” means the Edinburgh Extension Act 1896;

“The city” means the city and royal burgh of Edinburgh according to the municipal and police boundaries thereof as defined in the Edinburgh Extension Act 1896;

“The Corporation” means the lord provost magistrates and council of the city;

“The magistrates” mean the magistrates of the city;

“The Street Company” means the Edinburgh Street Tramways Company;

“The Northern Company” means the Edinburgh Northern Tramways Company;

“The Acts of the Street Company” mean the Acts relating to the Edinburgh Street Tramways Company as the same are set forth in section 3 of the Edinburgh Corporation Tramways Act 1893 and include also the Edinburgh Street Tramways Act 1893 and the Edinburgh Street Tramways Act 1896;

“The Acts of the Northern Company” mean the Edinburgh Northern Tramways Act 1884 and the Edinburgh Northern Tramways Act 1887;

“The Corporation Tramways Act 1893” means the Edinburgh Corporation Tramways Act 1893;

“The Corporation Tramways Act 1896” means the Edinburgh Improvement and Tramways Act 1896;

“The Corporation tramways” mean and include all the tramways for the time being owned or authorised to be constructed by the Corporation;

“The Gas Commissioners” mean the Edinburgh and Leith Corporations Gas Commissioners;

“The Gas Acts” mean the Edinburgh and Leith Corporations Gas Acts 1888 and 1894;

“The Gas Company” means the Portobello Gas Light Company Limited.

4. Section 3 (Interpretation of terms) section 19 (Local authority may lease or take tolls) and Part II. (Construction of tramways) and Part III. (General provisions) of the Tramways Act 1870 are incorporated with this Act except where the same are inconsistent with or are varied by the Corporation Tramways Act 1893 or the Corporation Tramways Act 1896 or this Act.

Certain provisions of Tramways Act 1870 incorporated.

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Incorporation of Acts.

5. The Lands Clauses Acts shall be incorporated with and form part of this Act.

PART II.—NEW WORKS.

Power to make street widenings and other works.

6. Subject to the provisions of this Act and to the powers of deviation herein-after mentioned the Corporation may in the lines and situation and upon the lands in that behalf delineated on the deposited plans and described in the deposited books of reference and according to the levels shown on the deposited sections make construct maintain and use the works and street widenings and improvements herein-after mentioned or some of them together with all necessary and proper works and conveniences connected therewith or incidental thereto respectively.

Description of works.

7. The works and street widenings and improvements herein-before referred to and authorised by this Act are the following (that is to say):—

A widening alteration and improvement wholly in the city and the city parish of Edinburgh (Work No. 1) of parts of Bread Street and Fountainbridge commencing in Bread Street at a point twenty-three yards or thereabouts eastwards from the line of the east side of Spittal Street and terminating in Fountainbridge at a point fifty-six yards or thereabouts south-westwards from the junction of Bread Street and Fountainbridge:

A widening alteration and improvement wholly in the city and the city parish of Edinburgh (Work No. 2) of Thornybauk commencing at a point in Thornybauk opposite the northern boundary of the premises occupied by John Smith and Company paper stock merchants Thornybauk and terminating at a point in line with the eastern boundary of premises No. 18 Thornybauk thirty-three yards or thereabouts westwards from the west side of Home Street:

An alteration extension and improvement wholly in the city and the city parish of Edinburgh (Work No. 3) of Bedford Street commencing at a point sixty yards or thereabouts northwards from the northern side of Dean Street and terminating in Dean Park Street fifty-five yards or thereabouts southwards from the centre line of Comely Bank Road:

A widening alteration extension and improvement wholly in the city and the city parish of Edinburgh (Work No. 5) of part of Strathearn Place Greenhill Gardens and Churchill commencing at the western termination of Strathearn Place and terminating at a point in Churchill thirty-three yards

or thereabouts westwards from the western line of the street of Greenhill Gardens : A.D. 1897.

A widening alteration and improvement wholly in the city and the city parish of Edinburgh (Work No. 6) commencing in North Bank Street at a point in line with the western boundary of the shop No. 10 North Bank Street and terminating in Bank Street at a point in line with the southern gable of the tenement situated at the western corner of Bank Street and North Bank Street :

A footpath wholly in the city and the city parish of Edinburgh (Work No. 7) commencing at the eastern end of St. John's Hill and terminating at a point in line with the eastern boundary of Baxter's Buildings Dumbiedykes :

An alteration extension and improvement wholly in the city and parish of Duddingston and on the foreshore ex adverso of the city (Work No. 8) of the Promenade of Portobello commencing at a point thirty yards or thereabouts south-eastwards from the line of the eastern side of Pipe Street and terminating at the western boundary of the Westbank brick and tile works belonging or reputed to belong to Wakefield Christie-Miller and in line with the south or south-eastern side of King's Road Provided always that the Corporation shall in the construction of the said promenade form and maintain a convenient access to the seashore from Rosebank Lane Provided further that the said promenade shall be constructed so that the centre thereof shall not be less than twenty-five feet distant from any part of the existing northern or seaward boundary wall of the said brick and tile works Provided further that the strip of ground between the said boundary wall and the promenade shall be planted and in the event of the owners of the said brick and tile works at any time feuing their said lands for buildings they shall have access to the promenade over the said strip of ground and the Corporation shall whenever such buildings are erected pave or lay the said strip with concrete or asphalte.

8. In executing the works herein-before described and authorised by this Act or any of them the Corporation may deviate laterally to any extent within the limits of deviation defined on the deposited plans and they may deviate from the levels thereof shown on the deposited sections to any extent not exceeding five feet and shall make compensation to any person injuriously affected by the exercise of the powers of vertical deviation herein authorised. Power to deviate.

9. If the works herein-before described and shown on the deposited plans and authorised by this Act are not completed Period for completion of worksⁿ.

A.D. 1897. — within five years from the commencement of this Act then on the expiration of that period the respective powers by this Act granted to the Corporation for executing the said works not so completed or in relation thereto shall cease except as to so much thereof as is then completed.

PART III.—TRAMWAYS.

Power to
make tram-
ways.

10. Subject to the provisions of this Act and Parts II. and III. of the Tramways Act 1870 the Corporation may make form lay down work use and maintain the several tramways herein-after described all in the lines and according to the levels shown on the deposited plans and sections and in all respects in accordance with those plans and sections with all necessary and proper rails plates sleepers tubes pulley pits underground chambers manholes shafts and apparatus ropes cables chains and wires machinery engines engine houses crossing and passing places junctions turntables turnovers sheds works and conveniences connected therewith (that is to say):—

Tramway No. 1 (double line) three furlongs 4·54 chains or thereabouts in length in the parish of Liberton commencing in the public road leading from Craigmillar Park to Liberton Dams by a junction with the tramways of the Corporation authorised by the Corporation Tramways Act 1896 at a point thirty yards or thereabouts southwards from the line of the southern side of Lady Road passing thence in a southerly direction along the said first-mentioned road and terminating at the city boundary at the junction of the said first-mentioned road with the continuation of Mayfield Road;

Tramway No. 1 will be double lines throughout except that for a distance of three-quarters of a chain or thereabouts at its southern termination it will be laid as a single line:

Tramway No. 2 (double line) two furlongs 9·66 chains or thereabouts in the city parish of Edinburgh commencing in Comiston Road by a junction with the tramways of the Corporation authorised by the Corporation Tramways Act 1896 at a point fourteen yards or thereabouts southwards from the northmost staircase leading to the Braid Hills Hotel passing thence in a southerly direction along the said Comiston Road to the city boundary at a point five hundred and thirty-seven yards or thereabouts northwards from the junction of the said road with Braid Road;

Tramway No. 2 will be double lines throughout except that for a distance of three-quarters of a chain or thereabouts at its southern termination it will be laid as a single line:

Tramway No. 3 (double line) six furlongs 6·24 chains or thereabouts in length in the city parish of Edinburgh commencing in Gorgie Road by a junction with the tramways of the Corporation authorised by the Corporation Tramways Act 1896 at a point forty-three yards or thereabouts eastwards from the eastern side of the bridge carrying the North British Railway suburban line over the said Gorgie Road and passing thence in a westerly direction along Gorgie Road and terminating in the said Gorgie Road at a point thirty yards or thereabouts eastwards from the city boundary at the centre of the bridge carrying said road over the Water of Leith;

Tramway No. 3 will be double lines throughout except that for a distance of three-quarters of a chain or thereabouts at its western termination it will be laid as a single line :

Tramway No. 4 (double line) four furlongs 6·92 chains or thereabouts in length in the city parish of Edinburgh commencing by a junction with the tramways of the Corporation authorised by the Corporation Tramways Act 1896 at a point in the public road leading from Haymarket to Corstorphine in line with the eastern side of Murrayfield Avenue passing thence in a westerly direction along the said public road and terminating at the city boundary ten yards or thereabouts westwards from the line of the eastern boundary of the grounds of Belmont;

Tramway No. 4 will be double lines throughout except that for a distance of three-quarters of a chain or thereabouts at its western termination it will be laid as a single line :

Tramway No. 5 (double line) two furlongs 3·13 chains or thereabouts in length in the city parish of Edinburgh commencing in Mound at a point ten yards or thereabouts southwards from the line of the northern boundary of the Royal Institution passing thence in a southerly south-easterly and southerly direction along Mound North Bank Street and Bank Street and terminating by a junction with the existing tramway of the Corporation in George IV. Bridge at a point thirty-four yards or thereabouts southwards from the line of the north side of Lawnmarket;

Tramway No. 5 will be a double line throughout except that for a distance of three-quarters of a chain or thereabouts at its commencement it will be laid as a single line :

Tramway No. 6 (double line) four furlongs 2·2 chains or thereabouts in length in the city parish of Edinburgh commencing by a junction with the existing tramways of the Corporation at a point in Beaufort Road 1·27 chains or thereby eastwards

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from the eastern side of Marchmont Road and by a junction with the tramways of the Corporation in the said Marchmont Road authorised by the Corporation Tramways Act 1896 at a point twenty yards or thereabouts northwards from the line of the northern side of Beaufort Road and passing thence in a westerly direction along the roads or streets of Strathearn Road Strathearn Place and in continuation through the lands and property to be acquired called "The Neuk" No. 17 Strathearn Place and No. 36 Greenhill Gardens thence in a southerly direction along Greenhill Gardens and by a curved line into Churchhill and terminating by a junction with the existing tramways of the Corporation at a point in Churchhill one chain westwards from the western line of the roadway of Greenhill Gardens ;

Tramway No. 6 will be double lines throughout except that from a point in line with the western boundary of No. 17 Strathearn Place to a point in Strathearn Road one hundred and fifty yards or thereabouts eastwards from the eastern side of Whitehouse Loan it will be laid as a single line :

Tramway No. 7 (double line) three furlongs 6·56 chains or thereabouts in length in the city parish of Edinburgh commencing at Haymarket by a junction with the existing tramways of the Corporation in Dalry Road at a point twenty-five yards or thereabouts westwards from the line of the western side of Grosvenor Street passing thence in an easterly direction along Morrison Street and terminating in Lothian Road by a junction with the existing tramway of the Corporation at a point one chain or thereabouts southwards from the extended centre line of Morrison Street :

Tramway No. 8 (double line) four furlongs 9·53 chains or thereabouts in length in the city parish of Edinburgh commencing by a double junction with the existing tramways of the Corporation in Leith Walk at a point one and a-half chains or thereabouts northwards and at a point one chain or thereabouts southwards from the extended centre line of London Road passing thence in an easterly direction along the said London Road and terminating by a junction with the existing tramway of the Corporation in the said London Road at a point opposite the eastern boundary of the Abbey Church :

Tramway No. 9 (single line) four furlongs 0·72 chain or thereabouts in length in the city parish of Edinburgh commencing by a junction with the existing tramways of the Corporation in the public road known as Polwarth Terrace passing thence in a south-westerly direction along Colinton Road and terminating

at the city boundary at a point opposite the east side of the entrance to Craiglockhart Safety Ponds : A.D. 1897.

The several tramways herein-before described are situate within the city.

11. For the protection of the Caledonian Railway Company (in this section called "the company") the following provisions shall have effect (that is to say) the works connected with the laying of Tramway No. 7 (double line) over the bridge carrying the public road known as Morrison Street across the railway of the company shall be carried out so as not to injure or interfere with the permanent masonry of the bridge and under the supervision and to the reasonable satisfaction of the engineer for the time being of the company and according to working plans sections and specifications to be submitted to and approved by him previous to the commencement of the work but the Corporation may proceed with the said works unless within fourteen days after the plans are so submitted the company shall disapprove of such plans and any difference between the company and the Corporation as to such plans shall failing agreement be settled by an arbiter to be agreed on or failing agreement to be appointed by the Board of Trade on the application of either party and such works shall be thereafter maintained by and at the cost of the Corporation and if in consequence of the said new line of tramway it may be necessary to alter or strengthen the structure of the bridge the Corporation shall bear the whole cost of such alteration or strengthening and the work shall be carried out by the Corporation in accordance with plans and sections and specifications to be submitted to and approved of by the engineer of the Company in the manner and subject to the decision of an arbiter to be appointed as herein-before provided and shall thereafter be maintained by and at the cost of the Corporation.

For protection of Caledonian Railway Company.

12. For the protection of the North British Railway Company (in this section called "the company") the following provisions shall have effect (that is to say) the works connected with the laying of Tramway No. 9 (single line) over the bridge carrying the public road known as Polwarth Terrace across the North British Edinburgh Suburban Railway at or near Craiglockhart Station shall be carried out under the supervision and to the reasonable satisfaction of the engineer for the time being of the company and according to working plans sections and specifications to be submitted to and approved by him previous to the commencement of the work but the Corporation may proceed with the said works unless within fourteen days after the plans are so submitted the company shall state any objections

For protection of North British Railway Company.

A.D. 1897. to such plans and any such objections shall failing agreement be settled by an arbiter to be agreed on or failing agreement to be appointed by the sheriff and such works shall be thereafter maintained by and at the cost of the Corporation and in case in consequence of any additional weight having to be put on the said bridge owing to or arising from the laying of the said new line of tramway it may be necessary to alter or strengthen its structure the Corporation shall bear the whole expense of such alteration or strengthening and the work thereof shall be carried out by the Corporation in accordance with plans and sections and specifications to be submitted to and approved of by the engineer of the company in the manner and subject to the decision of the arbiter to be appointed as herein-before provided and shall thereafter be maintained by and at the cost of the Corporation.

Tramways to be inspected before being opened.

13. The tramways authorised to be constructed by this Act shall not be opened for public traffic until the same have been inspected and certified to be fit for such traffic by the Board of Trade.

Removal of tramway lines.

14. The Corporation may abandon and remove or discontinue so much of the existing tramways of the Corporation as are situate in the following streets in the city or some part or parts of the same (that is to say):—

(1) The tramways in High Street in the city and city parish of Edinburgh from the point of junction with the existing tramways of the Corporation in North Bridge Street four yards or thereabouts northwards from the line of the north side of High Street to a point in George IV. Bridge six yards or thereabouts southwards from the line of the southern side of Lawnmarket :

(2) The tramways in Clinton Road part of Whitehouse Loan Hope Terrace and part of Kilgraston Road in the city and city parish of Edinburgh from their junction with the existing tramways of the Corporation in Churchhill at a point fourteen yards or thereabouts westwards from the line of the western side of the street of Greenhill Gardens to a point in Beaufort Road in line with the eastern side of the street of Marchmont Road.

Period for completion of tramways.

15. The tramways authorised by this Act shall be completed within five years from the passing of this Act and on the expiration of that period the powers by this Act granted to the Corporation for executing the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Power to use lands for tramway purposes.

16. The Corporation in addition to any lands which they may acquire under this Act or under the Corporation Tramways Act 1893 or under the Corporation Tramways Act 1896 may use and apply

any lands belonging to them or which they have acquired or may acquire under the powers of any other Act (and not otherwise specifically appropriated) and also any lands which they may acquire under the transfer and vesting of the Northern Company's undertaking in the Corporation under this Act for the erection of stables sheds engines engine houses or other buildings which they may require in connection with and for the purposes of their tramway undertaking. Provided that nothing in this Act shall exempt the Corporation from any action or other procedure for nuisance in the event of any nuisance being caused or permitted by them on any such lands. A.D. 1897.

17. The tramways and the works in connexion therewith by this Act authorised to be constructed and the tramways works and undertaking of the Northern Company vested in the Corporation by this Act and any tramways acquired or to be acquired by the Corporation shall for all purposes of rates tolls and charges and for all other purposes whatsoever be part of the Corporation tramways and tramway undertaking. Tramways to be part of Corporation tramways.

18. The Corporation or their lessees may demand and take in respect of the tramways authorised by this Act to be constructed and the tramways of the Northern Company vested in the Corporation by this Act and any tramways which may be acquired respectively tolls rates and charges not exceeding those which they are authorised to take and for the time being may lawfully take in respect of the tramways owned by the Corporation and authorised under or by virtue of the Corporation Tramway Acts the Acts of the Street Company and the Acts of the Northern Company respectively. Provided always that for the purpose of such tolls rates and charges the tramways by this Act authorised to be constructed and the tramways now belonging to the Corporation or which they have acquired or may acquire under this Act shall be deemed to form continuous lines of tramways. Tolls.

19. The agreement set forth in the Fourth Schedule of this Act made between the Northern Company on the one part and the Corporation on the other part is hereby confirmed and made binding on the Northern Company and the Corporation. Confirmation of agreement between the Northern Company and the Corporation.

20. Subject to the provisions of this Act and the terms of the agreement set forth in the Fourth Schedule to this Act the undertaking of the Northern Company shall be vested in the Corporation as at midnight on the thirty-first day of December one thousand eight hundred and ninety-six free and disburdened of and from all mortgages debts claims demands liabilities actions disputes or questions affecting or which might affect or relate to Vesting of Northern Company's undertaking in the Corporation.

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As to
winding up
affairs of the
Northern
Company.

21. After the completion of the purchase by the Corporation under the provisions of this Act of the tramways works and undertaking of the Northern Company the Northern Company shall forthwith proceed to get in and realise their estate assets and effects and to wind up their affairs and subject to the payment satisfaction or discharge of all debts and liabilities (if any) of the Northern Company the Northern Company shall distribute and pay their net moneys to and among the several persons who are the registered shareholders of the Northern Company in proportion to their respective shares in the capital of the Northern Company or their respective executors administrators successors or assigns and for which purposes alone the company shall subsist and when all such estate assets and effects shall have been got in and the debts and liabilities of the Northern Company (if any) shall have been paid satisfied or discharged and their net moneys distributed and their affairs wound up the Northern Company shall be dissolved and wholly cease to exist and where for six months after their affairs are wound up any part of the purchase money assets dividends or other moneys to be distributed as aforesaid is still unclaimed or where any part thereof is payable to a person who cannot give an effectual receipt for the same the directors of the Northern Company may after notice by advertisement in a daily newspaper published in the city of their intention so to do consign the same in the name of the accountant of the court of session for behalf of the party entitled thereto and such consignment shall be a sufficient discharge of all liability of the Northern Company or the directors of the Northern Company for the payment of such sum.

Power to
Corporation
to work
tramways.

22. The Corporation may notwithstanding anything contained in the Tramways Act 1870 but subject always to any existing lease place and run carriages and work and use the Corporation tramways and may provide such plant material and things as may

be requisite or convenient therefor and in such case the several enactments relating to the working of the Corporation tramways and the taking of tolls rates and charges therefor shall so far as they are applicable extend and apply mutatis mutandis to and in relation to the Corporation.

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23. The Corporation may from time to time lease to any person the right of user of the Corporation tramways or any part thereof and the right of demanding and taking tolls and charges in respect of the same and that on such terms and conditions and for such period as may be agreed on between the Corporation and such person The said tolls and charges shall not exceed those authorised by the Acts of the Street Company or the Acts of the Northern Company as the case may be and may be such other and lesser tolls and charges as may be fixed and agreed between the Corporation and the lessees.

Power to lease tramways.

24. Sections 13 14 and 15 of the Corporation Tramways Act 1893 are hereby incorporated in this Act and shall apply to the tramways authorised by this Act in the same way and to the same effect as the said sections apply to the tramways mentioned in the said Act.

For protection of gas and water mains.

25. The provisions of sections 13 to 23 26 to 33 and 36 to 41 of the Corporation Tramways Act 1896 shall so far as the same are applicable extend and apply to the tramways by this Act authorised and to the tramways acquired under this Act in as full and complete a manner as if the said sections were severally re-enacted in this Act.

Application of sections of Corporation Tramways Act 1896.

26. If in the construction of Tramway No. 3 any of the property or works of Robert Cox of Gorgie is interfered with the Corporation shall make good any damage which may be caused to such works in the construction of such tramway and shall compensate the said Robert Cox for any loss or damage which he may sustain thereby.

For the protection of the owner of Gorgie.

27. Notwithstanding any provision in any Act relating to any tramway by this Act transferred to the Corporation the Conveyance of Mails Act 1893 shall extend and apply to any such tramway as if the same had been authorised by an Act of Parliament passed after the first day of January 1893 and to the Corporation as the body or person owning and to their lessees as the body or person working any such tramway.

Conveyance of Mails Act to apply to tramways.

28. Subject to the provisions of this Act nothing in this Act contained shall exempt the Corporation or their lessees or the Corporation tramways from the provisions of any general Act

Provision as to general Tramway Acts.

A.D. 1897. relating to tramways now in force or which may hereafter pass during this or any future Session of Parliament or from any future revision or alteration under the authority of Parliament of the maximum rates and charges authorised to be taken in respect of the Corporation tramways.

PART IV.—ACQUISITION OF LANDS.

Lands for
works &c.

29. Subject to the provisions of this Act the Corporation may compulsorily or by agreement enter upon purchase take hold appropriate and use such of the lands houses and property shown on the deposited plans and described in the deposited books of reference as may be required for or in connexion with the several works and street widenings and improvements and tramways respectively by this Act authorised. Provided that nothing herein contained shall prejudice or affect any existing rights of property or servitude or the exercise of any such rights competent to Wakefield Christie-Miller of Craigentenny in any lands not taken or acquired under the powers of this Act.

Lands for
fire brigade
station.

30. For the purpose of providing erecting and maintaining a fire brigade station for the city the Corporation may subject to the provisions of this Act and in addition to any other lands which they are authorised to acquire enter upon take hold use and appropriate compulsorily or by agreement such of the lands houses and property shown on the deposited plans within the area marked "A" and described in the deposited books of reference which they may require for that purpose. The said lands houses and other property are the following :—

The lands houses and other property situate lying and being within an area marked "A" and delineated on the deposited plans bounded by a line commencing at the junction of Lauriston Place and Lady Lawson Street and extending north-westwards along the centre of the said Lady Lawson Street to a point opposite the north-western corner of the cattle market thence eastwards to and along the northern boundary of the said cattle market to the north-eastern corner thereof thence southwards along the eastern boundary of the same to the south-eastern corner thereof thence westwards along the southern boundary of the same for a distance of thirty-nine yards or thereabouts thence southwards along the eastern boundary of Nos. 74 and 76 Lauriston Place to the northern side of the said Lauriston Place thence westwards to the point of commencement all lying within the city and city parish of Edinburgh.

31. If there be any omission mis-statement or erroneous description of any lands which may be required or taken for the several works or for the tramways herein-before described or any of them or for the other purposes of this Act or of the owners lessees or occupiers of any such lands shown on the deposited plans or specified in the deposited books of reference the Corporation after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to the sheriff for the correction thereof and if it appear to the sheriff that such omission mis-statement or erroneous description arose from accident or mistake he shall certify the same accordingly and shall in such certificate state the particulars of the omission and in what respect any such matter is mis-stated or erroneously described and the decision of the sheriff in such matter shall be final.

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Omission or mis-statement in plans or books of reference may be corrected.

32. The certificate of the sheriff shall be deposited in the office at Edinburgh of the principal sheriff clerk of the county of Midlothian and a duplicate thereof shall be deposited at the office of the principal sheriff clerk of the county of the city of Edinburgh and such certificate and duplicate shall be kept by such sheriff clerks respectively along with the other documents to which they relate and thereupon the deposited plans and books of reference shall be deemed to be corrected in accordance with the certificate and the Corporation may enter on purchase take hold and use for the purposes of this Act any lands in accordance with such certificate as if such omission mis-statement or erroneous description had not been made.

Certificates to be deposited.

33. The powers of the Corporation for the compulsory purchase of lands for the purposes of this Act or any of such purposes shall cease after the expiration of three years from the commencement of this Act.

Limiting period for compulsory purchase of lands.

34. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of these Acts and of this Act grant to the Corporation any servitude right or privilege not being a servitude right or privilege of water in which other than the grantors have an interest required for the purposes of this Act or any of them in over or affecting any such lands and the provisions of the said Acts with respect to lands and ground annuals or feu duties so far as the same are applicable in this behalf shall extend and apply to such grants and to such servitudes rights and privileges as aforesaid respectively.

Power to take easements &c. by agreement.

35. And whereas in the exercise of the powers of this Act it may happen that portions only of the lands houses buildings or

Owners may be required to sell parts

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only of
certain
properties.

manufactories shown on the deposited plans may be sufficient for the purposes of this Act or any of them and that such portions may be severed from the remainder of the said properties without material detriment thereto. Therefore notwithstanding section ninety of the Lands Clauses Consolidation (Scotland) Act 1845 the owners of and other persons interested in the lands houses buildings or manufactories described in the First Schedule to this Act annexed 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 Corporation such portions only without the Corporation being obliged or compellable to purchase the whole or any greater portion of such properties the Corporation always paying for the portions taken by them and making compensation for any damage sustained by the owners of such properties and other persons interested therein by severance or otherwise.

Restrictions
on displacing
persons of
labouring
class.

36.—(1) The Corporation shall not under the powers of this Act purchase or acquire in any district within the meaning of the Public Health (Scotland) Act 1867 ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers unless and until—

(A) They shall have obtained the approval of the Secretary for Scotland to a scheme for providing new dwellings for such number of persons as were residing in such houses on the fifteenth day of December last or for such number of persons as the Secretary for Scotland shall after inquiry deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the other circumstances of the case; and

(B) They shall have given security to the satisfaction of the Secretary for Scotland for the carrying out of the scheme.

(2) The approval of the Secretary for Scotland to any scheme under this section may be given either absolutely or conditionally and after the Secretary for Scotland has approved of any such scheme he may from time to time approve either absolutely or conditionally of any modifications in the scheme.

(3) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out and shall require the new dwellings proposed to be provided under the scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced :

Provided that the Secretary for Scotland may dispense with the last-mentioned requirement subject to such conditions (if any) as he may see fit.

(4) Any conditions subject to which the Secretary for Scotland may have approved of any scheme or of any modifications of any scheme under this section or subject to which he may have dispensed with the above-mentioned requirement shall be enforceable by an order of the Court of Session to be obtained by the Secretary for Scotland.

(5) If the Corporation acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions or displace or cause to be displaced the persons residing in any house or houses in contravention of the requirements of the scheme they shall be liable to a penalty not exceeding five hundred pounds in respect of every such house which penalty shall be recoverable by the Secretary for Scotland by action in the Court of Session and shall be carried to and form part of the Consolidated Fund of the United Kingdom :

Provided that the court may if it think fit reduce such penalty.

(6) For the purpose of carrying out any scheme under this section the Corporation may appropriate any lands and heritages for the time being belonging to them or which they have power to acquire and may purchase such further lands as they may require and for the purposes of any such purchase section 90 of the Public Health (Scotland) Act 1867 shall be incorporated with this Act and shall apply to the purchase of lands by the Corporation for the purposes of any scheme under this section in the same manner in all respects as if the scheme were one of the purposes of that Act.

(7) The Corporation may on any lands and heritages belonging to them or purchased or acquired under this section or under any Provisional Order issued in pursuance of this section erect such dwellings for persons of the labouring class as may be necessary for the purpose of any scheme under this section and may sell demise or let or otherwise dispose of such dwellings and any lands and heritages purchased or acquired as aforesaid and may apply for the purposes of this section to which capital is properly applicable or any of such purposes any moneys which they may be authorised to raise or apply under the powers of this Act :

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Provided that all lands on which any buildings have been erected or provided by the Corporation in pursuance of any scheme under this section shall for a period of twenty-five years from the date of such scheme be appropriated for the purpose of dwellings and every conveyance demise or lease of such lands and buildings shall be endorsed with notice of this enactment :

Provided also that the Secretary for Scotland may at any time dispense with all or any of the requirements of this sub-section subject to such conditions (if any) as he may think fit.

(8) The Corporation shall pay to the Secretary for Scotland a sum to be fixed by him in respect of the preparation and issue of any Provisional Order in pursuance of this section and any expenses incurred by him in relation to any inquiries under this section including the expenses of any witnesses summoned by the person holding the inquiry and a sum to be fixed by the Secretary for Scotland not exceeding three guineas a day for the services of such person.

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

Power to
stop up lane.

37. The Corporation may if they or the Royal Infirmary of Edinburgh own or acquire the property on both sides of the part of the lane after mentioned stop up and discontinue as a public thoroughfare that part of the lane known as Lauriston Lane from a point thirty-two yards or thereby from Lauriston Place to the grounds formerly of the Sick Children's Hospital now owned by the Royal Infirmary of Edinburgh all situate within the city and city parish of Edinburgh.

Incorporation of
sections of
Act of 1893.

38. Sections 20 to 24 and 26 to 29 of the Edinburgh Improvement and Municipal and Police (Amendment) Act 1893 are hereby incorporated with and shall mutatis mutandis apply to the several works authorised to be executed and to the lands authorised to be acquired and to the other purposes of this Act as if the said sections were severally set forth in this Act.

PART V.—TRANSFER OF PORTOBELLO GAS WORKS TO EDINBURGH AND LEITH CORPORATIONS GAS COMMISSIONERS. A.D. 1897.

39. The agreement made between the Corporation on the one part and the gas commissioners on the other part as set forth in the Second Schedule of this Act is hereby subject to the provisions of this Act confirmed and made binding on the Corporation and the gas commissioners.

Agreement between Corporation and gas commissioners confirmed.

40. Sections 77 and 78 of the Edinburgh Extension Act 1896 and the agreement contained in the Fifth Schedule to that Act are subject to the provisions of this Act and to the terms of the agreement in the Second Schedule to this Act hereby amended to the effect that the gas commissioners shall be and are hereby substituted in the room and place of the Corporation in the said agreement first-named in this section and in the said sections of the said Act so far as the same relate to the said Portobello Gas Works and to the gas annuities provided to the shareholders of the gas company. Provided that the security under the Gas Acts as amended and extended by this part of this Act for payment of the annuities provided under those Acts shall in like manner in all respects apply and extend to the said annuities to the shareholders of the gas company in the same way and to the same extent as if the said last-mentioned annuities had been created under the Gas Acts and the said security of the gas commissioners shall be and is hereby substituted for the security of the Corporation provided by the said agreement in the said Fifth Schedule or in any conveyance of the said gasworks granted previous to the passing of this Act.

Amendment of sections of Extension Act.

41. The gas commissioners shall repay to the Corporation all sums of money paid by the Corporation to the gas company under the foresaid agreement with the company and the gas commissioners shall free and relieve the Corporation of all other sums of money and obligations in relation to the said gasworks and gas undertaking and of the payment from and after the eleventh day of November one thousand eight hundred and ninety-six of the annuities amounting to one thousand two hundred pounds sterling per annum agreed to be paid by the Corporation to the shareholders of the gas company.

Gas commissioners to relieve Corporation of payments made under agreement.

42. All the rights powers and privileges of the gas company and the Corporation and all the material plant stores and other articles and things and all gas stored in the gasholders together with all sums of money debts and contracts due and owing and enforceable by the Corporation or by the gas company in connexion with the said gasworks are hereby transferred to the gas

Transfer of rights and powers to gas commissioners.

A.D. 1897. commissioners as at and after the eleventh day of November one thousand eight hundred and ninety-six.

Repayment
of capital
expenditure.

43. The gas commissioners shall repay to the Corporation all sums expended by the Corporation on capital account and all payments of the annuities made by the Corporation to the shareholders of the gas company.

Gas annui-
ties.

44. The gas commissioners shall subject to the provisions of this Act pay to the holders of the annuity certificates granted and issued by the Corporation in terms of the Extension Act and the agreement contained in the Fifth Schedule thereof the annuities therein specified amounting to one thousand two hundred pounds subject to the redemption thereof as in this Act provided.

Gas commis-
sioners to
issue annuity
certificates.

45. The gas commissioners shall grant and issue to every holder of an annuity certificate granted by the Corporation under the before-mentioned agreement or to his executors administrators or assigns on delivery to the gas commissioners of the annuity certificate so granted by the Corporation certificates under this Act in the form mutatis mutandis as nearly as may be contained in Schedule (G) to the Edinburgh and Leith Corporations Gas Act 1888 (herein-after called "the Gas Act 1888") with the same security for the due and regular payment of the said annuities as is provided under the Gas Acts for the annuities granted under those Acts and shall until redeemed under the provisions of this Act remain a burden on the gas undertaking of the gas commissioners and on the contingent security rate provided by the Gas Acts Every such annuity certificate shall be signed and authenticated in the manner in which annuity certificates are required to be signed under the Act of 1888.

Annuity
certificates
issued by
Corporation
to be can-
celled.

46. The annuity certificates to be granted by the gas commissioners for the said annuities under the provisions of this Act shall supersede and be substituted for and shall come in place of the annuity certificates granted by the Corporation and on the issue of such annuity certificates by the gas commissioners the annuity certificates granted by the Corporation for the said annuities shall be and the same are hereby cancelled.

Certificates
to contain
notice of
power of
redemption.

47. The said annuity certificates shall contain a notice that the annuities therein referred to are at the option of the gas commissioners liable to redemption by them in whole or in part on three months notice at the term of Martinmas one thousand nine hundred and sixteen or at any term of Whitsunday or Martinmas thereafter at the price of twenty years purchase thereof in addition to payment of the half-yearly sum which may be due at the term of redemption and such annuity certificates shall be

distinguished by the name of the Edinburgh Portobello Gas Annuities and shall be numbered consecutively beginning with number one and every certificate shall be distinguished by its appropriate number and any certificate shall be renewed by the gas commissioners when lost worn out or damaged on production to them of evidence of the right of the annuitant requiring such renewal and if in any case the gas commissioners shall not be satisfied with the evidence offered by any annuitant he may appeal to the sheriff who shall decide summarily what evidence is requisite and his decision shall be final and for every such renewed certificate the gas commissioners may demand in addition to the amount of the proper stamp duty if any thereon denoted a sum not exceeding two shillings and sixpence.

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48. The gas commissioners shall register the said annuity certificates in the register of Edinburgh and Leith Corporations Gas Annuities under the designation or title of the Edinburgh Portobello Gas Annuities and shall enter therein from time to time the names and designations of the several annuitants respectively entitled to the annuities and the respective amount of their annuities and every annuitant or if such annuitant be a corporation or a company its secretary clerk or agent may at all convenient times inspect such register gratis and may require a copy thereof or any part thereof and for every hundred words or any smaller number of words so required to be copied the gas commissioners may demand any sum not exceeding one shilling.

Register of annuities.

49. The annuities shall be computed from the eleventh day of November one thousand eight hundred and ninety-six and shall be paid at the office of the gas commissioners in the city of Edinburgh in net money clear of all deductions (except income or property tax) by half-yearly instalments at Whitsunday and Martinmas in each year commencing the first payment as at Whitsunday one thousand eight hundred and ninety-seven for the half year preceding and thereafter continuing termly at the said two terms of each year with interest at the rate of five per centum per annum during the nonpayment thereof.

Payment of gas annuities.

50. The gas commissioners if they think fit may at the term of Martinmas one thousand nine hundred and sixteen or at any term of Whitsunday or Martinmas thereafter on three months previous notice pay off and redeem all or any of the said annuities to an amount specified in any resolution of the gas commissioners at the price of twenty years purchase of such annuities.

Redemption of gas annuities.

51. The provisions of sections 35 to 44 46 47 49 to 51 94 and 95 of the Gas Act 1888 shall mutatis mutandis so far as the same are

Sections of the Edinburgh and

A.D. 1897.
Leith Corporation Gas Act 1888 incorporated.

applicable and subject to the provisions of this Act extend and apply to the foresaid Edinburgh Portobello Gas Annuities as fully and effectually as if the said sections were severally recited in this Act. Provided always that in sections 49 and 94 of the Gas Act 1888 as applicable to this Act and to the redemption of the foresaid Edinburgh Portobello Gas Annuities and the sinking fund therefor the period of twenty-eight and a half years whenever occurring therein shall be read as twenty years.

Gas commissioners to relieve Corporation of contracts &c.

52. The gas commissioners shall free and relieve the Corporation at and after the eleventh day of November one thousand eight hundred and ninety-six of all contracts agreements and obligations previously made or entered upon in relation to the said gasworks in favour of or with any person or persons whomsoever and of all liabilities arising out of the same and all the debts and liabilities incurred by the Corporation shall subject to the terms of the said agreement set forth in the Second Schedule to this Act be and are hereby transferred to and shall be enforceable by and against the gas commissioners and shall be chargeable and charged upon the whole undertaking of the gas commissioners under the Gas Acts and upon the moneys to be received by the gas commissioners under the Gas Acts and shall remain in full force and effect and be continued valid in law and available in all courts of law and equity until the same is fully satisfied paid for and discharged.

Gas commissioners may enforce rights of the Corporation and gas company.

53. All the powers rights authorities and privileges of the Corporation and of the gas company respectively in relation to the said gasworks may be exercised and enforced by the gas commissioners in the way and manner and as fully in every respect as the same might have been exercised and enforced by the Corporation or the gas company if this Act had not been passed.

Extension of limits of gas supply.

54. The limits for the supply of gas by the gas commissioners shall in addition to the limits set forth in section 65 of the Gas Act 1888 include that part of the city of Edinburgh which immediately previous to the commencement of the Extension Act formed and comprised the burgh of Portobello.

Power to manufacture and supply gas.

55. The gas commissioners may subject to the provisions of this Act upon the lands described in the Third Schedule to this Act being the lands on which the existing gasworks and gasholders of the Corporation and formerly of the gas company are erected manufacture make and store gas for the purposes of this Act and the Gas Acts and may supply gas within the limits prescribed by the Gas Acts as extended by this Act and may manufacture and sell the residual products arising from the manufacture of gas and may from time to time maintain improve alter renew or discontinue

or remove the said existing gasworks and gasholders or any part thereof and may purchase and procure all such materials and do all such acts as the gas commissioners shall consider necessary for these purposes.

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56. From and after the eleventh day of November one thousand eight hundred and ninety-six the gas company shall cease to manufacture sell and supply gas as well as all other articles which prior to that date they have been in use to manufacture and sell.

Gas company to cease to manufacture and sell gas.

57. Sections 80 and 82 of the Gas Act 1888 are hereby amended as follows (that is to say) :—

Amendment of Gas Act 1888.

(1) The expression “lands and heritages within the city of Edinburgh” whenever occurring in these sections or either of them shall for all the purposes of the Gas Acts and the exercise of the powers of the gas commissioners and the Corporation under the same and for the purposes of this part of this Act mean extend to and include the whole lands and heritages within the city of Edinburgh as extended and defined by the Extension Act :

(2) The expressions “City of Edinburgh” “Corporation of Edinburgh” and “Corporation” or other similar expression intended to refer to the city of Edinburgh and the Corporation of Edinburgh according to the boundaries of the city existing at the date of the Gas Act 1888 shall wherever occurring in the Gas Acts or in this part of this Act mean extend to and include the city of Edinburgh or the Corporation of Edinburgh as the case may be as extended and defined by the Extension Act.

58. Subject to the provisions of this part of this Act the gasworks and lands and property acquired by the gas commissioners under the provisions of this Act shall for all purposes be comprised within the undertaking of the gas commissioners.

Portobello Gasworks to be part of gas commissioners' undertaking.

59. In defraying the costs of acquiring the said gasworks and land and property and in carrying into effect the other purposes of this part of this Act in relation to the said gasworks the gas commissioners may apply any moneys which they are authorised to borrow under the Gas Acts and which may not be required for the purposes of those Acts and also subject to the provisions of the Gas Acts any rents rates or other revenue for the time being belonging to them or under their control in connexion with their gas undertaking.

Application of money by gas commissioners.

60. All annuities mortgages assignments or other securities on the rates rents charges and other revenues leviable and receivable by the gas commissioners granted by the gas commissioners in

Priority of existing annuities and mortgages.

A.D. 1897. — pursuance of the powers and provisions of the Gas Act 1888 before and subsisting at the passing of this Act shall during the continuance of such annuities mortgages assignments or securities have priority over any annuities mortgages assignments or securities on the same rates rents charges and other revenue of the commissioners granted after the passing of this Act by virtue of the Gas Acts or of this part of this Act.

Tenant's liability for sub-tenant's gas supply.

61. The gas commissioners may in addition to their recourse against the actual consumer charge and recover from the tenant of any house who sub-lets his house furnished for any period not exceeding two months the amount of rates and charges for gas used and consumed and any other sums due to the gas commissioners by such sub-tenant during such sub-tenancy.

Application of Gas Acts.

62. All the provisions of the Gas Acts and the Acts in whole or in part incorporated therewith in so far as not repealed or altered by or inconsistent with this part of this Act shall so far as applicable extend and apply to the powers and purposes of and to the Edinburgh Portobello Gas Annuities secured under this part of this Act.

PART VI.—ASSESSMENT AND BORROWING POWERS.

Application of sections of Corporation Tramways Act 1893 as to borrowing &c. for tramway purposes.

63. Sections 21 22 and 23 of the Corporation Tramways Act 1893 are hereby incorporated with and shall form part of this Act and shall subject to the provisions of the Act of 1893 the Corporation Tramways Act 1896 the Extension Act and this Act apply mutatis mutandis to the tramways authorised to be constructed by this Act and to any lands acquired or to be acquired under and for the tramway purposes of this Act and for paying the purchase and other money and all expenses for and in connexion with the purchase and acquisition of the tramways works and undertaking of the Northern Company under the provisions of this Act and to any other tramways which have been or which may be acquired by the Corporation in the same way and to the same effect and shall confer the same powers on the Corporation of assessing within the city and of borrowing and for repayment of money borrowed as if such sections as amended and extended by the said Acts were severally herein set out at length Provided always that the execution of Work No. 5 and Work No. 6 authorised by this Act shall for the purposes of this section be deemed to be tramway purposes.

Power to apply burgh assessment.

64. The Corporation are hereby authorised to impose assess and levy within the city and recover apply and use for the execution of the works (other than tramways) and for carrying out the powers objects and purposes of this Act or any of them and the

acquisition of lands and heritages and servitudes or other property which may be required in connexion therewith (other than for tramway purposes) the burgh assessments under their control applicable to general improvements under the third head of estimate authorised by the Act of 1879 as amended by the Act of 1891 by the Act of 1893 and by the Corporation Tramways Act 1896 and by this Act and as extended by the Extension Act or so much of the said assessments as may be necessary therefor in the way and manner and by the same means as are provided in the Act of 1879 as so amended and extended.

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65. The Corporation are hereby authorised to borrow money for executing the works authorised by this Act (other than tramways) and carrying out the powers objects and purposes of this Act or any of them and for the acquisition of lands and heritages and other property which may be required in connexion therewith (other than for tramway purposes) on the security of the burgh assessments before mentioned under their control applicable to general improvements to be levied and applied and used as in this Act provided and they shall provide a sinking fund for the repayment of the sums so borrowed and sections 81 to 92 of the Act of 1879 as to borrowing money are as amended by the Act of 1891 and by the Act of 1893 the Corporation Tramways Act 1896 and by this Act and as extended by the Extension Act incorporated herewith and the powers and provisions therein contained as so amended and extended shall be held to apply to the purposes of this Act and to the money borrowed under the authority of this Act as if such sections as so amended and extended were re-enacted in this Act.

Application
of provisions
of Act of
1879 as to
borrowing
money.

PART VII.—BYELAWS.

66. The Corporation in addition to the powers conferred on them by the Edinburgh Municipal and Police Acts may subject to the provisions of this Act make such byelaws as they think fit for the following purposes (that is to say):—

Bathing
machines
and bathing.

For fixing the stands of bathing machines on the seashore or strand within or ex adverso of the city and the limits within which persons of each sex shall be set down for bathing and within which persons shall bathe ;

For regulating the occupation of such stands by bathing machines and apportioning the same temporarily among the owners of such machines for the time ;

For preventing any indecent exposure of the persons of the bathers ;

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For regulating the manner in which and the times at which the bathing machines shall be used and the charges to be made for the same;

For insuring that the bathing machines shall be kept in a proper state of repair and cleanliness;

For regulating the distance at which boats and vessels let for hire for the purpose of sailing or rowing for pleasure shall be kept from persons bathing within such prescribed limits:

When bathing machines are not used the magistrates shall have power to regulate the places and hours for both sexes bathing.

Power to provide drags life-buoys &c.

67. The Corporation may provide and maintain drags life-buoys and other implements for the prevention of drowning and employ such persons as superintendents and servants for that purpose on such terms and allow them such wages and rewards for exertion and make such byelaws for their government as the Corporation think fit.

Precautions in skating and bathing.

68. Every person who persists in going upon the ice on any skating pond loch pool or place partly or wholly within the city belonging to or under the charge of the Corporation or open to the public at any time when placards are exhibited or other signals made or given intimating that it is in a dangerous state and every person who wilfully breaks the ice on any such pond or place and every person who goes beyond the ropes or danger signals at any open bathing or skating place under the charge of the Corporation shall be guilty of an offence and on conviction liable to a penalty not exceeding forty shillings.

Seashore adjoining city.

69. Subject to the rights of the Crown with consent of the Board of Trade and without prejudice to any existing right of property the Corporation shall have jurisdiction over the seashore down to low-water mark and the strand adjoining the same within or ex adverso of the city for the purpose of preventing nuisance and preserving and improving the amenity of the city with power to the Corporation to make byelaws for regulating the use of such seashore and strand by the public for bathing recreation and general purposes and without prejudice to any existing right of property from and after the passing of this Act no sewage or other offensive matter shall be allowed to run over such seashore or strand.

Special enactments as to seashore.

70. Subject to the rights of the Crown with consent of the Board of Trade and to any existing rights of property the following enactments shall be applicable to the seashore and strand within or ex adverso of the city (that is to say):—

(1) No boat or vessel shall be let for hire by any person for the purpose of sailing or rowing for pleasure from the sea beach

or any pier or jetty within or ex adverso of the city except under licence from the magistrates who shall have power to require that every boat or vessel let for hire as aforesaid shall be made good and seaworthy to their satisfaction and to impose such other conditions in granting a licence as they may think necessary for the safety of the lieges and such licence when granted shall continue in force until the twenty-eighth day of May next following and no longer unless sooner revoked or suspended which the magistrates are hereby authorised to do on legal conviction of any violation of any conditions of such licence and if any person shall let for hire any boat or vessel for the purpose aforesaid without having first obtained a licence or after the revocation or suspension thereof or shall contravene the terms of such licence such person shall for each offence be liable to a penalty not exceeding five pounds :

- (2) The Corporation shall have jurisdiction over the sea beach or strand down to low-water mark within or ex adverso of the city for the purpose of preventing the riding or driving of any horse or carriage except for such times and hours as the Corporation shall see fit and of regulating the hiring of ponies and donkeys for pleasure riding thereon and shall have power to make byelaws for the said purposes and to impose a penalty for breach thereof not exceeding the sum of forty shillings for any one offence :
- (3) No person shall erect any booth stall or stand or any other structure for the sale of goods wares or merchandise of any kind nor shall any person sell any goods wares or merchandise on the seashore or strand within or ex adverso of the city except under authority from the Corporation and only at such places thereon as the Corporation may appoint and any person who shall contravene this enactment shall be liable to a penalty not exceeding forty shillings.

71. Any byelaws which may be made by the Corporation under this part of this Act shall be made subject to the conditions and provisions of the Edinburgh Municipal and Police Acts and to the approval of the sheriff but excepting from such approval any byelaws applicable only to the servants and other persons employed by the Corporation and the Corporation may impose such reasonable penalties as they think fit for the breach of any byelaws which they may make under this Act not exceeding forty shillings for each breach of such byelaw and in case of continuous violation of such byelaws the sum of ten shillings for every day during which such violation shall be continued Provided always that such byelaws be

Byelaws
may be
enforced by
imposition
of penalties.

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PART VIII.—MISCELLANEOUS.

Corporation
may make
new streets.

72. Whereas it may happen that the whole or part of the ground on the line of a new street will remain for a time unfeued or unbuilt upon and it is expedient to encourage the opening up of streets that might be or become main thoroughfares for the public use. Therefore upon the approval by the Corporation of any new street becoming final or at any time thereafter and in the event of such new street not being opened up and paved flagged or otherwise made good to the satisfaction of the Corporation by the owners or others interested in whole or in part it shall be lawful for the Corporation to open up and make any such street in whole or in part according to its approved lines and levels and that either temporarily or permanently as to the Corporation may seem proper and to advance and pay ad interim the expense of so doing in so far as effecting to vacant or unfeued ground subject to relief from the feuars or other persons erecting buildings along such street when and as the same are erected. Provided that as and when any house or building is erected in or abutting upon such street the Corporation shall be entitled to charge the expense advanced by them without interest thereon against the feu or other person erecting such house or building proportionally to the length of the frontage of the feu or property of such feu or other person along such street as such proportion of expense without interest thereon shall be certified by the treasurer of police and the said expense without interest thereon may be recovered in the same way and by the same means as any assessments imposed and levied under the Edinburgh Municipal and Police Acts. Provided further that should any such street be only temporarily laid out by the Corporation the feuars or other persons erecting houses or buildings shall in proportion to the length of their frontages respectively be also bound to pave and flag or otherwise make good such street to the satisfaction of the Corporation as and when required by the Corporation and after such street shall have been paved flagged or otherwise made good as aforesaid it shall be maintained and repaired by the Corporation out of the assessments imposed and levied under the Edinburgh Municipal and Police Acts.

73. Section 33 of the Act of 1891 is hereby repealed and in lieu thereof it is hereby from and after the passing of this Act enacted as follows:—

A.D. 1897.

Private
streets how
to be com-
pleted.

Where in any private street or court houses or permanent buildings have been erected on one-fourth or more of the ground fronting or abutting on the same or where such ground has been otherwise than temporarily enclosed and laid out to at least the said extent and where such street or court is not together with the foot pavements or footpaths thereof made up constructed causewayed paved and in a complete and efficient state of repair to the reasonable satisfaction of the Corporation the Corporation may if they think fit by notice call upon the owners of the lands and heritages fronting or abutting on such street or court to free the same and any foot pavements or footpaths thereof from obstructions and to properly level make up construct causeway pave channel and complete the same to the reasonable satisfaction of the Corporation within a time to be specified in such notice and in case such notice is not complied with within the time so specified therein the Corporation may themselves at any time thereafter cause any such street or court or part thereof and any foot pavements or footpaths of the same to be freed from obstructions and to be properly levelled made up constructed causewayed paved and channelled and completed in such way and manner and with such materials as the Corporation may think fit and the costs and expenses which may be incurred by them in connexion therewith shall be recoverable as a debt from the owner or owners in default.

74. If in the case of any street within the city it should be necessary at any time for the proper conduct of the traffic therein that such part thereof where the traffic is obstructed by reason of insufficient space should be improved so as to effect the said purpose the Corporation may at any meeting in the notice for which such purpose is specifically stated resolve to acquire lands or property so far as may be necessary for the aforesaid purpose and in order to acquire such lands or property the Corporation shall within seven days after the date of such resolution intimate the same to the owners lessees and occupiers of such lands and property and the Corporation at any time after the expiration of three months from the date of such resolution may purchase and take the same by agreement under the Lands Clauses Acts and failing such purchase they may present a petition to the sheriff for authority to put in force the powers of the Lands Clauses Acts with respect to the acquisition of lands otherwise then

Power to
purchase
lands for
widening
streets.

A.D. 1897. by agreement Provided always that it shall be lawful for any owner or occupier whose property may be affected or for the Corporation if dissatisfied with the decision of the sheriff to appeal to the Secretary for Scotland who may order further inquiry or take such other step or steps as he may think desirable in the circumstances and he may thereafter issue an order either in accordance with the prayer of the application or with such modifications or alterations as may appear to him to be requisite and may make such order as he thinks fit in reference to the costs charges and expenses incurred in connexion therewith.

Houses
projecting
beyond line
of street
when taken
down to be
set back.

75. When any house or building has been taken down in whole or in part in order to be altered or is to be rebuilt the Corporation may require the house or building to be set backwards to or towards the line of the street or the line of the adjoining houses or buildings or such other line as may be fixed by the Corporation in such manner as the Corporation may direct for the improvement of such street Provided always that the Corporation shall make full compensation to the owner of any such house or building for any damage he may thereby sustain which compensation may be settled by mutual agreement or in the same manner as compensation for land to be taken under the provisions of the Lands Clauses Acts is directed to be settled and shall form a charge against the burgh assessments under the Edinburgh Municipal and Police Acts.

Distance of
building from
centre line of
promenade.

76. The Corporation may require that from and after the passing of this Act no houses or buildings or structures of any kind shall be erected within a distance of twenty-five feet from the centre of any part of the promenade next to or adjoining the sea beach or shore at Portobello and may prohibit the erection of any such houses or buildings or other structures within such distance and the Corporation shall in any case where they exercise the said power and within twelve months after the completion of such houses or buildings or structures pay to the owner of the land situate between the line of the promenade and the line to which such houses or buildings or structures may be so required to be kept back not exceeding the aforesaid distance such compensation as failing agreement may be determined by arbitration under the Lands Clauses Acts Provided always that the powers of this section shall not apply to any house or building or structure for the erection of which the requisite warrant of the Dean of Guild Court has been obtained previous to the first day of November one thousand eight hundred and ninety-six.

Corporation
may erect
buildings

77. The Corporation may in addition to the powers conferred upon them by the Edinburgh North Bridge Improvement Act 1894

erect and maintain houses or buildings on any lands belonging to the Corporation or which they have acquired or may acquire under the powers and provisions of the said Act and may enter into and carry out contracts and agreements with any company or person in relation to the erection and maintenance of such houses or buildings and that on such terms and conditions as the Corporation think fit and the Corporation may feu or may sell and dispose of any such lands or any part or parts of the same or of the houses or buildings erected or that may be erected by the Corporation thereon or on any part thereof and that either by public auction or private sale and the Corporation may also let lease or otherwise dispose of any such lands houses or buildings and on such terms conditions and for such considerations as the Corporation may think fit.

A.D. 1897.

in North
Bridge
Street.

78. Whereas the carrying out of the powers of the North Bridge Improvement Act 1894 as extended by this Act will extend over a number of years and any recoupment of the expenditure in connexion with the rebuilding of North Bridge Street will be deferred and it is expedient that the contributions required to be made to the sinking fund should be postponed and the said Act amended as follows :—

Sinking fund
provisions
under North
Bridge Im-
provement
Act.

Section 36 of the North Bridge Improvement Act 1894 is hereby repealed except in so far as the same is or may be applicable to the rebuilding of the North Bridge and the following provisions shall have effect and shall be applicable to the North Bridge Improvement Act (except as aforesaid) and to the purposes of this Act as regards the powers conferred by this Act on the Corporation in relation to the North Bridge improvements (that is to say) :—

The Corporation shall at and after the period of ten years from the passing of the said North Bridge Improvement Act 1894 annually set apart as a sinking fund out of the moneys to be levied for the purposes of the said North Bridge Improvement Act (except as aforesaid) and for the purposes of this Act as regards such improvement and the works and buildings authorised by that Act and this Act a sum or sums equal to not less than one-fiftieth part of the sums borrowed and to be borrowed under the said North Bridge Improvement Act (except as aforesaid) and this Act as regards such improvements on the security of any portion of the burgh assessments and the Corporation shall from time to time apply the sum or sums so to be set apart as a sinking fund in paying off the principal sums so borrowed.

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Corporation
offices accom-
modation.

79. The Corporation may upon any lands belonging to them or which they have acquired or may acquire under the Corporation Tramways Act 1896 erect and maintain all suitable and convenient offices and other buildings for the accommodation of all or any of the departments of the Corporation and for more conveniently conducting the public business of the city all in such way and manner as the Corporation may think fit and to use adapt and appropriate any such offices or buildings to such purposes.

Employment
of Corpora-
tion Loans
Fund.

80.—(1) Where the Corporation are authorised by any Act of Parliament to borrow money on capital account for any purpose they may instead of raising such money or part thereof by the issue of Corporation Stock employ for that purpose any money for the time being standing to the credit of the Corporation Loans Fund on capital account and may realise for such purpose any securities in which such money shall be at the time invested.

(2) The employment of such money shall be deemed to be an exercise of the borrowing power conferred by such Act and the Corporation shall make the same annual payments or contributions to the Corporation Loans Fund for interest and redemption as would have been payable under the borrowing Act if the money had been raised by the issue of stock or borrowed otherwise and shall at the respective dates of redemption of Corporation Stock have at or place to the credit of the said fund a sum sufficient for the purpose of such redemption.

(3) The Corporation shall cause a separate and distinct account to be kept of any advances made from the Corporation Loans Fund under this section and shall at least once in every year require the accountant auditor of the Corporation accounts to make a report thereon setting forth the borrowing and other Acts under which such advances have been made and whether the Corporation have duly paid into the Corporation Loans Fund the interest and sinking fund contribution for redemption which would have been payable by the Corporation if the money so advanced had been raised by the issue of Corporation Stock or borrowed otherwise.

(4) The said report shall be published annually along with the accounts of the Corporation and shall be open to the inspection of every person interested and a copy of such report shall every year within twenty-one days after such publication be transmitted by the Corporation to the Secretary for Scotland.

(5) In the event of such report by the accountant auditor at any time showing that the Corporation have failed duly to make the payments of interest and contributions to the Corporation Loans Fund as aforesaid it shall be competent for the Secretary for Scotland to apply summarily to the Court of Session to compel

the Corporation to make such payments and contributions and the said Court shall thereupon pronounce such judgment or order as they may consider just and may decern for the expenses of such application.

81. The Corporation may cause to be put up at or upon the railings or in or upon the walls of buildings or elsewhere in the streets public or private fire alarms battery boxes and index plates or make markings showing the position of the fireplugs in such streets or places and may put down fireplugs in any footpath or street whether public or private and may attach telephone or telegraph wires necessary for the working of the fire establishment to any land or heritage without being liable to any claim for compensation for so doing and any person who shall cause any obstruction to the putting up of such plates or markings or who shall pull down injure deface or destroy the same or shall wantonly ring any such fire alarm shall be liable to a penalty not exceeding five pounds for each offence and any person feeling himself aggrieved as to the mode in which the Corporation may carry out any of the powers herein contained may appeal to the sheriff whose decision shall be final. Provided that no such telephone or telegraph wires shall be used nor shall the powers herein contained be in any way exercised in contravention of the exclusive privileges conferred on Her Majesty's Postmaster-General by the Telegraph Act 1869.

Index plates
showing
position of
fireplugs.

82. The Corporation may impose assess levy and recover any charges or assessments required to be levied under the Burial Grounds (Scotland) Acts 1855 to 1886 under the provisions of the Edinburgh Municipal and Police Acts and along with and as part of the burgh assessments authorised by those Acts and that under the fifth head of estimate of section 66 of the Act of 1879 and the provisions of the said Burial Grounds Acts so far as regards the city are hereby amended accordingly.

Burial
ground
assessment.

83. Bicycles tricycles velocipedes and other similar vehicles are hereby declared to be carriages within the meaning of the Edinburgh Municipal and Police Acts 1879 to 1896 and this Act and the following rules shall be observed by any person or persons using such carriages:—

Rules for
persons using
bicycles &c.

- (1) During the period between one hour after sunset and one hour before sunrise every person using any such carriage shall carry attached to his vehicle a lamp which shall be so constructed and placed as to exhibit a light in the direction in which he is proceeding and so lighted and kept lighted as to afford adequate means of signalling the approach of the carriage:

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(2) Upon overtaking any cart or carriage or any horse mule or other beast of burden or any foot passenger every such person shall within a reasonable distance from and before passing such cart or carriage horse mule or beast of burden or such foot passenger by sounding a bell or whistle or otherwise give audible and sufficient warning of the approach of the carriage:

And any person who breaks either of these rules shall be liable for any one offence to a penalty not exceeding forty shillings.

Drains may be made to discharge below high-water mark.

84. If the Corporation shall consider it necessary for the public health that any drain should discharge itself below high-water mark they shall be entitled with the consent of the Board of Trade to construct the requisite works for that purpose under the Edinburgh Municipal and Police Acts Provided always that in carrying out the powers of this section the Corporation shall carry the three existing effluents at King's Road Rosebank Lane and the brickwork respectively into one outlet drain and the same shall be carried out to the reasonable satisfaction of the owners for the time of such effluents.

Providing for connections with outlet drain.

85. If the said Wakefield Christie-Miller or his successors in the estate of Craigentenny shall desire at any time to connect any sewer or drain for sewage produced on the said lands within the city with the outlet drain in the immediately preceding section provided for if and when the same shall be constructed the Corporation shall permit such connexion to be formed free of any charge whatever Provided always that any work so done shall be executed at the sight and to the reasonable satisfaction of the burgh engineer.

For the protection of the estate of Craigentenny.

86. Nothing in this Act shall prejudice or affect any claim of the said Wakefield Christie-Miller or his successors in the estate of Craigentenny for compensation in respect of wayleave or land purchased or taken or injuriously affected under the powers of this Act or any legal right belonging to him or them.

Saving of rights.

87. Nothing contained in this Act shall invalidate any acts matters or things or any actions suits or proceedings which have been done or commenced or are depending or any penalties incurred under the powers or authority of any Act amended or repealed by this Act all which shall be and continue as good valid and available for all purposes and for and against all persons as if this Act had not been passed.

Works below high-water mark not to be commenced

88. The Corporation shall not under the powers of this Act construct on the shore of the sea or of any creek bay arm of the sea or navigable river communicating therewith where and so far up the same as the tide flows and reflows any work without the

previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of such approval being signified as last aforesaid and where any such work may have been constructed the Corporation shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consents or approvals. If any such work be commenced or completed contrary to the provisions of this Act the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the costs and charges of the Corporation and the amount of such costs and charges shall be a debt due from the Corporation to the Crown and shall be recoverable accordingly with costs.

A.D. 1897.
—
without
consent of
Board of
Trade.

89. Nothing in this Act shall authorise the Corporation to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any right in respect thereof belonging to the Queen's most Excellent Majesty in right of Her Crown and under the management of the Board of Trade without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give) neither shall anything in this Act extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty.

Saving rights
of Crown in
foreshore.

90. Nothing in this Act or to be done under the authority thereof shall in any manner affect the title to any of the subjects or any rights powers or authorities mentioned in or reserved by sections 20 21 and 22 of the Crown Lands Act 1866 and belonging to or exerciseable on behalf of Her Majesty.

Saving rights
of Crown
under
29 & 30 Vict.
c. 62.

91. All costs charges and expenses attending the preparation obtaining and passing of this Act and incidental thereto shall be paid out of the common good or burgh assessments or any money to be borrowed under this Act.

Costs of Act.

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SCHEDULES referred to in the foregoing Act.

The FIRST SCHEDULE.

LANDS BUILDINGS AND MANUFACTORIES OF WHICH PORTIONS
ONLY MAY BE TAKEN WITHOUT TAKING THE WHOLE.

Parishes.	Number on deposited Plans.
City Parish of Edinburgh	44 45 46 47 49 50 51 51 62 62 66 73 74 75 76 77 78 78.
Parish of Duddingston	81 81 81 81 81 82 82 83 83 83 83 83 83 83 83 83 83.

The SECOND SCHEDULE.

MINUTE of AGREEMENT between the LORD PROVOST MAGISTRATES
and COUNCIL of the City of EDINBURGH (herein-after called
“ the CORPORATION ”) on the one part and the EDINBURGH AND
LEITH CORPORATIONS GAS COMMISSIONERS incorporated by Act
of Parliament (herein-after called “ the COMMISSIONERS ”) on
the other part.

Whereas the Corporation entered into an agreement between themselves on
the one part and the Portobello Gas Light Company Limited incorporated
under the Companies Acts 1862 to 1886 (herein-after called “ the Company ”)
on the other part dated the twenty-third and twenty-fourth days of April one
thousand eight hundred and ninety-six and set forth in the Fifth Schedule
annexed to the Edinburgh Extension Act 1896 and confirmed by section 77
of the said last-mentioned Act by which agreement the Company agree to sell
to the Corporation the whole undertaking of the Company with entry at
eleventh November one thousand eight hundred and ninety-six for the
considerations and on the terms and conditions specified in said agreement
And whereas the boundaries of the city and royal burgh of Edinburgh have
in virtue of the provisions of the said Edinburgh Extension Act 1896 been
extended so as to include the burgh of Portobello And whereas it has been
arranged between the Corporation and the Commissioners that the Corporation
shall transfer to the Commissioners as after mentioned their whole right and
interest in the foresaid agreement and undertaking of the Company and that
the Commissioners should accept of said transfer and relieve the Corporation

of the obligations payments and other prestations incumbent upon them under the said agreement in manner after mentioned And whereas the Commissioners' limits of gas supply prescribed by section 65 of the Edinburgh and Leith Corporations Gas Act 1888 do not include the burgh of Portobello but the Company prior to the eleventh day of November one thousand eight hundred and ninety-six made and stored and supplied gas within the said burgh of Portobello and places adjacent thereto and it has been arranged that application should be made to Parliament as after mentioned to extend the limits of the Commissioners' supply of gas to the said burgh of Portobello and it is expedient that the parties hereto should enter into these presents in manner after written Therefore the parties hereto have agreed and do hereby agree as follows viz.:—

First.—The Corporation shall consent to the Company transferring and conveying to the Commissioners and the Commissioners shall accept the conveyance from the Company with said consent of the whole undertaking of the Company including all the property and assets thereof heritable and moveable real and personal of what kind and nature soever and wheresoever situated together with the business of the Company and the whole rights powers and privileges of the Company as at the eleventh day of November one thousand eight hundred and ninety-six but excepting from said transfer all cash in bank and in the hands of the Company and all securities representing cash at said last-mentioned date and also excepting the whole debts due to the Company at said date the Commissioners shall accept the said subjects so transferred tantum et tale as they stood as at said last-mentioned date or as the said Corporation were entitled to acquire the same under the foresaid agreement.

Second.—The Commissioners shall be entitled to the benefits of all contracts of sale and purchase of service or employment and all insurances or otherwise to which the Company had right at said eleventh November one thousand eight hundred and ninety-six or which the Corporation have made in connexion with carrying on said gas undertaking with delivery of the books of the Company and writs vouchers and documents connected therewith.

Third.—The Commissioners shall relieve the Corporation of all the payments and obligations undertaken by or incumbent upon the Corporation under or in virtue of the said agreement confirmed as aforesaid and also of the payment of the sum of two hundred and ninety-four pounds two shillings and sevenpence being the outlays incurred by the Corporation in connexion with the undertaking of the Company subsequent to the date of the said agreement Provided always that the Commissioners shall not be liable for any expenses in connexion with the passing of the Edinburgh Extension Act 1896 whether incurred by the Corporation or the Company and in particular without prejudice to the said generality the Commissioners shall duly and regularly (in lieu of the Corporation) meet all the payments falling to be made by the Corporation under the annuity certificates for one thousand two hundred pounds per annum which have been granted by the Corporation to the shareholders of the Company in virtue of said agreement with right to the Commissioners (in lieu of the Corporation) at the term of Martinmas one thousand nine hundred and sixteen or at any term of Whitsunday or Martinmas occurring after the year one thousand nine hundred and sixteen in the option of the Commissioners to redeem the said annuities after three months' notice prior to such term by

A.D. 1897. paying to any holder an amount equal to twenty years' purchase of the annuity held by him in addition to the half-yearly sum which may be due at the term of redemption.

Fourth.—The Corporation shall promote a Bill in the ensuing session of Parliament inter alia for confirmation of this agreement and for power to the Commissioners to acquire the aforesaid gas undertaking of the Company and to make and store gas at the gasworks and holders of the Company and also for the extension by Parliament of the Commissioners' limits of gas supply so as to include the limits of the burgh of Portobello and for this purpose and to this extent to amend section 65 of the Edinburgh and Leith Corporations Gas Act 1888. The Commissioners shall upon obtaining confirmation as aforesaid supply gas within the limits of the said burgh of Portobello as from the said date of entry at the same rate as within their present limits.

Fifth.—Until the confirmation of this agreement by Parliament and the extension of the Commissioners' limits of supply to include the said burgh of Portobello as aforesaid the Corporation shall uphold and defend the Commissioners' right and title to carry on the manufacture storage and supply of gas within the said limits of the burgh of Portobello as fully as the Company could do prior to the said eleventh day of November one thousand eight hundred and ninety-six.

Sixth.—The Corporation shall relieve the Commissioners of all expenses in connection with the Bill to be promoted as aforesaid but they shall not be bound to pay any expenses to the Commissioners.

Seventh.—This agreement is made subject to the approval of Parliament and in the event of Parliament making any alteration of its terms and conditions which in the opinion of the Right Honourable John Blair Balfour Q.C. M.P. is material it shall be in the option of either the Corporation or the Commissioners to withdraw therefrom.

Eighth.—Every question or difference that may arise between the Corporation and the Commissioners as to the intent or meaning of these presents or as to the performance or carrying out of the same or as to the terms or clauses of the Corporation's Bill to be promoted in Parliament as aforesaid so far as such clauses affect or may affect the Commissioners or as to any other matter arising out of or connected with the subject of this agreement is hereby submitted and referred to the amicable decision of the Right Honourable John Blair Balfour Q.C. M.P. whom failing Alexander Asher Q.C. M.P. as sole arbiter whose decision shall be final and conclusive.

Lastly.—The Corporation and the Commissioners consent to the registration hereof for preservation and execution.

IN WITNESS WHEREOF these presents consisting of this and the two preceding pages are subscribed in duplicate as follows (videlicet) By the Right Honourable Andrew McDonald Lord Provost and Thomas Hunter Writer to the Signet Town Clerk both of the said City and Royal Burgh of Edinburgh in name and by authority of the magistrates and remanent members of council present in council at Edinburgh on the first December eighteen hundred and ninety-six before these witnesses John Wotherspoon and Donald Cameron both clerks to the said Thomas Hunter and for and on behalf of the Commissioners by

the said Right Honourable Andrew McDonald their chairman James McGregor Jack their clerk and John Smith Gibb their treasurer all at Edinburgh on the thirtieth November eighteen hundred and ninety-six before these witnesses Norman Scott McKay clerk and John Steell apprentice both to the said James McGregor Jack.

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NORMAN S. MCKAY Witness.

A. McDONALD Lord Provost
Chairman.

JOHN STEELL Witness.

JAMES MCG. JACK Clerk.

JOHN S. GIBB Treasurer.

JNO. WOTHERSPOON Witness.

A. McDONALD Lord Provost.

DON. CAMERON Witness.

THOMAS HUNTER Town Clerk.

The THIRD SCHEDULE.

The lands within the area situate within the parish of Duddingston and city of Edinburgh on which the gasworks and gasholders at Portobello are erected are bounded as follows:—

- (1) By a line commencing at a point on the east side of Bridge Street twenty-three and a half yards or thereabouts north-eastwards from the northern side of Bridge Street Lane and extending north-eastwards along said Bridge Street for a distance of sixty-nine yards or thereabouts to the northern boundary of the gasworks property thence south-eastwards along the north-eastern boundary of the said property to the western side of Pipe Street Lane thence south-westwards along the western side of the said last-mentioned lane for a distance of sixty-seven yards or thereabouts to the southern corner of said property thence north-westwards along the south-western boundary of the said property to the point of commencement:
- (2) By a line commencing on the northern side of Grove Lane sixteen yards or thereabouts south-eastwards from the northern corner of Grove Lane and Pipe Street and extending north-eastwards for a distance of fifty-seven yards or thereabouts to the northern corner of the gasometer grounds thence south-eastwards for a distance of thirty-eight yards or thereabouts along the north-eastern boundary of the said grounds to the eastern corner thereof thence south-westwards along the south-eastern boundary of said grounds to the southern corner thereof thence north-westwards along the south-western boundary of the said grounds to the point of commencement:
- (3) By a line commencing at the eastern corner of the ground occupied by the gasometer of the Portobello Gas Light Company Limited and now of the Corporation of Edinburgh said corner being thirty-seven and a half yards north-westwards from the eastern corner of Tower Street Hall measured along the line of the northern boundary of said Hall and its continuation thence north-westwards along the north-eastern boundary of said ground to the northern corner thereof for a distance of sixteen yards or thereabouts thence south-westwards along the north-western

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boundary to the western corner thereof for a distance of eighteen yards or thereabouts thence south-eastwards along the south-western boundary to the southern corner thereof for a distance of thirteen and a half yards or thereabouts thence north-eastwards along the south-eastern boundary to the point of commencement.

The FOURTH SCHEDULE.

This AGREEMENT made between the EDINBURGH NORTHERN TRAMWAYS COMPANY incorporated and carrying on business under and by virtue of the Edinburgh Northern Tramways Acts 1884 and 1887 and the Acts incorporated therewith (herein-after called "the COMPANY") of the one part and the LORD PROVOST MAGISTRATES and COUNCIL of the City and Royal Burgh of EDINBURGH (herein-after called "the CORPORATION") of the other part whereby it is agreed as follows viz. :—

1 The expression "undertaking" wherever used in these presents shall include all the tramways works and undertaking of the Company and all lands buildings and heritable property of the Company and also all rolling stock plant and moveable property of the Company in and upon the same or belonging to the Company and also all the rights powers and authorities of the Company in respect to the undertaking of the Company save and except the following (that is to say) :—

- (A) Six cars and accessories which Messrs. George F. Milns and Company of Birkenhead are now under contract with the Company to make and deliver ;
- (B) A wire cable which Messrs. Cradock and Company of Wakefield are now under contract with the Company to make and deliver ;
- (C) All cash in hand or at the bankers of the Company and all bills promissory notes cheques or other securities for money owing to the Company on the thirty-first day of December one thousand eight hundred and ninety-six ;
- (D) All rights claims and demands of the Company against any person or persons in connexion with the promotion of the Company or their acts and defaults as promoters advisers directors or officers thereof whether the subject of litigation now pending or which may hereafter be commenced by the Company against any of such persons ;
- (E) The right and interest of the Company over and in any parliamentary deposits heretofore made or hereafter to be made.

2. The Company agree to sell to the Corporation who agree to buy the undertaking of the Company and the same shall be transferred to and shall vest in the Corporation. The undertaking shall be conveyed and transferred by the Company to the Corporation free and discharged of and from all mortgages debts claims demands liabilities actions disputes or questions affecting or which

might affect or relate to the undertaking or any part thereof or the Company at midnight on the thirty-first day of December one thousand eight hundred and ninety-six all which shall be borne by the Company. A.D. 1897.

3. The Corporation shall take over the benefit of and relieve the Company from all liabilities under the contracts with Messrs. Milns and Company and Messrs. Cradock and Company referred to in Article 1 (A) and (B) of this agreement.

4. The Company shall not after the thirty-first day of December one thousand eight hundred and ninety-six create any mortgages or incumbrances upon its undertaking or any part thereof.

5. The Company shall complete and pay for the extensions and improvements at the depôt in Edinburgh according to the existing contract.

6. The purchase price payable by the Corporation to the Company shall be the sum of one hundred and fifteen thousand pounds whereof the sum of one hundred and ten thousand pounds shall be and is hereby apportioned as the price of the undertaking other than the movable property and the sum of five thousand pounds is apportioned as the price of the said movable property.

7. The purchase price shall be payable as at midnight on the thirty-first day of December one thousand eight hundred and ninety-six and shall be paid immediately upon the Corporation obtaining in the ensuing session of Parliament the necessary statutory authority to carry out this agreement whereupon the Corporation shall enter into actual possession of the undertaking.

8. The Corporation shall pay interest on the said sum of one hundred and fifteen thousand pounds from the thirty-first day of December one thousand eight hundred and ninety-six until actual payment thereof at the rate of four pounds ten shillings per centum per annum.

9. Each party shall bear and pay their own costs charges and expenses of and incident to the preparation and signature and execution of this agreement and carrying same into effect and the expense of the conveyance to be granted to the Corporation including stamp duty shall be borne by the parties hereto in equal shares.

10. From and after the thirty-first day of December one thousand eight hundred and ninety-six and until the payment of the purchase-money the Company shall carry on the undertaking as nearly as possible in the same manner as they have hitherto done and the Company shall account to the Corporation for the revenue and disbursements applicable thereto for the said period and shall pay over any balance on the revenue account for the said period to the Corporation or the Corporation may deduct the same from the purchase-money. The said account shall be taken upon the basis of the Company having carried on the undertaking freed and disburdened as mentioned in Article 2 of this Agreement for the benefit and at the risk of the Corporation as from midnight on the thirty-first day of December one thousand eight hundred and ninety-six and the Company shall be entitled to charge in such account all proper outgoings disbursements and payments including a proper proportion of all general charges applicable to the undertaking freed and disburdened as aforesaid as shown in the Company's annual revenue accounts for the said period. If upon taking such account a balance shall be found payable to the Company the same shall be paid by the Corporation to the Company.

A.D. 1897.

11. The whole provisions of this agreement are and shall be subject to the approval of Parliament and shall be scheduled to the Bill to be promoted by the Corporation in the ensuing session of Parliament and in the event of Parliament making any alteration upon this agreement which in the opinion of Charles Alfred Cripps Q.C. M.P. is material it shall be in the option of either party to withdraw from the agreement.

12. Both parties hereto bind and oblige themselves and their respective successors in the event of any difference or dispute between them in regard to any matter touching the meaning of these presents or the fulfilment thereof to submit and refer the same to the determination of Charles Alfred Cripps Q.C. M.P. whom failing of John Blair Balfour Q.C. M.P. whom failing of any arbiter to be mutually chosen by the parties And the decree arbitral of such arbiter shall be final and binding on the said parties and the said parties shall be bound and obliged to implement and fulfil whatever the said arbiter shall determine by written awards or decrees arbitral interim or final IN WITNESS WHEREOF this agreement is executed in duplicate as follows namely the same is subscribed on behalf of the Company by John Paterson and John Smith Comrie two of the directors and by Joseph Barber Glenn the Secretary of the Company and sealed with the common seal of the Company all at London on the fourteenth day of December in the year one thousand eight hundred and ninety-six before these witnesses James Hall and Stacy Bates both clerks to the said Joseph Barber Glenn and the same is also subscribed by the Right Honourable Andrew McDonald Lord Provost and Thomas Hunter Writer to the Signet town clerk both of the City and Royal Burgh of Edinburgh in name by authority and in presence of the magistrates and remanent members of the Town Council present in council at Edinburgh on the fifteenth day of the said month of December and year last above mentioned before these witnesses John Wotherspoon and Donald Cameron both clerks to the said Thomas Hunter.

JAMES HALL Witness.
STACY BATES Witness.



JOHN PATERSON Director.
JOHN S. COMRIE Director.
J. BARBER GLENN Secretary.

JNO. WOTHERSPOON Witness.
DON. CAMERON Witness.

A. McDONALD Lord Provost.
THOMAS HUNTER Town Clerk.

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