CHAPTER clvi.

An Act to provide an additional supply of Water for the city of Edinburgh, the town and port of Leith, and town of Portobello, and districts and places adjacent, from Moorfoot, including the River South Esk and Tweeddale Burn and Portmore Loch, and by additional storage in Glencorse Valley; to make further regulations for prevention of waste; to further suspend the period for constant service; and for other purposes. [30th July 1874.] A.D. 1874.

WHEREAS an Act was passed in the 32nd and 33rd year of the reign of Her Majesty Queen Victoria, intituled "The Edinburgh and District Waterworks Act, 1869," by which certain trustees were appointed, and incorporated under the name of "The Edinburgh and District Water Trustees," for supplying water to the city of Edinburgh, town and port of Leith, town of Portobello, and districts and places adjacent, and for transferring to the trust the undertaking and powers of the Edinburgh Water Company, which Water Company had been reincorporated by and acted under an Act passed in the 19th and 20th year of the reign of Her said Majesty, intituled "The Edinburgh Water Company's Act, 1856," by which Act the previous Acts of Parliament of the said Water Company were, with certain reservations, repealed; and under an Act of the 26th and 27th year of the reign of Her said Majesty, intituled "The Edinburgh Water Company's Amendment Act, 1863," and by the first-mentioned Act, in consideration of the annuities granted to the shareholders of the said Edinburgh Water Company, and the other payments and considerations in the said Act mentioned, the whole undertaking of the said Water Company was, as on the fifteenth day of May one thousand eight hundred and seventy, transferred to and vested in, and has since been managed and administered by, the said Edinburgh and District Water Trustees:

32 & 33 Vict. c. cxliv.

19 & 20 Vict. c. xci.

26 & 27 Vict. c. clxxxvii.

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And whereas when the Act first recited was passed the Edinburgh Water Company was in terms of its Acts by the adoption of "The Waterworks Clauses Act, 1847," bound to provide a supply of water constantly laid on at such a pressure as would make the water reach the top storey of the highest houses within the limits in the said Acts defined, and also to cause pipes to be laid down and water to be brought to every part of the town and district within such limits, under the penalties in the said Waterworks Clauses Act imposed for non-fulfilment of such obligation; but the said Water Company, by reason of the insufficiency of their supply, were unable to fulfil the said obligations, and in consequence of such inability, and in contemplation of a further supply being provided by the Edinburgh and District Water Trustees, it was provided by the Act first recited that the said Trustees should not be bound to have the water constantly laid on under pressure, and that no penalty under the incorporated Waterworks Clauses Acts in respect of the supply should attach to the Trustees for a period of five years from the vesting of the undertaking in the Trustees under the said Act, that is to say, until the fifteenth day of May one thousand eight hundred and seventy-five:

And whereas with a view to providing an additional supply of water, and in order to satisfy the obligation imposed on them by Parliament to provide a constant supply under pressure, and escape the penalties contained in the said Waterworks Clauses Acts, which obligation and penalties had been suspended as before mentioned, the said Trustees promoted a Bill in Parliament in the session of 1871 "to provide an additional supply of water for the city of "Edinburgh, the town and port of Leith, and town of Portobello, "and districts and places adjacent, from St. Mary's Loch and the "Loch of the Lowes, in the counties of Selkirk and Peebles, and "for other purposes," which Bill was passed by the House of Commons, but was rejected by the House of Lords; and a large amount of costs, charges, and expenses was incurred by the Trustees in prosecution and promotion of the said measure, which costs, charges, and expenses were incurred in good faith by the Trustees under pressure of the obligation imposed on them by the first-recited Act, and in the belief that such prosecution and promotion was within their legal powers under the said Act:

And whereas, on the refusal of the said Bill by Parliament, a note of suspension and inderdict was presented to the Court of Session in Scotland against the said Edinburgh and District Water Trustees, to have the said Trustees interdicted and prohibited from payment out of the funds of the trust of the costs, charges, and expenses

incurred by them, in which proceedings it was found by the Lord Gifford Ordinary, and afterwards on the 8th day of March 1872, by the first division of the Inner House, that the trust created by the first-recited Act was not created for the purposes of obtaining additional supplies of water, but only for administration of the then existing supply, and the said Trustees were interdicted and prohibited from payment out of the funds of their trust of the costs, charges, and expenses incurred by them as aforesaid:

And whereas such interdict and prohibition has led to much embarrassment in the administration of the trust committed to the said Trustees, and may lead to much hardship as regards the individual members of the trust, unless remedy be provided:

And whereas the present supply of water to the said city of Edinburgh, town and port of Leith, town of Portobello, and districts and places adjacent, is inadequate and insufficient for the wants and convenience of the present and rapidly increasing population, trade, manufactures, and shipping of the said city, port, and towns, districts and places adjacent, and insufficient to enable the Trustees to fulfil the obligation of constant service before mentioned; and it is necessary on these accounts, as well as to promote the health and comfort of the inhabitants, and for the improvement of the sanitary condition of the said city, port, and towns, and districts and places adjacent, that a more abundant supply of good, pure, and wholesome water should be afforded to the inhabitants; and it would be of public advantage that the said Trustees should be authorised to introduce such additional supply of water from Moorfoot in the counties of Edinburgh and Peebles, including the River South Esk, Tweeddale Burn, Portmore Loch, with compensation from Fullarton Burn, and by means of additional storage to be provided in Glencorse Valley, and to execute such works for that purpose as may be necessary:

And whereas plans and sections of the waterworks and other works proposed to be constructed under the authority of this Act, and also a book of reference thereto containing the names of the owners or reputed owners, lessees or reputed lessees, and of the occupiers of the lands, loch, river, burns, streams, and waters, and other property in or upon which the same are intended to be constructed, or which may be taken for the purposes of this Act, have been deposited with the sheriff clerks of the counties of Edinburgh and Peebles, and with the sheriff clerk of the county of the city of Edinburgh:

And whereas by the first-recited Act it is enacted, that from and after the third Tuesday after the passing of the same the Lord

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Provost of the city of Edinburgh and the provosts of the town of Leith and the town of Portobello, all for the time being, with seventeen persons to be elected by the Corporation of Edinburgh, and four persons to be elected by the Corporation of Leith, and one person to be elected by the Corporation of Portobello, should be Trustees for carrying the said Act into execution, which Trustees should continue in office till the third Tuesday in November one thousand eight hundred and sixty-nine, when they should go out of office and other Trustees should be elected in their place, to continue in office until the third Tuesday of November one thousand eight hundred and seventy, when other Trustees should in like manner be elected in their room for a like period, and so annually thereafter, provided that the Trustees going out of office might be re-elected; and it is expedient that as far as practicable one-third only of the Trustees to be elected should retire in each year, and the constitution of the trust be to that extent amended; and it is also expedient that the obligation to provide a constant supply under pressure under sanction of penalties should be further suspended until such additional supply can be introduced, and that the costs, charges, and expenses incurred in promotion of the Bill of 1871 should be authorised and appointed to be paid under the authority of this Act, and that the area of supply should be extended, and that the Trustees should be authorised to provide from time to time such additional supplies as may be necessary for the health and comfort and improvement of the sanitary condition of the communities they represent and adjoining districts, and that other powers be taken and provision be made in regard to the objects before mentioned:

But such purposes 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 and District Waterworks (Additional Supply) Act, 1874."

Construction of terms.

2. The following words and expressions shall have the several meanings hereby assigned to them; that is to say,

The word "Trustees" shall mean the Trustees for the time being constituted and incorporated by the first-recited Act, or by the said Act as amended by this Act, as the case may be; and the following other words and expressions used in the said Act

shall when used in this Act respectively have the meaning attached to them in the said first-recited Act, viz., the words "clerk" and "treasurer," "the city," "the town of Leith," "the town of Portobello," "the corporation of Edinburgh," "the corporation of Leith," "the corporation of Portobello," "lands and heritages," "valuation roll" or "valuation rolls," "dwelling house," "owner," "occupier."

Provisions of certain general Acts incorporated.

3. "The Lands Clauses Consolidation (Scotland) Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," shall be incorporated with and form part of this Act; and also the clauses of "The Railways Clauses Consolidation (Scotland) Act, 1845," with respect to the temporary occupation of lands near the railway during the construction thereof; and in construing the said Acts and clauses for the purposes of this Act, the word "Company" shall mean the Trustees, and the word "railway" shall mean the waterworks of the Trustees, and the words "centre of the railway" shall mean any part of the waterworks.

Certain provisions of 10 & 11 Vict. c. 16 incorporated.

4. "The Commissioners Clauses Act, 1847," with the exceptions specified in the first-recited Act, and excepting so far as varied by that Act and this Act, shall be and the same is hereby incorporated with this Act.

Certain provisions of 10 & 11 Vict. c. 17. and 26 & 27 Vict. c. 93. incorporated.

5. The provisions of "The Waterworks Clauses Acts, 1847 and 1863," with the exceptions specified in the first-recited Act, but not including among such exceptions the provisions as to the construction of the waterworks, which provisions are herewith incorporated, and except in regard to the provisions as to the security of reservoirs, and any matter or thing otherwise provided for in the said first-recited Act and this Act, shall be incorporated with this Act, and applied to the works hereby authorised to be made and executed; and the words "lands" and "streams" used therein shall in this Act mean the lands, water, river, burns, and streams hereby authorised to be taken or used. The Trustees shall not be bound to have the water constantly laid on under pressure, and no penalty under the said incorporated Acts, or under the recited Act, in respect of the supply shall attach to the Trustees until the expiration of a period of five years from and after the passing of this Act, or until the works hereby authorised shall have been completed, and the water introduced.

Further suspension of constant supply.

Amendment of rotation of Trustees.

6. At the elections of Trustees acting under the first-recited Act on the third Tuesday of November in the year one thousand eight hundred and seventy-four, five only of the Trustees elected for the city, and one only of the Trustees elected for the town of Leith,

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shall go out of office; and at the said elections on the third Tuesday of November in the next year, six only of such Trustees elected for the city, and one only of the Trustees elected for the town of Leith, shall go out of office; and in the following year, six only of the Trustees elected for the city, and two only of the Trustees elected for the town of Leith, shall go out of office; and the same rotation of going out of office shall be followed in every succeeding period of three years thereafter, as regards the city and town of Leith; and as regards the town of Portobello, the person to be elected a Trustee at the election on the third Tuesday of November one thousand eight hundred and seventy-four shall continue as such for a period of three years, and such election for Portobello shall take place once only in three years thereafter: Provided always, that all persons so going out of office shall be eligible to be re-elected, and provided also, that the Corporation of Edinburgh and Corporation of Leith respectively shall, at their meetings on the third Tuesday of November one thousand eight hundred and seventy-four, and one thousand eight hundred and seventy-five, respectively, fix and determine which of the Trustees respectively elected by them shall retire at the elections in these years; and thereafter the parties so elected or re-elected shall hold office for the period of three years from the date of their election or re-election; and in the event of any vacancy occurring among the Trustees, the person elected to fill the said vacancy shall, without prejudice to his re-election, hold office only for the period during which the Trustee in whose place he shall have been elected would have held the same.

Provisions as to Trustees otherwise to have effect.

7. The whole provisions of the first-recited Act with respect to the election and qualifications of Trustees shall, except in so far as altered by this Act, have full force and effect.

Power to make waterworks according to deposited plans.

8. The Trustees are hereby authorised, subject to the provisions and restrictions contained in this Act, to take water from Portmore Loch, otherwise West Loch, in the parish of Eddleston and county of Peebles, the River South Esk, Gladhouse Burn, and Tweeddale Burn, in the parish of Temple and county of Edinburgh; and for the purpose of compensation after mentioned from the Fullarton Burn in the parishes of Carrington, Penicuik, and Temple; and also the waters of the Whitecleuch Burn and Logan Burn, and the waters draining into a catchwater drain or conduit, after described, to be situate in the said parish of Penicuik and county of Edinburgh, and affluents and tributaries of the said loch, river, burns, streams, and waters, excepting always the Fullarton Burn as aforesaid, for the supply of the said city, towns, port, districts, and places adjacent, and to make, construct, and maintain the said waterworks, and all

necessary works and conveniences connected therewith, in the lines and on the levels and upon the lands delineated on the said plans and sections, and described in the book of reference, and to enter upon and compulsorily take and use such of the lands, loch, river, burns, streams, and waters, and other property delineated on the said plans, and referred to in the said book of reference, as shall be necessary for these purposes, including such lands and property so delineated and referred to as may be submerged by the operations of the Trustees.

Works to be executed.

9. The works by this Act authorised to be executed shall include:

First. Portmore Reservoir.—A reservoir (herein called the "Portmore Reservoir") for taking, impounding, and diverting the waters of and draining into Portmore Loch, otherwise West Loch, to be situate in the parish of Eddleston and county of Peebles, commencing at a point on the Loch Burn (before it enters the said loch) 270 yards or thereabouts, measured along the course of the said burn from the point where the said burn enters the said loch, and terminating at an embankment to be formed across the Loch Burn (after it leaves the said loch) at a point therein 40 yards or thereabouts from the point where the said burn leaves the said loch, by means of which embankment it is intended to raise the existing surface of the water in the said loch and reservoir about 10 feet; together with a road of access to the said reservoir, to be wholly situate in the said parish, commencing in and by a junction with the road from Braidwood to Peebles, at a point 100 yards or thereabouts south-west from West Loch Farm-steading, and terminating at or near to the embankment before mentioned:

Second. Gladhouse Reservoir.—A reservoir (herein called the "Gladhouse Reservoir") for taking, impounding, and diverting the waters of the River South Esk, the Gladhouse Burn, and the Tweeddale Burn, to be situate in the parish of Temple and county of Edinburgh, commencing at a point in the said River South Esk 530 yards or thereabouts, measured in a north-easterly direction from the dwelling-house of Moorfoot Farm, and terminating at an embankment to be formed across the said River South Esk at a point therein 270 yards or thereabouts, measured along the course of the said river from and below the point where the said river is joined by the Black Burn:

Third. Edgelaw Reservoir.—A reservoir (herein called "Edgelaw Reservoir") for taking and impounding the waters of

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Fullarton Burn, to be situate in the parishes of Carrington, Penicuik, and Temple, all in the county of Edinburgh, commencing at a point in the said Fullarton Burn 830 yards or thereabouts, measured along the course of the said Fullarton Burn, from and below the point where the said Fullarton Burn is joined by the burn flowing from Mount Lothian Farm-steading, and terminating at an embankment to be formed across the said Fullarton Burn at a point therein 100 yards or thereabouts, measured along the course of the said burn, from and below the point where the said Fullarton Burn is joined by the Cauldhall Burn; together with a road of access to the said reservoir, to be wholly situate in the said parish of Temple, and commencing in and by a junction with the turnpike road from Braidwood to Peebles, at a point 100 yards or thereabout north-east from Rosebery Farm-steading, and terminating at or near the embankment of such reservoir:

Fourth. Alnwick Hill Reservoir.—A reservoir (herein called "Alnwick Hill Service Reservoir"), 150 yards long and 150 yards wide or thereabouts, situate in the parish of Liberton and county of Edinburgh, in the field east of Alnwick Hill Reformatory, and adjoining the turnpike road leading from Howden's Hall to Edinburgh by Alnwick Hill; the south-west corner of which reservoir will be 30 yards or thereabout east of the north-east corner of Alnwick Hill Reformatory, and the north-west corner of which reservoir will be 150 yards or thereabouts north-east of the same point:

Fifth. Conduit No. 1.—An aqueduct, catchwater drain, or conduit (herein called "Conduit No. 1"), commencing in the parish of Eddleston and county of Peebles, in the said Portmore Reservoir, at or near the embankment of such reservoir as before described, and terminating in the parish of Temple and county of Edinburgh, in the said Gladhouse Reservoir, at or near the embankment of such reservoir, which aqueduct, catchwater drain, or conduit will pass from, in, through, or into the parish of Eddleston and county of Peebles, and parish of Temple and county of Edinburgh:

Sixth. Conduit No. 2.—An aqueduct, conduit, or line of pipes (herein called "Conduit No. 2"), commencing in the parish of Temple and county of Edinburgh, in the said Gladhouse Reservoir, at or near the embankment of such reservoir, and terminating in the Alnwick Hill Service Reservoir above described, in the parish of Liberton and county of Edinburgh, and which aqueduct, conduit, or line of pipes will pass from,

in, through, or into the following parishes, or some of them, viz., the parishes of Temple, Carrington, Lasswade, and Liberton, all in the county of Edinburgh :

Seventh. Conduit No. 3.—An aqueduct, conduit, or line of pipes (herein called "Conduit No. 3"), commencing in the parish of Liberton and county of Edinburgh, in the Alnwick Hill Service Reservoir, above described, and terminating at or near the point at the south end of Minto Street, where Mayfield-loan joins such street, in the parish of St. Cuthbert's, and within the municipal boundaries of the city and royal burgh of Edinburgh, which aqueduct, conduit, or line of pipes will pass from, in, through, or into the parishes of Liberton and St. Cuthbert's, both in the county of Edinburgh :

Eighth. Denscleuch Reservoir.—A reservoir (herein called "Denscleuch Reservoir") for taking, impounding, and diverting the waters of the Whitecleuch Burn and Logan Burn, to be situated in Denscleuch, in the parish of Penicuik in the county of Edinburgh, commencing at a point in the said Denscleuch 1,400 yards or thereabouts north-west of Logan Cottage, and terminating at an embankment to be formed across the Whitecleuch Burn at a point therein 270 yards or thereabouts north-west of the said Logan Cottage :

Ninth. A catchwater drain or conduit (herein called "Conduit No. 4") to be situate in the parish of Penicuik and county of Edinburgh, commencing at or near the waste weir of the existing Logan Lea Reservoir, and terminating in the Denscleuch Reservoir above described, at or near the embankment of the said reservoir :

Together with such embankments, dams, weirs, sluices, gauges, filters and filtering beds, pipes, cuts, channels, tunnels, and all other works and conveniences connected therewith, as may be necessary.

Power to stop up roads, &c.

10. For the purposes of this Act the Trustees may from time to time divert, alter, or stop up temporarily any roads, streets, lanes, sewers, drains, watercourses, gas and water pipes, within the limits of deviation, and also permanently shut up any roads shown on the deposited plans as to be so shut up, and specified in the deposited book of reference, which they may find necessary, making compensation to any persons injuriously affected by anything done under this section.

Waters to impounded.

11. By means of the works before described the Trustees may take, divert, collect, and store the waters of the Portmore Loch, and its burns, streams, and tributaries in the Portmore Reservoir before

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described, and the waters of the Gladhouse Burn and the River South Esk (including the waters of Portmore Loch and Tweeddale Burn before mentioned), with their tributaries, above the site of the embankment of the Gladhouse Reservoir in such reservoir; and the waters of Fullarton Burn for the purposes of compensation in the Edgelaw Reservoir before described; such waters or some of them so stored in the Portmore and Gladhouse Reservoirs to be conveyed into the Alnwick Hill Service Reservoir, and thence to Edinburgh, for distribution within the said city, towns, port, and places adjacent; and may impound and store in the Denscleuch Reservoir all or some of the waters of the Logan Burn and Whitecleuch Burn and affluents thereof, and all or any other streams or waters which are capable of being intercepted or collected by means of such intended works, and from thence, by such intended works, or some of them, and by the existing undertaking and works of the Trustees, or one or more of them, the said waters, with the exception of the said Fullarton Burn, shall be appropriated for supplying water to the said city, towns, port, and district, and places adjacent, and for the other purposes of the said Act, but subject nevertheless to the statutory rights of all parties interested in the compensation water to be given from, or out of, or by means of any of the waters of the Glencorse Valley, above the Crawley cistern.

Power of deviation in constructing works.

12. In constructing the works by this Act authorised it shall be lawful for the Trustees to make lateral deviations from the line of such works, and from the lands and property to be taken, not exceeding the limits of lateral deviation marked on the said plans, and to make vertical deviations from the levels of the various works as shown on the said sections to any extent not exceeding five feet downwards and two feet upwards.

Regulating supply of water to the river.

13. As part of the compensation for the water to be taken for the purposes of this Act, the Trustees shall, before they supply water from the Gladhouse Reservoir to and for the said city, towns, port, districts, and places adjacent, cause to be discharged from the Gladhouse Reservoir, into the course of the River South Esk, through the gauges to be erected thereon as after provided, a daily quantity of water amounting to two millions two hundred and sixty-four thousand five hundred and eighty-three gallons, and such quantity of water shall be discharged in a continuous and uniform stream, during the whole period of twenty-four hours of each day.

Construction and maintenance of compensation reservoir.

14. As further compensation for the water to be taken for the purposes of this Act, the Trustees shall, before they commence to supply water from the said Gladhouse Reservoir to and for the said

city, towns, port, districts, and places adjacent, construct at the sight and to the satisfaction of George Cunningham, of Edinburgh, civil engineer, whom failing, of an engineer to be appointed by the sheriff of the county of Mid-Lothian, and shall thereafter permanently maintain at their own expense the said Edgelaw Reservoir, for compensation purposes only, capable of containing at least forty-four million cubic feet of water above the level of six feet above the bottom of the offlet sluice, and the discharge of water from such reservoir shall be placed under the control of a committee consisting of the proprietors for the time being of the estates of Arniston, Rosebery, Newbattle, Dalhousie, and Dalkeith, or under the control of persons duly authorised by such committee, who shall from time to time determine the quantity of water to be given off into the stream below, and the quantity so determined shall be given off day and night during every day of the week, Sundays included.

Compensation at Newbattle Paper Mills, and to proprietors of Arniston, Kirkhill, Dalhousie, Newbattle, and Dalkeith.

15. As further compensation for the water to be taken for the purposes of this Act, the Trustees shall, before they commence to supply water from the Gladhouse Reservoir to and for the said city, towns, port, districts, and places adjacent, provide without charge to the owner, lessees, and occupiers of Newbattle Paper Mills, in the parish of Newbattle, for the use of the said mills, until the expiry of the current lease thereof, and thereafter to the proprietor of the estate of Newbattle for the time being, at the point now occupied by the said mills, for the use of the said mills, or otherwise, in perpetuity and without charge, one hundred and thirty-five thousand gallons of water per day, to be delivered in a constant flow every day of the year, except when the Trustees shall be prevented by accident, necessary repairs, or other unavoidable cause; and also to the proprietors for the time being of the estates of Arniston, Kirkhill, Dalhousie, Newbattle, and Dalkeith respectively, such a further quantity of water as may be required by them, not exceeding in the whole three hundred and fifty-eight thousand gallons for every day in the year, in perpetuity and without charge, except when the Trustees are prevented as aforesaid, divisible as after mentioned, which two respective quantities of one hundred and thirty-five thousand and three hundred and fifty-eight thousand gallons, amounting together to four hundred and ninety-three thousand gallons, shall be provided by the Trustees from the conduit No. 2 by this Act authorised: Provided always, that such quantity of four hundred and ninety-three thousand gallons of water shall be so discharged if and when and so soon as the parties, or any of them, entitled to receive the same shall have laid down an iron pipe there-

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for through the estates of Rosebery, Arniston, Kirkhill, Dalhousie, and Newbattle, as far as the estate of Dalkeith, at the sight of the said George Cunningham, and to the satisfaction of the engineer of the Trustees; and so soon as the said pipe shall be laid the Trustees shall pay the expense incurred in providing and laying the same, but not including in such expense the expense of branch or service pipes on or to the said several estates, and shall also pay the expense of the maintenance of the said iron pipe in all time coming: Provided also, that the aforesaid quantity of three hundred and fifty-eight thousand gallons per day shall be divided as follows, videlicet, one hundred and thirty-five thousand gallons per day to the proprietor for the time being of the estate of Arniston, three thousand gallons per day to the proprietor for the time being of the estate of Kirkhill, twenty thousand gallons per day to the proprietor for the time being of the estate of Dalhousie, one hundred thousand gallons per day to the proprietor for the time being of the estate of Newbattle, and one hundred thousand gallons per day to the proprietor for the time being of the estate of Dalkeith; but nothing herein contained shall be held to confer on the proprietors of the said estates, or any of them, or on the Trustees, power to take lands or property compulsorily for the purpose before mentioned.

If compensation at Newbattle Paper Mills given under Musselburgh and Dalkeith Act obligation to cease.

16. If the owner, lessees, and occupiers of the Newbattle Paper Mills shall become entitled to receive the compensation provided to them under "The Musselburgh and Dalkeith Water Act, 1871," by the construction of the works thereby authorised, the obligation for compensation provided by this Act in regard thereto shall cease and determine, but without prejudice to the other obligations for compensation under this Act to the proprietors for the time being of the estates of Arniston, Kirkhill, Dalhousie, Newbattle, and Dalkeith.

Trustees to appoint and maintain sluice keeper.

17. The Trustees shall from time to time appoint a proper person as sluice keeper of the said Edgelaw Reservoir, for the regulation of the discharge of the said reservoir, and such sluice keeper shall at all times reside in a dwelling-house to be built or provided and maintained by the Trustees near to the said reservoir, and shall mete out the water according to written instructions, to be drawn up for the purpose by the committee herein-before mentioned for the regulation of the discharge from the said Edgelaw Reservoir; and in case the said sluice keeper shall fail or refuse to attend to or comply with the said written instructions, he shall, on complaint being made to the Trustees, and proof given by any of the committee of such neglect or refusal, be forthwith dismissed by the Trustees, who shall without delay appoint some other person in his

stead, and such other person shall be liable to be dismissed in like manner on a like complaint being made and proved against him.

Proprietors not to be liable for damage from bursting of reservoirs, &c.

18. Notwithstanding that the said Edgelaw Reservoir shall have been constructed for compensation purposes only, and the distribution of the water placed under the regulation of the said proprietors, it is hereby provided that if any of the reservoirs or the said pipe for the supply at Newbattle Paper Mills, and to the proprietors of the estates of Arniston, Kirkhill, Dalhousie, Newbattle, and Dalkeith, or works constructed by the Trustees, shall at any time burst or give way in consequence of floods or other causes, the said proprietors shall in no respect be held liable for any loss or damage thereby.

Discretionary power conferred on sluice keeper in certain events.

19. It shall be in the power of the sluice keeper, should he have reasonable cause to apprehend any damage to the banks or sluices from floods or otherwise, to disregard for the time being the aforesaid written instructions of the said committee, and to discharge such other greater or lesser quantity of water as he may consider necessary.

Trustees may take remaining waters.

20. In consideration of the delivery of the quantities of water aforesaid, the Trustees shall be entitled to take and use from time to time, for the purposes of their undertaking, any others of the waters of the Portmore Loch, Tweeddale Burn, and Gladhouse Burn, or South Esk, above the embankment of the Gladhouse Reservoir.

Water to be taken in full compensation.

21. The quantities of water by this Act provided shall be accepted and taken by the owners, lessees, and occupiers of mills and other properties situate on the said River South Esk, and Fullarton Burn and River Esk, after the junction of the said River South Esk with the River North Esk, as full compensation for all water to be withdrawn, appropriated, and taken by the Trustees for the supply of the said city, towns, port, districts, and places adjacent under the authority of this Act.

Trustees to erect and maintain gauges.

22. The Trustees shall erect and construct and for ever maintain upon the River South Esk and Fullarton Burn proper and sufficient measuring gauges at points to be determined by the said George Cunningham, whom failing, by an engineer to be appointed by the sheriff of the county of Mid-Lothian, over or through which the said respective quantities of water for the supply of the said River South Esk and Fullarton Burn shall flow or be discharged; and such gauges shall be respectively open to the inspection and examination of all parties having a legal interest in the water so to flow

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or to be discharged through or over the same, and their respective agents.

Inspection by land-owners of gauges.

23. The Trustees shall employ and keep a proper person or proper persons at all times in charge of the measuring gauges so constructed, and shall permit the owners or reputed owners of the lands adjoining the said loch, river, burns, and streams respectively, and all parties having a legal interest in the water, and their respective agents, at all times to have access to, and to examine and test the efficiency of such gauges, and shall afford to such owners or reputed owners and agents and others, free of charge, all requisite and proper facilities, including the assistance of such person or persons in charge, for such examining and testing.

For repair by land-owners of gauges.

24. Whenever such measuring gauges are in any respect out of repair, inaccurate, or insufficient, and the Trustees shall fail to repair and make good the same within fourteen days after notice in writing of such disrepair or insufficiency has been given to the clerk by such owners or reputed owners, or other parties having a legal interest in the same, or any of them, or their respective agents, then such owners or reputed owners, or others respectively, may from time to time repair or make good such gauges, or provide other proper and sufficient gauges in lieu thereof, and do all such things as may be proper and sufficient for these purposes; and the amount of all the expenses from time to time incurred in that behalf by such owners or reputed owners or others shall be paid to them on demand by the Trustees, together with a penalty not exceeding ten pounds for every day on which such gauges shall remain in a state of disrepair or insufficiency after the lapse of the period before mentioned, which expenses and penalty may be recovered in any court of competent jurisdiction.

Compensation to the Mid-Lothian Water Company.

25. And whereas the Mid-Lothian Water Company allege that prejudice will arise to them from the supply by way of compensation to be afforded under the powers of this Act to the users of the waters of the River South Esk and Fullarton Burn, and by the extension of the limits and power of supply by this Act authorised to certain parishes and places within the county of Edinburgh, which the said Mid-Lothian Water Company has been authorised to supply with water: Therefore the Trustees shall, within three months after the passing of this Act, pay to the said Company as full compensation for such alleged prejudice, and for and in respect of all loss, damage, and injury, immediate and consequential, which the said Company shall sustain by reason of this Act, the sum of ten thousand pounds, and the said sum shall be a debt recoverable

by the Company from the Trustees in any court of competent jurisdiction. A.D. 1874.

Lands for extraordinary purposes.

26. The Trustees may purchase by agreement lands not exceeding twenty acres for the purpose of making depôts, pipe yards, and other buildings and conveniences in connexion with the works by this Act authorised.

Period for purchasing lands.

27. The powers hereby granted for the compulsory purchase of lands and other property shall not be exercised after five years from the passing of this Act.

Period for completing works.

28. After the expiration of seven years from the passing of this Act all the powers for completing the new works by this Act authorised shall cease to be exercised, except as to so much thereof as are then completed.

For protection against accidents from reservoirs, &c.

29. The provisions in the recited Acts for protection against accidents from reservoirs or embankments shall extend and be applied to the reservoirs and embankments by this Act authorised.

Trustees may alter and enlarge pipes.

30. The Trustees may from time to time alter, enlarge, or increase the number of the pipes for conveying water to the said city, towns, port, districts, and places adjacent, and may also from time to time extend their existing works, mains, and pipes, or any additional mains and pipes that may hereafter be constructed and laid by them, whenever it shall be necessary for the purpose of supplying water within the limits of this Act.

Limits of Act and of compulsory supply.

31. The limits of compulsory supply under the first-recited Act shall continue to be the limits of compulsory supply, but the limits of this Act and of the said Act shall, from and after the execution of the works for additional supply by this Act authorised, and the introduction of the water within the limits of compulsory supply, be extended for other purposes so as to include the parishes of Inveresk, Liberton, Colinton, Corstorphine, and Cramond, all in the county of Edinburgh: Provided always, that, as regards that part of the parish of Inveresk which is within the parliamentary boundaries of the burgh of Musselburgh, the requisition required by section 62 of the first-recited Act may be made by the provost, magistrates, and town council of Musselburgh, either as the local authority thereof or as the Musselburgh and Dalkeith water trustees: Provided also, that, except with the consent in writing of the Liberton Waterworks Company, the Trustees shall not supply any water within that portion of the said parish of Liberton marked and enclosed with a yellow line on a plan annexed to a feu charter, by Walter James

A.D. 1874.

Little Gilmour, of Craigmillar, in favour of the Trustees for the Liberton Waterworks Company, dated 3rd January 1868.

Supply for other purposes.

32. The obligations of the Trustees to supply water for other purposes than those in this Act mentioned shall, subject to the provisions of this Act, continue to be binding on them as in the recited Acts provided, or as may be otherwise incumbent on the Trustees.

Act not to affect Crown property.

33. This Act shall not apply to, or in any manner affect, any of the lands, estates, or property of or belonging to Her Majesty or Her Majesty's Principal Secretary of State for the War Department, or any rights, estates, or interests therein, or appurtenant thereto, without the consent in writing of the said Principal Secretary of State for the War Department for the time being first obtained.

As to supply of Castle of Edinburgh and dock-yard at Leith.

34. All the provisions in the recited Acts contained relative to the supply of the Castle of Edinburgh and Her Majesty's dock-yard at Leith shall remain in full force and effect.

No additional rate on Edinburgh Castle.

35. The Trustees shall continue to supply the Castle, barracks, and garrison of Edinburgh with the like weekly or other quantity of water, and at the like rate in the pound, as they have hitherto done, and without demanding or being entitled to claim or demand any further or greater amount of rate or charge for such supply of water.

Supply for police and public purposes.

36. The Trustees shall also be bound to furnish from the public firecocks in the streets and lanes within the limits of compulsory supply, and by means of such other appliances as may from time to time be provided for the purpose within the said limits, a supply of water for extinguishing fires, watering and washing the streets, lanes, closes, and pavements, and for flushing the sewers, drains, and gutters within the said limits; and the Trustees shall also furnish a supply of water for the City Chambers and Police Office in Edinburgh, the Town Hall and Police Office in Leith, and the Town Hall and Police Office in Portobello, so far as the same are exclusively occupied for municipal or police purposes, and also for the police stations and workshops, and also for public urinals and privies, and for other public sanitary purposes within the said limits: Provided always, that until the introduction of the additional supply of water by this Act authorised, the Trustees shall not be bound to provide any larger supply for the purposes aforesaid than they were bound to provide previous to the passing of this Act.

Supply to poorhouses within limits

37. The Trustees shall cause pipes to be laid, if not already done, and water to be supplied to all poorhouses within the limits of

compulsory supply, and shall furnish a sufficient supply of water to the same in the same manner as is provided in regard to the supply for domestic use within such limits; and such water so supplied shall be charged for at such rates and in such manner as the Trustees are entitled to charge to persons requiring an extraordinary supply of water under the first-recited Act: Provided always, that this enactment shall not apply to "The Edinburgh Parish Poorhouse Water Supply Act, 1869." A.D. 1874. — of compulsory supply.

38. It shall be lawful for the Trustees to enter into agreements with any railway or other public company, or other persons requiring large quantities of water, for providing to such company or persons, temporarily or permanently, supplies of water at such rates and for such consideration as may be agreed upon between the Trustees and such company or persons. Power for Trustees and companies to enter into agreements for supply of water.

39. It shall be lawful for the Trustees, and they are hereby authorised and required, after due estimate made of the amount of money necessary to be levied for and during the year current under the first-recited Act and this Act, in manner prescribed by the said first-recited Act, and in room and place of the domestic water rate by the said Act authorised, once in every year, at a meeting to be held for the purpose on or before the last Monday of September, to assess and levy a rate, to be called "the domestic water rate," upon and from the occupiers of every house or part of a house occupied as a separate dwelling-house, and of every shop, workshop, office, or warehouse within the limits of compulsory supply, according to the full annual value of such dwelling-house, and of such shop, workshop, office, or warehouse: Provided always, that the domestic water rate to be assessed and levied upon and from the occupiers of shops, workshops, offices, or warehouses shall not exceed threepence in the pound of the full annual value thereof, where water is not used for business purposes, and shall not be calculated on any rental so far as exceeding one hundred and twenty pounds: Provided also, that no warehouse, granary, or cellar unconnected with a dwelling-house, and used exclusively for the storage of goods, and in which a supply of water is never required for any purpose, shall be liable for the domestic water rate: Provided further, that the amount to be levied for the supply of water to any dwelling-house, shop, workshop, office, warehouse, or other premises whatsoever, for any one year, or for a shorter period than one year, shall in no case be less than four shillings: Provided always, that where water is used for business purposes in the shops or premises of wine, spirit, or beer merchants, then the parties so using it shall, instead of the domestic water rate, be chargeable for their whole supply Domestic water rate to be levied.

A.D. 1874.

according to the rates and provisions under section 63 of the first-recited Act.

Public water rate.

40. It shall also be lawful for the Trustees, and they are hereby authorised and required, once in every year, while assessing the domestic water rate by this Act authorised, to assess and levy in equal proportions upon and from the owners and occupiers of all lands and heritages within the limits of compulsory supply, according to the several valuation rolls applicable to the lands and heritages within such limits, subject to the exceptions herein-after provided, a rate to be called "the public water rate," not exceeding one penny in the pound of the annual value of all such lands and heritages: Provided always, that the Trustees may charge the occupiers of all such lands and heritages rented and valued above ten pounds the whole of such rate, and the occupiers shall be entitled in that case to retain or recover from the owners one half of such rate; and the Trustees shall be entitled to charge and recover from the owners of all such lands and heritages rented and valued at ten pounds and under the whole of the said rate.

Arable land, &c., how to be valued.

41. In assessing and levying the public water rate the annual value of the following lands and heritages shall be held to be the nearest aggregate sum of pounds sterling to one fourth of the annual value thereof entered in the valuation roll, viz. (1st) all lands and premises used exclusively as a canal, or basin of a canal, or towing-path for the same, or as a railway constructed under the powers of any Act of Parliament for public conveyance, excepting the stations, depôts, and buildings, which shall be assessable to the same extent as other lands and premises within the limits of compulsory supply; (2nd), all the underground gas and water pipes, or underground works of any gas or water company, or other body supplying gas or water; (3rd), all woodland, arable, meadow, or pasture ground, or other ground used for agricultural purposes.

Unoccupied premises may be rated.

42. When any premises in respect of which any person may be liable to be assessed to the domestic water rate or the public water rate, under the provisions of this Act, shall, at the time of assessing any such rate, be unoccupied, it shall be lawful for the Trustees to include such premises, describing them in the column in the rate book appropriated to the names of occupiers as being "unoccupied," and if any person shall afterwards occupy such property during any part of the period for which such rate may have been assessed, it shall be lawful for the Trustees to insert the name of such occupier, and to levy from the owner and occupier respectively, or from the owner only if he shall be liable to pay the same,

in manner provided in the first-recited Act or this Act, such part of the rates as shall be proportioned to the time during which such person shall occupy such property; and every such person shall thereupon be deemed, to all intents and purposes, to be properly rated: Provided always, that the owner or occupier may appeal against the same to the Trustees.

Certain premises not to be assessed.

43. The domestic water rate and the public water rate authorised by this Act shall not be imposed in respect of the Royal Infirmary and House of Refuge and prisons in Edinburgh, and Leith Hospital, nor in respect of the City Chambers and Police Office in Edinburgh, Town Hall and Police Office in Leith, Town Hall and Police Office in Portobello, so far as the same are exclusively occupied for municipal or police purposes; nor in respect of any police stations or police workshops in the said city and towns; nor shall any rate be charged for water supplied for extinguishing fires, or to public urinals or privies, or for such other public sanitary purposes in the said city, port, and towns as may from time to time be arranged between the Trustees and the corporation of Edinburgh, the corporation of Leith, and the corporation of Portobello respectively; and the Trustees shall be bound to supply water to these several institutions, offices, and stations, urinals and privies, and for the public sanitary purposes before mentioned, free of charge: Provided that the necessary expenses of laying, maintaining, and upholding the pipes for conducting the water shall be defrayed by the managers of the Royal Infirmary and House of Refuge, and by the County Prison Board, and by the directors of the Leith Hospital, and by the corporation of Edinburgh, the corporation of Leith, and the corporation of Portobello, so far as these parties respectively are concerned.

Rates beyond limits of compulsory supply.

44. The Trustees may levy for and in respect of the supply of water to persons in any districts or places beyond the limits of compulsory supply, and within the limits of this Act, such rates or rents as they from time to time may fix, and in case of difference of opinion betwixt the Trustees and such persons, such rates or rents as may be fixed by the sheriff of the county of Mid-Lothian.

Power to contract with local authorities.

45. After supplying water within the limits of this Act for the various purposes by the recited Acts and by this Act provided, the Trustees may contract or arrange with any local authorities under "The Public Health (Scotland) Act, 1867," or with any other parties, for the supply of water for places or parishes beyond the said limits in which they may be respectively interested, and to levy for or in respect of such supply such rates, or to receive and take such price or payment, as the Trustees may from time to time fix.

A.D. 1874.

Recovery of rates.

46. The domestic water rate and the public water rate authorised by this Act shall be assessed as from the fifteenth day of May in one year to the fifteenth day of May in the next year, commencing the first assessment of such rates for the year from the fifteenth day of May one thousand eight hundred and seventy-four, to the fifteenth day of May next ensuing, or from any subsequent fifteenth day of May for the year ensuing, as to the Trustees shall seem fit; and the said rates, together with the other rates leviable under the first-recited Act, shall be imposed, levied, sued for, and recovered by the Trustees in the same way and manner and under the like penalties as the rates authorised to be imposed and levied under the provisions of the first-recited Act are thereby authorised to be imposed, levied, sued for, and recovered; and the provisions of that Act with respect to the imposition, levying, and recovery of the rates and penalties thereby authorised shall be applicable to the rates and penalties payable under this Act in the same manner as if such rates and penalties had been authorised by the first-recited Act: Provided always, that the other rates leviable under the first-recited Act, and not hereby amended or altered, shall continue to be leviable under the said Act.

Power to borrow on mortgage.

47. In addition to the sum of two hundred and twenty thousand pounds authorised to be borrowed by the first-recited Act, the Trustees may from time to time borrow on mortgage any sums not exceeding in the whole three hundred and eighty thousand pounds, and may make and grant, for the sums to be borrowed under the said first-recited Act, so far as yet unborrowed, or as may be re-borrowed, and for the sums to be borrowed under this Act, mortgages and assignations of the several rates, rents, profits, and other moneys arising and accruing by virtue of the provisions of the first-recited Act and this Act, in security of the payment of the money so borrowed, and interest thereon; and if, after having borrowed the said sums or any part thereof, the Trustees pay off the same otherwise than by means of the sinking fund herein-after mentioned, it shall be lawful for them again to borrow the amount so paid off, and so from time to time; and the mortgages to be made and granted by the Trustees in virtue of this Act, and the assignations or transfers thereof, and the interest warrants relative thereto, shall be in the forms respectively contained in the schedule to this Act annexed, or as near thereto as may be, and the said mortgages may be partly in writing and partly printed, and shall be executed in the way and manner in the said schedule prescribed: Provided always, that the whole sums to be borrowed by the Trustees under the authority of the first-recited Act and this Act shall not exceed six hundred thousand pounds.

Trustees may borrow on cash account.

48. The Trustees may accept and take from any bank or banking company credit on a cash account, to be opened and kept with such bank or banking company in the name of the Trustees, according to the usage of bankers in Scotland, to the extent of the sum which the Trustees are authorised to borrow by the first-recited Act and this Act, or any part thereof, and, if required, make and grant mortgages and assignations of the several rates, rents, profits, and other moneys arising and accruing by virtue of the provisions of the said first-recited Act and this Act, in security of the amount of such credit or of the sums advanced from time to time on such cash account, with interest thereon; which mortgages and assignations may be in the form contained in the schedule hereto annexed, or as near thereto as may be: Provided always, that the whole sum due and owing by the Trustees on such cash account, and for money borrowed by them on mortgages and assignations of the said rates, rents, profits, and other monys, shall not, when taken together, exceed the sum of six hundred thousand pounds, as before provided.

Application of money borrowed.

49. The sums to be borrowed by the Trustees under the authority of this Act shall be applied in defraying the cost of constructing the works by this Act authorised, and of acquiring the lands, water, and other property to be taken for the purposes thereof, and in carrying into effect the other purposes of this Act, but not including the maintenance and repairs of the works, and the annual charges and expenses of the trust.

Debts may be funded and terminable annuities granted.

50. The Trustees may fund the whole or any part of the sums which they are hereby authorised to borrow, or grant terminable annuities therefor, not exceeding thirty-three years of duration, under the powers and provisions, with the rights and privileges, and subject to the restrictions and conditions in regard to the funding of debt and terminable annuities contained in the first-recited Act, and also in the forms contained in the respective schedules to that Act, using in addition the title of this Act.

Provisions as to judicial factor to be applicable to this Act.

51. The provisions of the first-recited Act with respect to the appointment, powers, and duties of a judicial factor, shall be and are hereby made applicable to the money to be borrowed, and the mortgages and assignations in security to be granted under the authority of this Act, in the same manner as if the money to be borrowed under the authority of this Act had been borrowed under the authority of the first-recited Act.

Saving existing annuities and securities.

52. Nothing in this Act contained shall prejudice or affect in any degree the several preferences created by the first-recited Act, or any annuity, debentures, mortgages, or assignations in security

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granted by the Trustees under the authority of the said Act, and subsisting at the date of the passing of this Act; and such annuity, debentures, mortgages, and assignations shall be and remain in full force and as valid and effectual in all respects as if this Act had not been passed, and shall attach to and form burdens upon the whole undertaking of the Trustees, and the rates and rents by this Act authorised, in priority to any money which may be raised thereunder: Provided always, that all sums hereafter borrowed, or re-borrowed by the Trustees under the powers of the first-recited Act shall rank pari passu with the sums authorised to be borrowed under the powers of this Act, excepting in the case of sums already borrowed under authority of the said first-recited Act, which sums shall retain their existing preference till paid off by means of re-borrowing under the powers of that Act: Provided also, that nothing in this Act shall prejudice or affect the right of any holder of a mortgage of the Edinburgh Water Company to transfer by assignation his right, or the preference accorded to such mortgage by the first-recited Act.

Sinking fund.

53. It shall be lawful for the Trustees and they are hereby required annually, after the passing of this Act, in regard to all sums borrowed, or that may be borrowed, under authority of the first-recited Act, and after the expiration of seven years from the passing of this Act as regards all sums to be borrowed under authority of this Act, to set apart as a sinking fund a sum not less than one pound per centum per annum on the amount borrowed, or which shall have been borrowed, for the purposes of the first-recited Act and of this Act; and such sinking fund shall be accumulated with interest, and shall be from time to time applicable to the redemption of mortgages or annuities, and to no other purposes whatsoever: Provided that any redemption of the annuities to the shareholders of the Edinburgh Water Company shall be accounted so far a compliance with this provision.

Power to Trustees to supply water for other than domestic purposes.

54. Subject to the provisions of this Act, and excepting in cases where it is specially otherwise provided by the sixty-third section of the first-recited Act, the Trustees may supply water for other than domestic purposes, on such terms, pecuniary or otherwise, and conditions as the Trustees think fit, and in case of difference on such terms and conditions as shall be sanctioned by the sheriff of the county of Mid-Lothian: Provided always, that the supply for domestic purposes shall not be prejudiced or affected by this provision.

Penalty for using water for other than domes-

55. Subject to the provisions of this Act, every person using for other than domestic purposes any water supplied by the Trustees, and not having previously agreed with the Trustees for a supply for

the other purposes, and every person having agreed with the Trustees for a supply of water for any other than domestic purposes, and using for any purposes other than the purposes so agreed on the water so supplied by the Trustees, shall for every such offence forfeit and pay to the Trustees any sum not exceeding five pounds, and shall in addition to such penalty make full compensation to the Trustees for or in respect of the water so used, taken, wasted, or misapplied, and the sheriff is hereby empowered and required to determine and certify the amount of such compensation, which amount the Trustees may recover in like manner as charges for water supplied by them may be recovered.

tic purposes without agreement.

56. Nothing contained in this Act shall alter or affect the obligations imposed upon the Trustees by the sixty-third section of the first-recited Act, or the rights of the parties referred to in that section to supplies of water in the manner and upon the terms therein mentioned: Provided, nevertheless, that any steam shipping company or owners of steamships, or railway company, or the Trustees, may from time to time apply to the sheriff, or any of the sheriffs substitute referred to in that section, to fix or revise (subject to the maximum rate therein mentioned, with respect to supplies of water for shipping or railway purposes) the rate at which the supply to such steam shipping company or owners of steamships or railway company shall be given, and that the rate so fixed or revised shall be the rate leviable by the Trustees in respect of such supply, unless and until altered by the sheriff or sheriff substitute upon a similar application.

Reserving section 63 of first-recited Act.

57. Every person who shall, without the knowledge and consent of the Trustees, extend or enlarge any pipe, or use other means or device for the purpose of supplying any other person, or any tenement other than his own, with water from the works of the Trustees, shall forfeit and pay a sum not exceeding five pounds for each offence.

Penalty for extending or enlarging pipes.

58. In all cases in which the Trustees are by "The Waterworks Clauses Act, 1847," or "The Waterworks Clauses Act, 1863," or by the first-recited Act or this Act authorised to cut off the pipe or to turn off water from any premises, and in all cases in which any premises which shall have been supplied with water by the Trustees shall have become unoccupied, the Trustees, their agents and workmen (after giving notice to the owner or occupier), may enter into any such premises between the hours of nine in the forenoon and four in the afternoon, for the purpose of cutting off any pipe by which the water of the Trustees shall be supplied to such premises, and may remove any pipe, meter, fittings, or apparatus, the property of the Trustees.

Entry on premises to cut off supply.

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Trustees officers to enter buildings for inspection.

59. Any officer of the Trustees duly appointed for the purpose by them may, between the hours of nine of the clock in the forenoon and four of the clock in the afternoon, enter any building or place supplied with water by the Trustees in order to inspect the meters, pipes, fittings, and apparatus for regulating the supply of water, either for the purpose of ascertaining the quantity consumed or supplied, or to see whether the meters, pipes, fittings, cisterns, or other apparatus be in good repair; and if such agent or other officer at any such time be refused admittance into such premises for the purposes aforesaid, or be prevented from making such examination, the occupier shall for every such offence forfeit to the Trustees a sum not exceeding five pounds.

Supply may be cut off for contravention.

60. If and whenever any person supplied with water under this Act wilfully does, or causes or suffers to be done, anything in contravention of any of the provisions of this Act, or wilfully fails to do anything which under this Act ought to be done for the prevention of waste, misuse, contamination, or undue consumption of water, the Trustees may cut off or stop any pipe by or through which water is supplied to him, and may cease to supply him with water as long as the cause of injury remains, or is not remedied, and also may recover in any court of competent jurisdiction from every person so offending the amount of all damage sustained by reason thereof, and the remedies of the Trustees under this enactment shall be in addition to their other remedies in this behalf.

Reserving to proprietors of Portmore Loch, &c., their right to fish, &c.

61. Nothing herein contained shall authorise the Trustees, or others having permission from them, to fish, shoot, or sport in or over Portmore Loch or Reservoir, Gladhouse Reservoir, or Edgelaw Reservoir, or to keep or use pleasure boats or other boats on the same, excepting such as may be necessary for inspecting, repairing, and maintaining their works, or to skate or curl on the said loch or reservoirs; all which rights shall belong to the proprietor of the estate of Portmore as regards the said Portmore Loch or Reservoir, and to the proprietors of the estates of Arniston and Rosebery as regards the said Gladhouse Reservoir, and to the proprietor of the estate of Rosebery as regards the said Edgelaw Reservoir.

Costs of providing supply to be chargeable against trust.

62. In making the yearly estimate which the Trustees are authorised and required by the first-recited Act to make of the money necessary to be levied for defraying the costs, charges, and expenses of supplying the said city, towns, port, districts, and places adjacent with water, the Trustees are authorised to include in such estimate all necessary expenses connected with the seeking for, providing, and supplying water, when an additional supply shall be found necessary.

Costs of Bill of 1871 to be paid.

63. The costs, charges, and expenses incurred preparatory to and in connexion with the promotion and prosecution by the Trustees of the Bill in the session of 1871, before referred to, for an additional supply of water, as the same shall be fixed and adjusted with the Trustees, but not exceeding the sum of nineteen thousand pounds, shall, with all interest legally due thereon, be paid by the Trustees out of the rates and revenues received by them under this and the first-recited Act, or out of moneys to be borrowed under authority of the same, to the parties entitled to receive the same, and all payments already made by the Trustees before the date of the presentation of the suspension and interdict before referred to on account of such costs shall be and the same are hereby ratified and confirmed; all costs incurred by the Trustees with a view to the introduction of an additional supply of water, and the prevention of waste and other such purposes remaining unpaid shall be paid by the Trustees, and all such payments already made are hereby confirmed.

Recited Acts applied.

64. All the powers vested in the Trustees by the recited Acts with reference to their undertaking, in so far as not repealed or superseded by this Act, or by the Acts incorporated herewith, shall be and the same are hereby, in so far as applicable, extended and applied to the works hereby authorised and whole undertaking.

Application of any public Act not to be prevented.

65. Nothing in this Act contained shall operate to prevent or obstruct the application to the works vested in the Trustees by the first-recited Act, or to be executed under authority of this Act or any public Act in regard to waterworks that may be passed during the present or any future session of Parliament.

Application of penalties.

66. All penalties and expenses imposed by and incurred under this Act shall, when recovered, be paid and applied as by the first-recited Act provided, and all expenses of prosecutions and convictions, in so far as not paid by or recovered from the person contravening the provisions of this Act, shall be paid by the Trustees, and form a proper charge against the moneys received by them in virtue hereof.

Expenses of Act.

67. All costs, charges, and expenses incurred preparatory to and in applying for, obtaining, and passing this Act, or in any way incidental thereto, shall be paid by the Trustees out of the rates to be levied by them under the authority of this or the first-recited Act, and other revenues of the trust, or moneys to be borrowed on the security of the same.

A.D. 1874.

SCHEDULE to which this Act refers.

(1.) FORM OF MORTGAGE.

EDINBURGH AND DISTRICT WATER.

Mortgage No.

By virtue of "The Edinburgh and District Waterworks Act, 1869," and "The Edinburgh and District Waterworks (Additional Supply) Act, 1874," we, the Edinburgh and District Water Trustees appointed and acting under the said Acts, in consideration of the principal sum of [*specify amount*] paid by [*name and designation of mortgagee*] to us for the purposes of the said Acts, do hereby grant and assign to the said [*name of mortgagee*], and his executors, administrators, and assignees [*or as the case may be*], such proportion of the several rates, rents, profits, and other moneys arising or accruing by virtue of the said Acts, or either of them, and other revenues of the trust [*here describe the rates or other property proposed to be mortgaged*] as the said sum of doth or shall bear to the whole sum which is or shall be borrowed upon the credit of the said rates, rents, profits, or moneys, to hold to the said mortgagee and his foresaids until the said principal sum and the whole interest due thereon shall be fully paid and satisfied; and it is hereby stipulated that the said principal sum shall be repayable on the [*date*], or shall thereafter in virtue hereof remain as a loan to us until the expiration of a further term of years, and at such rate of interest as shall be specified in a minute or minutes to be endorsed hereon, and signed by the mortgagee or his foresaids, and by our treasurer, and which minutes are hereby declared and shall be held to be valid and binding, though they may be neither holograph of the said mortgagee or his foresaids, nor tested; and for and in respect of interest on the said principal sum to the said date of repayment first above mentioned (being at the rate of per centum per annum) we shall pay the several sums contained in the [*state number*] interest warrants bearing the number and date hereof, and delivered herewith, and that at the several times mentioned in such warrants upon delivery of the same respectively, and such delivery shall be a sufficient receipt and discharge to us for the contents of such warrants; declaring that the said mortgagee and his foresaids shall not be entitled to make, and that we shall not be bound to recognise or register any partial assignation of these presents, or of the sums of money, principal or interest, herein contained; and that we shall not be liable for any expenses that may be incurred by the said mortgagee or his foresaids, for or in relation to the preparation, revision, adjustment, or execution of this mortgage, or of any discharge, renunciation, release, assignation, or minute of postponement, or renewal thereof.

Dated this day of one thousand eight hundred and

[*To be signed by the Chairman or Preses and one other Trustee, and by the Clerk and Treasurer, and to have the corporate seal affixed.*]

(2.) FORM OF INTEREST WARRANT.

EDINBURGH AND DISTRICT WATER.

Mortgage No. Dated 18

INTEREST WARRANT.

For pounds shillings and pence - - - - - - £ : :

Less income tax - - - - : :

£ : :

Payable on at the

Treasurer.

(3.) FORM OF ASSIGNATION OF TRANSFER.

EDINBURGH AND DISTRICT WATER.

I *A.B.* of , in consideration of the sum of , paid to me by *C.D.* of , do hereby transfer to the said *C.D.*, his executors, administrators, and assignees, a certain mortgage, Number , made by the Trustees acting under "The Edinburgh and District Waterworks Act, 1869," and "The Edinburgh and District Waterworks (Additional Supply) Act, 1874," bearing date the day of , for securing the sum of and interest [*or, if such transfer be by endorsement,* the within security], and all my right, estate, and interest in and to the money thereby secured, and in and to the rates, rents, profits, and other moneys thereby assigned. In witness whereof these presents [*insert the testing clause required by the law of Scotland*].

(4.) FORM OF MORTGAGE FOR CASH CREDIT.

By virtue of "The Edinburgh and District Waterworks Act, 1869," and "The Edinburgh and District Waterworks (Additional Supply) Act, 1874," we, the Edinburgh and District Water Trustees, incorporated and acting under the said Acts, in consideration of our having obtained from [*name of the bank*] a credit on cash account to the amount of £ , to be operated upon by our Treasurer for the purposes of the said Acts, either by cheques or drafts under his hand, or by debiting the said account under his direction, with obligations due and payable by us or under our authority, do hereby grant and assign to the said [*name of the bank*] and their assignees the rates, rents, profits, and other moneys arising or accruing by virtue of the said Acts and other revenue of the trust, and that in security and for payment of the amount of the said credit, or otherwise, of the sums advanced from time to time on the said cash account, with interest thereon at the rates chargeable by the said

A.D. 1874.

bank on cash credit accounts for the time, to hold to the said bank and their foresaids until the said principal sum of credit, or such part thereof as may be advanced from time to time as aforesaid, and interest thereon at the rates foresaid, shall be fully paid and satisfied.

[*To be executed as provided in regard to mortgages.*]

LONDON: Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1874.