CHAPTER lv.

An Act to confer further powers on the Edinburgh and Leith Corporations Gas Commissioners in relation to their Gas Undertaking and for the construction of additional Gasworks and for other purposes. A.D. 1894.

[3rd July 1894.]

WHEREAS by the Edinburgh and Leith Corporations Gas Act 1888 (herein-after in this Act called "the Act of 1888") the works and undertakings of the Edinburgh Gas Light Company and the Edinburgh and Leith Gas Light Company were transferred to and vested in the Edinburgh and Leith Corporations Gas Commissioners (in this Act called "the Commissioners") and the Commissioners were thereby empowered to manufacture and supply gas in the city of Edinburgh the burgh of Leith and districts and places adjacent:

And whereas the existing gasworks of the Commissioners situate in Edinburgh and Leith are too limited in extent and overcrowded and are inadequate to enable them to meet the requirements of their undertaking and the demand for gas within the limits supplied by the Commissioners:

And whereas the Commissioners have already acquired and possess certain lands adjoining their existing gasworks in the burgh of Leith which would enable them to extend their said works and relieve the pressure on their existing gasworks:

And whereas it is expedient that the Commissioners should be authorised to erect construct and maintain additional works for the manufacture storage and supply of gas and residual products arising from the manufacture of gas:

And whereas the street or road known as North Assembly Street in the parish of South Leith is bounded on both sides by the property of the Commissioners it is expedient that the Commissioners should be authorised to enter upon take use and appropriate the same for

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the purposes of their undertaking and to stop up and discontinue the said street or road:

And whereas it is expedient that the Commissioners should be authorised to construct the road herein-after described:

And whereas for the purposes of this Act and of their undertaking it is expedient that the Commissioners should be authorised to apply any moneys which they are authorised to borrow under the Act of 1888 and to raise further money for the purposes aforesaid:

And whereas a plan and section describing the line situation and level of the said proposed road and the lands proposed to be acquired for the purpose thereof and also a plan of the lands authorised to be acquired for the other purposes of this Act and a book of reference to such plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of the lands required or which may be taken for the purposes and under the powers of this Act have been deposited with the principal sheriff clerk of the county of Midlothian which plans section and book of reference are in this Act referred to as the deposited plans section and book of reference:

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

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:—

Short title.

1. This Act may be cited as the Edinburgh and Leith Corporations Gas (Additional Powers) Act 1894 and the Edinburgh and Leith Corporations Gas Act 1888 and this Act may be cited together as the Edinburgh and Leith Corporations Gas Acts 1888 and 1894.

Incorporation of Acts.

2. The Lands Clauses Acts are incorporated with and shall form part of this Act and the other Acts incorporated with and made applicable to the Act of 1888 in so far as these are applicable to the purposes of this Act and are not inconsistent therewith are also incorporated with and shall be applicable to this Act.

Interpretation of terms.

3. The several words and expressions to which by the Act of 1888 and the incorporated Acts meanings are assigned shall in this Act have the same respective meanings unless there be something in the subject or context repugnant to such construction.

Power to take stop up and appropriate North Assembly Street.

4. Subject to the provisions of this Act the Commissioners may enter upon take use and appropriate for the purposes of their undertaking and may stop up and discontinue as a public road or street that part of the road or street called North Assembly Street

in the parish of South Leith shown on the deposited plans and described in the book of reference and in Part II. of the First Schedule to this Act (the lands on both sides thereof being the property of the Commissioners) and the land and soil of the said road or street so stopped up and discontinued shall be and the same are hereby vested in the Commissioners freed and discharged from the public use thereof and from all other rights in or over the same.

Construction of gasworks &c.

5. On the lands respectively described in Part I. and Part II. of the First Schedule to this Act and subject to the provisions of this Act the Commissioners may erect construct lay down provide and from time to time maintain alter improve enlarge extend and renew or discontinue gasworks retorts gascmeters receivers drains sewers mains pipes meters stop-cocks machinery tramways roads approaches and other works and apparatus and conveniences and may do all such other acts as they may deem proper for manufacturing making and storing gas and supplying gas and may manufacture make store and supply gas thereon and may manufacture sell and dispose of coke and other substances products and refuse or residuals of any materials employed in or resulting from the manufacture of gas.

Construction of road.

6. Subject to the provisions of this Act the Commissioners may make and construct in the line and according to the level shown on the deposited plans and section the road herein-after described and other works and conveniences connected therewith and may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for that purpose (that is to say) :—

A road commencing from and out of the north side of Salamander Street opposite or nearly opposite the north-east corner of Elbe Street and running northwards and terminating one hundred and eighty-six feet or thereby from the commencement thereof situate in the parish of South Leith burgh of Leith and county of Midlothian.

Limits of deviation.

7. In the construction of the said road the Commissioners may deviate laterally from the lines of lateral deviation as shown on the deposited plans and may deviate vertically from the levels shown on the deposited section to any extent not exceeding two feet.

Period for compulsory purchase of lands.

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

Restriction on taking houses of labouring class.

9. The Commissioners 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 on

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the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Secretary for Scotland ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

For the purposes of this section the expression "labouring class" means and 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 purchase lands by agreement.

10. The Commissioners may for the purposes of their undertaking purchase take and hold (by agreement but not otherwise) in addition to any lands which they are already authorised to purchase by agreement any lands not exceeding in the whole five acres which the Commissioners may from time to time require for the purposes of their works and undertaking but the Commissioners shall not create or permit a nuisance on any such lands and no such lands shall be used by the Commissioners for the purpose of manufacturing gas or residual products.

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Agreement confirmed.

11. The agreement between the North British Railway Company the Commissioners and the Commissioners for the Harbour and Docks of Leith set forth in the Second Schedule to this Act is hereby confirmed and made binding on the parties thereto.

New gasworks &c. to be part of the undertaking.

12. Subject to the provisions of this Act the gasworks to be constructed by the Commissioners under the powers of this Act and the lands acquired or to be acquired for gas purposes under the authority of this Act shall for all purposes be comprised in the undertaking of the Commissioners.

Application of funds to construction of works.

13. In defraying the cost of acquiring lands and of constructing the gasworks and other works by this Act authorised to be acquired or constructed and in carrying into effect the other purposes of this Act connected with their undertaking the Commissioners may apply any moneys which they are authorised to borrow under the Act of 1888 as amended and extended by this Act and which may not be required for the purposes of that Act and also subject to the provisions of the Act of 1888 any rents rates and other revenue for the time being belonging to them or under their control in connexion with their undertaking.

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Extension of borrowing powers.

14. Subject to the provisions of this Act section eighty-nine of the Act of 1888 authorising the Commissioners to borrow money for the purposes of that Act shall be read and have effect as if the sum of four hundred thousand pounds were therein specified instead of the sum of three hundred thousand pounds and all the provisions of the Act of 1888 as to security contingent guarantee rate borrowing re-borrowing borrowing on cash credit and extinction by means of a sinking fund for repayment of borrowed money and application for judicial factor shall apply to the said sum of four hundred thousand pounds in the same way and to the same effect as if the said sum had been originally authorised to be borrowed under the Act of 1888.

Borrowing powers for current expenses.

15. In order to raise such money as may be necessary to defray the current annual expenditure for the undertaking of the Commissioners until the rents charges and revenues shall be collected the Commissioners may borrow during the currency of any year from the fifteenth day of May in one year to the fifteenth day of May in the succeeding year in addition to the other sums authorised to be borrowed on the security of the rates rents and charges in such way and manner as they may deem most expedient any sum or sums not exceeding in the whole two-third parts of the approximate amount of such rents charges and revenues for the year then current from any bank or banking company or other company or person on such terms and conditions and in such form as may be agreed on between the parties Provided always that such sums so borrowed shall be paid off and extinguished at or before the fifteenth day of May concluding the year to which such borrowing applies.

Priority of existing annuities and mortgages.

16. All annuities mortgages assignations or other securities on the rates rents charges and other revenues leviable and receivable by the Commissioners granted by the Commissioners in pursuance of the powers and provisions of the Act of 1888 before and subsisting at the passing of this Act shall during the continuance of such annuities mortgages assignations or securities have priority over any annuities mortgages assignations 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 Act of 1888 or of this Act.

Application of borrowed money.

17. Money borrowed by the Commissioners under the Act of 1888 as amended and extended by this Act other than money borrowed for current expenses under this Act shall be applied only to purposes to which capital is properly applicable.

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Application of the Act of 1888.

18. All the provisions of the Act of 1888 in so far as not repealed or altered by or inconsistent with this Act including the forms of mortgage transfer and discharge thereof shall be and the same are hereby so far as applicable extended and applied to the powers and purposes of this Act.

Expenses of Act.

19. All costs charges and expenses of and incident to the preparing for and obtaining and passing this Act or in relation thereto shall be paid by the Commissioners.

SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

PART I.

LANDS BELONGING TO THE COMMISSIONERS TO BE USED FOR THE MANUFACTURE AND STORAGE OF GAS AND RESIDUAL PRODUCTS.

Certain lands situate in the parish of South Leith burgh of Leith and county of Midlothian extending to five thousand one hundred and thirty-eight square yards or thereby imperial standard measure bounded on the north by property belonging or reputed to belong to the North British Railway Company extending along the said boundary two hundred and fifty feet or thereby measured in an easterly direction from the north-east corner of North Assembly Street on the east by a line drawn from the last-mentioned point southward along the property of the Commissioners to a point in Salamander Street two hundred and forty-eight feet or thereby eastwards from the south-east corner of North Assembly Street on the south by Salamander Street and on the west by North Assembly Street.

PART II.

LANDS WHICH MAY BE ACQUIRED AND APPROPRIATED BY THE COMMISSIONERS UNDER THIS ACT AND TO BE USED FOR THE MANUFACTURE AND STORAGE OF GAS AND RESIDUAL PRODUCTS.

The lands forming the road or street called North Assembly Street situate in the parish of South Leith burgh of Leith and county of Midlothian extending to nine hundred and ten square yards or thereby imperial standard measure bounded on the north by the gasworks of the Commissioners on the east by property belonging or reputed to belong to the Commissioners on the south by a line drawn from the south-west corner of the said last-mentioned property across North Assembly Street to the south-east corner of the existing gasworks of the Commissioners in Baltic Street and on the west by the said gasworks.

THE SECOND SCHEDULE.

MINUTE OF AGREEMENT between the North British Railway Company (herein-after called "the Railway Company") the Edinburgh and Leith Corporations Gas Commissioners (herein-after called "the Gas Commissioners") and the Commissioners for the Harbour and Docks of Leith (herein-after called "the Dock Commissioners").

WHEREAS by agreement between the Railway Company and the Dock Commissioners dated ninth and twenty-first April one thousand eight

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hundred and fifty-eight the Railway Company became bound to make at their own expense a level crossing over the railway at North Assembly Street Leith within three months after being required by the Dock Commissioners to do so by written notice And whereas by another agreement between the Railway Company and the Dock Commissioners dated thirteenth and nineteenth March one thousand eight hundred and seventy-four and confirmed by the North British Railway (Additional Powers) Act 1876 the Railway Company as therein stated of new became bound to make and maintain the said level crossing in accordance with the obligation to that effect in the said first-mentioned agreement And whereas the Gas Commissioners are promoting a Bill in the present session of Parliament for powers inter alia to stop up and appropriate North Assembly Street and to construct a new road in the line and according to the levels shown on the deposited plans and section from and out of the north side of Salamander Street parallel or nearly parallel to North Assembly Street and opposite or nearly opposite to the north-east corner of Elbe Street Therefore the parties have agreed and do hereby agree as follows:—

1. The Dock Commissioners consent so far as they are concerned to the Gas Commissioners stopping up and appropriating North Assembly Street on condition of their being bound to construct in substitution therefor the new road as shown on the deposited plans and section for which they are to take powers as before mentioned the Gas Commissioners bind themselves accordingly to construct the said new road.
2. The Railway Company consent that the foresaid obligation contained in the foresaid agreements in favour of the Dock Commissioners shall be transferred from North Assembly Street to and be applicable at the foresaid new road and that the said obligation shall subsist and be operative in all respects at the said new road instead of at North Assembly Street aforesaid and that the provisions of the said two agreements with respect to the said obligation shall apply mutatis mutandis to the foresaid new road.
3. When the Railway Company shall on the requisition of the Dock Commissioners implement the foresaid obligation at the said new road the Gas Commissioners shall repay to the Railway Company when demanded in all time coming one half of the wages of the person or persons employed by the Railway Company to watch or superintend the crossing if and when the same shall be made as aforesaid.
4. The provisions of the said two agreements so far as applicable to North Assembly Street are hereby discharged subject to the foregoing provisions of this agreement.
5. This agreement is made subject to the approval of Parliament and to such alterations as Parliament think fit to make therein but if any material alteration is made therein it shall be competent for any of the said parties to withdraw from the same In witness whereof these presents are executed in triplicate as follows videlicet:—First on behalf of the said North British Railway Company are subscribed by George Robertson writer to the signet Edinburgh and John Jordan merchant Leith two of the directors and by John Cathles secretary of

the said North British Railway Company and are sealed with the corporate seal of the said company all at Edinburgh on the nineteenth day of April eighteen hundred and ninety-four before these witnesses John Martin assistant secretary and William Irving clerk in the head office Edinburgh of the said North British Railway Company Second on behalf of the said Edinburgh and Leith Corporations Gas Commissioners are subscribed by the Right Honourable James Alexander Russell lord provost of the city of Edinburgh and chairman of the said Edinburgh and Leith Corporations Gas Commissioners and by William Joseph Kinloch Anderson clothier Edinburgh another of the said Commissioners and by James McGregor Jack solicitor before the Supreme Courts of Scotland Edinburgh the statutory clerk and John Smith Gibb the treasurer both to the said Gas Commissioners and are sealed with the common seal of the said Gas Commissioners all at Edinburgh on the twentieth day of April foresaid before these witnesses Robert Cockburn the statutory collector and John Mason Leslie clerk both to the said Gas Commissioners And third on behalf of the said Commissioners for the Harbour and Docks of Leith are sealed with the corporate seal of the said Commissioners And are subscribed by them at and in presence of a meeting of the said Commissioners on each page by John Wilson one of the said Commissioners the chairman of such meeting and by Condie Stevenson Chalmers William McIntosh Robert Weir and Thomas Aitken being four others of the said Commissioners present thereat all at Leith on the date last mentioned before these witnesses James Taylor and Thomas Whitelaw both clerks in the offices of the said Commissioners at Leith.

J. Martin Witness.

W. Irving Witness.

Seal.

GEO. ROBERTSON Director.
JOHN JORDAN Director.
JNO. CATHLES Secy. N.B. Ry. Co.

Rob. Cockburn Witness.

J. M. Leslie Witness.

Seal.

J. A. RUSSELL Lord Provost Chairman.
W. J. KINLOCH ANDERSON Comr.
JAMES McG. JACK Clerk.
JOHN S. GIBB Treasurer.

James Taylor Witness.

Thomas Whitelaw Witness.

Seal.

JOHN WILSON C.
C. S. CHALMERS.
WILLIAM McINTOSH.
ROBERT WEIR.
THOS. AITKEN.

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