ANNO VICESIMO SEPTIMO & VICESIMO OCTAVO

VICTORIÆ REGINÆ.

***

The Edinburgh and Leith Sewerage Act, 1864.

19 & 20 Vict. c. xxxii. Reign of Her said Majesty, intituled *An Act to extend the Municipal Boundaries of the City of* Edinburgh, *to transfer the Powers of the Commissioners of Police to the Magistrates and Council, and for other Purposes relating to the Municipality of the said City*; and a Fifth Act (Public General) was passed in the Twenty-sixth and Twenty-seventh Year of Her said Majesty's Reign, intituled *An Act to confirm a certain Provisional Order under the General Police and Improvement* (Scotland) *Act*, 1862, *relating to the Burgh of* Leith: And whereas the Police Commissioners of *Edinburgh*, under the Powers contained in the third-recited Act, and the Lord Provost, Magistrates, and Council of the said City, to whom the Powers of the said Police Commissioners were transferred by the fourth-recited Act, executed certain Operations on the Bed of the Water of *Leith*, within the Municipal Area of *Edinburgh*, by deepening the Middle of the Channel thereof and otherwise, for the Purpose of cleansing the said River, and levied and applied certain Assessments for that Purpose; but the main Objects of the said third-recited Act were found impracticable by reason of Conditions attached to the Execution of the other Works thereby authorized: And whereas the Sewage of a large District on both Sides of the said Water of *Leith* is drained into the same and into Mill Leads adjoining the same, and into *Leith* Harbour, whence has arisen great Inconvenience to and Danger to the Health of the Inhabitants of *Edinburgh* and *Leith*, which are likely to increase with the Increase of Population, and it is expedient for Removal of the said Inconvenience and Danger that the Contents of the said Water of *Leith* and Mill Leads and Harbour should be purified; and the Lord Provost, Magistrates, and Council of *Edinburgh*, and Provost, Magistrates, and Council of *Leith*, who are now vested with the Police Powers of their respective Towns, propose to effect the said Object by intercepting the Sewage flowing into the said River and Mill Leads and South Side of the said Harbour, and carrying the same by Main and Branch Sewers in the Bed and on and in the Banks of the said River, and in and over and through Lands adjoining, and the adjacent Sands of the Sea at *Leith*, to the Low-water of Spring Tides, and by otherwise regulating the Use of the said Water of *Leith*, and it is expedient that Powers should be conferred for these Purposes; but as the same cannot be attained without the Aid and 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:

26 & 27 Vict. c. 60.

Short Title. **1.** This Act may be cited for all Purposes as "The *Edinburgh and Leith* Sewerage Act, 1864."

Interpretation of Terms.

2. In this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

The Words "the River" shall mean the Water of *Leith* at and including and below the Point at which the Works authorized by this Act commence:

The Words "Mill Leads" shall mean the Mill Leads connected with "the River" as before defined.

The Words "the Harbour" shall mean the Harbour of *Leith* on the South Side thereof:

The Words "the Commissioners" shall mean the Commissioners constituted by this Act:

The Words "Lands and Heritages" shall bear the Construction attached to them in the Act of 17 and 18 *Victoriæ*, for the Valuation of Lands and Heritages in *Scotland*, and "The Valuation Act" shall mean the Act last mentioned:

The Words "the Corporation of *Edinburgh*" and "the Corporation of *Leith*" shall mean the Lord Provost, Magistrates, and Council of the City of *Edinburgh*, and the Provost, Magistrates, and Council of the Burgh of *Leith*, as the Case may be:

The Word "Owner" shall include all Persons described as "Owner" in the "General Police and Improvement (*Scotland*) Act, 1862," and as "Proprietor" in the "Valuation Act:"

The Word "Occupier" shall include Tenant, but shall not include a Lodger or a Person in the Occupation as Tenant of a furnished House let for a less Period than One Year, but shall include the Person by whom such furnished House is so let:

The Word "Sheriff" shall mean and include the Sheriff of the County of *Edinburgh*, and any of his Substitutes:

The Words "Clerk" and "Treasurer" shall mean the Clerk and Treasurer respectively appointed by the Commissioners under the Provisions of this Act.

8 & 9 Vict. c. 19. and 23 & 24 Vict. c. 106. incorporated.

3. "The Lands Clauses Consolidation (*Scotland*) Act, 1845," and the "Lands Clauses Consolidation Acts Amendment Act, 1860," are hereby incorporated with this Act.

10 & 11 Vict. c. 16. incorporated.

4. "The Commissioners Clauses Act, 1847," is hereby incorporated with this Act, with the Exception of the Clauses 6 to 8 inclusive, and of the Clauses with respect to the Election and Rotation of the Commissioners, where the Commissioners are to be elected by the Ratepayers or other like Class of Electors, with respect to the Meetings and other Proceedings of the Commissioners, and with the Exception of Clauses 56, 57, 60, 61, 69, 75 to 99 inclusive, and 104 to 109 inclusive.

5. With

Certain Parts of 25 & 26 Vict. c. 101. incorporated.

5. With regard to Contracts to be entered into by the Commissioners, and Actions, Suits, and Proceedings by or against them, the Provisions contained in Clauses 65 and 74 of "The General Police and Improvement (*Scotland*) Act, 1862," are hereby incorporated with this Act.

Constitution of Commission.

6. From and after the Third *Tuesday* after the passing of this Act, the Lord Provost of the City of *Edinburgh* and the Provost of the Burgh of *Leith*, both for the Time being, and Six Persons to be elected by the Corporation of *Edinburgh* from among their own Number, other than the Lord Provost of the said City, and Two Persons to be elected by the Corporation of *Leith* from among their own Number, other than the Provost of the said Burgh, shall be and are hereby appointed Commissioners for carrying this Act into execution, and shall be called "The Water of *Leith* Sewerage Commissioners;" and the Lord Provost of the City of *Edinburgh* for the Time being shall be Chairman of the said Commissioners.

Commissioners, how to be appointed.

7. The Corporation of *Edinburgh* and the Corporation of *Leith* shall as soon as may be, but not later than the Third *Tuesday* after the passing of this Act, at a Meeting of these respective Bodies to be called by their proper Officers respectively for that Purpose, proceed to the Election of and elect Commissioners under this Act, and the said elected Commissioners shall continue in Office until the Third *Tuesday* in the Month of *November* One thousand eight hundred and sixty-four, when they shall go out of Office, and other Commissioners shall then be elected to supply the Place of the Commissioners going out of Office by the said Bodies hereby authorized respectively to elect Commissioners, and such new Commissioners shall continue in Office till the Third *Tuesday* in the Month of *November* One thousand eight hundred and sixty-five, when other Commissioners shall in like Manner be elected in their Room, for a like Period, and so annually thereafter: Provided always, that Commissioners going out of Office, but who continue Members of the respective Town Councils, may be re-elected.

Clerk to give Notice.

8. The Clerk shall annually give Notice in Writing of its being necessary to make such Election to the Clerk of the City of *Edinburgh* and to the Clerk of the Burgh of *Leith* One Month at least previous to the said Third *Tuesday* in *November;* and the Clerks of the said City and Burgh respectively shall immediately after such Election intimate in Writing to the Clerk the Names of the Commissioners so elected; and if by reason of any Neglect or other Cause there shall be any Default in the Election of any of the said Persons, or in case any Person elected shall decline to accept, or shall die, resign, or become disqualified, it shall notwithstanding be competent to the other

Commissioners

Commissioners to carry this Act into execution until the Vacancies so arising shall have been supplied in manner after provided.

In Cases of Non-election, Non-acceptance, Death, Resignation, or Disqualification of Commissioners.

9. In case of such Non-election or Non-acceptance, or of the Death, Resignation, or Disqualification of any of the Commissioners to be so elected, it shall be lawful for the Corporation by whom such Election should have been made, or by whom the Person declining to accept, or dying, resigning, or becoming disqualified, was elected, to elect from among their own Number a Commissioner or Commissioners to supply the Vacancy or Vacancies thence arising, and failing their doing so within One Month after such Vacancy or Vacancies shall have been intimated to them, which the Clerk is hereby required to do immediately upon the Occurrence thereof, or as soon thereafter as may be, it shall be lawful for the Commissioners, at their First Meeting after the Expiration of such Month, to elect from among the Corporation so failing a Commissioner or Commissioners to supply such Vacancy or Vacancies, and the Commissioner or Commissioners so elected shall continue in Office until the next yearly Election of Commissioners.

Meetings of Commissioners.

10. The Commissioners shall hold their First General Meeting at *Edinburgh* upon the First *Thursday* after the Expiration of One Month from the passing of this Act, and shall thereafter hold General Meetings at such Place and Time as the Commissioners shall from Time to Time fix; and the Chairman shall have Power to authorize Meetings of the Commissioners to be called by the Clerk for carrying the Purposes of this Act into execution; and all such Meetings shall be called by Intimation either sent by Post or delivered to each of the Commissioners Forty-eight Hours before such Meetings are held: Provided always, that it shall be lawful to the Clerk, upon a Requisition addressed to him by Three or more of the Commissioners, to call Meetings, which shall be convened in manner before provided; and at all Meetings the Chairman, or in his Absence the Provost of *Leith* for the Time being, who in such Case shall be Preses, or in the Absence of both, the Preses of the Meeting to be chosen by the Commissioners present, shall have a deliberative as well as a Casting Vote in case of Equality; and any Five or more of the Commissioners shall be a legal Quorum for carrying the whole Purposes of this Act into execution; and it shall be lawful for the Commissioners present at any Meeting to adjourn the same to any Day which they may fix, to hold adjourned Meetings, and to appoint Committees of their Number, with such Powers as they may think fit.

Quorum.

Accounts to be annually prepared.

11. The Treasurer shall, at or after the Fifteenth Day of *May* next after the passing of this Act, make up Accounts of all Monies received and expended by the Commissioners, and shall in like

Manner in every subsequent Year make up an Account of all Monies received or expended by them, or under their Authority or Control, in the Course of the Year immediately preceding the Fifteenth Day of *May* in such Year, and such Account shall be audited by an Auditor to be appointed in manner herein-after provided.

Appointment of Auditor.

12. The Commissioners shall annually appoint an Auditor, whose Duty shall be to examine and audit the Accounts of the Commissioners, to be received from them or their Treasurer, with the Vouchers thereof, for which Purpose the said Accounts and Vouchers shall be open for his Examination at least One Month previous to a yearly Meeting at which they are to be examined and settled by the Commissioners; and such Auditor may either make a special Report on such Accounts or simply confirm the same, and such Report or Confirmation shall be read at the Meeting of the Commissioners to be held in every Year for the Examination and Settlement of such Accounts: Provided always, that in case the Office of such Auditor shall, before such Accounts have been examined and audited by him, become vacant by Death or from any other Cause, the Commissioners shall appoint an Auditor to supply such Vacancy.

Accounts to be open for Inspection.

13. For the Space of Ten Days at least previous to the yearly Meeting at which the Accounts are to be examined and settled by the Commissioners as herein-after provided, such Accounts shall remain open for Inspection in such Place as the Commissioners may appoint, due Notice being given thereof by public Advertisement in at least Three *Edinburgh* Newspapers; and every Creditor on the Assessments and Duties by this Act authorized to be levied, and every Person paying any such Assessment or Duty, may at all reasonable Times inspect such Accounts on Payment of the Sum of One Shilling for every such Inspection.

Accounts to be examined and settled annually.

14. The Accounts so made up, examined, and audited shall be laid before the Commissioners at a Meeting to be held for that Purpose in the Month of *June* or of *July* in every Year, and such Accounts shall be examined, and if found just and true shall be allowed and certified by the Commissioners under the Hand of the Chairman or Preses of such Meeting, and of the Clerk; and after such Accounts shall have been so allowed and certified, the same shall be final in regard to all Persons whomsoever, unless an Appeal be presented against such Account to the Sheriff within One Month from the Date of such Meeting, which Appeal it shall be competent for any Commissioner or for the Corporation of *Edinburgh* or Corporation of *Leith* respectively, or for any Ratepayer under this Act to institute and prosecute, due Notice in Writing of such Appeal having been given to the Clerk at the Time of presenting the same,

by

by leaving with him a Copy thereof, and of the Reasons of Appeal, and the Sheriff shall dispose of the said Appeal in a summary Way, and his Decision thereon shall be final and conclusive, and not subject to Review on any Ground or by any Process whatsoever.

Abstract of Accounts to be printed and circulated.

15. As soon as the said Accounts shall have been allowed and certified by the Commissioners as aforesaid, an Abstract thereof shall be prepared, printed, and circulated for the Information of the Commissioners, and Six Copies thereof shall be transmitted, free of Charge, to the City Clerk of *Edinburgh*, and the same Number to the Town Clerk of *Leith*, on or before the First Day of *September* in each Year, and One of the said Copies shall be open to the Inspection of the Public at all reasonable Hours on Payment of the Sum of One Shilling for every such Inspection.

Power to construct Works according to deposited Plan, &c.

16. And whereas a Plan and Sections of the intended Main and Branch Sewers and other Works, describing the Lines, Situation, and Levels of the same, and the Lands, Houses, and Property to be or that may be taken and interfered with, and in and through which such Sewers and Works are to be made and maintained, with a Book of Reference thereto containing the Names of the Owners, Lessees, and Occupiers of such Lands, Houses, and Property, have been deposited with the Sheriff Clerk of the County of *Edinburgh* and with the Sheriff Clerk of the County of the City of *Edinburgh*: Be it enacted, That it shall be lawful for the Commissioners, subject to the Provisions of this Act and the Acts incorporated herewith, to make and maintain the Works herein-after described in the Lines and Situation and upon the Lands and Property delineated on the said Plan and described in the said Book of Reference, and according to the Levels defined on the said Sections.

Errors and Omissions on Plan, &c. may be corrected by Sheriff, who shall certify the same.

17. If any Omission, Mis-statement, or erroneous Description shall have been made of any Lands, Houses, and Property, or of the Owners, Lessees, or Occupiers of any Lands, Houses, and Property described on the said Plan or in the said Book of Reference, the Commissioners, after giving Ten Days Notice to the Owners, Lessees, or Occupiers of the Lands, Houses, or Property affected by the proposed Correction, may apply to the Sheriff for the Correction thereof; and if it shall appear to the Sheriff that such Omission, Mis-statement, or erroneous Description arose from Mistake, he shall certify the same accordingly, and shall in such Certificate state the Particulars of any such Omission, and in what respect any such Matter shall have been mis-stated or erroneously described; and such Certificate shall be deposited in the Office of the Sheriff Clerk of the said County of *Edinburgh* at *Edinburgh*, and shall also be deposited in the Office of the Sheriff Clerk of the County of the City of *Edinburgh*,

Certificate to be deposited.

Edinburgh, and such Certificate shall be kept by such Sheriff Clerks respectively along with the other Documents to which it relates, and thereupon such Plan and Book of Reference shall be deemed to be corrected according to such Certificate, and it shall be lawful for the Commissioners to make the Works in accordance with such Certificate.

Description of Works.

18. It shall be lawful for the Commissioners to make, lay, and maintain the following Main and Branch Sewers and Works; *videlicet*,

A Main Sewer, commencing at a Point Thirty-three Yards or thereby to the Westward of the new Bridge at *Coltbridge*, and Twenty-seven Yards or thereby Southwards from the South Bank of the Water of *Leith*, and terminating at the Rocks called *Eastern Craigs*, being Part of the *Black Rocks*, on or near to the Sands of *Leith* and in or adjoining the *Firth of Forth* at or near Low-water Mark of Spring Tides: Provided always that in executing the Works between *Greenland Mill* and *St. Bernard's Well* it shall not be lawful for the Commissioners to lay the said Main Sewer on the East Side of the Mill Lead:

A Branch Sewer, commencing at a Point on the North Side of the Water of *Leith* Thirty-six Yards or thereby below the upper Caul in the Village of the Water of *Leith*, and terminating at a Point Ten Yards or thereby Westward from the Water of *Leith* Village Bridge, and joining the Main Sewer on the South Side of the River at a Point Thirty-five Yards or thereby Westward of the said Bridge:

A Branch Sewer on the South Side of the Mill Lead of the *West Mill* in the said Village of Water of *Leith*, commencing at a Point Thirty-seven Yards or thereby Eastward of the Intake Sluice of the said Mill Lead, and terminating at a Point One hundred and twenty-five Yards or thereby Eastward of the said Intake Sluice, and joining the Branch Sewer on the North Side of the River previously described at a Point One hundred and fifty Yards or thereby below the upper Caul in the Village of Water of *Leith*:

A Branch Sewer, commencing on the North Side of the Water of *Leith* at a Point Sixty-three Yards or thereby Eastward from the Point where the Caul of *Lindsay's Mill* meets the North Side of the Water of *Leith*, and joining the Main Sewer on the South Side of the Water of *Leith* at a Point Seventy-seven Yards or thereby Eastward of the Intake Sluice of *Lindsay's Mill* in the said Village of Water of *Leith*:

A Branch Sewer, commencing on the North Side of the Water of *Leith* at a Point Twenty-four Yards or thereby Westward from *Saint Bernard's Bridge*, and joining the Main Sewer on the South

South Side of the Water of *Leith*, at a Point Fourteen Yards or thereby Westward from the said Bridge:

A Branch Sewer, commencing on the North Side of the Water of *Leith* at the Bridge called *Stockbridge*, and joining the said Main Sewer on the East Side of the Water of *Leith* at a Point Fifty Yards or thereby below the Footbridge over the Water of *Leith* at or near *Malta Green*:

A Branch Sewer, commencing on the North Side of the Water of *Leith* at *Canonmills Bridge*, and joining the said Main Sewer on the North Side of the Water of *Leith* at a Point Eighty-four Yards or thereby above the Bridge at *Saint Mark's Place*:

A Branch Sewer in the Mill Lead of *Stockbridge Mills*, commencing at a Point Forty-six Yards or thereby Westward of *Saint Bernard's Bridge*, and joining the Main Sewer on the South Side of the Water of *Leith* at or near the Bridge called *Stockbridge*:

A Branch Sewer in the said Mill Lead, commencing at a Point Twenty-four Yards or thereby Eastward of the Centre of the Street called *Market Place*, and joining the Main Sewer on the South Side of the Water of *Leith* at or near *Canonmills Bridge*:

A Branch Sewer, commencing at a Point Thirty-seven Yards or thereby East from the Centre of the North End of *Canon Street*, and joining the said Main Sewer on the North Side of the Water of *Leith* at a Point Seventy Yards or thereby to the Eastward of the Bridge at *Saint Mark's Place*:

A Branch Sewer, commencing on the North Side of the *Bonnington* Mill Lead at a Point One hundred and ninety Yards or thereby to the Eastward of the Intake Sluice of the said Mill Lead, and joining the Main Sewer at a Point Twenty-five Yards or thereby West of the Centre of *Bonnington Road*, and Fifty-two Yards or thereby Southward of the Mill Lead of *Bonnington Mills*:

All of which Main and Branch Sewers and Works are situated in or pass through or into the Parish of *Saint Cuthbert* or *West Kirk*, the *quoad sacra* Parish of *Saint Bernard*, the Parish of *Saint Stephen*, the Parish of *Saint Mary*, the Parish of *South Leith*, the Parish of *North Leith*, and the *quoad sacra* Parish of *Saint Thomas*, and County of *Edinburgh*, County of the City of *Edinburgh*, City of *Edinburgh*, Burgh of *Leith*, and Seashore of the *Firth of Forth* adjacent.

Existing Sewers and Drains to be connected with Works.

19. It shall also be lawful for the Commissioners to make and maintain all such Sewers, Drains, or Pipes and Appurtenances as may be necessary for connecting all existing Sewers, Outfalls of Sewage, or Drains on both Sides of the River which now discharge into the River,

River, or into the Mill Leads, or into the Harbour, with the Main or Branch Sewers before described, or any of them, or for discharging or conducting the Water and Contents of such existing Sewers, Outfalls of Sewage, and Drains into the proposed Main or Branch Sewers, or any of them, and to make and maintain all necessary Sluices, Valves, Pipes, Offlets, Overflows, or Appurtenances required for carrying out the Objects of this Act, and to vary, extend, diminish, or enlarge all existing Sewers, Outfalls of Sewage, or Drains, for the Purposes before mentioned, and to deposit Materials and excavated Matter on the Waste Ground on the Banks or Sides of the River.

Drains from Works of Edinburgh and Leith Gas Company to be intercepted.

20. The Drains from the Northern Side of the Works of the *Edinburgh and Leith* Gaslight Company, which at present discharge into the Sea, shall be intercepted by and connected with the Main Sewer before described, and shall discharge their Contents into the said Sewer: Provided always, that the said Gaslight Company shall not put or cause to flow into the said Drains or Works any Matter or Substance which shall obstruct or injure or otherwise interfere with the efficient Working of the said Main and Branch Sewers, or be productive of Nuisance; and in the event of any Matter or Substance discharged from the said Works being such as to interfere with the efficient Working of the said Sewers, or being productive of Nuisance, then it shall be in the Power of the said Gaslight Company and they shall be bound to carry off the same by making a Drain to discharge into the Sea.

Power of Deviation in constructing Works.

21. In constructing the Works by this Act authorized, it shall be lawful for the Commissioners to make lateral Deviations from the Line of such Works to the Extent defined on the said Plan, and to make vertical Deviations from the Levels of the said Works, as shown on the said Sections, to any Extent not exceeding Five Feet.

Powers of compulsory Purchases limited.

22. The Powers hereby granted for the compulsory Purchase of Lands, Houses, or other Property shall not be exercised after Five Years from the passing of this Act.

Period for constructing Works limited.

23. After the Expiration of Six Years from the passing of this Act all the Powers for constructing the Works by this Act authorized shall cease to be exercised except as to so much of the said Works as shall then be completed.

Commissioners may enter upon and use Property in the Execution of

24. It shall be lawful for the Commissioners, in so far as may be requisite for carrying into execution the Purposes of this Act, but subject always to the Provisions hereof and of the Acts incorporated herewith, to enter upon, take, and use the Lands, Mill Leads, and Mill Cauls or Mill Dams, Sluices, Roads, Railways, Footpaths, Streets, Quays,

Quays, Bridges, or other Property described in the said Plan and Sections, and to break open and use all such Lands, Mill Leads, and Mill Cauls or Mill Dams, Sluices, Roads, Railways, Footpaths, Streets, Bridges, or other Property, and to shut up all Roads, Footpaths, Streets, Quays, or Bridges, so far and for such Length of Time as may be required for the Execution or Repair of the Works hereby authorized: Provided always, that in the Exercise of the Powers hereby conferred on them the Commissioners and their Officers shall do as little Damage as may be, and shall be bound to rebuild, repair, and restore all Lands, Mill Leads, and Mill Cauls or Mill Dams, Sluices, Roads, Railways, Footpaths, Streets, Bridges, or other Property, which may be taken down in whole or in part, or be interfered with in the Course of their Operations. Purposes of this Act.

25. The 12th Section of The Harbours, Docks, and Piers Clauses Act, 1847, shall, in so far as regards Works in tidal Waters, be incorporated with this Act. Sect. 12. of 10 & 11 Vict. c. 27. incorporated.

26. During the Construction, Alteration, or Extension of the Works hereby authorized on, in, over, through, or across tidal Lands or tidal Water, the Commissioners shall on or near the Works, during the whole Time of the constructing, altering, or extending thereof, exhibit and keep burning at their own Expense, every Night from Sunset to Sunrise, such Lights (if any) as the Board of Trade from Time to Time requires or approves, and (notwithstanding the Enactments for the Time being in force respecting Lighthouses) shall also on or near the Works, when completed, always maintain, exhibit, and keep burning at their own Expense, every Night from Sunset to Sunrise, such Lights (if any) for the Guidance of Ships as the Board of Trade from Time to Time requires or approves; and if the Commissioners shall fail to comply in any respect with the Provisions of the present Section, they shall for each Night in which they shall fail be liable to a Penalty not exceeding Twenty Pounds. Lights on Works.

27. During the Construction of the Sewers and Works by this Act authorized within the Harbour and Docks of *Leith*, and along any Portion of the River which is tidal, or over or through any tidal Water or Lands, and during the Execution of Repairs thereon at all Times thereafter, the Commissioners shall make and maintain, and allow to be used by all Persons at all Times, free of Toll or other Charge, all such Footways and Carriageways over or across the Works or on a Level therewith as the Board of Trade from Time to Time may direct or approve of. Access to River and Shore.

28. If any of the Works hereby authorized in, over, through, or across any tidal Lands or tidal Water be abandoned or suffered to fall into Decay, the Board of Trade may abate and remove the Work or Abatement of Works abandoned or decayed.

or any Part of it, and restore the Site thereof to its former Condition at the Expense of the Commissioners; and the Amount of such Expense shall be a Debt due from the Commissioners to the Crown, and be recoverable accordingly with Costs, or the same may be recovered with Costs as a Penalty is recoverable from the Commissioners.

Survey of Works by Board of Trade.

29. If at any Time the Board of Trade deem it expedient for the Purposes of this Act to order a Survey and Examination of any Work constructed by the Commissioners on, in, over, through, or across tidal Lands or tidal Waters, or of the intended Site of any such Work, the Commissioners shall defray the Expense of the Survey and Examination; and the Amount thereof shall be a Debt due from the Commissioners to the Crown, and be recoverable accordingly with Costs, or the same may be recovered with Costs as a Penalty is recoverable from the Commissioners.

Commissioners to draw off Water to scour Main Sewer.

30. It shall be lawful for the Commissioners constituted by this Act, with Consent of the Commissioners for the said Harbour and Docks of *Leith*, to construct Works for drawing from the Dock about to be formed by the said Dock Commissioners Water for scouring the Main Sewer: Provided that the Works so to be constructed shall be approved of by the said Dock Commissioners, and that the Time of scouring and the Quantity of Water to be withdrawn shall be under their Regulation and Control, and that such Works shall be constructed and kept in repair to the Satisfaction of the said Dock Commissioners by and at the Expense of the Commissioners constituted by this Act.

Works, so far as affecting Mills, &c. to be executed to the Satisfaction of Engineer of Millowners.

31. The Works hereby authorized, so far as they may affect the Mills and Manufactories on or near the Banks of the River, or the Cauls and Mill Leads belonging thereto, and any Renewal, Alteration, or Repairs thereon, shall be executed to the Satisfaction of an Engineer to be appointed by the Owners of the said Mills, whose Charges and Expenses shall be borne by the Commissioners; and if any Difference of Opinion shall arise between the Engineers so appointed, the Sheriff shall decide between the Parties.

Notice to Occupiers of Mills before Execution of Works.

32. Before entering upon any of the Mill Leads or Cauls for the Execution of the Works hereby authorized, or the Formation of new Junctions or Repairs, except in Cases of Emergency, the Commissioners shall give Fourteen Days previous Notice in Writing to the several Occupiers of the Mills and Manufactories which will or may be affected by such Operations.

Provisions as to Operations on Roads and Streets.

33. In all Cases in which the Commissioners in making and maintaining the Works by this Act authorized, shall require to execute any Operations on any of the Roads or Streets within the City of *Edinburgh*

Edinburgh District of Roads, or within any District of Roads within the County of *Edinburgh*, they shall before commencing such Operations give Intimation in Writing to the City of *Edinburgh* Road Trustees or the Trustees of such other District of Roads, or their Clerks for the Time respectively, of the Intention of the Commissioners to break or take up the Roadway or Causeway of such Roads or Streets for the Purpose of such Operations; and the Commissioners shall cause the Contractor or other Person employed by them to execute such Operations, so soon as the Operations are executed to beat in the Soil in the Openings made by him in such Roads or Streets, at the Sight and to the Satisfaction of the Surveyor or other Officer of the said Trustees respectively; and upon such Operations being so executed and the Soil so beat in, the said Trustees respectively shall cause their Surveyor to relay the Portions of the Roadway or Causeway of such Roads or Streets that may have been broken or taken up by the Contractor or other Person employed by the Commissioners, with the same Kinds of Causeway or other Materials as were previously on such Roads or Streets, and at such Rates *per* Superficial Yard of dressed Work, mashed Rubble, common Rubble and Metal, including the Maintenance thereof for Twelve Months, as may be agreed on by the Trustees respectively and the Commissioners, or as on the Application of the Parties may be fixed by the Sheriff; and on the relaying or recausewaying of such Roads or Streets being completed, the Commissioners shall make Payment of the Expense so agreed on or fixed to the said Trustees respectively or their respective Treasurers for the Time; and further, the Commissioners shall free and relieve the said Trustees respectively and their respective Officers of all Injury, Loss, or Damage which may be occasioned to any of the Roads or Streets before mentioned, to be sustained by any Person, Company or Corporation, by or in consequence of the Operations on such Roads or Streets by the Commissioners, or the Contractor or other Person employed by them to execute the same.

Restriction as to taking Lands of Caledonian Railway Company.

34. It shall not be lawful for the Commissioners to take or acquire any Lands or Works belonging to the *Caledonian* Railway Company, or to enter upon, use, or interfere with any of such Works for any Purpose, nor to enter upon, use, or interfere with any Part of such Lands, except as far as necessary for the Purpose of constructing and laying in manner after-mentioned, and thereafter of maintaining the Main Sewer, herein-before described, under the Viaduct which carries the *Granton* Branch of the *Caledonian* Railway over the Water of *Leith*.

As to Construction of Sewer under Viaduct of

35. The Portion of the said Main Sewer which is to be situate under and in the immediate Neighbourhood of the said Viaduct shall be constructed at the Sight and to the Satisfaction of the Engineer for the

Caledonian Railway.

the Time being of the *Caledonian* Railway Company, and according to a Plan to be submitted to and approved of by him previously to the Commencement of the said Work, or in the event of Difference of Opinion between such Engineer and the Engineer of the Commissioners, either as to the Plan or the Execution of the Works, the same shall be referred to an Engineer to be appointed by the Board of Trade, whose Decision shall be final; and the Commissioners shall pay all Expenses connected with the Execution and Maintenance of the said Work, and all Damage which may be occasioned to the Works or Property of the *Caledonian* Railway Company by or in consequence of the Execution, Continuance, Maintenance, Use, or Defect of the Works by this Act authorized.

Sewers under North British Railway to be constructed, &c., subject to Approval of their Engineer.

36. And whereas certain of the Main and Branch Sewers by this Act authorized are intended to be carried under the Railway Stations and Works of the *North British* Railway Company, and it is expedient that such Sewers should be constructed and maintained without Injury to the said Railway Stations or Works: Therefore every Sewer which the Commissioners are by this Act authorized to make under the *North British* Railway or Works constructed or authorized shall be constructed in a Manner to be approved of by the Engineer for the Time being of the *North British* Railway Company, and subject to his Superintendence, and in case of Difference of Opinion between the Engineers of the Commissioners and the Railway Company, the same to be submitted to an Engineer appointed by the Board of Trade, whose Award shall be final; and it shall not be lawful for the Commissioners, without the Consent of the *North British* Railway Company, to take or purchase any of the Lands of that Company, but they shall be entitled to a Right of Way or Easement only for the Construction of any Sewers, under and subject to the Provisions of this Act, under the said Railway Stations or Works, and when any such Sewers shall have been constructed by them under the said Railway Works, for the Purpose of inspecting, cleansing, and repairing, renewing or maintaining such Sewer.

Alteration of Water and Gas Pipes, &c.

37. It shall be lawful for the Commissioners, for the Purpose of constructing, maintaining, or repairing the Works hereby authorized, to raise, sink, or otherwise alter the Position of any of the Watercourses (other than the Mill Leads), Water Pipes, or Gas Pipes belonging to any of the Houses or Places adjoining or near to the said Works, and also the Mains and other Pipes laid down by any Company who may furnish the Inhabitants of such Houses or Places with Water or Gas, and also to remove all other Obstructions to such Construction, Maintenance, or Repair, so as the same respectively be done with as little Detriment and Inconvenience to such Company or Inhabitants as the Circumstances will admit, and be done

done under the Superintendence of the Company to which such Water Pipes or Gas Pipes belong, and of the several Commissioners or Trustees or Persons having Control of the Pavements, Sewers, Roads, Streets, Highways, Lanes, and other public Passages and Places within the District or Burgh where such Mains, Pipes, or Obstructions shall be situate, or of their Surveyor, if they or he think fit to attend, after receiving not less than Forty-eight Hours Notice for that Purpose.

Commissioners not to disturb Pipes until they have laid down others.

38. Provided always, That it shall not be lawful for the Commissioners to remove or displace any of the Mains or Pipes (other than private Service Pipes), Syphons, Plugs, or other Works belonging to any such Company, or to do anything to impede the Passage of Water or Gas into or through such Mains or Pipes until good and sufficient Mains or Pipes, Syphons, Plugs, and all other Works necessary or proper for continuing the Supply of Water or Gas as sufficiently as the same was supplied by the Mains or Pipes proposed to be removed or displaced shall, at the Expense of the Commissioners, have been first made and laid down in lieu thereof, and be ready for Use, in a Position as little varying from that of the Pipes or Mains proposed to be removed or displaced as may be consistent with the Construction, Maintenance, or Repair of the Works hereby authorized, and to the Satisfaction of the Surveyor or Engineer of such Water or Gas Company, or, in case of Disagreement between such Surveyor or Engineer and the Company, as the Sheriff shall direct.

Pipes not to be laid contrary to Acts of Parliament, and 18 Inches Surface Road to be retained.

39. It shall not be lawful for the Commissioners to lay down any such Pipes contrary to the Regulations of any Act of Parliament relating to such Water or Gas Company; and if they shall lower any Road for the Purposes of the Act, they shall also lower the Mains and Pipes, so as to leave a Covering of not less than Eighteen Inches from the Surface of the Roads over such Mains or Pipes.

Commissioners to make good all Damage.

40. The Commissioners shall make good all Damage done to the Property of Water or Gas Companies by the Disturbance thereof, and shall make full Compensation to all Parties for any Loss or Damage which they may sustain by reason of any Interference with the Mains, Pipes, or Works of such Water or Gas Company, or with the private Service Pipes of any Person supplied by them with Water or Gas.

Gas and Water Pipes not to be injured by this Act.

41. If it shall be necessary to construct any of the Works hereby authorized over any Mains or Pipes of any such Water or Gas Company, the Commissioners shall, at their own Expense, construct and maintain the same in such a Manner as not in any way to injure the

the said Mains or Pipes, or to prevent the said Water or Gas Company examining or repairing their said Mains or Pipes from Time to Time.

Main and Branch Sewers, &c. vested in Commissioners, who may alter and improve or demolish Main and Branch Sewers, &c.

42. The whole Main and Branch Sewers, Drains, Sluices, Valves, Pipes, Offlets, Overflows, Appurtenances, and other Works executed by the Commissioners, under the Authority of this Act, other than Gas and Water Pipes, and the Works executed by the Commissioners in substitution for Works removed or displaced under this Act, shall, after the same are formed and constructed, be vested in and belong to and be entirely under the Management and Control of the Commissioners, who may, from Time to Time as they see fit, repair, enlarge, alter, renew, and otherwise improve all or any of the said Main and Branch Sewers, Drains, Sluices, Valves, Pipes, Offlets, Overflows, Appurtenances, and other Works, and if any of the said Sewers, Drains, and other Works at any Time appear to them to have become useless, the Commissioners, if they think fit to do so, may demolish and discontinue such Sewer, Drain, or other Works, provided that it be so done as not to create a Nuisance.

Sewage may be discharged into River during Repairs.

43. The Commissioners may, during the Time when the said Main and Branch Sewers and other Works authorized by this Act are being repaired, cleansed, altered, or renewed, or during Floods, discharge into the Channel of the River, Mill Leads, or Harbour the Sewage and Drainage which would otherwise flow into such Main and Branch Sewers and other Works.

Sewers and Drains formed after Main and Branch Sewers to be connected therewith.

44. From and after the Construction of the said Main and Branch Sewers, it shall not be lawful for any Person, Corporation, or Company to make or construct any Sewer, Outfall of Sewage, or Drain so as to lead or discharge into the River, Mill Leads, or Harbour, nor to convey or discharge Drainage, Sewage, or other Refuse from any Lands, Houses, or other Property into the same, but all such Sewers, Outfalls of Sewage, or Drains shall be connected with the said Main and Branch Sewers as after provided; and all such Drainage, Sewage, or other Refuse shall be conveyed or discharged into the said Main or Branch Sewers by means of properly constructed Sewers, Outfalls of Sewage, or Drains.

Future Junctions to be executed by Commissioners at Cost of Proprietors.

45. With respect to any Sewers, Outfalls of Sewage, and Drains to be constructed after the said Main and Branch Sewers or other Works shall have been executed, and to be connected therewith, the Point of Junction of such Sewers, Outfalls of Sewage, and Drains with the said Main and Branch Sewers or other Works, and the Mode of effecting such Junction, shall be determined by the Commissioners, and the Work shall be done by them at the Expense of the Person, Corporation,

Corporation, or Company constructing such Sewer, Outfalls of Sewage, or Drains.

Penalty for unauthorized Junctions.

46. Every Person, Corporation, or Company, not being employed or authorized by the Commissioners so to do, who shall make such Junction, or who shall make or cause to be made any Sewer, Outfall of Sewage, or Drain from any Lands, Houses, or other Property into, or connect such Sewer, Outfall, or Drain with the said Main or Branch Sewers or any of them, or with any Sewer, Outfall of Sewage, or Drain connected therewith, shall, upon Conviction of such Offence, on the Testimony of One or more credible Witness or Witnesses, besides paying for the Use of the said Main or Branch Sewer as after provided, be liable to a Penalty not exceeding Five Pounds, together with the Expenses of Prosecution and Conviction, to be ascertained on Conviction; and the Commissioners may cause such Junction with the Main and Branch Sewers or other Works to be remade, to such Extent and in such Manner as they may consider necessary or expedient, and the Expense incurred thereby shall be paid by the Owner of such Lands, Houses, or other Property.

Owners of Property drained by future Junctions to pay a Sum of Money.

47. The Owners of all Lands, Houses, or other Property, any Sewer, Outfall, or Drain from which shall, after Construction of the said Main and Branch Sewers and Works, be connected with the same, shall be liable in Payment to the Commissioners of a reasonable Sum of Money for the Use of the said Main or Branch Sewers and Works, which the Commissioners are hereby authorized and required to fix and exact in respect of all such Lands, Houses, or other Property: Provided always, that such Lands, Houses, or other Property shall not have been assessed for the Expense of making such Main or Branch Sewers or Works, but if such Lands, Houses, or other Property shall have been so assessed, and shall have been built upon, enlarged, or altered after the Assessment for making such Main or Branch Sewers or Works was imposed and levied, the Owners thereof shall be liable in Payment to the Commissioners of such reasonable Sum of Money as aforesaid.

Buildings not to be erected over Works without Consent of Commissioners.

48. No Building shall be erected over any Main or Branch Sewer or other Works vested in and belonging to the Commissioners, except so far as the same are laid in any Mill Lead, without their Consent first obtained in Writing; and if any Building shall be erected over such Main or Branch Sewer or other Works without such Consent, or contrary to the Conditions which may be attached thereto, the Commissioners may apply to the Sheriff to have such Building taken down and removed, and for Payment of the whole Expense thereby incurred by the Commissioners, by the Person, Corporation, or Company, as may be, by whom such Building shall have

have been erected ; and such Application shall be disposed of by the Sheriff in a summary Way, and his Decision shall be final and conclusive, and not subject to Review in any Manner or by any Process whatsoever.

Penalty for damaging Main and Branch Sewers, &c.

49. Every Person who shall break, or in any way Damage, interfere with, or obstruct the said Main or Branch Sewers, Drains, Sluices, Valves, Pipes, Offlets, Overflows, or Appurtenances, or any of the other Works constructed under the Authority of this Act, or any Part thereof, shall, upon Conviction of such Offence, on the Testimony of One or more credible Witness or Witnesses, be liable to a Penalty not exceeding Five Pounds, over and above Payment of the Expense of repairing the Damage done, and the Expenses of Prosecution and Conviction, to be ascertained on Conviction ; but if it shall appear that such Offence was committed through Accident, the Judge before whom such Person is tried may limit the said Penalty to the Amount of the Expense of repairing such Damage, or to such less Amount as he may think proper.

For Prevention of Obstructions.

50. It shall not be lawful for the Owners or Occupiers of any Brewery, Distillery, Chemical Work, Paper Mill, Public Work, or Manufactory to discharge or to permit or suffer to pass into any of the said Main or Branch Sewers or into any of the Sewers, Drains, or Outfalls of Sewage connected therewith, any Substance calculated to obstruct or damage or prevent the proper Working of any Part of the said Main or Branch Sewers, Drains, Outfalls of Sewage, or any Sluices, Valves, Pipes, Offlets, Overflows, Appurtenances, or other Works constructed under the Authority of this Act, or any Part thereof; and all such Persons doing in the contrary shall be guilty of an Offence, and upon Conviction thereof, on the Testimony of One or more credible Witness or Witnesses, be liable to a Penalty not exceeding Five Pounds, and a further Penalty not exceeding Forty Shillings for each Day during which such Offence is committed after written Notice from the Commissioners, together with the Expenses of Prosecution and Conviction, to be ascertained on Conviction, and that over and above any Expense which the Commissioners may incur for or connected with the Removal of the Obstruction or Repair of the Damage which may have been so occasioned.

Refuse not to be discharged into the Water of Leith above Coltbridge.

51. It shall not be lawful for the Owners or Occupiers of any Tanwork, Skinnery, Brewery, Distillery, Chemical Work, Paper Mill, Glue Work, or other Public Work or Manufactory situated on the Water of *Leith* above the Works hereby authorized, or any other Person whatsoever, to lay, throw, or cast any Rubbish, Earth, Shale, or Ashes, or any Matter or Thing which is injurious to Public Health

Health (ordinary Sewage excepted) into the Channel, or within the proper Banks of the Water of *Leith*, or into the Mill Leads, Streams, Ditches, Drains, or Tributaries discharging into the said Water of *Leith* or Mill Leads above the Works hereby authorized; and all such Persons doing in the contrary shall be guilty of an Offence, and upon Conviction thereof, on the Testimony of One or more credible Witness or Witnesses, be liable to a Penalty not exceeding Forty Shillings, and a further Penalty not exceeding Forty Shillings for every Day during which such Offence is committed or continued after written Notice thereof from the Commissioners, together with the Expenses of Prosecution and Conviction, to be ascertained on Conviction.

Questions as to Nuisance not affected.

52. Nothing in this Act contained shall be held to authorize or sanction the Construction of any Works or the doing of any Act which may be illegal or objectionable on the ground of Nuisance.

Penalty for discharging Sewage into the River, &c.

53. Every Person who, after the Works authorized by this Act shall have been constructed, shall discharge or cause to enter, or knowingly allow or permit or suffer to run into the River, or into the Mill Leads or Harbour, any Drainage, Sewage, or other Refuse, shall be guilty of an Offence, upon Conviction whereof, on the Testimony of One or more credible Witness or Witnesses, he shall be liable to a Penalty not exceeding Five Pounds, and a further Penalty not exceeding Forty Shillings for every Day during which such Offence is committed after written Notice thereof from the Commissioners, together with the Expenses of Prosecution and Conviction, to be ascertained on Conviction.

Penalty for throwing Rubbish into the River, &c.

54. Every Person who shall lay, throw, or cast any Rubbish, Earth, Shale, Soil, or Filth, or any offensive Matter or Thing, into the Channel, or on the Banks and Sides of the River, Mill Leads, or Harbour, or into Streams, Ditches, or Tributaries discharging into the River, Harbour, or Mill Leads, shall be guilty of an Offence, and upon Conviction thereof, on the Testimony of One or more credible Witness or Witnesses, he shall be liable to a Penalty not exceeding Forty Shillings, and a further Penalty not exceeding Forty Shillings for every Day during which such Offence is committed after written Notice from the Commissioners, together with the Expenses of Prosecution and Conviction, to be ascertained on Conviction.

Commissioners may arch or enclose Mill Leads.

55. With a view to the public Safety, and for the Purpose of more effectually promoting the Purification of the Mill Leads, and the Improvement of the sanitary Condition of certain populous Districts in which the Portions of the said Mill Leads after-mentioned are situated, the Commissioners are hereby authorized and empowered, if they

they shall see fit, to arch or cover over, or to fence and enclose, the Mill Lead which extends from the Caul at the West End of the Water of *Leith* Village to the *West Mill*, and also the Mill Lead which extends from *St. Bernard's Bridge* to a Point about 70 Feet Eastward of the East Side of *Clarence Street*, or such Portions thereof as they shall think fit, in such Manner as shall be agreed upon by and between the Commissioners and the Owners of Mills or Proprietors of Property abutting on the same, and, in case of Difference of Opinion, as shall be fixed by any Engineer or Surveyor to be nominated by the Commissioners and the said Parties, and failing such Nomination, by any Engineer or Surveyor to be nominated by the Sheriff.

Act not to affect Rights of Ownership in the Mill Leads, &c.

56. Nothing herein contained shall affect the Rights of Ownership in the Cauls and Mill Leads upon or adjacent to the River: Provided always, that it shall, subject to the Provisions of this Act, be lawful at all Times to the Commissioners to have Access to the Works by them constructed for the Purposes of Repair and Maintenance.

Compensation to Mill Owners, &c.

57. The Commissioners shall pay to the Owners and Occupiers of the said Mills and Manufactories Compensation for any Damage sustained by them from Loss of Water, not being House Sewage, and also for any permanent or temporary Damage occasioned by the Stoppage of the said Mills and Manufactories, or by the Execution of any of the Works hereby authorized, or by the Exercise of the Powers hereby granted.

Mode of ascertaining Compensation for Loss of Water.

58. In order to ascertain the Amount of Compensation for Loss of Water which may be abstracted from the River and Mill Leads supplying the said Mills and Manufactories by the Operations and Works hereby authorized, or the Exercise of the Powers granted by this Act, or in connexion therewith, an Arbiter shall, within Three Months after the passing of this Act, be appointed by the Commissioners, and another Arbiter shall within the same Period be appointed by the said Mill Owners; and the said Arbiters shall appoint an Oversman; and such Arbiters shall ascertain and determine by gauging the Amount of Compensation to be paid to the said several Owners and Occupiers of Mills and Manufactories; and in the event of Difference of Opinion between such Arbiters, the Oversman so appointed shall determine.

Arbiters or Oversman to declare Amount of Compensation.

59. The Arbiters or Oversman shall, by a Writing under their Hands, declare the Amount of Compensation to be paid by the Commissioners to the said Owners and Occupiers of Mills and Manufactories, and the Amount so ascertained shall be paid by the Commissioners to the several Parties entitled thereto within Three Months thereafter, and such Amount shall be recoverable by the several Owners and Occupiers in ordinary Course of Law.

60. And

North Leith Drainage to be executed by the Corporation of Leith.

60. And whereas certain Lands and Heritages situated to the North of the River and of the Harbour of *Leith* naturally form a separate Drainage District, which for the Purposes of this Act, is to be defined and designated "the *North Leith* Sewerage District," and which is not to be laid under Assessment by this Act, and which District, so far as in the Burgh of *Leith*, the Corporation of *Leith* in the Exercise of its Police Powers has undertaken to drain by including it in the ordinary Drainage of the Burgh of *Leith*, and it is expedient for the Objects of this Act that the said Drainage Works, so far as regards the said District, should be completed at a Period not later than the Works hereby authorized: Be it enacted, That the Corporation of *Leith* shall, in the Exercise of the said Police Powers, complete the Drainage of the said "*North Leith* Sewerage District," so far as in the Burgh of *Leith*, at a Period not later than that for the Construction of the Works hereby authorized, and shall maintain the same in all Time coming: Provided always, that in the event of the "*North Leith* Sewerage District" including any Lands and Heritages within the Municipal Area of *Edinburgh*, the Owner or Occupier of any such Lands and Heritages may effect the Drainage of the same under the Provisions of Clause 194 of the "General Police and Improvement (*Scotland*) Act, 1862," and the Corporation of *Leith* shall be bound to permit such Drainage to be so effected; and, in the event of any Question between such Owner or Occupier and the Corporation of *Leith* as to the Sum or Sums to be paid under the Provisions of the said Clause, such Question shall be referred to the Sheriff, who shall decide the same in a summary Way, and his Decision shall be final and conclusive, and not subject to Review in any Court or by any Process whatsoever.

Penalty for allowing Sewage of North Leith Sewerage District to enter River or Harbour of Leith.

61. Every Person, Corporation, or Company who, after the Completion of the Works for the Drainage of the "*North Leith* Sewerage District," shall discharge or cause to enter, or knowingly allow or permit or suffer to run into the River or into the Harbour of *Leith*, on the North Side thereof, any Drainage, Sewage, or other Refuse from any Lands, Houses, or other Property within the said "*North Leith* Sewerage District," shall be guilty of an Offence, upon Conviction whereof, on the Testimony of One or more credible Witness or Witnesses, such Person, Corporation, or Company shall be liable to a Penalty not exceeding Five Pounds, and a further Penalty not exceeding Forty Shillings for every Day during which such Offence is committed after written Notice thereof from the Commissioners, together with the Expenses of Prosecution and Conviction, to be ascertained on Conviction.

In default, Commissioners may execute

62. Wherever, under the Provisions of this Act, the Commissioners are authorized and empowered to require any Work of any Kind to be executed on or at the River or Harbour, and the Person, Corporation,

Works and recover Expenses.

Corporation, or Company liable to execute such Work shall fail to do so after being required by the Commissioners, the Commissioners may cause such Work to be executed, and the Expense incurred by them in respect thereof shall be repaid to them by such Person, Corporation, or Company.

Expenses, how to be recovered.

63. Wherever, under the Provisions of this Act, the Commissioners shall execute Works or do certain Things at the Expense of the Owner or Occupier of any Lands, Houses, or other Property, such Expense, as the same shall be certified by the Engineer or other Officer of the Commissioners duly authorized by them to certify such Expenses, with Interest thereon at the Rate of Five *per Centum per Annum* from the Date of Payment by the Commissioners till paid, shall be repaid to them by such Owner or Occupier in the same Way and Manner as is provided with reference to Works executed in default of Owners or Occupiers by the Commissioners of Police, acting in the Execution of "The General Police and Improvement (*Scotland*) Act, 1862," and for these Purposes Clauses 400 to 407, both inclusive, of the said Act are hereby incorporated with this Act.

Commissioners Relief against Persons liable to execute Works reserved.

64. No Liability attaching in Law or otherwise to any Person, Corporation, or Company liable to make and maintain, or to pay for the making and Maintenance of any Works which the Commissioners are hereby authorized to make and maintain, shall be affected, altered, or abridged by anything in this Act contained; and if the Commissioners shall make or maintain any Works for the making or Maintenance of which any Person, Corporation, or Company is so liable, they shall be entitled to Reimbursement from such Person, Corporation, or Company of the whole Monies expended by them in making or maintaining such Works.

Commissioners to estimate and apportion Cost of Works between Corporations.

65. The Commissioners shall estimate and fix the Sums which may be necessary from Time to Time for constructing the Works hereby authorized, and for otherwise carrying out the Provisions of this Act, and shall apportion the same between the Corporation of *Edinburgh* and the Corporation of *Leith* in manner herein-after provided, and shall fix the Date or Dates when the Sums so apportioned shall be paid over by the said Corporations respectively to the Commissioners or their Treasurer, the Periods of Payment being fixed with reference to the Times when the Sums so apportioned may, in the Opinion of the Commissioners, be required for the Purposes of this Act, and within Eight Days after such Apportionment, the Clerk shall transmit to the Lord Provost of *Edinburgh* and to the Provost of *Leith* a Notification of the total Sum so estimated and fixed, the Proportion of such total Sum to be paid by the said Corporations respectively, and the Date or Dates when the same shall be paid to the Commissioners or their Treasurer; and the said Corporations

tions shall severally be bound to pay over to the Commissioners or their Treasurer, at the Date or Dates so specified, the Sums so required from them respectively, with Interest thereon at the Rate of Five *per Centum per Annum* till paid.

Commissioners to fix Sewerage Districts.

66. As soon as may be after the passing of this Act the Commissioners shall define and describe the District draining into the River and Mill Leads and Harbour, and which District shall comprise the whole Lands and Heritages the Drainage from which now falls or proceeds or would naturally fall or proceed into the River, or into the Mill Leads, or into the Harbour, or into any Stream, Ditch, or Tributary discharging into the same, and all other Lands and Heritages which may be locally situated within the said District, and shall be called "the Water of *Leith* Sewerage District," and shall also divide and distinguish the Portions of the same situated within the Municipal Boundaries of *Edinburgh* and the Municipal Boundaries of *Leith* respectively, to be called for the Purposes of this Act "the *Edinburgh* District" and "the *Leith* District" respectively, and shall also for the Purposes of this Act define and describe the "*North Leith* Sewerage District;" and in the event of any Difference of Opinion arising among or between the Commissioners and the said Corporations, or either of them, in relation to the Definition of such several Districts, it shall be lawful for the said Corporations, or either of them, to appeal thereon to the Sheriff, who shall dispose of such Appeals in a summary Way, and his Decision shall be final and conclusive, and not subject to Review in any Manner or by any Process whatsoever.

Apportionment, how to be made.

67. The Commissioners shall apportion the Sums estimated and fixed by them as aforesaid between the Corporation of *Edinburgh* and the Corporation of *Leith*, on the Principle of an equal Rate of Assessment on all the Lands and Heritages in the "*Edinburgh* District" and the "*Leith* District" liable to be assessed under the Provisions of this Act, and such Apportionment shall be so made in manner following; (that is to say,) the Commissioners shall ascertain the yearly Value of the whole Lands and Heritages within "the *Edinburgh* District" liable to be assessed under this Act, as such yearly Value is established by the Valuation Roll made up under the Valuation Act, and also the yearly Value of the whole Lands and Heritages within "the *Leith* District" so liable and as so established, and they shall thereafter apportion the Sums estimated and fixed as aforesaid between the said Corporations in the Proportion which the yearly Value of such Lands and Heritages situated in the "*Edinburgh* District" and "*Leith* District" respectively bear to the yearly Value of such Lands and Heritages situated in the said Districts together.

68. To

Corporations to levy Assessments.

68. To enable the Corporation of *Edinburgh* and Corporation of *Leith* respectively to raise and pay over the Sums of Money which the Commissioners may from Time to Time apportion on and call for Payment of from them as herein provided, they are hereby respectively authorized and empowered to levy an Assessment or Assessments within their respective Districts of such Amount as shall be necessary for paying the Sums so required, with the Interest of Monies borrowed under Authority of this Act, and the Principal of such Monies, as the same shall become due, and all other Costs and Charges that may be incurred under Authority of this Act, excepting the Cost of Maintenance and Repair; and, subject to the Provisions of this Act, the said Assessment or Assessments shall be levied by the said Corporations respectively from the Owners of all Lands and Heritages within their several Districts, the Drainage from which now falls or proceeds or would naturally fall or proceed into the River, or into the Mill Leads, or into the Harbour, or into any Stream, Ditch, or Tributary discharging into the same, and all other Lands and Heritages which shall be locally situated within the said Districts respectively, and that according to the yearly Value of such Lands and Heritages as established by the Valuation Rolls in force for the Year of Assessment under the Valuation Act: Provided always, that the said Assessment or Assessments shall not exceed in whole the Sum of Two Shillings and Sixpence in the Pound of the yearly Value of the Lands and Heritages assessable under this Act.

Crown Property not to be liable to Assessment.

69. No Hereditaments, Lands, Tenements, Heritages, or Premises, the Property of or held in trust for Her Majesty, Her Heirs and Successors, shall be liable to Assessment or to be assessed under the Powers contained in this Act, without the previous Sanction of the Lords Commissioners of the Treasury.

North Leith Drainage District to be excluded from Assessment.

70. No Part of the "*North Leith* Sewerage District," as the same shall be defined by the Commissioners in manner before provided, shall be held to be included in the "Water of *Leith* Sewerage District" for any of the Purposes of this Act, nor shall any of the Lands and Heritages in the said "*North Leith* Sewerage District" be liable to Assessment for the Cost of constructing or maintaining the Works hereby authorized.

Commissioners of Leith Harbour and Docks to contribute 4,000*l.* towards the Cost of constructing the Works.

71. In respect of the Advantage to be derived by the Diversion of Sewage from the Harbour and Docks of *Leith*, it shall be lawful for the Commissioners for the said Harbour and Docks, and they are hereby required, out of the Revenues of the same, or other Funds vested in them as Commissioners aforesaid to contribute towards the Cost of constructing the Works by this Act authorized, the Sum of Four thousand Pounds Sterling, and that either by One Payment on a Day

Day to be fixed, not later than Three Months from the passing of this Act, by the Commissioners, or, in the Option of the Commissioners for the said Harbour and Docks, by Four annual Instalments of One thousand Pounds Sterling each, the First annual Payment to be made on a Day, not later than Three Months from the passing of this Act, to be fixed by the Commissioners, and the next Instalment on that Day Twelve Months, and so on annually thereafter till the said Sum of Four thousand Pounds is fully paid; and the said Sum of Four thousand Pounds shall be deemed and is hereby declared to be in full Satisfaction of all Claims that can be made in virtue of this Act on or against the said Harbour and Docks and Rates and Duties leviable thereat, or other Property vested in the Commissioners for the said Harbour and Docks, or the Revenues or other Funds foresaid, for or with respect to the Construction of the Works by this Act authorized; and the said Sum of Four thousand Pounds shall be taken into account by the Commissioners in estimating and fixing the Sums which may be necessary for constructing the Works hereby authorized, and shall be deducted therefrom, leaving the Balance to be apportioned between the Corporation of *Edinburgh* and Corporation of *Leith* in manner before provided; and in making such Apportionment the yearly Rent and Value of all Lands and Heritages of the said Dock Commissioners within the "Water of *Leith* Sewerage District" shall for such Construction of Works be excluded.

Arable Lands, &c., how to be

72. The annual Value of the following Lands and Heritages shall, for the Assessments under this Act, be held to be the nearest aggregate Sum of Pounds Sterling to One Fourth of the annual Value thereof entered in the said Valuation Rolls: *viz.*

1. All Lands and Heritages 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 Heritages within the District of Assessment wherein the same may be situated:
2. All the Underground Gas and Water Pipes, or Underground Works of any Gas or Water Company:
3. All Wood Land, Arable, Meadow, or Pasture Ground, or other Ground used for agricultural Purposes.

And in the event of any Dispute arising as to the Lands and Heritages falling under the above Exceptions, or as to the Proportion of their annual Value liable to Assessment under this Act, it shall be lawful for the Owner of such Lands and Heritages to present a Petition to the Sheriff, praying to have the same declared for the Time being liable to Assessment upon the said Proportion of their Value only; and the Sheriff shall thereupon order the Petition to be served on the

Corporation with which such Dispute has arisen, upon a short Induciæ, and after hearing Parties, and taking such Evidence as he shall think necessary, shall pronounce such Judgment as to him shall seem just and right, and such Judgment shall be final, and not subject to Review in any way or by any Process whatsoever.

Assessments to be Burdens on Property.

73. The said Assessment or Assessments shall, with the legal Interest thereof, from the Time when the same shall be declared payable, together with all Expenses incurred in the Recovery thereof, continue Burdens on the Lands and Heritages liable for the same, or in respect of which the same shall be payable, but that only for Three Years from the Date when the same shall be respectively payable as against *bonâ fide* singular Successors or heritable Creditors: Provided always, that nothing herein contained shall affect the legal Recourse of Persons paying such Assessment or Assessments and Interest against such as are primarily liable for the same, or affect the Rights and Remedies of Superiors for the Recovery of their Feu Duties and Casualties.

Collector to grant Certificates.

74. The Collector appointed by the Corporation of *Edinburgh* and Corporation of *Leith* respectively to levy and collect the said Assessment or Assessments in their respective Districts shall, when required by any Person, Corporation, or Company, be bound to furnish to such Person, Corporation, or Company a Certificate under his Hand, in the Form as nearly as may be of Schedule (A.) hereunto annexed, showing with reference to any Lands and Heritages what Arrears of such Assessment or Assessments, if any, are past due, and the Name of the Owner and Occupier of such Lands or Heritages, as appearing in his Books, and also whether any and what Instalments of such Rates or Assessments are still chargeable in respect of such Lands and Heritages: Provided always, that for each Certificate in respect of Lands and Heritages separately entered or charged in the Assessment Books such Collector shall be entitled to a Fee of Two Shillings and Sixpence from the Person, Corporation, or Company requiring the same, for which Fee, or for such Portion thereof as the said Corporation of *Edinburgh* or Corporation of *Leith* respectively may direct, such Collector shall be bound to account to them if required.

Assessments how to be imposed, and how Appeals to be entered and disposed of.

75. The said Assessment or Assessments may be imposed and levied by the Corporation of *Edinburgh* and Corporation of *Leith* respectively yearly, half-yearly, or at such other Periods as the said Corporations may respectively fix, and shall be payable at such Times as they respectively appoint; and at the Meeting imposing the same the said Corporations shall respectively appoint a Day on which such Assessments shall be payable, and another Day on which Appeals by any Parties on the alleged Ground that the Drainage from their Lands

and

and Heritages respectively does not fall or proceed, or would not naturally fall or proceed into the River, or into the Mill Leads, or into the Harbour, or into any Streams, Ditches, or Tributaries discharging into the same, may be lodged with the Collector, and another Day or Days on which such Appeals shall be heard by the said Corporations or by Committees of the same respectively; and Notice to each Owner intended to be so rated or assessed, stating the Particulars of the intended Rate or Assessment as regards such Owner, and specifying the several Days fixed by the said Corporations respectively as aforesaid, shall be sent by the Collector through the Post Office, or sent to such Owner at least Two Weeks preceding the Day which may be fixed for hearing the Appeal of such Party; and the Decision upon all such Appeals of the said Corporations respectively, or of any Committee appointed by them for the Purpose of considering and disposing of such Appeals, shall be final, but the said Corporations respectively may rectify the Assessment so appealed against.

Recovery of Assessments.

76. As soon as may be after disposing of the Appeals against such Assessment or Assessments, the Corporation of *Edinburgh* and Corporation of *Leith* shall severally cause to be made up a Roll or Book of Assessments applicable thereto, and the same, or a Copy thereof, docketed and signed by the Lord Provost and City Clerk of *Edinburgh* as regards the Assessment over the "*Edinburgh* District," and by the Provost and Town Clerk of the Burgh of *Leith* as regards the Assessment over the "*Leith* District," shall forthwith be delivered over to the Collector to be appointed by the said Corporations respectively, as the Rule for levying and collecting the said Assessment or Assessments; and if the said Assessment or Assessments shall not be paid when the same falls or fall due, the Collector shall take legal Proceedings for Recovery of the same, together with the legal Interest thereof from the Day fixed for Payment thereof as aforesaid, in the same Way and Manner as is by "The General Police and Improvement (*Scotland*) Act, 1862," provided for the Recovery of the Police Assessment under the same, for which Purpose Clauses 92, 93, and 94 of the said Act and relative Schedule, so far as applicable, and so far as regards the said Schedule with the necessary Changes, are hereby incorporated with this Act; or the said Assessment or Assessments, or any Part thereof, and Interest, with the Expenses attending the Recovery of the same, may be recovered in the same Way and Manner as Debts are recoverable by the Law of *Scotland*.

Power to levy Assessments on Occupier.

77. The Corporation of *Edinburgh* and Corporation of *Leith* respectively may, by way of additional Remedy, require the Payment of all or any Part of the Assessment or Assessments hereby authorized, with Expenses and Interest payable by the Owner for the Time

Time being, from the Person who then or at any Time thereafter occupies any such Lands and Heritages under such Owner, and for that Purpose, Clauses 402 and 403 of "The General Police and Improvement (*Scotland*) Act, 1862," and the Provisions therein referred to, shall be incorporated with this Act.

Surplus Assessments, how to be applied.

78. If any Surplus of the said Assessment or Assessments shall remain after the Sum or Sums of Money apportioned upon and called for from the Corporation of *Edinburgh* and Corporation of *Leith* respectively by the Commissioners, and all Expenses connected therewith, the Interest of Monies borrowed in virtue hereof, and any Principal Sum which may have become payable, the Expense of levying and recovering the said Assessment or Assessments, and any Losses from Arrears or otherwise shall have been paid or provided for, such Surplus shall be held by the Corporation by which the same has been levied and received, and applied towards the Purposes of this Act remaining unfulfilled; and if any Assessment or Assessments for any Year shall not be sufficient for the Purpose for which it was imposed and levied, the Corporation by which the same has been so imposed and levied shall and they are hereby authorized and required to make Provision for the Payment of such Deficiency of Assessment for the Purpose on the following Year or Years, until the same shall be fully paid.

Power to Corporations to borrow Money on Security of Assessments.

79. For the Purpose of paying the Sum or Sums called for from them by the Commissioners for the Construction of the Works hereby authorized and the other Purposes of this Act, exclusive of Maintenance, or any Part of such Sums, it shall be lawful for the Corporation of *Edinburgh* and Corporation of *Leith* respectively, at such Time or Times as they may think proper, to borrow such Sum or Sums of Money as shall be necessary, and to the Extent of any Sum or Sums called for by the Commissioners from each Corporation, but not exceeding in the whole Sixty thousand Pounds; and in the event of any Part of such Sum or Sums of Money being repaid by the said Corporations respectively, otherwise than as herein provided for the Liquidation and Discharge of the same, to reborrow the same; and for securing the Repayment of the Money which may be so borrowed, with Interest, the said Corporations respectively may assign and convey the said Assessment or Assessments leviable by them respectively, or any Portion thereof, to the Person, Corporation, or Company who shall advance or lend such Money: Provided always, that all Persons, Corporations, or Companies to whom Bonds and Assignations or Transfers thereof shall be granted, or who shall be entitled to the Sums of Money thereby secured, shall, to the Extent of such Sums respectively, be Creditors on the Assessment or Assessments so assigned, equally one with another, without any Preference

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in respect of the Priority of their respectively advancing such Sums, or of the Dates of any such Bonds and Assignations or Transfers respectively, or of the recording or minuting thereof.

Forms of Bonds as in Sched. (B.)

80. All Bonds and Assignations for securing Monies to be borrowed as aforesaid shall when granted by the Corporation of *Edinburgh* be signed by the Lord Provost, Treasurer, and Clerk of the said City, and when granted by the Corporation of *Leith* be signed by the Provost, Treasurer, and Clerk of the said Burgh, and may be according to the Form in the Schedule (B.) to this Act annexed, or such other Form as may be agreed on; and neither the Parties signing the same, nor any of the other Members of the Corporation by which such Bonds and Assignations may be granted, shall be personally liable for the Repayment of the Sum or Sums so borrowed, or Interest thereon; and from Time to Time any Person, Corporation, or Company entitled to any such Bond and Assignation or Security may transfer his Right and Interest therein to any other Person, Corporation, or Company by Transfer thereof, according to the Form in the said Schedule, or such other Form as may be agreed on.

Granters not to be personally liable.

Bonds may be transferred.

Bonds to be recorded and Transfers minuted.

81. Before such Bonds and Assignations shall be delivered to the Creditors, or shall form a valid Lien on the said Assessments, the same shall be recorded in the Minute Books of the Corporation by whom such Bonds and Assignations have been granted, and a Certificate of such Registration shall be indorsed on such Bonds and Assignations, and signed by the said City Clerk or Town Clerk, as the Case may be; and all Transfers of such Bonds and Assignations shall be notified to the said City Clerk or Town Clerk, according as such Bonds and Assignations shall have been granted by the Corporation of *Edinburgh* or the Corporation of *Leith* respectively; and such City Clerk or Town Clerk shall enter in the said Minute Book the Date of the said Transfer, the Names of the Parties thereto, the Number or Mark of such Bond and Assignation, and the Interest due on the same, and a Certificate of such Entry shall be endorsed on the said Bond and Assignation, and signed by the said City Clerk or Town Clerk, as the Case may be; and the said Bond and Assignation and Transfer being so certified, the Assignee, his Executors and Assignees, shall thereafter be entitled to the full Benefit of the same; and the whole Expense attending the said principal Bonds and Assignations, including the recording and entering thereof, with the relative Certificates, shall form Part of the Expense for which such Assessments shall be leviable.

Monies borrowed on Security of

82. In order to repay the Sums of Money borrowed by the Corporation of *Edinburgh* and Corporation of *Leith* respectively, as aforesaid,

Assessments to be paid off in a limited Period.

aforesaid, on the Security of the Assessments hereby authorized, the said Corporations respectively shall, in each Year from the Date of each Loan, levy the said Assessments to such an Amount as will produce a clear Sum applicable to such Payment of not less than One Thirtieth Part of the Principal and Interest of the Sums so borrowed; and the said Corporations shall respectively appropriate, set apart, and invest such Sums at the highest Rate of Interest which can be had for the same in the Public Funds, or in any Chartered Bank, or on Heritable Security as Sinking Funds, applicable and to be applied by the said Corporations respectively from Time to Time and in such Way and Manner as they consider most expedient to the Repayment of the Monies borrowed, until the respective Debts shall be extinguished.

Power to borrow on Cash Credit Account.

83. It shall be lawful for the Corporation of *Edinburgh* and the Corporation of *Leith* respectively, instead of borrowing as herein-before provided, but without Prejudice to their Right to do so, to borrow or accept or take from any Bank or Banking Company, in a Cash Credit Account to be opened and kept according to the Usage of Bankers in *Scotland* with such Bank or Banking Company, in Name of the said Corporations respectively, any Sum or Sums of Money which they may be authorized to borrow under this Act, and to make and grant Bonds and Assignations of the said Assessments in Security, and for Repayment of the Sums advanced from Time to Time upon such Cash Credit Account and Interest thereof: Provided always, that the Sums so borrowed shall be paid off and extinguished within a Period not exceeding Thirty Years.

On Failure to pay after Demand made, Creditors may enter into possession.

84. If, after Demand made on Six Months Notice in Writing to the Corporation of *Edinburgh* and Corporation of *Leith*, as the Case may be, they shall fail to pay the Sum due under any Bond and Assignation and Transfer thereof, or other Security granted under this Act, it shall be competent to the Creditors by whom such Demand was made to apply by Petition to either Division of the Court of Session, or, in Time of Vacation, to the Lord Ordinary officiating on the Bills, who, upon Proof of such Demand and Failure, shall adjudge and sequestrate, for behoof of the whole Creditors, the Assessment or Assessments assigned and conveyed as aforesaid, and appoint a Judicial Factor, with Power to him to levy, collect, receive, and take the Revenues so assigned and conveyed, and to apply the said Assessment or Assessments for behoof of the whole Creditors, until the Sums due to the said Creditors, and all Interest exigible thereon, and all necessary Expenses shall be fully paid off and discharged.

Surplus Monies received by

85. In the event of the Sums called for and received by the Commissioners from the Corporation of *Edinburgh* and Corporation of *Leith*

Leith respectively, and of any other Sums which the Commissioners are by this Act authorized to exact or receive, exceeding the Amount required by them for the Purposes of this Act, such surplus Monies or so much thereof as the Commissioners and the said Corporations may fix and determine, shall be paid over by the Commissioners to the said Corporations respectively in the Proportions, as nearly as may be, in which the Sums received by the Commissioners from the said Corporations respectively have been contributed; and in the event of any Dispute or Difference of Opinion arising between the Commissioners and the said Corporations or either of them, in regard thereto, the same shall be determined by the Sheriff, whose Decision shall be final and conclusive, and not subject to Review in any way or by any Process whatsoever; and the said Corporations respectively shall be bound to apply the Sums so received by them from the Commissioners towards the Repayment of any Sums of Money borrowed by them in virtue hereof, or, if these have been repaid, the Sums so received from the Commissioners shall be held or applied for the Benefit of the *Edinburgh* District or *Leith* District respectively in such Way and Manner as the said Corporations respectively shall fix and determine.

the Commissioners to be apportioned between and paid over to the Corporations of Edinburgh and Leith respectively.

86. In the event of any Error having been committed in defining the said Districts, or any of them, under the Powers hereby conferred, or in apportioning any Sums called for from the Corporation of *Edinburgh* or Corporation of *Leith*, in manner before provided, whether such Error shall have arisen from the including of Lands and Heritages in the Rental of any of the said Districts which should not have been included, or which though included may afterwards be held not to be liable to Assessment under this Act, or in any other Way, by which any Sum shall have been unduly apportioned on either of the said Corporations, it shall be lawful for the Commissioners and the said Corporations to correct such Error, and failing their doing so, the Commissioners or either of such Corporations may at any Time bring the Matter under the Consideration of the Sheriff, who shall have Power to rectify any such Error, and whose Judgment thereon shall be final.

Power to rectify Errors in defining Boundaries.

87. For the Maintenance and Repair of the Works hereby authorized to be constructed, the Commissioners shall, at such Time or Times as they may consider necessary, and in like Manner as is hereby provided in regard to the Construction of the said Works, estimate the Sums necessary for such Maintenance and Repair, and apportion the same between the Corporation of *Edinburgh* and Corporation of *Leith*, and shall call for Payment of the Sum or Sums so apportioned from the said Corporations respectively, which Corporations shall be bound to pay over such Sum or Sums, and shall have all such Powers of assessing and levying such Assessment or Assessments as shall be necessary to enable them to make such Payments as are herein

Provision for Maintenance and Repair of Works.

herein and by the Acts incorporated herewith conferred upon them in relation to the Assessment or Assessments for the Construction of the Works hereby authorized, and other Purposes of this Act; and the Assessment or Assessments hereby authorized for Maintenance and Repair of the said Works shall be levied from such Parties and in respect of such Lands and Heritages as are subjected to the said Assessments for Construction of Works by this Act authorized: Provided always, that the Lands and Heritages belonging to the Commissioners for the Harbour and Docks of *Leith* contained in the Valuation Rolls shall be liable to Assessment for Maintenance and Repair on the Rental or annual Value thereof, but only in so far as the same does not include or consist, in whole or in part, of Rates and Duties on Goods and Shipping levied by the Commissioners for the said Harbour and Docks, and the Valuation of the Harbour and Docks and Quays of *Leith*.

Service of Notices to Owners or Occupiers.

88. Where under this Act any Notice is required or falls to be given to the Owner or Occupier of any Lands, Houses, Works, or other Property, in reference to the Purposes of this Act, such Notices shall be written or printed, or partly written and partly printed, and the same, addressed to such Owner or Occupier as the Law may require, may, in the Case of Notices to Occupiers, be served on the Occupier of such Lands, Houses, Works, or other Property, or left with some Inmate of his Abode, or, if there be no Occupier, may be put up on some conspicuous Part of such Lands, Houses, Works, or other Property; and it shall not be necessary in any such Notice to name the Occupier or the Owner of such Lands, Houses, Works, or other Property: Provided that when the Owner of any such Lands, Houses, Works, or other Property, and his Residence are known to the Commissioners, Corporation of *Edinburgh*, and Corporation of *Leith* respectively, or others requiring to give such Notice, it shall be their Duty, if such Owner be resident within the Municipal Boundaries of *Edinburgh* and *Leith*, to cause every Notice required to be given to such Owner to be served on him or left with some Inmate of his Abode; and if such Owner be not resident within the Municipal Boundaries of *Edinburgh* and *Leith*, every such Notice shall be sent by Post addressed to the Residence of such Owner; and the Service or Despatch by Post of every such Notice shall be sufficiently attested by the Individual by whom it is served or posted in manner above directed.

Application of Expressions in 25 & 26 Vict. c. 101.

89. Wherever any Clauses of "The General Police and Improvement (*Scotland*) Act, 1862," are incorporated with this Act, the whole Powers and Rights by the said Clauses conferred upon Commissioners of Police appointed or acting under the Provisions of the said Police Act and the Officers of such Commissioners with reference to the several Matters set forth in the several Clauses so incorporated are,

are, subject to the Provisions of this Act, hereby conferred upon the Commissioners and their Officers, and the Corporation of *Edinburgh* and Corporation of *Leith* respectively and their Officers, in relation to the several Purposes hereof; and the several Words after mentioned in the said Clauses shall bear the following Meanings, *viz.*, "the Collector" shall mean the Collector appointed by the said Corporations respectively to collect and levy the Assessments hereby authorized; "the Sheriff" shall mean the Sheriff of the County of *Edinburgh*; "the Magistrates of Police" and "the Magistrate" shall mean any of the Magistrates or Judges having Jurisdiction within the Police Courts of the City of *Edinburgh* or Burgh of *Leith* respectively in virtue of any Local or Public General Act in operation therein for the Time; "the Magistrates of the Burgh" shall mean any Magistrate of the said City or Burgh respectively, such Magistrates of Police or Magistrates of the Burgh always acting in virtue hereof within the Limits of their respective ordinary Jurisdictions; the Words "Police Assessments" shall mean and include the Assessments by this Act authorized; and the Words "the Surveyor to the Commissioners" shall mean the Surveyor appointed by the Commissioners of Police within the City of *Edinburgh* or Burgh of *Leith* respectively.

Offences, how to be tried.

90. Every Person who shall contravene any of the Provisions of this Act and of any Act incorporated herewith shall be prosecuted, and all Penalties, together with the Expenses of Prosecution and Conviction, to be ascertained on Conviction, shall be recovered, unless by this Act otherwise specially directed or authorized, before the Sheriff, or before any One of the Magistrates of the City of *Edinburgh* or Burgh of *Leith* respectively, or before any One of the Magistrates or Judges having Jurisdiction within the Police Courts of the said City or Burgh respectively in virtue of any Local or Public General Act in operation therein for the Time, as the Case may be, and within whose Jurisdiction the Person so contravening shall reside or such Contravention shall have taken place, at the Instance of the Procurator Fiscal of the Court before which the Person so contravening shall be tried; and where the Person so contravening shall reside or the Offence shall have been committed in the said City or Burgh respectively, it shall be competent to prosecute such Offender at the Instance of the Superintendent of Police of the said City or Burgh respectively before the Court and in the Manner provided for the Trial of Police Offences by any General or Local Police Act in force in the said City or Burgh respectively; and the whole Powers which are by such General or Local Police Acts respectively made applicable to the Apprehension of Offenders and the Trial and Punishment of Police Offences within the said City or Burgh respectively, and to the Recovery of Penalties and Expenses imposed or made chargeable under the same, shall be and are hereby made applicable to the

Apprehension, Trial, and Punishment of Persons contravening the Provisions of this Act.

Imprisonment until Payment of Penalties, &c.

91. The Judge may sentence any Person found liable in a Penalty, with or without Expenses, to Imprisonment until the same is paid, but in no Case shall the Period of Imprisonment for Non-payment exceed Sixty Days.

Application of Penalties.

92. All Penalties and Expenses imposed by and incurred under this Act shall, when recovered, be paid to the Treasurer of the Commissioners for the Purposes of this Act; and all Expenses of Prosecutions and Convictions, in so far as not paid by or recovered from the Persons contravening the Provisions of this Act, and liable therefor, shall be paid by the Commissioners, and form a proper Charge against the Monies received by them in virtue hereof.

Rights to Sewage reserved.

93. In the event of it being at any Time hereafter found that the Sewage of *Edinburgh* and *Leith* can be used or applied by the said Corporation of *Edinburgh* or Corporation of *Leith* respectively so as to be a Source of Profit, nothing herein contained shall be held to prejudice or affect the Rights therein of the said Corporations respectively.

Saving Questions between Superior and Vassal.

94. Nothing contained in this Act shall affect any Question between Superiors and Vassals in the said City of *Edinburgh* under their Feu Rights.

Saving Rights of the Crown.

95. Nothing contained in this Act, or in any of the Acts herein referred to, shall authorize the Commissioners to take, use, or in any Manner interfere with any Foreshore, or other Land, Soil, Tenement, or Hereditaments, the Property of or held in trust for Her Majesty, Her Heirs and Successors, without the previous Sanction of the Lords Commissioners of the Treasury, or any Rights of whatsoever Nature belonging to or enjoyed or exerciseable by the Queen's most Excellent Majesty, in right of Her Crown, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them, on behalf of Her Majesty, first had and obtained for that Purpose (which Consent such last-mentioned Commissioners are hereby authorized to give); neither shall anything in the said Act or Acts contained divest, take away, prejudice, diminish, or alter any Estate, Right, Privilege, Power, or Authority vested in or enjoyed or exerciseable by the Queen's Majesty, Her Heirs or Successors.

Expenses of Act.

96. The Expenses of applying for and passing this Act, and incidental thereto and connected therewith, shall be paid by the Commissioners out of any of the Sums received by them for the Purposes of this Act.

SCHE-

SCHEDULES to which this Act refers.

SCHEDULE (A.)

WATER OF LEITH SEWERAGE RATES.

Edinburgh District (*or* Leith District, *as the Case may be*).

Description of Subjects.	Name of Owner.	Name of Occupier.	Rental.	Rate of Assessment due and chargeable at			
				15 May 18	15 May 18	15 May 18	15 May 18

A.B., Collector.

*Date*_____

SCHEDULE (B.)

I. Bond and Assignation.

By virtue of "The Edinburgh and Leith Sewerage Act, 1864," the Lord Provost, Magistrates, and Council of Edinburgh [*or* Provost, Magistrates, and Council of Leith, *as the Case may be*], in consideration of the Sum of [*here insert the Sum in Words*] advanced to them by [*here insert the Creditor's Name and Designation*], for the Purposes of the said Act, do hereby bind and oblige themselves and their Successors in Office, out of the Monies to be raised by virtue of the said Act, to pay to the said [*Creditor's Name*], his Executors or Assignees, the Sum of [*insert the Sum*], and that in Terms of the said Act, with the Interest thereof, at the Terms of Whitsunday and Martinmas yearly, and for his Security the Lord Provost, Magistrates, and Council [*or* Provost, Magistrates, and Council, *as may be*] hereby assign to the said [*Creditor's Name*] the whole Assessments levied or that may be levied by them by virtue of the said Act: In witness whereof [*here insert a Testing Clause for Execution by the Lord Provost or Provost, as may be, Treasurer and Clerk, according to the Forms of the Law of Scotland*].

II. Transfer.

I [*here insert the Name and Designation of the Granter of the Transfer*], in consideration of the Sum [*insert Sum received*] paid to me by [*insert Name and Designation of the Party to whom the Transfer is to be made*], and in virtue of "The Edinburgh and Leith Sewerage Act, 1864," do hereby assign and transfer to the said [*Name of the Party to whom the Transfer is to be made*] all my Right and Interest in a Bond and Assignation, dated the Day of granted by the Lord Provost, Magistrates, and Council of Edinburgh [*or* Provost, Magistrates, and Council of Leith, *as the Case may be*] in my Favour [*or in favour of the original Lender, as the Case may be, mentioning the intermediate Assignee or Assignees*], under the Provisions of the said Act, together with the whole Interest due and to become due thereon: In witness whereof [*here insert a Testing Clause, according to the Forms of the Law of Scotland*].

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