CHAPTER lxxi.

An Act to authorise the Lord Provost Magistrates and Council of the City of Edinburgh to provide erect and maintain a Municipal Hall to provide increased facilities in connexion with their electric lighting undertaking to construct works and tramways to acquire lands to amend Acts and for other purposes. [13th July 1899.]

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WHEREAS the municipal and police administration of the city and royal burgh of Edinburgh and other matters connected therewith are vested in and managed by the lord provost magistrates and council thereof (herein-after called "the Corporation") under among others the Edinburgh Municipal and Police Acts 1879 to 1897:

And whereas a sum of one hundred thousand pounds was paid over to the Corporation by the late Andrew Usher of Edinburgh for the purpose of providing a municipal hall for the city:

And whereas it is expedient that the Corporation should be authorised and empowered to provide erect and maintain a municipal hall offices and buildings and to acquire lands for that purpose and to apply and appropriate thereto the aforesaid gift of the said Andrew Usher and the accrued interest thereon:

And whereas it is expedient that the Corporation should be authorised to acquire certain other lands within the city at or near the central electric lighting station of the Corporation for the purpose of providing increased facilities and accommodation at and accesses to the same:

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

And whereas it is expedient that the Corporation should be authorised to borrow money for the erection of the said municipal hall offices and buildings the construction of the works and the

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tramways authorised by this Act the purchase of lands and for the other purposes of this Act:

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

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

And whereas plans and sections showing the lines and levels of the several works and tramways authorised by this Act and the lands proposed to be taken for the purposes thereof and plans of the lands to be acquired for the other purposes of this Act and also books of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands or houses which may be taken under the powers of this Act were duly deposited with the principal sheriff clerk of the county of Midlothian and also with the principal sheriff clerk of the county of the city of Edinburgh and the same are herein-after respectively referred to as the deposited plans sections and books of reference:

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

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

Short title.

1. This Act may be cited for all purposes as the Edinburgh Corporation Act 1899 and where the Edinburgh Municipal and Police Acts 1879 to 1897 are referred to in conjunction with this Act they may be cited as the Edinburgh Municipal and Police Acts 1879 to 1899.

Part I.—Preliminary.

Division of Act into parts.

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

Part I.—Preliminary.
Part II.—Municipal Hall.
Part III.—New Works.
Part IV.—Tramways.
Part V.—Acquisition of Lands.
Part VI.—Assessments Borrowing Powers and Finance.
Part VII.—Miscellaneous.

Interpretation.

3. In this Act and for the purposes of this Act unless there be something in the subject or context inconsistent with this Act or

repugnant to such construction the several words and expressions to which meanings are assigned by the Edinburgh Municipal and Police Acts shall subject to the provisions of this Act have the same respective meanings:

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

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

"The magistrates" mean the magistrates of the city;

"The Edinburgh Municipal and Police Acts" mean and include the Edinburgh Municipal and Police Acts 1879 to 1897 as amended by this Act and this Act;

"The Act of 1879" means the Edinburgh Municipal and Police Act 1879;

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

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

"The Corporation Tramways Act 1893" means the Edinburgh Corporation Tramways Act 1893;

"The Extension Act" means the Edinburgh Extension Act 1896;

"The Corporation Tramways Act 1896" means the Edinburgh Improvement and Tramways Act 1896;

"The Stock Act" means the Edinburgh Corporation Stock Act 1894 as amended by the Corporation Tramways Act 1896 and by the Act of 1897;

"The Act of 1897" means the Edinburgh Corporation Act 1897;

"Advertisement" means any word letter model sign placard board notice device or representation whether illuminated or not in the nature of or employed wholly or in part for the purpose of advertisement announcement or direction on over or resting upon any land houses building structure street court or public way.

Certain provisions of Tramways Act 1870 incorporated.

4. Section 3 (Interpretation of terms) section 19 (Local authority may lease or take tolls) and Part II. (Construction of tramways) and Part III. (General provisions) of the Tramways Act 1870 are incorporated with this Act except where the same are inconsistent with or are varied by the Corporation Tramways Act 1893 the Corporation Tramways Act 1896 the Act of 1897 or this Act Provided that the provisions of section 7 of the Telegraph Act 1878 shall apply (instead of the provisions of section 30 of the Tramways Act 1870) to any alteration of or interference with any telegraphic line belonging to or used by the Postmaster-General

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The expression "telegraphic line" in this Act has the same meaning as in the Telegraph Act 1878.

Incorporation of Acts.

5. The Lands Clauses Acts shall be incorporated with and form part of this Act And for the purposes of section 23 of this Act (the marginal note of which is "Lands for municipal hall") so far as regards the houses in Atholl Crescent section 6 of the Railways Clauses Consolidation (Scotland) Act 1845 is incorporated herewith and in construing the said section "the company" means the Corporation and "the railway" means the municipal hall for the city Provided always that the owners or other parties having an interest in any of the said houses which the Corporation by the said section 23 of this Act obtain power to take but with regard to which they do not exercise such power shall be entitled to compensation in respect of any injurious affecting of the same by the use of the lands taken under the said power for any purpose which the said owners or other parties aforesaid could have restrained by way of an action at law in virtue of the rights enjoyed by them under their titles if compulsory powers to take and use such lands had not been obtained under this Act.

Part II.—Municipal Hall.

Municipal hall.

6. The Corporation may subject to the provisions of this Act and on the lands to be acquired as herein-after mentioned or any part or parts of the same provide build erect and maintain in such manner and according to such plan design elevation and height and general arrangement as they think fit a municipal hall for the city together with offices and other buildings in connexion therewith and suitable and convenient accesses thereto and may complete furnish and equip the said hall and offices convenient for the purposes for which it may be used and may use or allow the same to be used for any municipal purpose or for concerts or for any other purpose which the Corporation may consider proper and the Corporation may make such charge or charges for the use of the hall or allow the same to be used at any time without charge as the Corporation think fit.

Application of Mr. Usher's gift.

7. The Corporation shall in addition to the power to borrow money conferred by this Act use appropriate and apply towards the erection of the said municipal hall offices and buildings and the acquisition of lands for that purpose the donation or gift of one hundred thousand pounds made to the Corporation by the late Andrew Usher of Edinburgh together with the accumulated interest thereon and now held by the Corporation for the said purposes.

Appointment of officials.

8. The Corporation may appoint such officials officers and servants as they think fit for the municipal hall offices and buildings and may pay them such salary or wages as the Corporation may at any time fix and may prescribe their duties and may dismiss any such officers or servants and appoint others in their place.

Power to make regulations.

9. The Corporation may make such rules regulations and byelaws as they may think fit for the proper regulation and management of the said municipal hall and may alter or repeal such rules regulations and byelaws and make others provided such rules regulations and byelaws be not repugnant to the law of Scotland and the same shall be reduced into writing and shall have the signature of the town clerk affixed thereto and a copy thereof shall be affixed on some part of the said municipal hall as sufficient notice to all persons who may be affected thereby.

Penalties for breach of regulations.

10. The Corporation may by such rules regulations and byelaws impose such reasonable penalties upon all persons offending against the same as the Corporation think fit not exceeding five pounds for any one offence Provided always that all complaints arising out of any breach of such rules regulations and byelaws shall proceed at the instance of the procurator fiscal before the magistrates in the same way as is provided with respect to complaints for breach of byelaws in the Edinburgh Municipal and Police Acts.

Part III.—New Works.

Power to make street widenings and other works.

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

Description of works.

12. The works herein-before referred to are the following (that is to say):—

(1) A widening alteration and improvement wholly situate in the city parish of Edinburgh and in the city and royal burgh of Edinburgh and county of the city of Edinburgh and county of Midlothian (Work No 1) of part of the street of Atholl Crescent commencing at the western junction of said street with Maitland Street at a point in line with the area wall of Atholl Place and nineteen yards or thereabouts eastwards from the western side of Atholl Crescent Lane and terminating at

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the eastern junction of the said Atholl Crescent with Maitland Street at a point in line with the frontage of Maitland Street and nineteen yards westwards from the east side of Canning Street:

(2) A widening alteration and improvement wholly in the city parish of Edinburgh in the city and royal burgh of Edinburgh and county of the city of Edinburgh and county of Midlothian (Work No. 2) of part of the streets of Torphichen Street and Canning Street commencing in the centre of Torphichen Street at a point in line with the centre of Dewar Place and terminating in the centre of Canning Street at a point thirty-nine yards or thereabouts measured in an easterly direction from the eastern entrance of Torphichen Street Board School:

(3) A widening alteration and improvement wholly situate within the parish of Duddingston and city and royal burgh of Edinburgh and county of the city of Edinburgh and county of Midlothian (Work No. 3) of part of the southern side of High Street in the Portobello District of the city commencing in High Street at a point in line with the eastern side of Windsor Place and terminating in High Street at a point in line with the western side of Fishwives' Causeway:

(4) A road of access (Work No. 4) to the lands of Colinton Mains and the City Hospital of the Corporation which road will be situate partly in the city parish of Edinburgh and partly in the parish of Colinton city and royal burgh of Edinburgh and county of the city of Edinburgh and county of Midlothian commencing at a point on the west side of the road leading from Edinburgh to Carlops thirty-three yards or thereabouts southwards from the eastern entrance of the City Poor House at Craiglockhart and terminating at a point five yards or thereabouts westward from the eastern boundary of the lands of Colinton Mains and thirty yards or thereabouts southwards from the southmost boundary of the said City Poor House:

(5) A sewer or drain (Work No. 5) commencing in the parish of Colinton in the county of Midlothian at a point five yards or thereabouts westward from the eastern boundary of the lands of Colinton Mains and thirty yards or thereabouts southwards from the southmost boundary of the City Poor House of Craiglockhart and extending eastwards northwards and eastwards along the said proposed road of access (Work No. 4) to the centre of the public road leading from Edinburgh to Carlops and terminating in the city parish of Edinburgh city and royal burgh of Edinburgh and county of the city of Edinburgh and county of Midlothian by a junction with the existing sewer of the Corporation in Comiston Road.

Power to deviate.

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

Period for completion of works.

14. If the works described in the section of this Act the short title of which is "Description of works" are not completed within five years from the commencement of this Act then on the expiration of that period the respective powers by this Act granted to the Corporation for executing the said works not so completed shall cease except as to so much thereof as is then completed.

Abandonment of Works Nos. 1 and 2 authorised by Act of 1896.

15. The Corporation shall abandon the construction of the road of access (Work No. 1) and the sewer and drain (Work No. 2) authorised by the Corporation Tramways Act 1896.

Part IV.—Tramways.

Power to make tramways.

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

Tramway No. 1 (double line) three furlongs 6·53 chains or thereabouts in length wholly situate in the parish of Duddingston and city and royal burgh of Edinburgh commencing by a junction with the existing tramway of the Corporation in High Street in the Portobello district of the city at a point seventeen yards or thereabouts westwards from the western side of Hope Lane and passing thence in a westerly direction along the roadway of High Street and terminating by a junction with the existing tramway of the Corporation at a point in the said High Street in line with the western side of Fishwives' Causeway :

Tramway No. 2 (double line) 4·30 chains or thereabouts in length wholly situate in the parish of Duddingston and city and royal burgh of Edinburgh commencing by a double junction with Tramway No. 1 at a point ·09 chain or thereabouts eastward

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and at a point 1·54 chains westward from the line of the western side of Tower Street and passing thence in a southerly direction along Livingstone Place and terminating at a point 3·5 chains southwards from the southern line of High Street Portobello :

Tramway No. 3 (double line) 2·31 chains or thereabouts in length wholly situate in the city parish of Edinburgh and city and royal burgh of Edinburgh commencing by a junction with the existing tramway of the Corporation in Strathearn Road at a point 1·7 chains or thereabouts eastwards from the east side of Whitehouse Loan and passing thence in a westerly direction along the roadway of Strathearn Road and terminating by a junction with the existing tramway of the Corporation at a point in Strathearn Road ·6 chain or thereabouts westwards from the eastern side of Whitehouse Loan.

Tramway No. 1 will take the place of the existing line of tramway along the said High Street Tramway No. 2 will be used for taking cars to and from the car shed to the working lines in High Street The Corporation may take up and remove or alter any existing passing places or rails laid down on the said streets or roads which may interfere with or be rendered unnecessary by the laying down of the said tramways.

Tramways to be inspected before being opened.

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

Period for completion of tramways.

18. The tramways authorised by this Act shall be completed within three years from the passing of this Act and on the expiration of that period the powers by this Act granted to the Corporation for executing the same shall cease except as to so much thereof as shall then be completed.

Tramways to be part of Corporation tramways.

19. The tramways and the works connected therewith by this Act authorised to be constructed shall for all purposes whatsoever be part of the Corporation tramways and tramway undertaking and the Corporation or their lessees may demand and take in respect of the tramways authorised by this Act to be constructed tolls rates and charges not exceeding those which they are authorised to take and for the time being may lawfully take in respect of the tramways owned by the Corporation.

For protection of gas and water mains.

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

Application of sections of Corporation Tramways Act 1896.

21. The provisions of sections 13 to 23 25 to 30 and 36 to 39 of the Corporation Tramways Act 1896 shall so far as the same are applicable extend and apply to the tramways by this Act authorised in as full and complete a manner as if the said sections were severally re-enacted in this Act.

Provision as to general Tramways Acts.

22. Subject to the provisions of this Act nothing in this Act contained shall exempt the Corporation or their lessees or the Corporation tramways from the provisions of any general Act relating to tramways now in force or which may hereafter pass during this or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the maximum rates and charges authorised to be taken in respect of the Corporation tramways.

Part V.—Acquisition of Lands.

Lands for municipal hall.

23. For the purposes of the municipal hall and offices and buildings connected therewith the Corporation may subject to the provisions of this Act purchase take and acquire compulsorily or by agreement and may enter upon hold use and appropriate the lands houses and property shown on the deposited plans within the area marked "A" thereon and described in the deposited books of reference or any part or parts of the same The said lands houses and property are the following :—

The lands houses and other property situate and lying and being within the area marked A delineated and numbered on the deposited plans and described in the deposited books of reference and bounded by a line commencing at the north-east corner of Atholl Crescent at a point in line with the southern side of Maitland Street and six yards or thereabouts distant from the eastern side of Canning Street measured in a westerly direction and extending southwards along Canning Street for a distance of sixty yards or thereabouts to a point in line with the centre of Atholl Crescent Lane thence in a south-westerly direction for a distance of sixty-three yards or thereabouts along the centre of Atholl Crescent Lane thence in a south-easterly direction along the eastern gable of No. 4 Canning Street Lane for a distance of fourteen yards or thereabouts thence in continuation across the said lane to the eastern gable of No. 17 Canning Street Lane thence in a south-easterly direction along the said gable and in continuation to the centre of Canning Street thence in a westerly direction along the centre of Canning Street for a distance of one hundred yards or thereabouts thence in a north-westerly westerly and north-westerly direction along the eastern boundary of Torphichen Street Public

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School and in continuation to the centre of Atholl Crescent Lane thence in a westerly direction along the centre of the said lane for a distance of sixty-eight yards or thereabouts thence still further in continuation along the centre of said lane in a north-westerly direction for a distance of fifty-seven yards to a point in line with the front area wall of Atholl Place thence in a north-easterly direction and in a curved line along the centre of Atholl Crescent to the point first mentioned all lying within the city parish of Edinburgh city and royal burgh of Edinburgh county of the city of Edinburgh and county of Midlothian.

Additional lands for access and storage purposes at electric lighting station.

24. For the purpose of providing additional accommodation at and in connexion with the central electric lighting station of the Corporation at Dewar Place and for enlarging and improving the accesses to the same and for increasing the facilities and siding accommodation for better enabling the Corporation efficiently to carry on their electric lighting undertaking and for the greater convenience thereat for carriage delivery and storage of coals and plant and other materials the Corporation may purchase take and acquire compulsorily or by agreement and may enter upon hold use and appropriate the following lands houses and other property or some part or parts thereof (that is to say):—

The lands houses and other property situate and lying and being within the area marked B delineated and numbered on the deposited plans and described in the deposited books of reference bounded by a line commencing at the south-eastern corner of Dowell's Great Northern Depository Canning Street and extending in a south-easterly direction along the north-eastern boundary of property belonging or reputed to belong to the North British Railway Company for a distance of twenty-four yards or thereabouts thence in a north-easterly direction across Canning Street at its junction with St. Cuthbert's Lane to the eastern side of the said street to a point ten yards measured in a southerly direction from the south side of the entrance to the Caledonian Railway Company's electric lighting station thence in a southerly direction along the eastern side of the said street for a distance of nineteen yards or thereabouts to the southern side of the south wall bounding St. Cuthbert's Lane thence in a south-westerly direction along the southern side of the said wall to the north-eastern corner of the said central electric lighting station of the Corporation thence in a westerly direction along the southern side of Torphichen Street for a distance of seventy-three yards or thereabouts thence in a northerly direction across said last-mentioned street and in

a straight line in continuation for a distance of thirty-four yards or thereabouts thence in a westerly direction for a distance of three yards or thereabouts thence in a northerly direction for a distance of thirty yards or thereabouts to the centre of Canning Street thence in a north-easterly direction for a distance of seventeen yards or thereabouts thence in a south-easterly direction and along the eastern boundary of the property occupied by Messrs. Craig fire-clay manufacturers to the northern boundary of the fire engine station of the Corporation thence along the northern boundary of that property and in continuation along the northern boundary of the property or reputed property of the North British Railway Company by an irregular line to the point first mentioned all lying within the city parish of Edinburgh city and royal burgh of Edinburgh and the county of the city of Edinburgh and county of Midlothian.

Lands for works &c.

25. Subject to the provisions of this Act the Corporation may compulsorily or by agreement enter upon purchase take hold appropriate and use such of the lands houses and property shown on the deposited plans and described in the deposited books of reference as may be required for or in connexion with the works described in Part III. of this Act.

Correction of errors &c. in deposited plans and books of reference.

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

Certificates to be deposited.

27. The certificate of the sheriff shall be deposited in the office at Edinburgh of the principal sheriff clerk of the county of Midlothian and a duplicate thereof shall be deposited at the office of the principal sheriff clerk of the county of the city of Edinburgh and such certificate and duplicate shall be kept by such sheriff clerks respectively along with the other documents to which they relate and thereupon the deposited plans and books of reference shall be

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deemed to be corrected in accordance with the certificate and the Corporation may enter on purchase take hold and use for the purposes of this Act any lands in accordance with such certificate as if such omission mis-statement or erroneous description had not been made.

For protection of North British Railway Company.

28. For the protection of the North British Railway Company (in this section called "the railway company") the following provisions shall unless otherwise agreed between the Corporation and the railway company be observed and have effect (that is to say):—

(1) Notwithstanding anything in this Act contained empowering the Corporation to take and acquire the lands within the area marked B delineated and numbered on the deposited plans and described in the deposited books of reference and the lands delineated and numbered 86 to 93 (Work No. 2) inclusive on the deposited plans and described in the deposited books of reference (which whole lands are hereafter in this section referred to as "the lands") there shall be reserved to the railway company out of the lands—

(A) A perpetual right of wayleave or servitude under in and through the lands for the two tunnels of the railway company with reasonable right of access at all times to inspect the said tunnels and to make and execute all such works as may be necessary for renewing repairing or altering the said tunnels;

(B) The ventilating shaft numbered 74 in the said area B on the southmost of the said two tunnels and the ground surrounding the said shaft of a width of ten feet or thereabouts with right to the railway company in all time coming to maintain the said shaft as at present and to ventilate their tunnel by means of it free of any liability in consequence thereof and with reasonable right of access at all times to inspect the said shaft and to make and execute all such works as may be necessary for renewing repairing or altering the said shaft; and

(C) So much of the ground belonging to the railway company within the said area B above the northmost of said two tunnels as will permit of the construction of a new ventilating shaft for said tunnel of like dimensions with the existing shaft before mentioned and with an area of ground surrounding the said new shaft of a width of ten feet or thereabouts the position and extent of such piece of ground to be agreed upon between the railway company and the Corporation or settled by arbitration with right to the railway company in all time coming to

maintain the said shaft and to ventilate their tunnel by means of it free of any liability in consequence thereof and with reasonable right of access at all times to inspect the said shaft and to make and execute all such works as may be necessary for renewing repairing or altering the said new ventilating shaft:

(2) At least one month previous to the commencement of the erection by the Corporation or their disponees or assignees of any buildings or of the execution of any works on the lands near to across or over the said tunnels or which buildings or works may in any way affect the said tunnels or ventilating shafts the Corporation shall give notice to the railway company accompanied by sufficient plans working drawings elevations and specifications of the proposed buildings or works together with a statement of the probable weight of the intended buildings or works and the nature of the foundations thereof and the said plans weight of buildings or works and foundations shall be subject to the reasonable approval of the railway company and such buildings works and foundations shall be carried out to the reasonable satisfaction of the railway company's engineer for the time being:

(3) Before commencing to erect new buildings near to over or across the said tunnels the Corporation shall at their own expense form make and maintain concrete arches or other suitable provisions for the protection of the said tunnels and that according to plans sections working drawings and specifications previously submitted to and approved of by the said engineer:

(4) All works and operations of the Corporation upon the lands shall be done so as not to cause any injury to the said tunnels and ventilating shafts or any interruption to the passage or conduct of traffic over the lines of railway in said tunnels:

(5) If any such injury or interruption shall arise from or be in any way owing to the buildings or works or operations of the Corporation the Corporation shall make compensation in respect thereof to the railway company:

(6) If any difference shall at any time arise between the Corporation and the railway company or their engineers with respect to the meaning or effect of this section or any of the matters referred to in this section such difference shall be determined by an arbiter to be agreed on or failing agreement to be appointed by the Board of Trade on the application of either the Corporation or the railway company and the costs of any such reference shall be borne as the arbiter shall determine.

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Confirmation of agreement.

29. The agreement as set forth in the Third Schedule of this Act is hereby confirmed and made binding on the Corporation and the Caledonian Railway Company respectively.

Limiting period for compulsory purchase of lands.

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

Extension of time for acquisition of lands for city chambers.

31. The powers granted to the Corporation by the Corporation Tramways Act 1896 for the compulsory purchase of lands for the purpose of increasing the accommodation within and improving the neighbourhood of the City Chambers being the lands lying and situate within the area marked A delineated on the deposited plans referred to in that Act are hereby extended and continued and may be exercised by the Corporation for the period of two years from the seventh day of August one thousand eight hundred and ninety-nine and at the expiration of that period these powers shall cease.

Power to take servitudes &c. by agreement.

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

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

33. And whereas in the exercise of the powers of this Act it may happen that portions only of the lands houses buildings or manufactories shown on the deposited plans may be sufficient for the purposes of this Act or any of them and that such portions may be severed from the remainder of the said properties without material detriment thereto Therefore notwithstanding section 90 of the Lands Clauses Consolidation (Scotland) Act 1845 the owners of and other persons interested in the lands houses buildings or manufactories described in the First Schedule to this Act annexed and whereof portions only are required for the purposes of this Act may (if such portions can in the opinion of the jury arbiters or other authority to whom the question of disputed compensation shall be submitted be severed from the remainder of such properties without material detriment thereto) be required to sell and convey to the Corporation such portions only without the Corporation being obliged or compellable to purchase the whole or any greater portion of such properties the Corporation always paying for the portions

taken by them and making compensation for any damage sustained by the owners of such properties and other persons interested therein by severance or otherwise Provided always that if in any case in the opinion of the jury arbiters or other authority as aforesaid any such portion cannot be severed from the remainder of such property without material detriment thereto the Corporation may at any time within one month after the date of the final decision of such jury arbiters or other authority withdraw their notice to treat for the portion required by them and thereupon they shall pay to the owner of and other persons interested in the property in respect of which or of any portion of which they have given notice to treat all loss and damage sustained and all costs charges and expenses (as the same shall be taxed as between solicitor and client) reasonably incurred by them in consequence of such notice Provided also that nothing in this section contained shall be held as determining whether the properties described in the said First Schedule are or are not subject to the provisions of section 90 of the Lands Clauses Consolidation (Scotland) Act 1845.

Restrictions on displacing persons of labouring class.

34.—(1) The Corporation shall not under the powers of this Act purchase or acquire in any district within the meaning of the Public Health (Scotland) Act 1897 ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers unless and until—

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

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

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

(3) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out and shall

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require the new dwellings proposed to be provided under the scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced:

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

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

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

(6) For the purpose of carrying out any scheme under this section the Corporation may appropriate any lands and heritages for the time being belonging to them or which they have power to acquire and may purchase such further lands as they may require and for the purposes of any such purchase section 145 of the Public Health (Scotland) Act 1897 shall be incorporated with this Act and shall apply to the purchase of lands by the Corporation for the purposes of any scheme under this section in the same manner in all respects as if the scheme were one of the purposes of that Act.

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

Provided that all lands on which any buildings have been erected or provided by the Corporation in pursuance of any scheme under this section shall for a period of twenty-five years from the date of

such scheme be appropriated for the purpose of dwellings and every conveyance demise or lease of such lands and buildings shall be endorsed with notice of this enactment:

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

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

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

Power to stop up streets.

35. The Corporation may stop up and discontinue as public streets or thoroughfares in whole or in part the following streets roads and lanes (that is to say) So much of Atholl Crescent Lane as lies between a line drawn across the said lane at right angles to either side fifty-eight yards or thereabouts measured in a westerly direction from the western side of Canning Street and extending westwards to a line drawn across the said lane as before mentioned one hundred and fifty-nine yards or thereabouts measuring westwards along the said lane from the said west side of Canning Street and so much of Canning Street Lane as lies between a line drawn from the eastern gable of No. 4 Canning Street Lane to the eastern gable of No. 17 Canning Street Lane fifty-four yards or thereabouts measuring in a westerly direction from the western side of Canning Street and extending westwards to the eastern boundary of the grounds of Torphichen Street Public School and so much of St. Cuthbert's Lane as lies between the junction of the said street with Torphichen Street on the west and its junction with Canning Street on the east and so much of Torphichen Street as lies between a line drawn at right angles across the said street seven yards or thereabouts eastwards from the eastern side of Dewar Place and extending eastwards to the junction of the said street with St. Cuthbert's Lane all situate within the city and city parish

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of Edinburgh The lands and soil of the said streets roads and lanes so far as stopped up and discontinued shall be and the same are hereby vested in the Corporation freed and discharged from the public use thereof and from all other rights in and over the same.

Incorporation of sections of Act of 1893.

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

Part VI.—Assessment and Borrowing Powers and Finance.

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

37. Sections 21 22 and 23 of the Corporation Tramways Act 1893 are hereby incorporated with and shall form part of this Act and shall subject to the provisions of the Act of 1893 the Corporation Tramways Act 1896 the Extension Act the Act of 1897 and this Act apply mutatis mutandis to the tramways authorised to be constructed by this Act and to any lands acquired or to be acquired under and for the tramway purposes of this Act in the same way and to the same effect and shall confer the same powers on the Corporation of assessing within the city and of borrowing and for repayment of money borrowed as if such sections as amended and extended by the said Acts were severally herein set out at length Provided always that the execution of Work No. 3 authorised by this Act shall for the purposes of this section be deemed to be a tramway purpose.

Power to apply burgh assessment.

38. The Corporation are hereby authorised to impose assess and levy within the city and recover apply and use for the erection completion furnishing equipment maintenance and management of the municipal hall and offices and buildings connected therewith and for the execution of the works authorised by this Act (other than tramways) and for carrying out the other powers objects and purposes of this Act or any of them and subject to the provisions of this Act for the acquisition of lands and heritages and servitudes or other property which may be required in connexion therewith (other than for tramway purposes) the burgh assessments under their control applicable to general improvements under the third head of estimate authorised by the Act of 1879 as amended and extended by the several Edinburgh Municipal and Police Acts thereafter passed and so far as in force for the time within the city or so much of the said assessments as may be necessary for

such purposes in the way and manner and by the same means as are provided in the Act of 1879 as so amended and extended.

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

39. Subject to the provisions of this Act the Corporation are hereby authorised to borrow money for the erection of the said municipal hall offices and buildings and for executing the works authorised by this Act (other than tramways) and carrying out the powers objects and purposes of this Act or any of them and for the acquisition of lands and heritages servitudes and other property which may be required in connexion therewith (other than for tramway purposes) on the security of the burgh assessments before mentioned under their control applicable to general improvements to be levied and applied and used as in this Act provided and they shall provide a sinking fund for the repayment of the sums so borrowed and sections 81 to 92 of the Act of 1879 as to borrowing money are as amended and extended by the several Edinburgh Municipal and Police Acts thereafter passed and so far as in force for the time within the city incorporated herewith and the powers and provisions therein contained as so amended and extended shall be held to apply to the purposes of this Act and to the money borrowed under the authority of this Act as if such sections as so amended and extended were re-enacted in this Act.

Power to borrow on bills or promissory notes.

40. In substitution to the extent herein-after mentioned for the powers which the Corporation now possess to borrow money by mortgage bond annuity cash credit the issue of Corporation stock under the Stock Act or otherwise they may at any time raise temporarily by the issue and renewal of Edinburgh Corporation bills or promissory notes any moneys which the Corporation are or may be authorised by Parliament to borrow provided that the total amount of such bills or promissory notes which shall be issued by the Corporation and outstanding shall not at any time exceed the sum of two hundred and fifty thousand pounds except bills and promissory notes issued in order to pay off other bills or promissory notes mature A register of the bills or promissory notes from time to time issued or renewed by the Corporation shall be kept by the treasurer of the Corporation Loans Fund and such register shall show the amount of each bill or promissory note the names of the persons by whom it is signed the date of issue the date when the same falls due and the date of payment Such register shall at all reasonable times be open to inspection without payment of any fee by any creditor of the Corporation on mortgage bond annuity cash credit corporation stock bill or promissory note.

The Corporation shall from time to time make regulations with respect to the form preparation mode of issue and signing and of

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payment discharge and cancellation of bills or promissory notes issued or renewed under the powers of this section.

Moneys borrowed by mortgage bond annuity cash credit simple acknowledgment and by Edinburgh Corporation bills and promissory notes shall have the same charge and security as stock issued under the Stock Act and the provisions of the Stock Act shall subject to the provisions of this Act apply to such moneys.

Form of mortgages &c.

41. All mortgages to be made and granted by the Corporation from and after the passing of this Act for money borrowed together with the assignations thereof and interest warrants relative thereto may be in the forms respectively contained in the Second Schedule to this Act annexed or as near thereto as may be.

Loans to Lunacy Board.

42. The Corporation may subject to the provisions of the Stock Act advance by way of loan to the Edinburgh District Lunacy Board such sum or sums of money as may be agreed with that board and section 67 of the Stock Act is hereby amended and shall be read as if the words "the Edinburgh District Lunacy Board" had been included therein under the designation "the borrowing authority" and all the provisions thereof shall apply to the said board and to any money advanced by the Corporation.

Part VII.—Miscellaneous.

Amendment of Act of 1879. (Hackney carriages.)

43. The Act of 1879 is hereby amended as follows:—

The expression "hackney carriage" defined in section 5 of the said Act shall be read so as to include in addition to the definition therein mentioned the following (that is to say) Every wheel carriage whatever be its form or construction which shall stand on hire or ply for a passenger for hire within the city except a carriage let out to hire as a job carriage by the day month or for any longer period or a carriage kept by the owner within his own premises unyoked for the purpose of being let out for hire as a job carriage for any shorter period and shall not include a tramway car omnibus brake or other carriage used for the public conveyance of passengers and in construing the said expression "hackney carriage" the same shall from and after the passing of this Act for all purposes of the Edinburgh and Municipal Police Acts have effect as if the words herein-before mentioned had been originally inserted in the said definition:

(Offices of medical officer of health and surgeon of police.)

The Corporation may after Sir Henry Duncan Littlejohn ceases to hold the offices of medical officer of health and surgeon of police or either of them and notwithstanding the provisions of section 47 of the said Act disjoin the offices of medical officer

of health and surgeon of police and may appoint a separate person to each of those offices or may appoint district surgeons of police and may prescribe the duties to be discharged by such officers respectively and may prescribe and fix and from time to time alter the remuneration of such respective officers and the said section is hereby amended accordingly.

Amendment of Act of 1891. (Period for determination of plans.)

44. The Act of 1891 is hereby amended as follows :—

In sections 40 and 41 of the said Act the period of four weeks therein prescribed for the consideration and determination by the Corporation of the matters therein mentioned shall not run or be reckoned during any part of the months of August and September in any year :

(Repeal of finality of judgments.)

Section 62 of the said Act shall from and after the passing of this Act be read as if the words "and such decision shall be final and not subject to review" occurring therein were omitted therefrom.

Sites for advertisements.

45. For the purpose of enabling the Corporation to exercise control over any sites or hoardings to be erected and used for the purpose of advertisements the following provisions shall have effect :—

(1) No person shall erect exhibit fix maintain retain or continue any advertisement whether now existing or not upon any land house building or structure except on such sites hoardings or other structures as the Corporation may in writing license (and for which licence no fee shall be charged) and such licence may be granted for any period not exceeding four years Provided always that a licence shall not be necessary in respect of any site for advertisements (not being illuminated advertisements) of the classes following namely (1) exhibited within the window of any house or building (2) relating to the trade or business carried on within the land house or building upon which the same are placed (and not being sky signs) or to any sale feu or letting of such land house or building or any effects therein or to any sale entertainment or meeting held in or upon the same (3) relating to the business of any railway company (4) exhibited within any railway station or upon any wall or other property of a railway company except any portion of the surface of such wall or property fronting any public street (5) for a period of five years after the passing of this Act advertisements upon a site which was occupied by advertisements on the first day of March one thousand eight hundred and ninety-nine not being illuminated advertisements Provided always that any person aggrieved by the refusal of any such licence may appeal to the

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sheriff who may if he considers that the licence has been unreasonably refused remit back to the Corporation to grant the same:

(2) Where any advertisement shall be exhibited or continued after three months from the passing of this Act in or upon any land house building or structure save and except as licensed or exempted from licence as herein-before provided the owner or person in occupation of such land house building or structure shall be deemed to be the person who has exhibited or continued to exhibit such advertisement in contravention of the provisions of this Act unless he prove that such contravention was committed by a person not in his employment or under his control or committed without his connivance:

(3) If any advertisement be erected retained or continued contrary to the provisions of this Act or after the licence for the erection maintenance or retention thereof on a licensed site for any period shall have expired or become void it shall be lawful for the Corporation to require the owner or occupier of the land house building or structure upon which the same is placed or rests to take down or remove such advertisement within a specified time and in the event of his failing so to do any magistrate or judge of police may on the application of the burgh engineer grant warrant to and authorise the burgh engineer to take down and remove such advertisement at the expense of such owner or occupier which expense and the expense of any proceedings with reference thereto may be recovered by the collector of police or other person authorised by the Corporation from such owner or occupier in any competent court Provided always that any such order or proceedings shall not affect or relieve such owner or occupier from any penalty for contravention of or failure to comply with the provisions of this Act which such owner or occupier may have incurred or become liable for:

(4) Nothing in this section shall affect the provisions of sections 70 to 72 of the Corporation Tramways Act 1896.

Removal of notices &c.

46. Where any notice placard advertisement or announcement of or relating either in whole or in part to horse-racing football cricket or other sport or game whatsoever causes persons to assemble and obstruct or incommode the free passage along any street any officer of police not under the rank of inspector may require the owner or occupier of any house building or structure in or upon which such notice placard advertisement or announcement is exhibited to take down or remove the same and every such owner or occupier failing immediately to comply with such requirement

shall for the first offence be liable to a penalty not exceeding five pounds and for the second or any subsequent offence to a penalty not exceeding ten pounds.

Scaffolding &c. to be approved before use.

47. From and after the passing of this Act no person shall erect use or employ any crane scaffolding staging or shoring in or connected with the construction and erection or alteration repair or securing of any house building or structure within the city or in or connected with any excavations for such house building or structure except with the approval of the Dean of Guild Court before the same is used and no person shall use or employ such crane scaffolding staging or shoring for any of the foresaid purposes until such approval has been obtained Provided always that the provisions herein contained shall be in addition to the other provisions applicable to houses buildings and excavations respectively under the Edinburgh Municipal and Police Acts or any of them Any person contravening or failing to comply with the provisions of this section shall be liable (unless acting in cases of emergency) to the penalty specified in section 59 of the Act of 1891 which section shall for the purposes of this Act be incorporated herewith And the Dean of Guild Court may prohibit the use and employment of any such crane scaffolding staging and shoring not so approved.

Provisions as to hoardings and other structures used for advertising purposes.

48.—(1) Every person who proposes to erect any hoarding or similar structure to be used either wholly or partly for advertising purposes upon any land or building in abutting on or adjoining any street or court shall present a written application to the Dean of Guild Court for warrant so to do accompanied with a relative plan and elevation and the said Court may on being satisfied as to the stability and sufficiency of such hoarding or similar structure grant warrant accordingly and it shall be lawful to the said Court if desired by the applicant and subject to such conditions as the Court may from time to time prescribe to remit to the master of works to examine any such applications and relative plans and on his being satisfied therewith to grant warrant with such modifications and under such conditions if any as he may think proper which warrant shall have the same effect in all respects as if the same had been granted by the said Court and in the event of his refusing to grant such warrant the applicant may appeal to the said Court Provided always that no procedure or warrant under this section shall prejudice any rights competent to third parties or relieve the applicant from any liability or obligation to third parties which he may otherwise be under.

(2) Every owner or person using any hoarding or similar structure for advertising purposes whether erected before or after

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the passing of this Act shall keep and maintain the same at all times in a proper and safe condition and repair and securely fixed or erected to the satisfaction of the Dean of Guild Court and it shall be lawful to the said Court at any time on the application of the procurator fiscal of the said Court to pronounce such order upon the owner or other person using such hoarding or structure as may be necessary in their opinion to render the same secure or if they shall so direct to remove the same and in the event of such order not being within a certain specified period implemented to their satisfaction the said Court may authorise the master of works to take such steps as they may direct for such purpose or in case of urgency to remove the said hoarding or structure at the expense of the owner or other person using the same Any proceedings under this section and any order to be pronounced thereon may be taken or directed against either the owner or other person using such hoarding or structure.

Arbitration costs to be taxed.

49. Where under the provisions of the Lands Clauses Acts or any Act of or relating to the Corporation which incorporates the same a question of disputed compensation relating to lands required to be purchased or taken by the Corporation is determined by arbitration or by jury the costs of and incidental to the arbitration and the award or the verdict of a jury shall if the Corporation or the other party to the arbitration so require be taxed as between the parties by the auditor of the Court of Session in Scotland.

Notices in municipal elections.

50. Notwithstanding anything to the contrary contained in the Municipal Elections (Scotland) Act 1868 it shall be sufficient that the notices of the annual municipal elections in Edinburgh shall be affixed to or near the door of the church of Saint Giles and the City Chambers within the city and also inserted at least once in one of the Edinburgh newspapers and that the appointment by the lord provost or senior magistrate immediately before any annual election of legal substitutes to preside at the polling places and of persons to officiate as poll clerks in the several wards shall be valid notwithstanding the going out of office of the lord provost or senior magistrate after the making of such appointment.

Penalties.

51. Any person contravening or failing to comply with any of the provisions of this Act or of any order or requirement issued by the Corporation or by the magistrates or the Dean of Guild Court under the provisions of this Act shall be guilty of an offence and shall for each such offence except where otherwise in this Act specially provided be liable in a penalty not exceeding five pounds and in a further penalty not exceeding forty shillings for every day such offence is continued after conviction thereof which penalty

and further penalty shall be without prejudice to the enforcement of compliance with the provisions of this Act or of any such order or requirement in any manner which would be competent by law if no such penalty was provided for.

Recovery of penalties.

52. Any penalties under this Act may be sued for and recovered at the instance of the prosecutor before the judge of police under the provisions of the Edinburgh Municipal and Police Acts or summarily under the Summary Jurisdiction (Scotland) Acts.

Costs of Act.

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

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SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

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

Parishes.	Number on deposited Plans.
City parish of Edinburgh - -	163 163 163 163 163 163 163 163 163 164 164 164 164 164 167 167 167 167 167 168 168 168 168 168 168 168 168 168.
Parish of Duddingston - -	94 95 96 97 98 99 100 101 102 102 102 103 104 104 105 105 106 107 108 108 109 109 110 111 112 113 113 113 113 113 116 119 120 121 122 122 122 123 123 124 124 128 129 129 130 131 131 132 133 134 135 136 136 137 137 138 139 139 140 141 141 142 142 143 144 144 145 146 146 147 148 149 150 151 151 152 152 153 154.

THE SECOND SCHEDULE.

(1) FORM OF MORTGAGE.

EDINBURGH MUNICIPAL AND POLICE ACTS.

Mortgage No.

By virtue of the Edinburgh Municipal and Police Act 1879 and Acts of Parliament of subsequent years relating to the municipality and police of the city of Edinburgh We the lord provost magistrates and council of the said city in virtue of the powers conferred on us by the said Acts and in consideration of the principal sum of [*specify amount*] paid by [*name and designation of mortgagee*] to us for the purposes of the said Acts do hereby grant and

assign to the said [*name of mortgagee*] and his executors administrators and assignees [*or as the case may be*] the whole revenues of the Corporation from time to time arising from lands and heritages held under and for the purposes of the City Acts and from the city undertakings and all funds rates and assessments leviable under the City Acts to hold to the said mortgagee and his foresaids until the said principal sum and the whole interest due thereon shall be fully paid and satisfied And it is hereby stipulated that the said principal sum shall be repayable on the [*date*] or shall thereafter in virtue hereof remain as a loan to us until the expiration of a further term of years and at such rate of interest as shall be specified in a minute or minutes to be endorsed hereon and signed by the mortgagee or his foresaids and by our treasurer and which minutes are hereby declared and shall be held to be valid and binding though they may be neither holograph of the said mortgagee or his foresaids nor tested and for and in respect of interest on the said principal sum to the said date of repayment first above mentioned (being at the rate of per centum per annum) we shall pay the several sums contained in the [*state number*] interest warrants bearing the number and date hereof and delivered herewith and that at the several times mentioned in such warrants upon delivery of the same respectively and such delivery shall be a sufficient receipt and discharge to us for the contents of such warrants declaring that the said mortgagee and his foresaids shall not be entitled to make and that we shall not be bound to recognise or register any partial assignation of these presents or of the sums of money principal or interest herein contained and that we shall not be liable for any expenses that may be incurred by the said mortgagee or his foresaids for or in relation to the preparation revision adjustment or execution of any discharge renunciation release assignation or minute of postponement or renewal of this mortgage.

Dated the day of one thousand

[*To be signed by the Lord Provost or acting Chief Magistrate and by the Town Clerk and the seal of the city to be affixed.*]

(2) Form of Assignation of Mortgage.

I A. B. of [ ] in consideration of the sum of [ ] paid to me by C. D. of [ ] do hereby transfer to the said C. D. his executors administrators and assignees a certain mortgage granted under authority of the Edinburgh Municipal and Police Acts 1879 and subsequent years number [*insert number*] made by the lord provost magistrates and council of the city of Edinburgh in execution of the said Acts bearing date the [ ] day of [ ] for securing the sum of [ ] and [ ] interest and all my rights estate and interest in and to the money thereby secured and in and to the revenues funds rates and assessments thereby assigned In witness whereof these presents [*insert the testing clause required by the law of Scotland*].

[*Signed*] A. B.

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(3) FORM OF INTEREST WARRANT.

[*To be delivered with the Mortgage.*]

EDINBURGH MUNICIPAL AND POLICE ACTS.

Mortgage number dated

INTEREST WARRANT.

For pounds shillings and pence
payable on at the

Interest as above - - -	£	:	:
Less income tax - - -		:	:
Net amount - - -	£	:	:

[*To be signed by the Treasurer of the Corporation Loans Fund.*]

THE THIRD SCHEDULE.

AGREEMENT between the RIGHT HONOURABLE THE LORD PROVOST MAGISTRATES and COUNCIL of the City of Edinburgh herein-after called "the Corporation" of the first part and the CALEDONIAN RAILWAY COMPANY herein-after called "the Company" of the second part.

WHEREAS by the Edinburgh North Bridge Improvement Act 1894 it is provided that the Corporation may when they shall have acquired the property on both sides thereof stop up and discontinue as a public street or thoroughfare so much of St. Cuthbert's Lane as lies between Morrison Street and a line drawn eastward in continuation of the south side of Torphichen Street across the said lane and the solum of the said portion of St. Cuthbert's Lane shall vest in the Corporation freed and discharged from the public use thereof and from all other rights in and over the same:

And whereas the Company are owners or reputed owners of the property on the east side of the said portion of St. Cuthbert's Lane authorised by the said Act to be stopped up and discontinued and subject to certain terms conditions and reservations consented to the Corporation stopping up the said portion of lane and appropriating a part of the solum thereof for the purposes of their electric lighting station without the Corporation having acquired the property on both sides thereof:

And whereas the Corporation are promoting in the present session of Parliament a Bill by which it is proposed inter alia to authorise the Corporation to stop up and discontinue as a public street or thoroughfare so much of St. Cuthbert's Lane as lies between its junction with Torphichen Street on the west and Canning Street on the east and to vest the solum of

the said portion of lane so far as stopped up and discontinued in the Corporation freed and discharged from the public use thereof and from all other rights in and over the same:

And whereas the Company are owners or reputed owners of the property on the east side of the said portion of St. Cuthbert's Lane proposed by the Bill to be stopped up and discontinued and have petitioned against the powers sought by the said Bill:

And whereas on the treaty between the Corporation and the Company in relation to the Company's opposition to said Bill it has been agreed as after mentioned:

Therefore the parties agree and oblige themselves as follows:—

(1) In the event of the said Bill passing authorising the Corporation to stop up the portion of St. Cuthbert's Lane from its junction with Canning Street to its junction with Torphichen Street and vesting the solum of the same in the Corporation they shall dispone convey and make over to the Company (1) a part of the said portion of lane as such part is coloured red on the plan signed as relative hereto and also (2) a part of the portion of said lane between Morrison Street and a line drawn eastwards in continuation of the south side of Torphichen Street across the lane as such part is coloured blue on the said plan signed as relative hereto and that without any price being paid by the Company therefor and free of all feu duty ground annual ground rent or other burden but subject always to the provisions and stipulations following:

(2) The portion of St. Cuthbert's Lane to be conveyed as aforesaid by the Corporation to the Company shall vest in the Company as part of their undertaking and shall be used by the Company for railway purposes and no other Provided always that the Company shall unless and until the said portion of lane is required by them for the purposes of their passenger station traffic lay down provide and maintain on the said portion of lane railway sidings for the accommodation of the coal traffic in connexion with the Corporation electric lighting station at Dewar Place:

(3) The Company shall waive renounce and discharge to and in favour of the Corporation all rights and accesses in and all conditions restrictions and reservations relating to or affecting the stopping up and appropriating by the Corporation of the portion of St Cuthbert's Lane coloured yellow on the said plan and the Company shall without any price or consideration other than this agreement consent to the Corporation permanently stopping up and appropriating the said portion coloured yellow for the purpose of their electric lighting station:

(4) There is hereby reserved to the Corporation and other parties interested all reasonable access to any sewers or other pipes which may be in any part of the lane to be conveyed to the Company for the purposes of repair or any other necessary or reasonable purpose in connexion therewith:

(5) This agreement is conditional on the passing of the said Bill and is subject to such alterations as Parliament may think fit to make thereon and shall be scheduled to and confirmed by the said Bill and in the event of any alteration being made on this agreement which in the opinion of Charles Alfred Cripps Q.C. M.P. is material thereto either of the parties

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may withdraw therefrom In witness whereof these presents consisting of this and the preceding page are executed in duplicate as follows (that is to say) They are subscribed by the Right Honourable Mitchell Thomson lord provost of the said city of Edinburgh and Thomas Hunter writer to the signet town clerk of the said city in name and on behalf of the magistrates and remanent members of council of said city at Westminster on the eighteenth day of April one thousand eight hundred and ninety-nine before these witnesses Robert Paton city chamberlain Edinburgh and William Beveridge Parliamentary agent Westminster and they are subscribed by Hugh Brown and Sir James King baronet two of the directors of and on behalf of the said Caledonian Railway Company at Westminster on the twentieth day of April one thousand eight hundred and ninety-nine before these witnesses Henry Bremner Neave writer Glasgow and Henry Edward Hayes Grant clerk to the said Caledonian Railway Company in their solicitor's office in Glasgow.

Robt. Paton Witness.	MITCHELL THOMSON Lord Provost,
Wm. Beveridge Witness.	THOMAS HUNTER Town Clerk.
H. B. Neave Witness.	HUGH BROWN Director.
H. E. H. Grant Witness.	JAMES KING Director.

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