CHAPTER cciii.

An Act to amalgamate the Burgh of Portobello with the City and Royal Burgh of Edinburgh and to extend the boundaries of the City and Royal Burgh and the County of the City of Edinburgh to extend the limits of compulsory Water Supply to transfer to the Corporation of Edinburgh the Gasworks and undertaking of the Portobello Gas Light Company Limited to amend and extend the Edinburgh Municipal and Police and other Acts and for other purposes. [7th August 1896.] A.D. 1896.

WHEREAS the municipality and police of the city and royal burgh of Edinburgh and the roads and streets within the same and other matters connected therewith are managed and administered by the lord provost magistrates and council of the said city under among others the Edinburgh Municipal and Police Acts 1879 to 1894:

And whereas the city of Edinburgh is a county of itself and has a separate court of quarter sessions and a commission of the peace:

And whereas under certain of the Edinburgh Municipal and Police Acts the boundaries of the said city and royal burgh have from time to time been extended:

And whereas the burgh of Portobello is managed and administered under the Burgh Police (Scotland) Act 1892 and other Acts and the magistrates and councillors of the said burgh are the Commissioners thereof and are also the local authority within the same:

And whereas in consequence of the community of interests existing between the city and royal burgh of Edinburgh and the burgh of Portobello and of their proximity it is expedient that the said burgh of Portobello should be amalgamated with and incorporated in the said city and royal burgh and that all powers jurisdictions privileges and authorities of the magistrates and town council and commissioners of the said burgh of Portobello as such and as the local authority therein should subject to the provisions in

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this Act contained vest in and be exerciseable and exercised by the lord provost magistrates and council of the said city and royal burgh of Edinburgh as extended and defined by this Act (and who are herein-after referred to as "the Corporation"):

And whereas it is expedient that the boundaries of the city and royal burgh of Edinburgh and county of the city of Edinburgh should be extended and should comprise and include the existing burgh and the burgh of Portobello and certain other districts lying contiguous and adjacent to the said city all as shown on the plan herein-after mentioned and as herein-after in this Act described and that all franchises rights privileges and immunities of the said city and burgh and the royalty thereof and county of the city and the powers jurisdictions authorities and privileges of the lord provost and magistrates and of the magistrates and council and of the police and the burgh and the dean of guild courts thereof and all other jurisdictions whatsoever should be extended over and be applicable to and within the whole lands and territory forming the extended city and royal burgh as herein-after described and the inhabitants of the same and that the provisions of the Edinburgh Municipal and Police Acts and all other Acts public and local in force for the time within or applicable to the city and royal burgh of Edinburgh should as the same are amended by this Act be applied to the city and royal burgh and to the county of the city as so extended:

And whereas for the purposes of such extension it will be necessary that the said burgh of Portobello and the other districts within the county of Midlothian added to the existing burgh by this Act should be separated for the purposes of this Act from the said county of Midlothian and that all matters of administration and management and all jurisdictions powers and authorities within the districts annexed including the repairing maintenance and management of the roads and streets therein should be devolved upon and vested in the Corporation:

And whereas it is expedient that the said burgh of Portobello and the other districts added to the city under this Act should be and be deemed to be part of the county of the city of Edinburgh and should be within the jurisdiction of quarter sessions of the said county of the city of Edinburgh and of the commission of the peace thereof and that the powers of the existing and future lords lieutenant deputy lieutenants and justices of the peace and licensing courts and courts of quarter sessions and all other courts jurisdictions and functions of and within the county of Midlothian should cease within the districts annexed:

32 & 33 Vict. c. cxliv.

And whereas an Act was passed in the thirty-second and thirty-third years of the reign of Her present Majesty intituled "An Act

" to create and incorporate a public trust for supplying water to the " city of Edinburgh town and port of Leith and town of Portobello " and districts and places adjacent to transfer to the trust the " undertaking and powers of the Edinburgh Water Company and " for other purposes " (in this Act referred to as " the Water Act 1869 ") and the said Act has been amended and extended by the following Acts (that is to say) the Edinburgh and District Waterworks (Additional Supply) Act 1874 the Edinburgh and District Waterworks Act 1876 the Edinburgh and District Waterworks Act 1877 the Edinburgh and District Waterworks Act 1880 the Edinburgh and District Waterworks Act 1889 and the Edinburgh and District Waterworks (Additional Supply) Act 1895 and which Acts together are in this Act referred to as " the Water Acts ":

And whereas under the Water Act 1869 the undertaking of the Edinburgh Water Company was transferred to and vested in the Edinburgh and District Water Trustees (who are in this Act referred to as " the water trustees ") representing the city of Edinburgh the burgh of Leith and the burgh of Portobello for the management and administration of the water undertaking and for supplying water to those communities and to the districts within the limits of supply :

And whereas by the Water Act 1869 it was provided that the lord provost of the city of Edinburgh and the provosts of the town of Leith and town of Portobello for the time being with seventeen persons to be elected by the corporation of Edinburgh and four persons to be elected by the corporation of Leith and one person to be elected by the corporation of Portobello should be the trustees for carrying the Water Acts into execution and provision was also thereby made for the annual election of trustees by the said three corporations respectively :

And whereas by the Edinburgh and District Waterworks (Additional Supply) Act 1895 the limits of compulsory supply under the Water Acts were extended so as to include therein the city of Edinburgh as existing at the date of the passing of that Act it is expedient that the said limits should be further extended so as to include therein the city of Edinburgh as extended by this Act and that the water trustees representing the town of Portobello under the Water Acts should henceforth be elected by the Corporation in the manner provided in this Act :

And whereas the burgh of Portobello is at present supplied with gas by a company called the Portobello Gas Light Company Limited and the Corporation have acquired by agreement the property and works of that company it is expedient that the said agreement should be confirmed :

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52 & 53 Vict. c. cvi.

And whereas an Act was passed in the fifty-second and fifty-third years of the reign of Her present Majesty intituled "An Act to "provide for the purification of the water of Leith and the "tributaries thereof in the county of Midlothian and the construc- "tion of works in connection therewith and for the constitution and "incorporation of Commissioners and for other purposes" (herein-after called "the Purification Act 1889") for the purpose of carrying out an extensive system of works for the purification of the said river from its source to the sea passing through part of the county of Midlothian and through the city of Edinburgh and burgh of Leith:

And whereas by the Purification Act 1889 a commission was incorporated consisting of the lord provost of the city of Edinburgh and the provost of the burgh of Leith both for the time being and twelve persons to be elected by the corporation of Edinburgh from among their own number other than the lord provost and three persons to be elected by the corporation of Leith from among their own number other than the provost and one person to be elected by each of the then landward local authorities from among their own number and also two persons to be elected by the occupiers of mills and other works as provided in the said Act and which commissioners were thereby incorporated under the name of the Water of Leith Purification and Sewerage Commissioners:

56 Vict. c. xvii.

And whereas another Act was passed in the fifty-sixth year of the reign of Her present Majesty intituled "An Act to enable the "water of Leith Purification and Sewerage Commissioners to "construct additional works and to borrow additional money and "for other purposes" and the Purification Act 1889 and the said now recited Act are together herein-after referred to as "the Purification Acts":

And whereas the corporation of Edinburgh and the corporation of Leith are severally required to impose and levy an assessment within their respective jurisdictions for the purpose of meeting the sums of money payable under the Purification Acts by those corporations respectively and the landward local authorities are also required as provided by the said Acts to impose and levy the sums which they are required to contribute:

And whereas it is expedient that the Purification Acts should be amended as herein-after provided:

45 & 46 Vict. c. lxxii.

And whereas by the Edinburgh Roads Act 1882 the city of Edinburgh was required to contribute an annual sum of two thousand pounds towards the cost of maintaining the highways within the county of Midlothian in the neighbourhood of the city of Edinburgh:

And whereas since the date of the said last-mentioned Act the boundaries of the city have been extended and a large area of the highways within the county of Midlothian in the neighbourhood of the city have been taken over and are maintained by the city of Edinburgh:

And whereas the further extension of the boundaries of the city by this Act will include a large additional area of the highways in the neighbourhood of the city which are presently maintained by the Midlothian county road authority and with respect to which and to the other roads already taken over the said contribution was originally imposed it is expedient that the said contribution should be commuted and extinguished and that the said Edinburgh Roads Act 1882 should be repealed:

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

And whereas it is expedient that further powers should be conferred on the Corporation and on the dean of guild court as in this Act provided:

And whereas the purposes aforesaid cannot be effected without the authority of Parliament:

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

Short title.

1. This Act may be cited as the Edinburgh Extension Act 1896 and where the Edinburgh Municipal and Police Acts 1879 to 1894 are referred to in conjunction with this Act and with any other Edinburgh Corporation Act passed or to be passed in the present session of Parliament they may be cited as the Edinburgh Municipal and Police Acts 1879 to 1896.

PART I.—Preliminary.

Division of Act into parts.

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

Part I.—Preliminary.
Part II.—Extension and definition of boundaries.
Part III.—Division into wards &c.
Part IV.—Valuation roll and register of voters.
Part V.—Constitution of council and magistrates of the city.
Part VI.—Extension of jurisdiction and powers of Corporation and its officers.

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Part VII.—Abolition of separate jurisdiction and transfer of property and rights.
Part VIII.—Application of Acts to extended city.
Part IX.—Transfer of roads streets and footpaths.
Part X.—Provisions as to assessments.
Part XI.—Designation of Corporation &c.
Part XII.—Water of Leith Purification and Sewerage Commission.
Part XIII.—Application of the Edinburgh Corporation Stock Act.
Part XIV.—Existing officers.
Part XV.—Assessment and borrowing powers.
Part XVI.—Roads subvention.
Part XVII.—Miscellaneous.
Part XVIII.—Saving clauses.

Commencement of Act.

3. This Act shall except as otherwise provided commence and have effect on and from the first day of November one thousand eight hundred and ninety-six (which date is herein-after referred to as "the commencement of this Act").

Interpretation of terms.

4. In this Act and in the Acts incorporated herewith unless there be something in the subject or context repugnant to such construction the following expressions shall have the meanings herein-after respectively assigned to them (that is to say):—

"The existing burgh" means the existing city and royal burgh of Edinburgh within the limits described and defined in the Edinburgh Municipal and Police Extension Act 1882 as amended and further extended by the Edinburgh Extension and Sewerage Act 1885 and by the Edinburgh Municipal and Police Extension Act 1890;

"The city and royal burgh" and "the city" respectively mean and comprehend the whole area lands and districts within the limits and boundaries of the city and royal burgh of Edinburgh as extended and defined by this Act;

"The districts annexed" mean and comprehend so much of the city and royal burgh as was beyond the boundaries of the existing burgh previous to the commencement of this Act;

"Existing wards" mean the wards of the existing burgh as such wards exist at the passing of this Act subject as regards the I Calton Ward III St. Bernard's Ward IV. St. George's Ward X St. Cuthbert's Ward and XIII Newington Ward to the additions thereto provided by this Act;

"The burgh of Portobello" means the burgh of Portobello according to the boundaries thereof existing at the passing of this Act;

"The Corporation" means the lord provost magistrates and council of the city and royal burgh as extended and defined by this Act;

"The lord provost" means the lord provost of the city and royal burgh;

"Magistrates" mean the magistrates of the city and royal burgh and include the lord provost and bailies;

"Treasurer" means the treasurer of the city and royal burgh;

"Lord provost magistrates and council" mean the lord provost magistrates and councillors of the city and royal burgh;

"The town clerk" means the town clerk of the existing burgh and of the city and royal burgh;

"Sheriff" means the sheriff of the Lothians and Peebles and except when expressly limited to the sheriff includes the sheriff substitutes or any one of them within the county of Midlothian;

"Valuation Acts" mean the Act of the seventeenth and eighteenth Victoria chapter ninety-one and any Acts amending and extending the same;

"Election Acts" mean the Acts in force for the time being relating to the registration of parliamentary and municipal voters and the election of town councillors for the existing burgh;

"The Edinburgh Municipal and Police Acts" mean the Edinburgh Municipal and Police Acts 1879 to 1894 and this Act and any Edinburgh Corporation Act passed or to be passed in the present session of Parliament and for the purposes of this Act shall also mean and include the Edinburgh Slaughter Houses Act 1850 the Public Health (Scotland) Act 1867 and any Acts amending that Act the Edinburgh Markets and Customs Act 1874 and the local Acts relating to markets and customs recited in that Act the Edinburgh Improvement Act 1876 the Water of Leith Purification and Sewerage Act 1889 the Water of Leith Purification and Sewerage (Additional Powers) Act 1893 the Edinburgh Corporation Electric Lighting Order 1891 and the Act confirming the same the Edinburgh Improvement Scheme Provisional Order Confirmation Act 1893 the Edinburgh Corporation Tramways Act 1893 the Edinburgh Corporation Stock Act 1894 and any other local Act applicable to and in force within the city;

"The water trustees" mean the Edinburgh and District Water Trustees incorporated by the Edinburgh and District Waterworks Act 1869;

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"Property" means and includes all property real and personal feu duties ground annuals and all estates common good interests easements servitudes and rights in to and out of property real and personal including things forming the subject of suit action claim or process and all debts sums of money annual or other payments due and to become due and payable whether under any Act of Parliament agreement function or otherwise and registers and books and all other documents;

"Powers" includes rights authorities jurisdictions capacities privileges requirements and immunities;

"Duties" includes responsibilities and obligations;

"Liabilities" unless where otherwise expressly provided includes all debts and liabilities to which any authority is or but for this Act would be liable or subject to whether accrued at the commencement of this Act or subsequently accruing;

"Pension" includes any superannuation allowance gratuity or other payment made on the retirement of any officer;

"Office" includes any place situation or employment;

"County council" means the county council of the county of Midlothian appointed under the Local Government (Scotland) Act 1889;

"District committee" means the district committees of the county council of the county of Midlothian and any one of them separately:

And the words and expressions construed in the Edinburgh Municipal and Police Acts shall if and when used in this Act and when not inconsistent with the above constructions or with any of the provisions of this Act respectively have the same meanings attached to them as in the said Edinburgh Municipal and Police Acts.

Part II.—Extension and Definition of Boundaries.

Extension of boundaries.

5. The municipal and police boundaries of the city and royal burgh of Edinburgh shall be and are hereby extended to and shall include and comprehend the whole territory and lands and heritages within the existing burgh the burgh of Portobello and the districts situate beyond the same all of which are embraced within the boundary herein-after set forth (that is to say) Commencing at a point in the centre of the Wardie Burn where the western boundary of the burgh of Leith crosses the said burn at or near Granton Road thence south-westwards westwards and southwards along the city parish boundary to where the same joins Ferry Road at a point two hundred and sixty yards or thereabouts eastwards from the east side

of the public road leading from Crewe to Comely Bank thence westwards following the said parish boundary along the said road for a distance of seventeen yards or thereabouts thence southwards and westwards along the said parish boundary to the centre of the public road leading from Comely Bank to Crewe at a point four hundred and six yards or thereabouts south from the south side of Ferry Road thence southerly westerly and southerly along the said boundary to a point near the south-west corner of the ground of St. Cuthbert's poor house thence in a south-westerly direction along said boundary till it joins the north-eastern corner of the grounds belonging to the Corporation upon which the powder magazine stands forty-five yards or thereabouts westwards from the western boundary of the Barnton Branch of the Caledonian Railway thence south-westwards by an irregular line along the eastern boundary of the said grounds thence in a south-westerly direction to the point where the parish boundary leaves the Queensferry Road at or near the northern entrance lodge to Ravelston House thence by an irregular line in a westerly south-easterly south-westerly and southerly direction along the said parish boundary to where the same joins the road known as Ravelston Dykes two hundred and thirty-three yards or thereabouts eastwards from the centre line of Murrayfield Road thence westwards along the parish boundary in said Ravelston Dykes Road to said Murrayfield Road thence south-east along Murrayfield Road one hundred and twenty-six yards or thereabouts thence south-westerly and southerly along the said parish boundary till it joins the Corstorphine Road at the south-east corner of the grounds of Belmont thence still following the parish boundary in a south-westerly direction to the stream known as Corstorphine Stank thence in a south-westerly direction along the said parish boundary in the course of said stream to a point in the same in line with the east side of the road leading from Gorgie Road north-westwards past Saughton Mains thence in a south-easterly direction towards and along the east side of the said last-mentioned road till it joins Gorgie Road thence eastwards and north-eastwards along the said parish boundary in the centre of said last-mentioned road to the point in the same where it crosses the Water of Leith thence by an irregular line south south-east south-west and south-east along the said parish boundary to the northern side of the Union Canal thence in a north-easterly and south-easterly direction along the said northern side of said Canal to the point where it is crossed by the city parish boundary thence north-easterly and by an irregular line in a general south-easterly direction along said parish boundary to the south-eastern extremity of the lands of Colinton Mains thence by an irregular line in an

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easterly direction along the boundary of the city parish of Edinburgh to where the same joins the old road to Penicuik thence northward along the said parish boundary in said last-mentioned road for a distance of thirty-five yards or thereabouts thence in an easterly direction along the southern boundary of the Braid Hills thence in a north-easterly direction along the eastern boundary of the said Braid Hills to the south side of the road leading past Upper Braid Farm to Liberton thence eastwards along the south side of said last-mentioned road for a distance of fifty yards or thereabouts thence across said road and following said parish boundary in a northerly easterly and northerly direction to the south side of the road leading to Blackford Hill near the Harrison Memorial thence in an easterly direction following the municipal boundary along the road by Liberton West Mains to the western side of Mayfield Road thence in a south-easterly direction along the western side of the continuation of said last-mentioned road to its junction with the western side of the road leading from Craigmillar Park to Liberton Dams thence across said last-mentioned road and north-eastwards along the eastern side of the same to the existing city municipal boundary thence along the said last-mentioned boundary in a north-easterly northly and north-westerly direction to the line of the southern side of the Portobello Road at or near Jock's Lodge thence in an easterly direction along the south side of the said Portobello Road to the point where it meets the western side of the Leith and Dalkeith or Niddrie Road thence in a southerly and south-easterly direction along the western side of the last-mentioned road to a point in line with the existing southern boundary of the burgh of Portobello thence across the said road to the said existing municipal boundary of the burgh of Portobello thence in an easterly and north-westerly direction along the said last-mentioned boundary of Portobello to the north-eastern or seaward boundary of the burgh of Portobello thence north-westerly along the said seaward boundary to the north-western point of the burgh of Portobello thence in a south-westerly direction along said municipal boundary of the burgh of Portobello to the point where the same crosses the northern boundary of King's Road thence along said last-mentioned boundary and in continuation across the road leading from Leith to Portobello thence in a westerly direction along the northern side of the Portobello Road and in continuation along the northern side of London Road to the point in London Road where the same is crossed by the municipal boundary of the city of Edinburgh at Meadowbank thence in a north-westerly south-westerly and north-westerly direction along the existing city municipal boundary to the point where the same

joins Ferry Road thence in a westerly direction along said municipal boundary in Ferry Road to the north-western point of the existing city of Edinburgh thence in a northerly direction along the western boundary of the burgh of Leith to the point of commencement first mentioned Provided always that the description of the said boundaries shall be subject to the rules of construction laid down in the Public General Act second and third Will. IV. cap. sixty-five sec. 5.

A map of the city and royal burgh as extended and defined by this Act having been signed in triplicate by Arthur Pease Esquire the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred one copy thereof shall within one month after the passing of this Act be deposited in the Office of the Clerk of the Parliaments another copy thereof shall be deposited with the town clerk at his office and another copy thereof shall be deposited with the sheriff clerk of the county of Midlothian at his office and a copy of such map certified by the town clerk shall be deposited with the Board of Agriculture Provided that if there be any discrepancy between the said map and the description in this section the said map shall prevail.

Boundary of county of city.

6. The county of the city of Edinburgh shall be and be deemed to be and shall include the city and royal burgh as extended and defined by this Act and all existing charters statutes enactments laws customs and usages with respect to the lieutenancy the deputy lieutenancy and the sheriffship and with respect to justices of the peace and general and quarter sessions of the peace and with respect to the licensing courts and with respect to the joint committee under the Publicans Certificates (Scotland) Act 1876 and all jurisdictions prerogatives rights powers privileges and authorities whatsoever of the lord provost and of the magistrates all as the same are at the passing of this Act applicable within the county of the city of Edinburgh shall be applicable within the county of the city of Edinburgh as extended by this Act.

Districts disjoined from county of Midlothian.

7. The districts annexed shall be and the same are hereby for the purposes of this Act disjoined from the county of Midlothian.

Appointment of additional justices of the peace.

8. It shall be lawful for Her Majesty and Her royal successors from time to time as heretofore to nominate and appoint additional justices of the peace for the county of the city of Edinburgh as extended and defined by this Act or to issue a new or additional commission of the peace and court of quarter sessions for the county of the city of Edinburgh as extended and defined by this Act.

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PART III.—DIVISION INTO WARDS &c.

Addition to existing wards. (Calton Ward.)

9. For all purposes other than for the purposes of parliamentary elections the portion of the districts annexed which is comprehended within the following boundary (namely) Commencing at a point at the junction of Willowbrae Road and London Road in line with the south side of Portobello Road thence in a north-easterly direction along the south side of said road and in continuation to the municipal boundary of the burgh of Portobello thence northwards along the said boundary to a point where it crosses the western boundary of King's Road Portobello thence south-westwards along the said last-mentioned boundary and in continuation across the road leading from Leith to Portobello thence south-westwards along the north side of said Portobello Road and in continuation along the north side of London Road to the point where the same is crossed by the existing municipal boundary of Edinburgh thence southwards and south-eastwards along the existing municipal boundary to the point first mentioned shall be added to and included within the existing I. Calton Ward :

(St. Bernard's Ward.)

The portion of the districts annexed which is comprehended within the following boundary (namely) Commencing at the north-west corner of the city of Edinburgh in the centre of Ferry Road thence in a north-westerly direction along the western boundary of the burgh of Leith to the point where the same crosses the centre of the Wardie Burn thence in an irregular line in a south-westerly direction along the boundary of the city parish of Edinburgh to the north-eastern corner of the lands owned by the city and occupied by the powder magazine forty-five yards westwards from the south-west boundary of the Barnton Railway thence along the eastern boundary of said lands and in continuation to the city parish boundary at the south side of Queensferry Road at the northern entrance to Ravelston House thence in a southerly direction along the city parish boundary to the centre of Corstorphine Road thence north-eastwards along the said Corstorphine Road to the point where it is crossed by the existing city boundary thence in a north-easterly direction along the existing municipal boundary to the point first mentioned shall be added to and included within the existing III. St. Bernard's Ward :

(St. George's Ward.)

The portion of the districts annexed which is comprehended within the following boundary (namely) Commencing at a point forming the north-west corner of the present boundary of the ward at Murrayfield thence northerly along the present municipal boundary to the centre of Corstorphine Road thence south-westwards along the centre of Corstorphine Road to the point were it is crossed by the boundary of the city parish of Edinburgh thence

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in a south-west direction along the said parish boundary to the point in a line with the road leading from Gorgie to Saughton Mains Farm thence in a south-easterly direction to and along the said last-mentioned road to the centre of Gorgie Road thence eastwards along said last-mentioned road to the bridge carrying the same over the Water of Leith thence in a southerly direction by an irregular line along the city parish boundary to the point where the same crosses the Caledonian Railway thence in a north-easterly direction along the said Caledonian Railway to the point where the same is crossed by the existing municipal boundary thence in a north-westerly direction along the existing municipal boundary to the point first mentioned shall be added to and included within the existing IV. St. George's Ward:

(St. Cuthbert's Ward.)

The portion of the districts annexed which is comprehended within the following boundary (namely) Commencing at a point in Comiston Road where the same is crossed by the existing municipal boundary thence southward along the road in continuation of Comiston Road to the point where the same is crossed by the boundary of the city parish thence westwards by an irregular line along the said last-mentioned parish boundary to the south-east corner of Colinton Mains thence by an irregular line in a north-westerly and thereafter in a south-westerly direction along the last-mentioned boundary to the eastern side of the Union Canal where the same is crossed by the said parish boundary thence north-westerly by a curved line along the northern side of the said canal to the point where the parish boundary crosses the said canal at the aqueduct carrying the same over and across the Water of Leith thence in a north-westerly direction to a point where the said parish boundary is crossed by the Caledonian Railway thence in a north-easterly direction along the said railway to the point where the same is crossed by the municipal boundary of Edinburgh thence in a south-easterly southerly and easterly direction along the said municipal boundary to the point first mentioned shall be added to and included within the existing X. St. Cuthbert's Ward:

(Newington Ward.)

The portion of the districts annexed which is comprehended within the following boundaries (namely) (1) Commencing at a point in Comiston Road where the same is crossed by the existing municipal boundary thence in a southerly direction along the road in continuation of Comiston Road to the point where the same is crossed by the boundary of the city parish of Edinburgh thence in an easterly direction along the said parish boundary to the south-eastern corner of the Braid Hills thence in continuation of the said parish boundary in a north-easterly easterly north-easterly easterly and north-easterly direction to the point where the said parish

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boundary joins the existing municipal boundary at or near the Harrison Memorial then in a south-westerly south-easterly southerly and north-westerly direction along the existing municipal boundary on the eastern and southern sides of Blackford Hill and in continuance along said municipal boundary in a south-westerly direction along the existing municipal boundary to the point first mentioned other than the lands roads and accesses described in the First Schedule of the Edinburgh Municipal and Police Extension Act 1890 already within the city boundaries (2) Commencing from a point on the west side of Mayfield Road where the same is crossed by the existing municipal boundary thence in a south-easterly direction along the western side of the continuation of the said last-mentioned road to its junction with the western side of the road leading from Craigmillar Park to Liberton Dams thence across the said last-mentioned road and north-eastwards along the eastern side of the same to the existing municipal boundary thence south-westerly along the said municipal boundary to the point first mentioned shall be added to and included within the existing XIII. Newington Ward:

And which several wards as so enlarged shall for the purposes and subject to the provisions of this Act be and be deemed to be the I. Calton III. St. Bernard's IV. St. George's X. St. Cuthbert's and XIII. Newington Wards respectively of the city and royal burgh.

Division of districts annexed into wards.

10. The districts annexed shall except as regards the portions thereof referred to in the immediately preceding section be divided for the purposes of this Act into three wards numbered fourteen to sixteen inclusive and may be distinguished as the "Portobello Wards" and which wards are bounded as set forth in the First Schedule to this Act and subject to the provisions contained in the next following section of this Act each of such three wards shall with the thirteen wards of the existing burgh (subject as regards the said wards last referred to to the additions set forth in the immediately preceding section) be and be deemed to be wards of the city and royal burgh.

Re-division of city into wards.

11. As soon as conveniently may be after the first day of January one thousand nine hundred the lord provost the sheriff (excluding his substitutes) and a person to be appointed by the Secretary for Scotland (in this section called "the Commissioners") who may act by any two of their number shall subject to the provisions of section 16 of the Municipal Elections Amendment (Scotland) Act 1868 in so far as the same are applicable and not inconsistent with this Act divide the city and royal burgh into sixteen wards one of which shall be the Portobello Ward situate within the boundaries set forth in the Second Schedule to this Act and shall give to each ward so

defined a distinctive number and the Commissioners shall cause the proposed wards to be delineated upon a map which shall be open to the inspection of all persons concerned for the space of fourteen days Notice shall be given previous to the first of the said fourteen days by advertisement in two newspapers published in Edinburgh of the place where such map may be inspected and upon a day after the expiration of such fourteen days and at a place to be specified in such advertisement the Commissioners shall hear all concerned for their interests and thereupon the proposed division into wards shall be finally settled by the Commissioners and shall be reported to the Secretary for Scotland and the said division shall receive effect and notice thereof shall forthwith be publishe l at least once in the Edinburgh Gazette and in two newspapers published in Edinburgh.

Election of Councillors for re-divided wards.

12. On the first Tuesday of November one thousand nine hundred the electors in each of the sixteen wards into which the city shall then be divided shall elect three councillors from among the persons qualified to be councillors and such election and all subsequent elections shall be conducted and the whole procedure in connexion with the election induction and tenure of and retirement from office of such councillors and the election of the lord provost magistrates and treasurer and other office bearers shall be regulated in all respects in the way and manner prescribed by the Election Acts.

Magistrates councillors &c. of city to retain office till their successors are elected.

13. The lord provost magistrates and councillors and treasurer and other office bearers of the council holding office in the city and royal burgh immediately previous to the first Tuesday of November one thousand nine hundred shall retain their several offices and exercise the respective functions thereof till their successors are elected and inducted in terms of the immediately preceding section.

Part IV.—Valuation Roll and Register of Voters.

Provisions as to valuation roll.

14. The assessor for the city and royal burgh under the Valuation Acts shall at the same time as he makes up the valuation roll for the existing burgh for the year from Whitsunday one thousand eight hundred and ninety-six to Whitsunday one thousand eight hundred and ninety-seven make up a valuation roll for the districts annexed and the assessor shall annually thereafter make up a valuation roll for the city and royal burgh and the procedure therefor and the right of appeal and forms shall be the same as nearly as may be as are provided by the said Acts in relation to the existing burgh and for all municipal purposes and for all assessments such rolls shall be deemed to be the valuation rolls under the said

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Acts and all other Acts general or local Provided that so long as it shall be necessary to include the lands and heritages within the districts annexed within the county of Midlothian and the burgh of Portobello respectively for the purposes of the Acts in force for the time being relating to the registration of parliamentary voters for the county of Midlothian and for the Leith burghs respectively such assessor shall in matters relating to the registration of parliamentary voters within the districts annexed give to the assessor or assessors of the said county and the burgh of Portobello access to and the use within the office of the assessor first named of all books and schedules necessary to enable him or them to make up his or their list of county voters and burgh voters within the districts annexed.

Expense of registration of voters.

15. The Corporation shall on the fifteenth day of May one thousand eight hundred and ninety-seven and annually thereafter on the fifteenth day of May so long as any part of the districts annexed shall continue to be part of the county of Midlothian for the purposes of parliamentary elections pay to the county council of the said county such proportion of the expenses payable by them for the registration of parliamentary voters in the said district as the number of such voters registered yearly in the said district shall bear to the total number of parliamentary voters registered yearly in the county of Midlothian.

Qualification of municipal electors.

16. The right of electing the town council of the city and royal burgh shall be in and belong to all such persons as have or shall have within the city and royal burgh the qualifications for voting at municipal elections specified and described in the Election Acts.

Provision as to register of voters.

17. In addition to the register of voters for members of Parliament for the existing burgh and the register and lists of voters for municipal elections in the existing burgh which shall be made up and completed as at present the assessor for the existing burgh under the Election Acts shall on or before the fifteenth day of September in the year one thousand eight hundred and ninety-six and in every subsequent year make out or cause to be made out a list of all persons in the districts annexed who shall be entitled to vote in the election of councillors for the city and royal burgh and the same procedure shall be applicable and be followed in reference to such list as is followed with reference to the said register of voters for members of Parliament for the existing burgh and the said register and lists of voters for municipal elections in the existing burgh And on such lists being completed and lodged with the town clerk the town clerk shall sign the same and the last-mentioned lists and the register and lists of voters for the existing burgh shall

together form the list or roll of persons entitled to vote at the next ensuing municipal election for the city and royal burgh And the assessor for the city and royal burgh shall in order to enable him to make up the register of municipal voters for the city and royal burgh for the year from Whitsunday one thousand eight hundred and ninety-six to Whitsunday one thousand eight hundred and ninety-seven be entitled to access to the books and schedules of the assessors for the county of Midlothian so far as relate to the districts annexed and those assessors shall give the assessor for the city and royal burgh all necessary and reasonable facilities for that purpose And the expenses of making up such registers and lists shall be paid out of the assessments to be levied by the Corporation under the powers of the Election Acts and this Act and all appeals and other proceedings before the sheriff referred to under those Acts shall be taken to and disposed of by the sheriff.

Part V.—Constitution of Council and Magistrates of the City.

Retirement of councillors in the existing wards and in the Portobello wards.

18. The councillors for each of the existing wards who if this Act had not been passed would have retired on the first Tuesday of November one thousand eight hundred and ninety-six and the whole number of the councillors of the Portobello wards shall then go out of office and subject to the provisions of this Act the provisions of the Election Acts in so far as regards the election of the councillors for the said wards shall remain unaffected.

Election of councillors.

19. On the first Tuesday of November one thousand eight hundred and ninety-six being the day appointed for the annual election of councillors the electors shall elect from among the persons qualified to be councillors the whole number of councillors hereby appointed to be elected at that time that is to say in the existing wards the number of councillors which they would have then been required to elect if this Act had not been passed and in the Portobello wards the whole number of councillors appointed to be elected as in the next following section of this Act provided and such election and all succeeding annual elections in all the wards of the city and royal burgh shall be conducted in all respects in the manner directed by the Election Acts so far as those Acts are applicable to the city and royal burgh.

Election of councillors for Portobello wards.

20. At the first election of councillors for the Portobello wards under this Act the electors of each ward shall notwithstanding any provision to the contrary in any other Act choose three councillors and subject to the provisions of this Act at each succeeding annual election one councillor in room of the councillor who shall have retired in terms of the Election Acts Provided always that at the

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election to be made in November one thousand eight hundred and ninety-seven the councillor in each such ward so to retire shall be the councillor who had the smallest number of votes at the first election of councillors under this Act and that at the election to be made in November one thousand eight hundred and ninety-eight the councillor in each such ward so to retire shall be the councillor who had the next smallest number of votes at the first election under this Act. The lord provost magistrates and council shall determine who shall be the person to retire in any ward when the votes shall have been equal or when the election has been made without a poll of the electors or in any other case in which a question may arise as to which one of the councillors for a ward should retire in any year.

Number of councillors and quorum of council.

21. The number of elected councillors as aforesaid shall be forty-eight making together with the dean of guild and the convener of trades (while the holders of those offices respectively continue to be constituent members of the town council in accordance with the existing statutes) fifty members in whole A quorum of the town council shall be twenty-five constituent members thereof.

Election of magistrates.

22. The number of the magistrates of the city and royal burgh shall be eight of whom one shall be lord provost and seven shall be bailies and at the time for electing magistrates and office bearers for the city and royal burgh immediately after the commencement of this Act any vacancies which may then have arisen shall be filled up and the additional bailie shall be elected and where in any Act of Parliament charter deed or other document a less number of bailies is appointed trustees or members of any governing body under such Act charter deed or other document the senior bailies to the number therein prescribed shall be deemed to be the corresponding number of bailies appointed as so required.

Power to sheriff to sanction procedure in connection with municipal elections.

23. In the event of circumstances arising in connexion with or incidental to any election of councillors magistrates or other office bearers in relation to the elections by this Act authorised which may render it necessary or expedient to vary any date or any act or thing prescribed by or in pursuance of the provisions of the Election Acts the sheriff (excluding his substitutes) may on the application of the town clerk sanction such variance as shall in his judgment be best fitted to meet the circumstances of the case and the whole procedure following upon such sanction shall be valid and unchallengeable.

Lord provost magistrates and

24. The lord provost magistrates and council of the city and royal burgh shall in all respects stand in relation to the administration

of its affairs and property and of property under the care and management of the lord provost magistrates and council in the same position in which the lord provost magistrates and council of the existing burgh as aforesaid shall stand previous to such election as aforesaid in regard to the affairs and property at the passing of this Act under their administration or care and management as the case may be and the lord provost magistrates and council of the city and royal burgh shall have the same rights and powers of administration of the property and affairs of the city and royal burgh and of making all usual and necessary appointments as shall have lawfully belonged to and been exerciseable or exercised by the lord provost magistrates and council of the existing burgh in regard thereto anything in the set usage or customs of the existing burgh or in any Act to the contrary notwithstanding.

council of city to administer its affairs.

25. The lord provost magistrates and council may at any time appoint any of their number who have held the office of lord provost or bailie of the existing burgh or of the city and royal burgh or who have held the office of provost or bailie of the Burgh of Portobello to act as judges in the police courts of the city and royal burgh for such time as they severally continue to be members of the town council of the city and royal burgh and during such time the person or persons so appointed may lawfully exercise all jurisdictions powers and authorities competent to or exerciseable by the magistrates of the city and royal burgh as judges of police in the said police courts.

Power to appoint judges in police courts.

26. All mortifications endowments trusts however constituted charitable bequests or other grants held or administered by the lord provost magistrates and council or by the magistrates in any capacity of the existing burgh respectively or by the magistrates and council or commissioners of the burgh of Portobello shall subject to all the conditions and provisions under and upon which the same were conveyed granted or settled or held be vested in held and administered by the lord provost magistrates and council or as the case may be by the magistrates of the city and royal burgh and in the case of mortifications endowments trusts charitable bequests or other grants administered by them or any of them in conjunction with others the lord provost magistrates and council or any of them shall in all respects have the same rights powers and privileges as the lord provost magistrates and council of the existing burgh or any of them or the magistrates and council or commissioners of the burgh of Portobello or any of them had before the commencement of this Act.

Trusts vested in magistrates and council &c.

27. Subject to the provisions of this Act the inhabitants of the districts annexed shall have possess and enjoy all the rights

Rights of inhabitants in districts annexed.

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franchises privileges benefits immunities duties and advantages (except the parliamentary franchise) which are held possessed and enjoyed by the inhabitants of the existing burgh.

Part VI.—Extension of Jurisdiction and Powers of Corporation and its Officers.

Jurisdiction of lord provost magistrates &c. extended to districts annexed.

28. The lord provost magistrates and council in any capacity whatsoever wherein they may exercise their powers duties and functions within the existing burgh and the lord provost and magistrates and the dean of guild of the existing burgh and their respective courts shall have possess and may exercise the same powers duties and functions and powers of assessment respectively in and over the city and royal burgh and over the inhabitants thereof as the lord provost magistrates and council of the existing burgh in any capacity and the lord provost and magistrates and the dean of guild of the existing burgh and their respective courts now have enjoy possess and exercise in their several characters and capacities within the royalty or within the existing burgh and that whether at common law or by royal charter or by public or local statute or otherwise including all powers of imposing levying collecting and recovering assessments rates taxes and charges.

Officers of the existing burgh.

29. The several officers of the existing burgh who hold office at the commencement of this Act shall subject to the provisions of this Act hold their offices within the city and royal burgh and shall be the officers of the Corporation subject to the same tenure and in their several characters and capacities to the right of the Corporation to make such arrangements in regard to the said officers and their respective duties as they may at present make with reference to the officers of the existing burgh.

Part VII.—Abolition of separate Jurisdictions and Transfer of Property and Rights.

Jurisdiction of separate magistracies commissioners &c. to cease and be extinguished.

30. Subject to the provisions of this Act and in so far as necessary to give full effect thereto all separate magistracies councils commissions authorities and jurisdictions and all rights powers and functions heretofore exercised or exerciseable by any town council commissioners county council district committee local authority or other authority within or over the districts annexed or any part thereof shall so far as necessary for effecting the purposes of this Act cease and determine from and after the first election of magistrates and councillors after the commencement of this Act and the several persons by whom such offices were held shall be freed and discharged from all liabilities which may have

attached to them in connexion with these offices Provided that all actions or processes in dependence before the courts of such jurisdictions other than the dean of guild court shall be adjudged and disposed of by the magistrates of the city and royal burgh to whom all such actions and processes shall according to the subject matter thereof by authority of this Act be transferred Provided also that all processes and proceedings in dependence in the dean of guild court of the burgh of Portobello shall be proceeded with in and be adjudged and disposed of by the dean of guild court of the city and royal burgh.

Repeal of laws &c. inconsistent with this Act.

31. All laws statutes jurisdictions powers privileges and usages now in force in relation to or within the districts annexed in so far as inconsistent or at variance with the provisions of this Act are subject to the provisions of this Act hereby repealed put an end to and extinguished.

Transfer of property and liabilities of councils commissioners or authorities within the districts annexed.

32. Subject to the provisions of this Act all the property vested in held by or due or belonging to any councils commissioners or authorities within the districts annexed (other than parish councils and school boards) shall from and after the commencement of this Act be by virtue of this Act transferred to and vested in be held by and be due and belong to the Corporation as such property would if within or applicable to the existing burgh belong to or be comprised within the administration of the Corporation and shall form part of the property and assets of the city and royal burgh for all the estate and interest therein of such councils commissioners or authorities and shall be held received and enjoyed by the Corporation accordingly for behoof of the inhabitants of the city and royal burgh and the powers duties and liabilities of such councils commissioners or authorities shall with respect to the property so transferred be transferred and attach to the Corporation and shall form part of the powers rights debts liabilities and obligations of the city and royal burgh and be enjoyed exercised paid discharged and performed by the Corporation and the Corporation shall be bound to pay to such councils commissioners or authorities (other than Portobello) the value of all property which shall be transferred to and vested in the Corporation in terms of this section as such value may be fixed by agreement or failing agreement as the same may be fixed by arbitration The provisions of this section shall not apply to the fever hospital of Leith nor the sewer connected therewith nor to the sewer connecting the Slateford fever hospital with the sewer of the Water of Leith Purification and Sewerage Commissioners nor to the main sewer nor branches thereof providing for the drainage of Jock's Lodge and adjoining district which sewers other than the sewer of the fever hospital of Leith shall remain the property of

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the county council in the same manner as if this Act had not been passed.

For the protection of Leith Fever Hospital.

33. Nothing in this Act contained shall prejudice or affect the provisions of section 1 of the Public Health Amendment (Scotland) Act 1890 in so far as the same are applicable to the fever hospital of Leith And section 178 of the Edinburgh Municipal and Police Act 1879 shall not apply to the sewer formed by the corporation of Leith in connexion with that hospital.

Allocation of county debts.

34. The Corporation shall so soon as practicable after the passing of this Act pay to the county council the proportion of the county and suburban district debts applicable to the parts of the county added to the city as the same shall be fixed by agreement or failing agreement by arbitration.

Recovery of rates debts and penalties.

35. Every rate toll charge and assessment which shall have been imposed and levied by virtue of any Act in operation within the existing burgh or within the districts annexed previous to the commencement of this Act and remaining unpaid together with all arrears and all debts and penalties incurred and due by any person under the same shall subject to the provisions of this Act be levied and recovered by the Corporation in accordance with the practice which at present obtains within the existing burgh under the Acts by virtue of which the same were imposed but all arrears of county council assessments due as at Whitsunday one thousand eight hundred and ninety-six and recovered by the Corporation shall be paid over by them to the county council.

Books to be evidence.

36. All books records and other documents directed or authorised to be kept by any councils commissioners or authorities within the districts annexed or any of them by any Act of Parliament shall belong and be transferred to the Corporation and in so far as they would at the commencement of this Act be receivable in evidence may and shall be admitted as evidence in all courts and proceedings notwithstanding the cesser of the powers rights and jurisdictions of the said councils commissioners or authorities Provided that this section shall not apply to the books and other documents of the county council or the district committee but the lord provost magistrates and council and their officers shall be entitled to access to such books and other documents in so far as may be necessary in relation to matters affecting the districts annexed and the respective clerks or other officers of the county council and district committee shall afford all necessary and reasonable facilities for that purpose Provided also that the books and records of the Corporation shall as regards their production as evidence in legal proceedings be subject to the provisions of the Bankers Books Evidence Act 1879 and the expressions "bankers books" "banker" and "officer"

occurring in the said Act shall mean with respect to the books and records of the Corporation respectively the Corporation books and records and the town clerk or deputy town clerk respectively as the case may be.

Water trustees.

37. In lieu of the provost of Portobello as ex-officio trustee and of the other trustee appointed under the provisions of the Water Acts by the corporation of Portobello now dissolved by this Act the two water trustees representing the burgh of Portobello on the Edinburgh and District Water Trust shall at and after the next election of water trustees under the provisions of the Water Acts be appointed by the corporation of Edinburgh in addition to the number of water trustees which the corporation of Edinburgh are under the said Acts presently entitled to appoint and the Water Acts are hereby amended accordingly Provided always that two of the water trustees shall be persons either resident in Portobello or who carry on business therein Provided further that the two water trustees representing the burgh of Portobello at the commencement of this Act shall continue as individuals to be water trustees until the next election of water trustees.

Power to Corporation and authorities to enter into agreements.

38.—(1) Subject and without prejudice to any of the provisions of this Act the Corporation may on the one hand and any council or authorities within the districts annexed or any of them may on the other hand at any time after the passing of this Act make and carry into effect agreements or carry into effect agreements previously made with respect to the transfer of the property liabilities or powers from such councils or authorities or any of them to the Corporation and for settling and adjusting any claim or any doubt or difference arising in relation thereto and generally with respect to the execution of the provisions of this Act to which any such agreement may relate.

(2) The provisions of any such agreement shall be deemed to be within the powers of the Corporation and of the said councils or authorities or any of them respectively and if and when made shall have and be carried into effect accordingly.

(3) In the event of any difference or dispute arising as to such agreement or as to any other matters or things in relation to the transference under this Act of the property liabilities or powers of the said councils or authorities within the districts annexed the same may at any time after the passing of this Act be referred to the decision of an arbiter to be named by the Secretary for Scotland on the application of any of the parties concerned and such arbiter may and shall determine the same and the parties by whom the expense of such arbitration shall be borne and his decision shall be final and not subject to review.

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Part VIII.—Application of Acts to the extended City.

Municipal and police and other Acts to apply to extended city.

39. The provisions of the Edinburgh Municipal and Police Acts as amended and extended by any Act passed or to be passed in the present session of Parliament and by this Act and except in so far as inconsistent with or varied by this Act shall apply to the city and royal burgh in the same way and manner and as fully to all intents and purposes as they apply to the existing burgh and the provisions of all other local and personal Acts and all public general Acts already passed which relate to or apply or are in force or may be made applicable to the existing burgh and to the inhabitants thereof shall apply to the city and royal burgh and the inhabitants thereof as the said several Acts apply or may apply to the existing burgh in lieu and place of the provisions of any other Acts which may be in force or be applicable to the districts annexed or to any part of the same And the expressions "city" "city of Edinburgh" "city and royal burgh" "burgh" "royal burgh" "magistrates and council" "undertakers" "Corporation" "commissioners" "local authority" or other words of similar import in any Act of Parliament whether local and personal or public general shall in so far as they apply to the existing burgh apply to the city and royal burgh and the limits within which the powers and provisions of those Acts affecting the existing burgh shall be put in force shall be the limits of the city and royal burgh Provided that where in any of the foresaid Acts any distance beyond the burgh is prescribed which is measured at and from the boundary of the burgh such distance shall from and after the passing of this Act be reckoned from the boundary of the city as extended by this Act.

Byelaws &c.

40. Subject as herein-after provided all byelaws and regulations and any list of tolls and table of fees made by the corporation of Edinburgh which at the commencement of this Act are in force in the existing burgh shall thenceforth apply to the city and royal burgh until or except in so far as any such byelaws or regulations or list of tolls or table of fees may be altered or repealed and subject as aforesaid all byelaws and regulations in force within the districts annexed shall on that date cease to be in force or have any effect saving always anything done under such byelaws and regulations previous to such date or anything being carried out under the same which may be completed as if such byelaws and regulations remained in force Provided that any proceedings which might have been taken by any of the local authorities of the districts annexed against any person for any offence against such last-mentioned byelaws and regulations committed before the commencement of this Act may be taken or in the case of any depending proceedings may be continued by the Corporation as if

those byelaws and regulations had remained in force and the Corporation had been substituted therein for such local authority.

Public-houses and licensing Acts.

41. From and after the first Tuesday in November one thousand eight hundred and ninety-six all applications for certificates under the Licensing (Scotland) Acts 1828 to 1887 or any Acts amending or extending the same shall be made to and be disposed of by the magistrates who shall exercise within the city and royal burgh all the powers and perform all the duties conferred or imposed by those Acts or any of them as to granting such certificates and all appeals and confirmations of deliverances of the magistrates shall be made and be disposed of according to the provisions of the said Acts.

Provision as to subsisting licences in districts annexed.

42. All certificates of licence before the commencement of this Act granted for the burgh of Portobello or the county of Midlothian respectively by the magistrates of Portobello and the justices of the peace for the county of Midlothian respectively within the districts annexed and then in force shall unless the same shall be revoked or shall previously expire subsist and continue until the fifteenth day of May one thousand eight hundred and ninety-seven and with reference to such certificates all prosecutions for offences against the Public Houses and Licensing Acts or any of them or for any breach of the regulations of such certificates shall be proceeded with in the same way as if such certificates had been originally granted within the city and royal burgh and all applications for renewal or the transfer of such certificates shall after the commencement of this Act be disposed of by the magistrates.

Part IX.—Transfer of Roads Streets and Footpaths.

Transferring roads and streets to Corporation.

43.—(1) All public roads highways streets footpaths lanes and courts in the districts annexed where vested in the town councils commissioners county council district committee or authorities within the districts annexed or any of them shall be and are hereby transferred to and vested in the Corporation and the same shall subject to the provisions of this Act be held maintained managed and administered by the Corporation under the provisions of the Edinburgh Municipal and Police Acts.

(2) Such roads and streets within the burgh of Portobello as have been or have been agreed to be taken over and maintained as public roads and streets by the commissioners of the said burgh shall on the commencement of this Act be taken over and maintained by the Corporation as public streets in accordance with the provisions of the Edinburgh Municipal and Police Acts.

(3) Such roads and streets within the districts annexed as may from time to time be put into such good order as to comply with

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the provisions of the Edinburgh Municipal and Police Acts shall be taken over and maintained by the Corporation as public streets subject to the several provisions of the Edinburgh Municipal and Police Acts and of this Act.

(4) In any case in which the commissioners of the burgh of Portobello shall prior to the first day of November one thousand eight hundred and ninety-six have required any private street within their burgh to be freed from obstruction levelled paved or causewayed or flagged and channelled in terms of the Burgh Police (Scotland) Act 1892 or have themselves taken steps for that purpose the Corporation may and shall anything in this Act notwithstanding take up prosecute and complete the proceedings authorised by and commenced under that Act in the same way and to the same extent as the commissioners of such burgh might have done previous to the commencement of this Act.

Saving rights in sewers drains roads footpavements and footpaths.

44. Nothing in this Act or in the Edinburgh Municipal and Police Acts contained with respect to the vesting of roads footpavements footpaths sewers or drains within the districts annexed in the Corporation shall prevent any superiors owners or other persons by whom or by whose predecessors the same shall have been formed from recovering the cost or any proportion of the cost of forming the same from feuars or other persons under any agreements made between the said parties respectively.

Part X.—Provisions as to Assessments.

Provisions as to levying assessments as to deductions &c.

45. In imposing or levying the rates and assessments under the Edinburgh Municipal and Police Acts and this Act within the city and royal burgh the following provisions shall have effect:—

(1) During the period of five years from and after the term of Whitsunday one thousand eight hundred and ninety-six there shall be allowed to all occupiers of lands and heritages within the districts annexed other than the burgh of Portobello a deduction from the burgh assessments payable by occupiers under the Edinburgh Municipal and Police Acts and this Act of a sum equal to sixpence per pound on the amount of the rentals in respect of which such burgh assessments are imposed on occupiers but such deduction shall not apply to rates and charges leviable under the Water Acts or the Edinburgh and Leith Corporations Gas Commissioners' Acts:

(2) During the period of seven years from and after the term of Whitsunday one thousand eight hundred and ninety-six the burgh assessments imposed by the Corporation under the Edinburgh Municipal and Police Acts upon all lands and

heritages within the burgh of Portobello shall not exceed two shillings in the pound of yearly rateable value upon owners and occupiers one-third whereof shall be payable by owners and the remaining two-thirds by occupiers but the said limitation of two shillings in the pound shall not apply to or include rates and charges leviable under the water Acts or the said gas Acts:

(3) Section 70 of the Act of 1879 shall be read as if the words "the Fever Hospital of the burgh of Leith situate within "the city" were inserted after the words "the Royal "Edinburgh Hospital for Sick Children":

(4) The Craighouse Lunatic Asylum while and so long only as it is used for the purposes of an asylum shall be rated for the burgh assessments on one half of the yearly value thereof:

(5) Notwithstanding the date of the commencement of this Act the Corporation shall levy within the districts annexed the rates and assessments imposed upon the city and royal burgh for the year from Whitsunday one thousand eight hundred and ninety-six to Whitsunday one thousand eight hundred and ninety-seven and may issue such notices and adopt such proceedings as may be necessary with a view to the levying and the recovery of such rates and assessments within the districts annexed and no council burgh commissioners county council or other assessing authorities shall impose or levy rates or assessments for that year except for parochial and school purposes within the districts annexed or within any part thereof:

(6) In consideration of the burgh assessments being levied within the districts annexed during the period between Whitsunday one thousand eight hundred and ninety-six and the first day of November in that year the Corporation shall pay over to the county council a sum equal to sevenpence per pound on the amount of the rental of lands and heritages within the districts annexed on which rates and assessments might have been imposed by the county council for the year from Whitsunday one thousand eight hundred and ninety-six to Whitsunday one thousand eight hundred and ninety-seven had this Act not been passed and shall in addition to the deduction or abatement referred to in sub-section (1) of this section allow to the occupiers of such lands and heritages within the said districts other than the occupiers of the lands and heritages referred to in section 47 of this Act an abatement of threepence per pound on the amount of their rental for the said year from Whitsunday one thousand eight hundred and ninety-six to Whitsunday one thousand eight hundred and ninety-seven.

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As to lighting &c. in certain areas.

46. With respect to the lands and heritages within the areas described in the Third Schedule to this Act the following provisions shall have effect (that is to say) :—

The obligations imposed on the Corporation within the existing burgh under the Edinburgh Municipal and Police Acts and this Act with respect to lighting cleansing and the construction of sewers and drains shall not extend or apply to the lands and heritages within the said areas unless and until the said areas respectively shall be sufficiently covered with buildings as to render it expedient that such obligations should extend and apply thereto or to parts or portions thereof And the Corporation may at any time and from time to time apply to the Local Government Board for Scotland to have it declared that such lands and heritages or any part or parts thereof are sufficiently covered with buildings for the purposes of this section and the Local Government Board after hearing objections if any of parties affected may make such declaration in the matter as they think just Provided that the Corporation may at any time and from time to time make and carry into effect agreements with respect to the construction of sewers and drains with any person as regards any lands or heritages situate within the said areas.

Lands &c. how to be valued.

47. The yearly value of the lands and heritages after specified shall for the purpose of the burgh assessments be held to be the nearest aggregate sum of pounds sterling to one-fourth of the yearly value thereof (viz.) :—

(1) All lands and works used as 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 stations depôts wharves and buildings connected therewith which shall be assessable to the same extent as other lands and heritages ;

(2) All underground gas and water pipes and underground works connected therewith ;

(3) All woodland arable meadow and pasture land and other land used for agricultural purposes ;

(4) Quarries :

And in the event of any dispute arising as to the lands and heritages falling under the above exceptions the owner or occupier of such lands and heritages may present a petition to the sheriff praying to have the same declared for the time being liable to assessment upon the said proportions of their value only and the sheriff shall thereupon order the petition to be served on the Corporation upon an inducia of not less than five days 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. A.D. 1896.

Part XI.—Designation of Corporation &c.

Style of Corporation.

48.—(1) The Corporation may from and after the commencement of this Act be known called and referred to for all purposes as "the Corporation of the City of Edinburgh."

Execution of deeds.

(2) Any deed or instrument to be executed by the Corporation may be signed at a meeting of the town council by the lord provost or other magistrate or councillor presiding at such meeting and by the town clerk or any other officer appointed by the Corporation for that purpose.

Part XII.—Water of Leith Purification and Sewerage Commission.

Water of Leith Purification and Sewerage Commission: Amendment of Acts.

49. From and after the commencement of this Act the Water of Leith Purification and Sewerage Act 1889 (in this section referred to as "the Act of 1889") and the Water of Leith Purification and Sewerage (Additional Powers) Act 1893 (in this section referred to as "the Act of 1893") (and which two Acts may be recited together as "the Water of Leith Purification and Sewerage Acts 1889 and 1893") shall for the purposes of those Acts be and are hereby amended as follows (that is to say):—

Section 3 of the Act of 1889 is hereby amended as follows (viz.):—

"The city of Edinburgh" shall except where otherwise provided mean and comprehend the city as extended and defined by this Act;

"The corporation of Edinburgh" shall mean the Corporation as defined by this Act;

"The urban district" shall as regards the city of Edinburgh mean the city as extended and defined by this Act;

"The commissioners" shall mean the commissioners incorporated by the Act of 1889 as amended by this Act;

"The landward district" shall mean the district as defined in the Act of 1889 and any extension thereof as thereby provided for except such part of the said landward district as is by the provisions of this Act included in the city as extended and defined by this Act Provided always that for the purposes contained in the proviso to section 49 of the Act of 1889 "the landward district" therein referred to shall mean the landward district as defined in the Act of 1889;

"The landward local authorities" shall mean (1) the district committee of the county council of Midlothian for the

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Calder district and (2) the district committee of the county council of Midlothian for the suburban district.

Election of commissioners by landward local authorities.

50. In lieu of the election of commissioners by the landward local authorities as defined in the Act of 1889 the district committee of the county council of Midlothian for the Calder district shall at and after the next election of commissioners elect from among their own number one commissioner and the district committee of the county council of Midlothian for the suburban district shall at and after the next election of commissioners elect from among their own number three commissioners and section 6 of the Act of 1889 is hereby amended accordingly.

Assessments under the Purification Acts.

51. The Corporation shall in lieu of the corporation of Edinburgh and in lieu of the local authorities within that part of the districts annexed which at and prior to the commencement of this Act was within the landward district all as defined in the Act of 1889 impose assess and levy and collect and recover all rates and assessments required to be imposed levied and collected and recovered by the Corporation of Edinburgh and local authorities respectively under the Purification Acts for the purposes of those Acts on and from the owners of all lands and heritages within the city and royal burgh of Edinburgh in accordance with the provisions of those Acts and this Act and sections 72 74 75 77 78 and 80 of the Purification Act 1889 are hereby amended accordingly Provided always that where under the Purification Acts any lands and heritages presently assessed by the landward local authorities for the said assessment are by this Act included within the extended boundaries of the city and are assessed therein by the Corporation under the provisions of this Act for the purposes of the Purification Acts such lands and heritages shall for assessment purposes under the Purification Acts be and are hereby excluded from the area assessable by the landward local authorities and the same shall in respect of the assessments imposed by the Purification Acts be assessed in all respects similarly with the rest of the city and sections 73 and 74 and the Second Schedule of the Purification Act 1889 are hereby amended accordingly.

Provision as to landward mill electors &c.

52. The occupiers of mills and other works in the portion of the landward district as defined by the Act of 1889 included within the districts annexed shall from and after the commencement of this Act cease to be liable for the special rate or assessment imposed by section 81 of the Act of 1889 and section 81 and the Third Schedule of the Act of 1889 are hereby amended accordingly Provided always that the amount of the special rate or assessment which would have been paid by such occupiers if this Act had not been

passed shall be and the same is from and after the commencement of this Act imposed upon the city Provided also that the occupiers of mills and other works in the said districts annexed shall as and from the commencement of this Act cease to be landward mill electors as defined by sections 6 and 8 of the Act of 1889 which are hereby amended accordingly.

Part XIII.—Application of the Edinburgh Corporation Stock Act.

Application of Stock Act 1894.

53. For the purposes of the Edinburgh Corporation Stock Act 1894 the borrowing powers transferred to or vested in the Corporation by this Act shall be deemed to be statutory borrowing powers of the Corporation within the meaning of the said Stock Act.

Part XIV.—Existing Officers.

Existing officers and servants.

54. The persons who at the commencement of this Act are officers or servants of the town council and commissioners of the burgh of Portobello and who perform any duties in respect of business transferred by or in pursuance of this Act to the Corporation shall from and after that date unless and until otherwise determined by the Corporation continue to discharge their respective duties as the officers or servants of the Corporation.

When any constable belongs at the commencement of this Act to the police force of the burgh of Portobello such constable shall on and after that date become a constable of the city and royal burgh.

When any constable who at the commencement of this Act belongs to the police force of the county of Midlothian and acts as a constable of that county exclusively within any part of the area which is by this Act incorporated with the city and royal burgh such constable shall on and after that date and if his services are not required by the chief constable of the said county become a constable of the city and royal burgh.

As to officers transferred to the Corporation.

55.—(1) Such officers and servants as aforesaid who by virtue of this Act become officers and servants of the Corporation shall hold their offices by the same tenure and upon the same terms and conditions as if this Act had not been passed and while performing the same duties shall receive not less salaries or remuneration and be entitled to not less pension (if any) than they would have been entitled to claim and receive if this Act had not been passed and when any such officer can only be removed with the consent of some specified authority such consent shall be part of the tenure of his office.

(2) The Corporation may distribute the business to be performed by existing officers in such manner as they may think expedient and

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every existing officer shall perform such duties in relation to that business as may be directed by the Corporation.

(3) The Corporation may abolish the office of any existing officer transferred to the Corporation as aforesaid whose office they may deem unnecessary but such officer shall be entitled to compensation under this Act.

Compensation to officers.

56. Except as in this Act otherwise provided—

(1) Every existing officer declared by this Act to be entitled to compensation and every other existing officer whether before mentioned in this Act or not who by virtue of this Act or anything done in pursuance of or in consequence of this Act suffers any direct pecuniary loss by abolition of office or by diminution or loss of salary shall be entitled to have compensation paid to him for such pecuniary loss by the Corporation to whom the powers of the authority whose officer he was are transferred under this Act regard being had to the conditions on which the appointment was made to the nature of his office or employment to the duration of his service to any additional emoluments which he acquires by virtue of this Act or of anything done in pursuance of or in consequence of this Act and to the emoluments which he might have acquired if he had not refused to accept any office offered by the Corporation and to all other circumstances of the case and the compensation shall not exceed the amount which under the Acts and rules relating to Her Majesty's Civil Service is paid to a person on abolition of office:

(2) Every person who is entitled to compensation as before provided shall deliver to the Corporation a claim under his hand setting forth the whole amount received and expended by him or his predecessors in office in every year during the period of five years next before the commencement of this Act on account of the emoluments for which he claims compensation distinguishing the offices in respect of which the same have been received and accompanied by a statutory declaration that the same is a true statement according to the best of his knowledge information and belief Provided that it shall not be competent for any person to make any claim for compensation after the expiration of two years after the commencement of this Act:

(3) Such statement shall be submitted to the Corporation who shall forthwith take the same into consideration and assess the just amount of compensation (if any) and shall forthwith inform the claimant of their decision:

(4) If a claimant is aggrieved by the refusal of the Corporation to grant any compensation or by the amount of compensation assessed or if not less than one-third of the members of the Corporation subscribe a protest against the amount of the compensation as being excessive the claimant or any subscriber to such protest (as the case may be) may within three months after the decision of the Corporation appeal to the Secretary for Scotland who shall after such inquiry as he shall think proper consider the case and determine whether any compensation and if so what amount ought to be granted to the claimant and such determination shall be final:

(5) Any claimant under this section if so required by the Corporation shall attend at a meeting of the town council and answer upon oath (which the lord provost or the presiding magistrate may administer) all questions touching the matter set forth in the claim and shall produce all books papers and documents in his possession or under his control relating to such claim:

(6) The sum payable as compensation to any person in pursuance of this section shall commence to be payable at the date fixed by the Corporation on granting the compensation or in case of appeal by the Secretary for Scotland and shall be a debt due to him from the Corporation and may be enforced accordingly in like manner as if the Corporation had entered into a bond to pay the same:

(7) If a person receiving compensation in pursuance of this section is appointed to any office under the Corporation or if by virtue of this Act or anything done in pursuance of or in consequence of this Act he receives any increase of emoluments of the office held by him he shall not while receiving the emoluments of that office receive compensation to a greater amount if any than with the emoluments of the said office is equal to the emoluments for which compensation was granted to him and if the emoluments of the office he holds are equal to or greater than the emoluments for which compensation was granted his compensation shall be suspended while he holds such office.

Compensation to clerk of peace &c.

57.—(1) The Corporation shall pay to the persons now holding the respective offices of clerk of the peace and procurator fiscal of the justices of the peace of the county of Midlothian compensation in respect of any loss which they may respectively sustain by diminution of salary or emoluments consequent upon the extension of the boundaries of the city hereby authorised.

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(2) In the event of the several compensations in this section mentioned appointed to be paid not being agreed between the parties or in so far as such compensations are not so agreed the same shall be determined by an arbiter to be named by the Secretary for Scotland and the decision of such arbiter shall be final and interest at the rate of four pounds per centum per annum shall run on the amount of all compensations from the respective dates at which they are agreed or determined as aforesaid till the said several amounts are paid.

Part XV.—Assessment and Borrowing Powers.

Assessments to be imposed over extended burgh.

58. From and after the commencement of this Act and subject to the provisions of this Act the Corporation are hereby authorised to impose assess levy and recover on over and within the city and royal burgh as the same is extended and defined by this Act the burgh assessments authorised by the Edinburgh Municipal and Police Acts and all rates charges and assessments authorised by any other Act local or personal or public and general to be imposed within the existing burgh and that in the way and manner and by the same means as are provided in those Acts in relation to the existing burgh.

As to security for borrowed money.

59. Subject to the provisions of this Act the Corporation may borrow money for any of the purposes for which money may be borrowed and may grant security therefor on the burgh assessments within the city and royal burgh as extended and defined by this Act and all the provisions of the Edinburgh Municipal and Police Acts with respect to money already borrowed and to be borrowed and the security therefor and the provisions with respect to sinking fund shall apply in all respects to the city and royal burgh as extended and defined by this Act and in the same way and to the same effect as such provisions now apply to the existing burgh.

Power to apply burgh assessments.

60. The Corporation are subject to the provisions of this Act hereby authorised and required to assess levy and collect within the city and royal burgh and recover apply and use for carrying out the powers objects and purposes of the Edinburgh Municipal and Police Acts and this Act or any of them and for the acquisition of lands and heritages and servitudes easements or other property which may be required in connexion therewith the burgh assessments under their control authorised by the Edinburgh Municipal and Police Acts and this Act or so much thereof as may be necessary therefor in the way and manner and by the same means as are provided in the said Acts in relation to the existing burgh.

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Application of provisions of Act of 1879 as to borrowing.

61. The Corporation are hereby authorised to borrow money for the purposes of this Act or any of them on the security of the burgh assessments before mentioned under their control and they shall provide a sinking fund for the repayment of the sums so borrowed and sections 81 to 92 of the Act of 1879 as to borrowing money are as amended by the Act of 1891 and by the Act of 1893 incorporated herewith and the powers and provisions therein contained as so amended shall subject to the provisions of this Act 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 were re-enacted in this Act.

Sinking fund.

62. The Corporation shall annually set apart as a sinking fund out of the moneys to be levied for the purposes of this Act a sum or sums equal to not less than one-thirtieth part of the sums to be borrowed on the security of any portion of the burgh assessments and the Corporation shall from time to time apply the sum or sums so set apart as a sinking fund in paying off the principal sums so borrowed.

Part XVI.—Roads Subvention.

Redemption of county roads subvention and repeal of Edinburgh Road Acts 1882.

63. The Corporation shall within three months after the passing of this Act pay to the county council the sum of thirty-five thousand pounds in commutation and extinction of the contribution of two thousand pounds annually payable by the city of Edinburgh under the Edinburgh Roads Act 1882 and the Order thereby confirmed towards the cost of maintaining the highways in the neighbourhood of the city of Edinburgh and on such payment being made and a receipt for the same signed by the chairman of the county council being recorded in the books of council and session (which receipt the county council shall be bound to give) the said contribution shall be and the same is hereby extinguished and the said Edinburgh Roads Act 1882 and Order shall be and the same are hereby repealed but reserving the right of the county council to the proportion of the said contribution for the period prior to the date of payment of the said sum of thirty-five thousand pounds.

The county council shall defray out of the said sum of thirty-five thousand pounds such share or proportion of the expenses incurred by them in connexion with this Act as they with the sanction of the Secretary for Scotland may consider just and proper and the balance of the said sum of thirty-five thousand pounds shall be treated as capital and applied with the sanction of the Secretary for Scotland either in repayment of debt or for any other purpose for which capital money may be applied and until so applied the income

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derived from such capital sum or the balance thereof for the time being shall be applied towards the maintenance of the highways within the said county or the districts thereof in the neighbourhood of the said city and in diminution pro tanto of the assessments leviable in the said county or districts under the provisions of the Roads and Bridges (Scotland) Act 1878 in the same manner as the said annual contribution of two thousand pounds was in use to be applied under the said Edinburgh Roads Act 1882 and the Order thereby confirmed.

Part XVII.—Miscellaneous.

Power to provide parks &c.

64. The Corporation may provide and maintain such public parks pleasure or recreation grounds as they may from time to time deem necessary for the city and royal burgh and they may purchase and acquire by agreement or take on lease any lands necessary for those purposes.

Qualification of commissioners of supply.

65. Any commissioner of supply of the county of Midlothian whose qualification as such arises from property situated or from office held within the districts annexed shall from and after the commencement of this Act be disqualified from acting as such commissioner of supply unless he possess a qualification as a commissioner of supply in the said county in respect of property or office held beyond the districts annexed.

Compensation for drainage works executed by private proprietors but taken by Corporation.

66.—(1) Where drainage works have been executed by the proprietors of any lands within the districts annexed for the exclusive use and benefit of such lands and of the houses and other erections thereon such works shall remain the property of such proprietors or those deriving right from them unless and until the roads or streets in which any such drainage works are laid are on the application of the proprietors thereof taken over by the Corporation as public streets under the provisions of the Edinburgh Municipal and Police Acts and of this Act but whensoever the Corporation desire to acquire right to such works as so remain the property of such proprietors or those deriving right from them and to extend their use to the lands of other proprietors they shall be entitled to do so on giving the proprietors by whom such works were executed due intimation of such desire and paying for such right such compensation as may be agreed upon or failing agreement as may be determined by an arbiter to be named by the sheriff on the application of either party.

Barnton Terrace sewer.

(2) The provisions of the immediately preceding sub-section shall not apply to the sewer at Barnton Terrace belonging or reputed to belong to Sir James Ramsay Gibson Maitland Baronet

but the Corporation shall be bound on the passing of this Act to acquire the same and shall pay therefor such compensation as may be agreed upon or determined as aforesaid.

Reservation to proprietors.

(3) In the event of the Corporation exercising such power with reference to drainage works which form or may form the means of draining lands belonging to the same proprietors outside the districts annexed there shall be reserved to such proprietors the right lawfully to drain their lands outside the districts annexed by such drainage works as if the same had not been taken over by the Corporation but that only to the extent of the capacity of the sewerage system of the city for the time being and so as not to impede or interfere with the sewage of the city and provided that the Corporation shall not at any time be bound to extend or enlarge the drainage accommodation or sewage works within the city or to increase the same to meet the requirements of such proprietors Provided always that nothing in this section contained shall authorise any person to construct or use any drains or sewers in contravention of the provisions of the Purification Acts or prejudice or affect any of the provisions of those Acts with respect to drainage sewerage or the purity of the river of the water of Leith or with respect to junctions with the Water of Leith Purification and Sewerage Commissioners main and branch sewers or do any act or thing in contravention of any of the provisions of the said Acts.

As to agricultural or pasture lands.

67. With respect to any lands within the districts annexed used solely for agricultural or pasture purposes together with any farm houses farm buildings or farm steadings occupied in connexion therewith the provisions of the Edinburgh Municipal and Police Acts as to the accumulation of manure the working and manuring of the land the keeping of dogs and poultry and the discharge of firearms shall not come into operation until such lands farm houses farm buildings or farm steadings shall have ceased to be of such character and the Corporation may at any time and from time to time apply to the Local Government Board for Scotland to have it declared that such lands farm houses farm buildings or farm steadings or any of them or any portion thereof by reason of the altered condition of the same or of the neighbourhood have ceased to be of an agricultural or pastoral character and therefore ought to fall under the said provisions of the Edinburgh Municipal and Police Acts which the said Local Government Board after hearing the objections if any of the parties affected thereby is hereby empowered to declare and the powers and jurisdiction of the dean of guild court shall not extend to farm houses farm buildings or farm steadings actually existing at the time of the commencement of this Act until they cease to be of an agricultural or pastoral

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character as herein-before provided Provided always that nothing in this section contained shall affect the application to such lands farm houses farm buildings or farm steadings of the other provisions of the Edinburgh Municipal and Police Acts or of the Public Health (Scotland) Act 1867 or Acts amending the same or any other public general Act applicable to the same.

Burgh buildings in Portobello.

68. The Corporation shall maintain the burgh buildings of the burgh of Portobello and subject to such regulations and conditions as may from time to time be made by the Corporation those buildings may be used for Corporation purposes or for holding courts or for such other purposes as the Corporation may from time to time think proper.

Sittings of dean of guild court.

69. The dean of guild court of the city shall unless and until otherwise resolved by the Corporation hold periodical sittings in the Portobello district of the city at such places and at such times as the court may appoint for the disposal of business and for the public convenience of the district.

Police courts at Portobello.

70. The magistrates or judges of police shall after the commencement of this Act hold periodical police courts in the Portobello district at such times and at such places as the magistrates may determine for the trial of police offences.

Slaughter houses.

71. The Corporation shall until they provide such slaughter-house accommodation as shall be sufficient to meet the requirements of the extended city maintain the existing slaughter-house at Portobello and may make and charge such dues and charges for the use of the same under the local Acts in that behalf as are now applicable within the existing burgh of Edinburgh.

Portobello Hospital.

72. The Corporation shall maintain the existing fever hospital of Portobello.

Police station in Portobello.

73. The Corporation shall maintain a local police station within the Portobello district of the city.

Public park for Portobello.

74. The Corporation shall within seven years from the passing of this Act acquire dedicate and thereafter maintain for public use a public park or recreation ground in some situation convenient for the inhabitants of the present burgh of Portobello and under such regulations as the Corporation may from time to time make.

Hall for Portobello.

75. The Corporation shall as soon as conveniently may be after the commencement of this Act build and maintain a public hall in Portobello for the purpose of holding meetings and concerts and for any other public purpose which hall shall be subject to such regulations as the Corporation may from time to time prescribe and shall be sufficient to accommodate at least eight hundred persons.

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Confirmation of Portobello agreement.

76. The agreement set forth in the Fourth Schedule to this Act is hereby confirmed and made binding on the Corporation.

Confirmation of agreement with Portobello Gas Light Company Limited.

77. The agreement as amended and set forth in the Fifth Schedule to this Act is hereby confirmed and made binding on the parties thereto Provided that the Corporation shall not supply gas from the gasworks acquired by the said agreement in competition with the Edinburgh and Leith Corporations Gas Commissioners in any district in which those commissioners now supply gas.

Annuities to Portobello gas shareholders.

78. The Corporation shall pay to the annuitants referred to in the agreement contained in the Fifth Schedule the annuities therein mentioned amounting in cumulo to the sum of one thousand two hundred pounds according to their respective rights and interests therein The said annuities shall be moveable or personal estate and transmissible as such and shall not be of the nature of heritable or real estate.

Agreements between Corporation and county council as to police watching.

79. The Corporation shall be bound if and when required by the standing joint committee of the county of Midlothian to undertake the police watching of those parts of the county of Midlothian on either side of the road from the present boundary of the city at Jock's Lodge to the boundary of the burgh of Portobello on such terms and in such way and manner as may be agreed between the Corporation and the county council or failing agreement as may be fixed by arbitration.

For protection of the estate of Craigentinny.

80. Nothing in this Act contained shall in any way authorise or empower the Corporation to interfere with the estate of Craigentinny or confer or extend any right of the Corporation or any jurisdiction of the dean of guild court of Edinburgh over or in connexion with the said estate or prejudice any rights belonging to the said estate under any Acts of Parliament or at common law.

For protection of the estates of Craigmillar and Liberton.

81. Nothing in this Act contained shall in any way authorise or empower the Corporation to interfere with the estates of Craigmillar and Liberton except as regards the portion thereof already within the city and the portion thereof added to the city under this Act or confer or extend any right of the Corporation or any jurisdiction of the dean of guild court of Edinburgh over or in connexion with the said estates or prejudice any rights belonging to the said estates under any Acts of Parliament or at common law except as aforesaid nor shall anything in this Act contained prejudice or affect the agreement between the late Walter James Little Gilmour and the lord provost magistrates and town council of Edinburgh scheduled to the Edinburgh Extension and Sewerage Act 1885.

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Extension of compulsory limits of water supply.

82. The limits of compulsory supply of water by the water trustees under the Water Acts are hereby extended so as to include therein the city as extended and defined by this Act and sections 2 and 45 of the Edinburgh and District Waterworks (Additional Supply) Act 1895 are hereby amended accordingly and the expression "the city of Edinburgh" construed in the said last-mentioned Act shall for all the purposes of the Water Acts mean the city as extended and defined by this Act and the expression "the limits of compulsory supply" shall mean the said limits as extended by this Act.

PART XVIII.—SAVING CLAUSES.

Parliamentary election purposes teinds tenures &c. not affected.

83. Nothing in this Act shall affect—

(1) The county of Midlothian the parliamentary burgh of Edinburgh or the Leith parliamentary burghs or the limits of the same respectively so far as regards the election of members to serve in Parliament for the said county and burghs respectively;

(2) The teinds payable out of the lands situated within the city and royal burgh or the rights privileges and emoluments of the ministers and kirk sessions of the parishes within the same;

(3) The holdings or tenure of any lands or heritages or the records wherein the rights thereof or any deed or writing affecting the same may be registered:

Thirlage &c. not to extend to districts annexed.

Provided that no part of the districts annexed nor any persons therein shall be subjected to any thirlage or liability for land tax to which such districts or persons were not subject previous to the commencement of this Act.

Parochial arrangements not to be affected.

84. The lands and heritages within the districts annexed shall remain parts and portions of the parishes within which they now lie and shall not in so far as regards the settlement relief or management of the poor the erection and maintenance of district lunatic asylums the payment of poor's rates or any burdens for purposes other than those for which the said lands and heritages will be assessed under the provisions of the recited Acts and this Act which now affect or which may hereafter affect such parishes or other parochial arrangements be affected by any of the provisions of this Act.

Saving for commissioners of supply and county council.

85. Subject to the provisions of this Act nothing herein shall prejudice or interfere with the properties rights and powers of the commissioners of supply or the county council of the county of Midlothian in so far as concerns their respective interests in the areas under their administration respectively beyond the boundaries

of the city and royal burgh and the right of such commissioners of supply and county council to recover all arrears of assessment imposed by and due to them or any of them in respect of subjects within the districts annexed for any year prior to the fifteenth day of May one thousand eight hundred and ninety-six is hereby reserved.

Craigleith Quarry.

86. Nothing in this Act or in the Edinburgh Municipal and Police Acts contained shall prejudice restrict lessen or interfere with the rights powers and privileges of the proprietor or tenant of Craigleith Quarry as the same is presently let with regard to the working use or development of the said quarry all which rights powers and privileges shall remain in full force and have effect as if the said quarry had not been included within the city and royal burgh and as if this Act had not been passed.

Saving for existing securities and discharge of debts.

87.—(1) Nothing in this Act shall prejudice or affect any securities granted before the passing of this Act by the town council or commissioners of the burgh of Portobello on the credit of any property belonging to such burgh and by this Act transferred to the Corporation in any capacity or of any rate legally leviable within such burgh and all such securities as well as all unsecured debts liabilities and obligations incurred by the town council or commissioners of such burgh respectively in the exercise of any powers or in relation to any property transferred from such burgh to the Corporation under this Act shall be discharged paid and satisfied by the Corporation.

(2) The Commissioners of the burgh of Portobello shall liquidate as far as practicable before the commencement of this Act all current debts and liabilities incurred by such Commissioners respectively.

Actions &c. not to abate.

88.—(1) If at the commencement of this Act any action or proceeding or any cause of action or proceeding is pending or existing by or against any council commission or authority in relation to any powers duties liabilities or property by this Act transferred to the Corporation the same shall not in anywise abate cease or be discontinued or prejudicially affected by reason of the passing of this Act but may be continued prosecuted and enforced by or against the Corporation as successors of the said authority in like manner as if this Act had not been passed.

Saving for deeds &c.

(2) All deeds contracts bonds agreements and other instruments entered into or made and subsisting at the commencement of this Act and affecting any such powers duties liabilities or property of any authority as are by this Act transferred to the Corporation shall be of as full force and effect against or in favour of the Corporation and may be enforced as fully and effectually as if instead of the authority the Corporation had been a party thereto.

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Saving rights of Crown under Crown Lands Act.

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

Saving rights of the Crown in the foreshore.

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

Expenses of Act.

91. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act and otherwise in relation thereto shall be paid by the Corporation out of the common good or out of moneys borrowed or assessments imposed by the Corporation under the powers of this Act.

SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

Boundaries of the Portobello Wards of the City.

THE PORTOBELLO WARDS.

Fourteenth Ward.

All situated within the boundary herein-after specified namely From a point at the junction of the north-west parliamentary boundary with the sea shore south-westwards and in continuation to the west side of the Leith and Dalkeith Road thence southwards along the west side of the said road to the point where it crosses the Figgate Burn thence north-eastwards along the centre of the Figgate Burn to the point where it is met by a line drawn through the centre of Rosefield Place thence south-eastwards along the centre of Rosefield Place until it is met by a line drawn through the centre of Rosefield Avenue thence north-eastwards along the centre of Rosefield Avenue to the High Street thence south-eastwards along the centre of the High Street to the point where it is cut by a line drawn through the centre of Ramsay Lane thence north-eastwards along the centre of Ramsay Lane to a point fifty-six yards distant from the centre of High Street thence north-westwards along the centre of Ramsay Lane to a point twenty-four yards distant thence north-eastwards along the centre of Ramsay Lane to the point where it meets the sea shore thence along the shore to the point first described.

Fifteenth Ward.

All situated within the boundary herein-after specified namely From a point on the sea shore opposite the foot of Ramsay Lane south-westwards south-eastwards and south-westwards along the centre of Ramsay Lane to High Street (at the municipal buildings thence north-westwards along the centre of the) High Street until it is met by a line drawn through the centre of Rosefield Avenue thence south-westwards along the centre of Rosefield Avenue to the centre of Rosefield Place thence westwards along the centre of Rosefield Place to the Figgate Burn at the point where it is crossed by a bridge leading to Henderson Row thence south-westwards along the centre of the Figgate Burn to the west side of the Leith and Dalkeith Road thence southwards three hundred and twelve yards along the west side of the said road thence eastwards crossing the road and railway along the parliamentary boundary leading to a point where it crosses the Duddingston Farm Road thence northwards along the centre of the said road to Hope's Lane and along the centre of said lane to the centre of the High Street thence westwards along the centre of High Street until it is cut by a line drawn through the centre of Wellington Street thence northwards down the centre of Wellington Street to the sea shore thence along the shore to the point first described.

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SIXTEENTH WARD.

All situated within the boundary herein-after specified namely From a point on the sea shore opposite the foot of Wellington Street south-westwards along the centre of Wellington Street to the centre of the High Street thence eastwards along the centre of High Street to the point where it is cut by a line drawn through the centre of Hope's Lane thence southwards along the centre of the Duddingston Farm Road to the point where it is crossed by the parliamentary boundary thence eastwards along the parliamentary boundary to the extremity of the burgh thence northwards along the parliamentary boundary to the sea shore thence westwards along the shore to the point first described And also the following namely From the point in the extended municipal boundary where the same crosses the west side of the North British Railway (East Coast route) near Easter Duddingston thence in a north-easterly direction along the said last-mentioned boundary to where it joins the south side of the Firth of Forth (low water mark) thence in a westerly direction along the said south side of the Firth of Forth to the point where the same is joined by the existing eastern municipal boundary of Portobello thence in a south-easterly direction along the said last-mentioned boundary in continuation in a straight line to the point in the extended municipal boundary before mentioned.

THE SECOND SCHEDULE.

THE PORTOBELLO WARD.

From the fountain of Saltpans on the Musselburgh Road southward in a straight line (in the direction of a straight line drawn from the east end of Inchkeith) to a point one hundred and fifty yards distant thence in a straight line in the direction of Nelson's Monument on the Calton Hill to the point at which such straight line cuts the west side of the Duddingston Road thence northwards along the west side of the Duddingston Road to the point at which the same meets the Edinburgh Road thence in a straight line to the point at which the shore of the Firth of Forth would be cut by a straight line to be drawn thereto from the summit of Arthur's Seat through the point last described thence along the shore of the Firth of Forth to the point first described.

THE THIRD SCHEDULE.

So much of the districts annexed as is comprehended within the following areas bounded as follows (namely):—

(A) Commencing at a point in the river of the Water of Leith at Murrayfield where the same is crossed by the municipal boundary thence in a southerly direction along the said municipal boundary to the point where the same crosses the North British Railway main line thence westerly along the said railway to the bridge carrying the same over the Damhead

Road thence in a south-westerly direction along the said Damhead Road to the northern corner of the land owned or reputed to be owned by Robert Cox of Gorgie thence in a south-westerly direction along the north-western boundary of the said last-mentioned lands to the point where the same joins the boundary of the land of William Baird of Saughton thence in a north-westerly direction along the eastern boundary to the point where it joins the Water of Leith thence in a south-westerly and westerly direction along the said Water of Leith to the weir of the Gorgie Mill Dam thence in a southerly direction along said weir and across Gorgie Road to the south side of said road thence in a westerly direction for a distance of twenty-three yards or thereabouts to the eastern side of the cross road leading from the said Gorgie Road to Slateford Road thence in a south-easterly south-westerly southerly and south-easterly direction along the eastern side of said cross road and in a south-easterly direction in continuation thereof to the northern boundary of the Caledonian Railway (Glasgow Main Lines) thence in a north-easterly direction along said railway for a distance of two hundred and eighty-six yards or thereabouts thence in a south-easterly direction across said railway and in a straight line to the stone bridge over the Union Canal near the eastern end of Lockharton Terrace thence in a south-westerly and westerly direction along the north bank of the said Union Canal to the point where it reaches the boundary of the parish of Colinton thence in a north-westerly north-easterly north-westerly and south-westerly direction along the boundary of the parish of Colinton to the point where said boundary reaches the northern bank of the said Union Canal near Slateford thence in a north-westerly and south-westerly direction along the northern bank of the said Union Canal to the point where it reaches the city parish boundary thence in a north-westerly north-easterly north-westerly northerly westerly north-westerly and north-easterly direction along the western boundary of the city parish of Edinburgh to the point where the said boundary leaves the stream known as Corstorphine Stank at or near the house called "Crooks" Murrayfield thence in an easterly direction along the said stank and in continuation along the Water of Leith to the point of commencement:

(B) Commencing at the west corner of Garscube Terrace and Ravelston Dykes thence westwards along the south side of the said Ravelston Dykes to the point where the said road joins Murrayfield Road thence in a south-easterly direction along the eastern side of the said last mentioned road to the point where the same joins the northern boundary of Derreen thence north-eastwards and south-eastwards along the northern and eastern boundaries of the same to the northern side of Murrayfield Avenue thence north-eastwards along the north side of the said avenue to the north-eastern corner thereof thence in a south-easterly direction along the eastern side of the said avenue to the point where it is crossed by the existing municipal boundary thence in a north-easterly direction along the said municipal boundary to the western side of Garscube Terrace thence in a north-westerly direction along the western side of the said last mentioned road to the point of commencement.

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THE FOURTH SCHEDULE.

AGREEMENT between the lord provost magistrates and council of the city and royal burgh of Edinburgh (herein-after called "the City Corporation") of the first part and the provost magistrates and council of the burgh of Portobello (herein-after called "the Burgh Corporation") of the second part.

Whereas the city Corporation are promoting a Bill in Parliament for the purpose inter alia of amalgamating the burgh of Portobello with the city and burgh of Edinburgh and it is expedient that an agreement should be made between the parties hereto for the benefit of the district represented by the second parties in manner after mentioned and to obtain parliamentary sanction to these presents Therefore the parties hereto have agreed and do hereby agree as follows (viz.):—

First.—Upon the amalgamation of the burgh of Portobello with the city and burgh of Edinburgh under the said intended Act the Corporation of the said city and royal burgh as extended (herein-after called "the new Corporation") shall take over the footpaths of all the streets within the present bounds of the burgh of Portobello (without requiring the owners to make them good and sufficient) and reconstruct them with pavement or cement concrete gradually during and within the period of five years from the passing of the intended Act and thereafter maintain them in all time coming.

Second.—The new Corporation shall immediately after the passing of the said intended Act apply for any requisite consents and failing such consents shall apply to Parliament for compulsory powers and on obtaining such consents or such powers shall within five years from the passing of the intended Act build a sea wall and continue the promenade on the beach at Portobello from the present termination thereof at Pipe Street westward to the King's Road.

Third.—As soon as conveniently may be after the passing of the said intended Act the new Corporation shall provide suitable public baths in Portobello and also shelters at the beach and a bowling green at some convenient situation.

Fourth.—In the event of the Edinburgh Street Tramways Company obtaining parliamentary powers and extending their lines from the present terminus at Bellfield Lane to the eastern end of Brighton Terrace Joppa the new Corporation shall causeway the carriageway on either side of the road between the statutory width of the causeway for a double line of rails and the footpaths and in the event of the said tramways company failing to obtain said powers or failing to extend their lines as aforesaid and of the new Corporation purchasing from them their existing lines the new Corporation shall obtain parliamentary powers to extend the tramway to the eastern end of the town and on obtaining the same shall causeway the whole width of the road from Bellfield Lane to the new terminus.

Fifth.—As soon as conveniently may be after the passing of the said intended Act the new Corporation shall causeway Bath Street in the same manner as Brighton Place has been recently causewayed.

Sixth.—The Portobello district embraced within the area of the extended city shall be entitled to a supply of electric light on the same terms as the suburban districts of the present city and royal burgh of Edinburgh.

Seventh.—After amalgamation as aforesaid by the passing of the said intended Act the new Corporation shall pass a resolution and direct a scheme to be prepared for the improvement of the area comprising the dwelling houses in Pipe Street Lane and part of Pipe Street Portobello and the yards outhouses and appurtenances thereof and the site thereof in accordance with the 39th section of the Housing of the Working Classes Act 1890 and shall expend in carrying out such scheme and other sanitary improvements in Pipe Street district a sum of not less than four thousand pounds sterling.

Eighth.—The provisions of this agreement in so far as in favour of the burgh Corporation may be enforced by any one or more of the following persons viz. Alexander Brand baker present provost David Grieve builder present bailie Robert Kellock grocer present bailie Alexander Gray stoneware manufacturer Alfred Nichol paper maker George Balfour grocer Samuel Carmichael grocer and Alexander Clark builder all residing in Portobello.

Ninth.—This agreement shall be scheduled to and confirmed by the said intended Act so as to give the same the force of statutory enactment subject to such alterations as Parliament may think fit to make herein but if Parliament make any alterations herein which in the opinion of C. A. Cripps Esq. Q.C. is material it shall be competent to either of the parties hereto to withdraw from the same and in that case it shall not be pleaded against either of them.

In witness whereof these presents written on this and the two preceding pages by Robert Meikle clerk residing in Portobello for Robert Pasley Stevenson town clerk of Portobello are subscribed as follows viz. by the Right Honourable Andrew McDonald Lord Provost and Thomas Hunter writer to the signet town clerk in name and by authority of the magistrates and remanent members of the council of the city of Edinburgh present in council at Edinburgh on the fifteenth day of April eighteen hundred and ninety-six years before these witnesses John Wotherspoon and Donald Cameron both clerks to the said Thomas Hunter and by Provost Alexander Brand bailie David Grieve bailie Robert Kellock and councillors Alexander Clark Samuel Carmichael and John Barry Stewart Drever being a majority and quorum of the provost magistrates and council of the burgh of Portobello and by Robert Pasley Stevenson town clerk at a meeting of town council held in the Council Chamber Portobello upon the twenty-third day of April and year last mentioned before these witnesses William Baxendine clerk in the town clerk's office Portobello and John Hopkirk burgh surveyor of Portobello.

Jno. Wotherspoon witness	A. McDonald Lord Provost
Don. Cameron witness	Thomas Hunter Town Clerk
Wm. Baxendine witness	A. Brand Provost
John Hopkirk witness.	David Grieve Bailie
	R. Kellock Bailie
	Alex. Clark
	S. Carmichael
	John B. S. Drever
	R. Pasley Stevenson Town Clerk.

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THE FIFTH SCHEDULE.

Minute of Agreement between the lord provost magistrates and Council of the City of Edinburgh (herein-after called "the Corporation") on the one part and the Portobello Gas Light Company Limited incorporated under the Companies Acts 1862–1886 (herein-after called "the Company") on the other part.

Whereas the Company are supplying gas within the burgh of Portobello and places adjacent thereto and whereas the Corporation is promoting in the present session of Parliament a Bill "to amalgamate the burgh of Portobello with the "city and royal burgh of Edinburgh and to extend the boundaries of the city "and royal burgh and the county of the city of Edinburgh to extend the limits "of compulsory water supply to transfer to the Corporation of Edinburgh the "gasworks and undertaking of the Portobello gas light company limited to "amend and extend the Edinburgh municipal and police and other Acts and "for other purposes":

And whereas the Corporation and the Company entered into negotiations for the sale and transfer to the Corporation of the undertaking of the Company and missive letters passed between the town clerk of the city of Edinburgh on behalf of the Corporation and Messrs. George Inglis and Orr Solicitors Supreme Courts Edinburgh on behalf of the Company dated respectively tenth tenth thirteenth and fourteenth April one thousand eight hundred and ninety-six which missive letters contained an agreement for the sale and transfer of the said undertaking and which agreement was made subject to the approval of the Corporation and the Company and has since been submitted to and approved of by them:

And whereas it was provided by the said missive letters that the Corporation should in the event of amalgamation taking place between the Corporation and the town of Portobello acquire the whole undertaking of the Company including heritable property and also that an agreement embodying the terms of the arrangement come to in the said missive letters should be entered into between the Corporation and the Company and should be scheduled to and confirmed by the Corporation's said Bill so as to give the same the force of statutory enactment:

And whereas in fulfilment of the provision contained in the said missive letters it has been arranged that these presents should be entered into in order to give effect to the said arrangement come to between the Corporation and the Company and to set out the terms and conditions of the sale Therefore the parties have agreed and do hereby agree as follows (viz.):—

First.—The Company shall sell to the Corporation and the Corporation shall purchase and acquire from the Company the whole undertaking of the Company including all the property and assets thereof heritable and movable real and personal of what kind and nature soever and wheresoever

situated together with the business of the Company and the whole rights powers and privileges of the Company but excepting always from the sale and transfer to the Corporation all cash in bank and in the hands of the Company and all securities representing cash at the date of the transfer after-mentioned and also with the further exception of the whole debts due to the Company at the date of transfer and entry as after-mentioned.

Second.—The Corporation shall be entitled to the benefit of all contracts of sale and purchase of service or employment and of insurance or otherwise to which the Company have right there shall also be transferred and handed over the books of the Company since its incorporation as a Company incorporated under the Companies' Acts and all writs vouchers and documents connected therewith subject however to such reasonable use as may at any time become necessary for or be required by the Company.

Third.—The Corporation shall pay to the Company as the price of the undertaking (first) the sum of two thousand five hundred pounds sterling (second) annuities as herein-after specified to the amount of one thousand two hundred pounds sterling per annum to be called "the Edinburgh Portobello Gas Annuities" and (third) the value of all stocks stores and other such material and produce on hand at the date of transfer including therein the stock of lime coals meters and fittings in store and also stoves and cookers both on hire and in store also the gas which may be stored in the gas holders and pipes at the date of the transfer after-mentioned as such value may be agreed upon or as it shall be fixed by arbiters mutually chosen by the Corporation on the one part and the Company on the other part or by an oversman named by such arbiters.

Fourth.—The date of transfer of the undertaking and of the entry of the Corporation thereto shall be eleventh November one thousand eight hundred and ninety-six and the money price shall be payable upon that date and the annuity certificates shall be delivered on that date.

Fifth.—Until the said eleventh November one thousand eight hundred and ninety-six the Company shall continue to carry on and manage their undertaking at their own discretion as heretofore and shall have right to all the revenue and profits derived from or earned by the undertaking to the said date of transfer and shall pay all the debts and liabilities up to the said date of transfer.

Sixth.—Upon payment of the price and delivery of the annuity certificates after-mentioned the Company shall be bound to execute and deliver to the Corporation all formal and valid deeds and conveyances required for vesting them with the whole property of the undertaking heritable and movable real and personal according to the nature of such property.

Seventh.—The Corporation shall accept as they stand the titles of the Company to the real and heritable property of the Company as valid and sufficient and shall not be entitled to call upon the Company to exhibit produce or make up further deeds or titles of any kind or to pay any compositions to superiors or to produce any other or further searches of incumbrances than those already produced along with the titles but this

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shall not affect the right of the Corporation to complete such title as they may judge right to such property or any part thereof and in the event of any incumbrances being found to affect the heritable subjects and intimated to the Company within one month after the date of entry the record shall be purged by the Company.

Eighth.—With reference to the said annuities of one thousand two hundred pounds sterling the same shall be computed from the date of entry and transfer before-mentioned and shall be payable clear of all deductions (except income or property tax) by half yearly instalments at Whitsunday and Martinmas in each year commencing the first payment at Whitsunday one thousand eight hundred and ninety-seven for the half-year preceding and thereafter continuing termly and half yearly at said two terms of Whitsunday and Martinmas in each year with interest at the rate of five per centum per annum during the non-payment The said annuities shall be payable in perpetuity but subject to the condition that they may at the term of Martinmas one thousand nine hundred and sixteen or at any term of Whitsunday or Martinmas occurring after the year one thousand nine hundred and sixteen in the option of the Corporation be redeemed after three months' notice prior to such term by paying to any holder an amount equal to twenty years' purchase of the annuity held by him in addition to the half-yearly sum which may be due at the term of redemption.

Ninth.—The annuitants in right of the said annuities of one thousand two hundred pounds sterling shall be creditors of the Corporation and upon the whole Corporation funds estate property and effects for payment of the said annuities and the interest thereon and expenses incident thereto and the Corporation hereby bind and oblige themselves and they shall be taken bound in the said Bill to pay the same and without prejudice to the said obligations hereby undertaken and to be undertaken by the Corporation the said annuities shall be constituted preferential liens and burdens on the rents charges and revenues to be levied and received by the Corporation for the supply of gas and the sale of residual products in the burgh of Portobello and places adjacent thereto All the annuities shall as regards such lien and burden rank pari passu.

Tenth.—The said annuities of one thousand two hundred pounds sterling shall be allocated among the shareholders of the Company according to the respective rights and interests of such shareholders in the aggregate amount of the capital of twenty thousand pounds sterling of the Company and the shareholders shall accept and take the annuities allocated to them as aforesaid as in lieu and place of their respective holdings in the said capital the intention being that the said annuities shall in all respects be substituted for and represent the shares in the Company and the several persons to whom the said annuities shall be allocated as aforesaid shall take and hold them subject to the same powers provisions and liabilities as their respective shares in the capital of the Company are subject and liable to.

Eleventh.—The Corporation undertakes to do all in its power to procure amalgamation with Portobello and in the event of their procuring such

amalgamation they shall be bound subject to parliamentary sanction being obtained to carry this agreement into full force and effect.

Twelfth.—The whole expenses (including all stamp duties) which may or shall be incurred subsequent to the tenth day of April one thousand eight hundred and ninety-six in connexion with or incident to the transference of the said undertaking and the discharging of the bonds and dispositions in security affecting the heritable property thereof as well as in connexion with the said Bill now being promoted in Parliament and the issuing of the said annuities shall be borne and paid by the Corporation The Corporation may require before paying such expenses that the same be taxed by the auditor of the Court of Session and the amount as so taxed shall be paid by the Corporation whether amalgamation with Portobello is carried through or not.

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

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

Lastly.—The parties hereto consent to the registration hereof for preservation and execution In witness whereof these presents written on this and the six preceding pages by Robert Robertson clerk to Messrs. George Inglis and Orr solicitors before the Supreme Courts of Scotland Edinburgh are (under the declaration that the word "and" occurring in the twenty-sixth line counting from the top of page first and the words "by paying to any holder an amount equal to twenty years" occurring in the tenth and eleventh lines counting from the top of page sixth were delete before subscription) subscribed as follows videlicet By the Right Honourable Andrew McDonald 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 Edinburgh on the twenty-third day of April one thousand eight hundred and ninety-six before these witnesses James Russell principal city officer Edinburgh and Andrew Grierson clerk to the said Thomas Hunter For and on behalf of the Portobello Gas Light Company Limited by Thomas Wood bottle manufacturer Portobello and Albert Thompson principal clerk in the Legacy and Succession Duty Department Inland Revenue Edinburgh two of the directors and by David Vass residing in Portobello the secretary of the said Company and the common

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seal of the said Company is also hereto affixed all at Portobello on the twenty-fourth day of April one thousand eight hundred and ninety-six before these witnesses Alexander Brand baker provost of Portobello and George Inglis solicitor Supreme Courts of Scotland Edinburgh.

Jas. Russell witness.
A. Grierson witness.
A. Brand witness.
Geo. Inglis witness.

A. McDonald Lord Provost.
Thomas Hunter Town Clerk.
Thos. Wood Chairman and Director.
Albert Thompson Director.
David Vass Secretary.

Seal

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