CHAPTER cli.

An Act to authorise the lord provost magistrates and council of the city of Edinburgh to widen alter and improve North Bridge and North Bridge Street within the said city to acquire lands to make a new road and for other purposes. [31st July 1894.]

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WHEREAS the municipal and police administration of the city and royal burgh of Edinburgh and other matters connected therewith and the public streets of the city are vested in and managed by the lord provost magistrates and council of the said city (herein-after called "the magistrates and council") under various statutes and among others under the Edinburgh Municipal and Police Acts 1879 to 1893:

And whereas the bridge known as the North Bridge which carries part of the public street or thoroughfare known as North Bridge and North Bridge Street within the said city was erected by the magistrates and council in the latter part of last century for the purpose of bridging over the valley separating the old town of Edinburgh from the new and of making a public thoroughfare between the north and the south parts of the city and which thoroughfare has since formed one of the principal means of communication for traffic between north and south:

And whereas the magistrates and council are or claim to be owners of the said bridge and the arches piers abutments walls parapets and foundations thereof together with the site and solum on which the same stand:

And whereas the North British Railway Company hold from the magistrates and council for railway purposes certain rights in or over certain lands underneath and adjacent to the said bridge but subject to the right of the magistrates and council to resume possession of the same or of part thereof for the purpose among others of improving or widening the said bridge:

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And whereas it is expedient and would be for the public advantage and for the more convenient conduct of traffic that the widening alteration and improvement of North Bridge and North Bridge Street and works connected therewith herein-after mentioned should be authorised to be carried out by the magistrates and council and that they should be empowered to acquire certain lands and to stop up and discontinue certain streets closes and thoroughfares within the city :

And whereas it would be of mutual advantage to the magistrates and council and the North British Railway Company in connexion with the execution of the foresaid works in so far as these affect or are within Waverley Station to enter into agreements with respect thereto and it is expedient that the magistrates and council and the said North British Railway Company should be authorised to enter into and to carry out such agreements as herein-after provided :

And whereas it is expedient that the magistrates and council should acquire and appropriate certain other lands within the city for and in connexion with the electric lighting undertaking of the magistrates and council and for the erection thereon of an electrical generating station and for the construction of a new road and should be authorised to construct such new road and to stop up a portion of St. Cuthbert's Lane :

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

And whereas it is expedient that further powers should be conferred upon the magistrates and council as herein-after provided :

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

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

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

Short title.

1. This Act may be cited for all purposes as the Edinburgh North Bridge Improvement Act 1894 and where the Edinburgh Municipal and Police Acts 1879 to 1893 are referred to in conjunction with this Act they may be cited as the Edinburgh Municipal and Police Acts 1879 to 1894.

Part I.—Preliminary.

Division of Act into parts.

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

Part I.—Preliminary;

Part II.—Street Widening Alteration and Improvement &c. and Acquisition of Lands;

Part III.—Assessments and Borrowing Powers &c.

Interpretation of terms.

3. In this Act and for the purposes of this Act unless there be something in the subject or context inconsistent with or repugnant to such construction the several words and expressions to which meanings are assigned by the Edinburgh Municipal and Police Acts 1879 to 1893 have the same respective meanings and—

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

"The Act of 1882" means the Edinburgh Municipal and Police Extension Act 1882;

"The Act of 1885" means the Edinburgh Extension and Sewerage Act 1885;

"The Act of 1890" means the Edinburgh Municipal and Police Extension Act 1890;

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

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

"The Edinburgh Municipal and Police Acts" mean and include the Acts of 1879 to 1893 as amended by this Act and this Act;

"The city" "the burgh" mean the city and royal burgh of Edinburgh according to the municipal boundaries thereof at the passing of this Act.

Incorporation of Acts.

4. The Lands Clauses Acts shall be incorporated with and form part of this Act and also the clauses of the Railways Clauses

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Consolidation (Scotland) Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof and other interference therewith and in construing the said clauses of the last-mentioned Act for the purposes of this Act the word "company" shall mean the magistrates and council the word "railway" the works authorised by this Act and the words "centre of the railway" any part of the works authorised by this Act.

PART II.—STREET WIDENING ALTERATION AND IMPROVEMENT &c. AND ACQUISITION OF LANDS.

Power to make street widenings and other works.

5. Subject to the provisions of this Act and to the powers of deviation herein-after mentioned the magistrates and council may in the lines and situation and upon the lands in that behalf delineated on the deposited plans and described in the deposited books of reference and according to the levels shown on the deposited sections make and maintain the widening alteration and improvement herein-after mentioned of the street known as North Bridge and North Bridge Street within the city or some part or parts thereof and in connexion therewith and for the purposes thereof may take down and remove or widen alter and improve in whole or in part the bridge known as the North Bridge and may make construct erect and maintain a new or widened bridge in whole or in part and may make and maintain the temporary or service bridge herein-after mentioned together with all necessary and proper works and conveniences connected therewith or with any part thereof or incidental thereto respectively and may for these purposes or any of them enter upon purchase take hold and use such of the lands houses and other property in that behalf shown on the deposited plans and described in the deposited books of reference as may be required for or in connexion with the said works and purposes.

Widening &c.

6. The works herein-before referred to and authorised by this Act are the following (Work No. 1) (that is to say):—

(1.) A widening alteration and improvement wholly situate in the city parish of Edinburgh in the city and county of the city of Edinburgh and county of Midlothian of part of the street called North Bridge and North Bridge Street commencing at a line in North Bridge Street in continuation of the centre line of the north gable of tenement numbered 56 57 and 58 North Bridge and terminating at the junction of North Bridge Street with High Street and in connexion therewith and for the purposes thereof the taking down and removal or widening alteration

and improvement in whole or in part of the bridge known as the North Bridge forming part of the said street called North Bridge and North Bridge Street and the making constructing erecting and maintaining of a new or widened bridge in whole or in part from a line twenty feet or thereabouts northwards of a line in continuation westwards of the south wall of the General Post Office on the north to a line twenty feet or thereabouts southwards of the line of the north gable of tenement numbered 23 24 25 and 26 North Bridge on the south:

(2.) A temporary or service bridge with the necessary approaches adjoining the existing bridge and on the east side thereof extending from a line twenty feet or thereabouts northwards of the southern wall of the General Post Office in the city parish of Edinburgh on the north to a line twenty feet or thereabouts southwards of the line of the north gable of tenement numbered 23 24 25 and 26 North Bridge in the said city parish on the south.

Stopping of traffic on bridge &c.

7. The magistrates and council may in and during the execution of the foresaid works stop restrict or regulate the traffic on North Bridge and North Bridge Street or on such part or parts thereof as they deem necessary and may temporarily take up and interfere with or remove or divert the tramways thereon or any part thereof and shall restore and replace the same so far as taken up interfered with or removed or diverted Provided always that the magistrates and council shall not in the execution of the foresaid works wholly stop carriage and general traffic over the North Bridge until they shall have provided a temporary or service bridge for use during such stoppage or make such other provision for carrying on the said traffic as the magistrates and council think proper.

Agreements with North British Railway Company.

8. The magistrates and council and the North British Railway Company may enter into and carry out agreements for and in relation to the execution of the works or some part thereof in this part of this Act before mentioned the acquisition sale and use of lands in connexion therewith and the contribution by the said railway company towards the cost thereof and all or any other matters incidental thereto.

Magistrates and council not liable for damage by stoppage of traffic.

9. The magistrates and council shall not be answerable nor liable to any person for any loss injury or inconvenience which such person may sustain by or in consequence of the stoppage restriction or interruption of the traffic over the street known as North Bridge

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and North Bridge Street during the execution of the foresaid works.

Regulation of traffic.

10. The magistrates and council may from time to time restrict or regulate the traffic passing over the said temporary or service bridge and prescribe and limit the weight which may pass over the same and may at any time stop and discontinue the traffic over such temporary or service bridge if and when they shall deem it necessary or expedient to do so and the magistrates and council may make and issue byelaws for more fully effecting these purposes or any of them Provided always that in the event of any person having an interest objecting to any such byelaws by a notice stating such objection lodged with the town clerk within six days after an advertisement of such byelaws in any newspaper published in Edinburgh such byelaws so far as so objected to shall be subject to approval by the sheriff who shall hear parties in a summary manner and whose decision shall be final.

Regulation of traffic on new bridge.

11. The magistrates and council may prescribe and limit the weight which may pass over the said altered or reconstructed and widened bridge and may restrict or regulate the traffic thereon and may exercise the other powers in that behalf conferred by the Edinburgh Municipal and Police Acts.

For the protection of the Postmaster-General.

12. The magistrates and council shall not enter upon purchase or take the property numbered 63 on the deposited plans in the city parish of Edinburgh and now used in the service of the Post Office except with the consent of the Postmaster-General.

Lands for electrical generating station.

13. The magistrates and council may subject to the provisions of this Act enter upon take hold and use the lands houses and property shown on the deposited plans within the area marked **A** and described in the deposited books of reference or any part or parts thereof and may use those lands or any portion thereof for the construction of a station for generating electric power under the powers and provisions of the Edinburgh Corporation Electric Lighting Order 1891 The said lands houses and other property are the following:—

The lands houses and other property situate lying and being within an area marked A and delineated on the deposited plans bounded by a line commencing at the east corner of Dewar Place and Torphichen Street and extending eastwards along the south side of Torphichen Street and in a straight line in continuation thereof across St. Cuthbert's Lane to the inside of the parapet wall forming the north-western boundary of the Caledonian Railway Station thence south-westwards along the inside of the said boundary wall to the north-west corner of the

tenement numbered one Tobago Place thence westwards across the said St. Cuthbert's Lane to the north-eastern corner of number one Dewar Place thence south-westwards along the western boundary of said lane for the distance of eight yards thence westwards in a straight line along the southern boundary of said property number one Dewar Place to the south-west corner of the same thence northwards along the east side of Dewar Place to the point of commencement aforesaid all in the parish of St. Cuthbert's royal burgh city and county of the city of Edinburgh and county of Midlothian.

Power to make road.

14. Subject to the provisions of this Act and to the powers of deviation herein-after mentioned the magistrates and council may in the lines and situation and upon the lands in that behalf delineated on the deposited plans and described in the deposited books of reference and according to the levels shown on the deposited sections make and maintain the substituted road herein-after mentioned together with all necessary and proper works and conveniences connected therewith or incidental thereto and may for these purposes enter upon purchase take hold and use such of the lands houses and property shown on the deposited plans and described in the deposited books of reference as may be required for or in connexion therewith (that is to say):—

A road (Work No. 2) wholly situate in the parish of St. Cuthbert's city and county of the city of Edinburgh and county of Midlothian commencing at the north side of Torphichen Street at a point fifteen yards or thereabouts northwards from the north end of Dewar Place and terminating at the south side of Canning Street at a point fifteen yards or thereabouts north-eastwards from a continuation of the line of the north-east boundary of Torphichen Street Public School.

Limits of land for electric generating station.

15. The limits within which the magistrates and council may construct a station for generating electric power for and in connexion with their electric lighting undertaking authorised by the Edinburgh Corporation Electric Lighting Order 1891 are the following (that is to say) Certain lands situate within the parish of St. Cuthbert's royal burgh city and county of the city of Edinburgh and county of Midlothian bounded as follows on the north by Torphichen Street on the east by the Caledonian Railway on the south by Morrison Street and on the west by Dewar Place.

Omission or mis-statement in plans or books of

16. If there be any omission mis-statement or erroneous description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited books

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reference may be corrected.

of reference the magistrates and council after giving ten days notice to the owners lessees and occupiers of the lands in question may apply to the sheriff for the correction thereof and if it appear to the sheriff that such omission mis-statement or erroneous description arose from accident or mistake he shall certify the same accordingly and shall in such certificate state the particulars of the omission and in what respect any such matter is mis-stated or erroneously described and the decision of the sheriff in such matter shall be final.

Certificates to be deposited.

17. The certificate of the sheriff shall be deposited in the office at Edinburgh of the principal sheriff clerk of the county of Midlothian and a duplicate thereof shall be deposited at the office of the sheriff clerk of the county of the city of Edinburgh and with the session clerk of the parish in which the lands to which such certificate relates are situate and such certificate and duplicate shall be kept by such sheriff clerks and session clerk respectively along with the other documents to which they relate and thereupon the deposited plans and books of reference shall be deemed to be corrected in accordance with the certificate and the magistrates and council may enter on purchase take hold and use for the purposes of this Act any lands in accordance with such certificate as if such omission mis-statement or erroneous description had not been made.

Limiting period for compulsory purchase of lands.

18. The powers of the magistrates and council for the compulsory purchase of lands for the purposes of Work No. 1 authorised by this Act shall cease after the expiration of five years and for the other purposes of this Act such powers shall cease after the expiration of three years from the commencement of this Act.

Power to take easements &c. by agreement.

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

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

20. And whereas in the exercise of the powers of this Act it may happen that portions only of the lands houses buildings or manufactories shown on the deposited plans may be sufficient for the purposes of this Act and that such portions may be severed from the remainder of the said properties without material detriment

thereto Therefore notwithstanding section ninety of the Lands Clauses Consolidation (Scotland) Act 1845 the owners of and other persons interested in the lands houses buildings or manufactories described in the schedule to this Act annexed and whereof portions only are required for the purposes of this Act may (if such portions can in the opinion of the jury arbiters or other authority to whom the question of disputed compensation shall be submitted be severed from the remainder of such properties without material detriment thereto) be required to sell and convey to the magistrates and council such portions only without the magistrates and council being obliged or compellable to purchase the whole or any greater portion of such properties the magistrates and council always paying for the portions taken by them and making compensation for any damage sustained by the owners of such properties and other persons interested therein by severance or otherwise.

Restrictions on displacing persons of labouring class.

21.—(1.) The magistrates and council shall not under the powers of this Act purchase or acquire in any district within the meaning of the Public Health (Scotland) Act 1867 ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers unless and until—

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

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

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

(3.) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out and shall require the new dwellings proposed to be provided under the scheme

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to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced:

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

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

(5.) If the magistrates and council acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions or displace or cause to be displaced the persons residing in any house or houses in contravention of the requirements of the scheme they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Secretary for Scotland by action in the Court of Session and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the court may if it think fit modify such penalty.

(6.) For the purpose of carrying out any scheme under this section the magistrates and council may appropriate any lands for the time being belonging to them or which they have power to acquire and may purchase such further lands as they may require and for the purpose of any such purchase section ninety of the Public Health (Scotland) Act 1867 shall be incorporated with this Act and shall apply to the purchase of lands by the magistrates and council for the purposes of any scheme under this section in the same manner in all respects as if the scheme were one of the purposes of that Act.

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

Provided that all lands on which any buildings have been erected or provided by the magistrates and council in pursuance of any

scheme under this section shall for the period of twenty-five years from the date of the scheme be appropriated solely for the purpose of such dwellings and every conveyance or lease of such lands and buildings by the magistrates and council shall contain proper conditions for securing that the buildings on such lands shall during such period of twenty-five years be used exclusively for the purpose of such dwellings and shall be endorsed with notice of this enactment:

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

(8.) The Secretary for Scotland may direct any inquiries to be held which he may deem necessary in relation to any scheme under this section and for giving effect to any of the provisions of this section and he and any person appointed by him to hold an inquiry shall have and may exercise for any purpose in connexion with any scheme under this section all or any of the powers vested in them respectively under the Public Health (Scotland) Act 1867 in the same manner in every respect as if the preparation and carrying into effect of such scheme were one of the general purposes of that Act.

(9.) The magistrates and council shall pay to the Secretary for Scotland a sum to be fixed by him in respect of the preparation and issue of any provisional order in pursuance of this section and any expenses incurred by him in relation to any inquiries under this section including the expenses of any witnesses summoned by the person appointed to hold any such inquiry and a sum to be fixed by the Secretary for Scotland not exceeding three guineas a day for the services of the person so appointed.

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

Power to stop up streets.

22. The magistrates and council may when they shall have acquired the property on both sides thereof stop up and discontinue as public streets or thoroughfares in whole or in part the following streets closes lanes courts yards passages or stairs situate in the city parish of Edinburgh (that is to say) Halkerston's Wynd Kinloch's Close so much of Carrubbers Close as extends eastwards from its junction with Halkerston's Wynd for a distance of twenty-two yards

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or thereby Milne Square and Poultry Market and so much of St. Cuthbert's Lane in the parish of St. Cuthbert's as lies between Morrison Street and a line drawn eastward in continuation of the south side of Torphichen Street across the said lane The land and soil of the streets or thoroughfares so stopped up and discontinued shall be and the same are hereby vested in the magistrates and council freed and discharged from the public use thereof and from all other rights in or over the same.

Power to deviate.

23. In executing the works authorised by this Act or any of them the magistrates and council may deviate laterally to any extent within the limits of deviation defined on the deposited plans and they may deviate from the levels thereof as referred to the datum line shown on the deposited sections to any extent not exceeding seven feet making compensation to all persons injuriously affected by the exercise of the powers of this section such compensation in case of dispute to be ascertained in manner prescribed by the Lands Clauses Acts with respect to the settlement of questions of disputed compensation for lands.

Magistrates and council may take down buildings and lay out lands and sell or let those not required.

24. The magistrates and council may subject to the provisions and for the purposes of this Act take down the whole or such part as they think fit of the buildings situate on any of the lands acquired by them under the authority of this Act and sell and dispose of the materials thereof and may use lay out and appropriate such lands or any part or parts thereof in such way and manner as they may deem best for effecting such purposes and the magistrates and council may by public auction or private bargain re-sell feu out or grant leases of such portions of the lands and the buildings thereon which they may acquire as aforesaid as they may think proper on such terms and subject to such conditions as they may determine and for such prices feu duties ground annuals rents or other consideration as they can obtain for the same and may in like manner sell such feu duties and ground annuals and generally may deal with the lands and buildings acquired by them as aforesaid under this Act as absolute proprietors thereof.

Power to make subsidiary works &c.

25. Subject to the provisions of this Act and within the limits defined on the deposited plans the magistrates and council in connexion with the widened altered and improved street and bridge or new bridge and the other works by this Act authorised or any of them and for the purposes thereof may make junctions and communications with any existing streets wynds closes and thoroughfares which may be intersected or interfered with by or be contiguous to the widened altered and improved street and bridge or

new bridge and may make diversions widenings or alterations of lines or levels by stairs or otherwise of any existing streets for the purpose of connecting the same with the said widened altered or improved street and bridge or new bridge or new road or any of them or otherwise and they may subject to the provisions of this Act from time to time remove or alter either temporarily or permanently all streets roads sewers drains mains and pipes which they find it necessary or convenient for any of the purposes of this Act so to interfere with making to all persons who sustain any damage by any of the subsidiary works in this section referred to compensation in that behalf such compensation in case of dispute to be ascertained in manner prescribed by the Lands Clauses Acts with respect to the settlement of questions of disputed compensation for lands.

Alterations of sewers and gas and water pipes.

26. In executing any works by this Act authorised the magistrates and council may raise lower or otherwise alter the position of any sewer or drain water-course water-pipe or gas-pipe belonging to or connected with any building adjoining or near to the site of any such work and also any main sewer or any other main or pipe laid down or used for carrying a supply of water or gas and also subject to the provisions of the Telegraph Act 1878 any pipe tube wire or apparatus laid down for telegraphic or other purposes and may remove any other obstruction causing as little detriment and inconvenience as circumstances admit and making full compensation for all damage caused by any such alteration Provided that nothing in this section shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Acts 1882 to 1890 to which the provisions of section 15 of the former Act apply.

Alterations consequent on changing levels of streets to be made at expense of magistrates and council.

27. Where by reason of the execution of any of the works by this Act authorised the level of any street is raised or otherwise changed or any alteration of any step door or entrance into any house or building or of any pavement sewer drain or culvert adjoining or belonging to any premises in the street is rendered necessary the alteration shall be made by and at the expense of the magistrates and council.

Carriage and foot ways vaults cellars &c. and ownership thereof.

28. The magistrates and council may construct and provide in connexion with the foresaid works or any of them such carriage and foot ways vaults cellars arches sewers drains and other works and conveniences as they may think proper and may by public auction or private bargain sell feu out or grant leases of such vaults and cellars or may permit the owners or lessees of the lands or buildings on the sides of the widened street or bridge to construct vaults and

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cellars under the same and to hold or occupy such vaults and cellars upon such terms and conditions as may be agreed upon and upon such widened altered or improved street and bridge or new bridge being laid out and formed in manner above specified the provisions of the Edinburgh Municipal and Police Acts and any other Acts in force within the city for the time shall extend and apply thereto and the site and solum thereof shall be vested in the magistrates and council.

Period for completion of works.

29. If the works shown on the deposited plans and authorised by this Act are not completed as regards Work No. 1 within seven years and as regards Work No. 2 within five years from the commencement of this Act then on the expiration of the said respective periods the respective powers by this Act granted to the magistrates and council for executing the works not so completed or in relation thereto shall cease except as to so much thereof as is then completed.

Magistrates and council not to be bound to execute all works.

30. Nothing in this Act contained shall make it binding on the magistrates and council to execute all the works by this Act authorised or to purchase all the lands houses and property in this Act mentioned or referred to but they may subject to the provisions of this Act execute such or such parts of the said works and purchase such of the said lands houses and property as it shall from time to time seem to them expedient to execute and purchase and the execution of any works or purchase of any lands houses or property under this Act shall be in the absolute discretion of the magistrates and council for the time being.

For protection of gas mains and pipes.

31. If in the construction of the works by this Act authorised any gas mains or pipes are or may be interfered with the magistrates and council shall before proceeding to interfere with appropriate or stop up any bridge street lane or close in or under which gas mains or pipes are laid give at least fourteen days previous notice of their intention so to do to the clerk to the Edinburgh and Leith Corporations Gas Commissioners (herein-after referred to as "the gas commissioners") and shall submit a plan and section showing the intended operations and the alterations proposed by which any gas mains and pipes in any such bridge street lane or close shall or may be affected or interfered with and the same shall be subject to the reasonable approval of the engineer of the gas commissioners and any alteration or removal or diversion of any such gas mains or pipes shall unless otherwise agreed be done and executed by the gas commissioners or by persons to be employed by them and the expense thereof and all expenses and charges

incident thereto and consequent on any of the said works or operations shall be repaid by the magistrates and council to the gas commissioners Where any gas mains or pipes are carried along or over the North Bridge such gas mains or pipes shall be supported in such manner as shall be agreed upon between the engineer of the magistrates and council and the engineer of the gas commissioners Provided always that before the removal of any existing gas mains the magistrates and council shall at their expense provide and maintain such temporary substitute to secure the supply of gas as may be agreed between the magistrates and council and the gas commissioners or as may be determined by the arbiter after mentioned.

For the protection of the water mains and pipes.

32. If in the construction of the works by this Act authorised any water mains and pipes are or may be interfered with the magistrates and council shall before proceeding to interfere with appropriate or stop up any bridge street lane or close in or under which water mains or pipes are laid give at least fourteen days previous notice of their intention so to do to the clerk to the Edinburgh and District Water Trustees (herein-after referred to as "the water trustees") and shall submit a plan and section showing the intended operations and the alterations proposed by which any water mains and pipes in any such bridge street lane or close shall or may be affected or interfered with and the same shall be subject to the reasonable approval of the engineer to the water trustees and any interference therewith shall be done so as not injuriously to affect or interrupt the supply of water conveyed by the same and before the interference with or removal of the said mains or pipes the magistrates and council shall at their expense provide and maintain such temporary substitute to secure the supply of water as may be agreed upon between the magistrates and council and the water trustees or as may be determined by the arbiter after mentioned In the execution of Work No. 1 provision shall be made for the carrying along or across the North Bridge and North Bridge Street of the present water mains or pipes as well as any additional mains or pipes which may be required in the future and such water mains or pipes shall be supported in such manner as shall be agreed upon between the engineer of the magistrates and council and the engineer of the water trustees and the water trustees shall have at all times right of access to such mains and pipes for the repair removal renewal enlargement alteration and maintenance of the same and the right of laying any additional mains or pipes that may be necessary and any alteration removal diversion or relaying of any existing water mains or pipes shall unless otherwise agreed be done and executed by the water trustees or by persons to be employed by them and the

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expense thereof and all expenses and charges incident thereto shall be repaid by the magistrates and council to the water trustees.

Differences to be settled by arbitration.

33. If any difference shall at any time arise between the magistrates and council and the gas commissioners or the water trustees or their respective engineers with respect to any of the matters referred to in the two next preceding sections or with reference to the time taken or required for executing any of the works or operations therein mentioned such difference shall be referred to and determined by an engineer to be agreed on by the magistrates and council and the gas commissioners or the water trustees as the case may be or failing such agreement to be appointed by the sheriff on the application of either the magistrates and council or the gas commissioners or the water trustees as the case may be.

PART III.—ASSESSMENT AND BORROWING POWERS &c.

Power to apply burgh assessment.

34. The magistrates and council are hereby authorised to assess levy recover apply and use for the execution of the works and carrying out the powers objects and purposes of 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 Act of 1879 as extended by the Act of 1882 and by the Act of 1885 and the Act 1890 and as amended by the Act 1891 and by the Act of 1893 applicable to general improvements under the third head of estimate or so much thereof as may be necessary therefor in the way and manner and by the same means as are provided in the Act of 1879 as so extended and amended.

Application of provisions of Act of 1879 as to borrowing.

35. The magistrates and council are hereby authorised to borrow money for executing the works and carrying out the powers objects and purposes of this Act or any of them and for the acquisition of lands and heritages and easements and other property which may be required in connexion therewith on the security of the burgh assessments before mentioned under their control applicable to general improvements to be levied and applied and used as in this Act provided and they shall provide a sinking fund for the repayment of the sums so borrowed and sections 81 to 92 of the Act of 1879 as to borrowing money are as amended 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.

36. The magistrates and council 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 fiftieth part of the sums to be borrowed under this Act on the security of any portion of the burgh assessments and the magistrates and council 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.

Costs of Act.

37. All costs charges and expenses attending the preparation obtaining and passing of this Act and incidental thereto shall be paid out of the common good or burgh assessments or one or other of them.

A.D. 1894.

The SCHEDULE referred to in the foregoing Act.

LANDS and BUILDINGS of which portions only may be taken without taking the whole.

Parish.	No. on Deposited Plans.
City parish of Edinburgh	37 (but not as regards any part of the said property No. 37 which is less than forty feet from the line of widening of North Bridge Street) 42 52 64 64.
St. Cuthbert's parish -	70 70.

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