CHAPTER v.

An Act for authorising the Corporation of the Royal Infirmary of Edinburgh to apply certain funds to the purposes of their hospital buildings; to construct a new sewer; and for other purposes. [22d April 1875.]

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WHEREAS by Royal Charter granted by His Majesty King George the Second, and dated the twenty-fifth day of August one thousand seven hundred and thirty-six, the Royal Infirmary of Edinburgh (herein-after called "the Corporation") was incorporated for the free relief and cure of patients from all quarters:

And whereas the hospital buildings erected by the Corporation in the parish called Lady Yester's in the city of Edinburgh having been found to be inadequate in accommodation, and ill situated as regards ventilation and access, the Corporation were by "The Edinburgh Royal Infirmary Act, 1870," (herein-after called "the Act of 1870,") authorised to acquire certain lands then forming the site of George Watson's Hospital, and grounds adjacent thereto, in the parish of St. Cuthbert's, and to erect thereon such buildings and accommodation and conveniences as they might think requisite for the purposes of their Infirmary, with all such accesses to the public roads, streets, and lanes, and to the meadow walks and footpaths around the said lands, as they might find necessary; and to make a covered drain or sewer as in the said Act specified:

And whereas the Corporation were authorised by the said Act to appropriate and apply for the purposes aforesaid any moneys which were then in their hands, whether accumulated capital or annual proceeds, and any moneys which they might receive by way of consideration for the value of the then existing Infirmary site and buildings, or for the feu duties or ground annuals reserved in respect thereof, and any moneys which should be paid to them by the committee of subscribers who had contributed funds for the rebuilding of a portion of the Infirmary upon its then present site, amounting at the time to about seventy-five thousand pounds, and any moneys which might have been or might thereafter be con-

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tributed by other corporations and individuals for the purchase of the lands and buildings which the Corporation were by the said Act authorised to acquire, and the erection of new hospitals and other buildings necessary and convenient for the purposes of the Infirmary, and the construction of the said drain or sewer, and the other purposes of the said Act:

And whereas the said lands have been acquired by the Corporation, and the new Infirmary is in course of being erected thereon, but the funds which the Corporation were specially authorised to apply for the purposes thereof will be insufficient for those purposes:

And whereas it is expedient that the sewer or drain by the said Act authorised should be relinquished, and that a new sewer or drain to be carried in a different direction should be substituted for the same:

And whereas plans and sections showing the line and levels of the said new sewer or drain, with a book of reference containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the lands required for the purposes thereof, have been deposited for public inspection in the respective offices in Edinburgh of the principal sheriff clerk of the county of Edinburgh, and of the principal sheriff clerk of the county of the city of Edinburgh, and are herein-after respectively referred to as the deposited plans, sections, and book of reference:

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

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

Short title.

1. This Act may be cited as "The Edinburgh Royal Infirmary Act, 1875."

Provisions of certain general Acts incorporated.

2. "The Lands Clauses Consolidation (Scotland) Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation of terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts incorporated herewith have the same respective meanings, except where there is something in the subject or context repugnant to such construction; and in the Acts incorporated with this Act the expression "the Company" means the Corporation.

Power to make new sewer according to deposited plans.

4. Subject to the provisions of this Act, the Corporation may make and maintain in the line and according to the levels shown on the deposited plans and sections the work herein-after described, and all proper conveniences in connexion therewith, and may enter upon, take, and use such of the lands delineated on the said plans and described in the deposited book of reference as may be required for that purpose. The work herein-before referred to and authorised by this Act is—

A sewer commencing at a point at or near the south-eastern corner of the lands acquired by the Corporation under the powers of the Act of 1870, near the junction of the centre meadow walk, with the walk leading westward therefrom along the northern side of the meadows, and terminating by a connexion with the existing public sewer leading from Hope Park End towards St. Leonard's at or near the manhole under the roadway of Buccleuch Street, opposite the house No. 2, Hope Park Crescent;

and for those purposes and in connexion therewith may open up, cross, and alter, so far as necessary, the meadow walks, and the said street called Buccleuch Street, and the other lands shown on the deposited plans within the lines marked thereon "limit of deviation," and described in the deposited book of reference, and any sewers, drains, and pipes beneath the surface thereof: Provided always, that as respects the said sewer the Corporation shall be subject to the provisions contained in sections 18, 19, 20, 21, and 23 of "The Railways Clauses Consolidation (Scotland) Act, 1845," and that such provisions shall be construed for that purpose as if the expression "the sewer" had been used therein instead of the expression "the railway," and as if the Corporation were the company therein referred to.

Errors and omissions in plans and book of reference may be corrected by the sheriff, who shall give certificate thereof, which shall be deposited.

5. If any omission, mis-statement, or erroneous description shall have been made of any lands or of the owners, lessees, or occupiers of any lands described in the deposited plans or book of reference, it shall be lawful for the Corporation, after giving ten days notice to the owners, lessees, and occupiers of the lands affected by such proposed corrections, to apply to the sheriff of the county of Edinburgh for the correction thereof, and if it shall appear to such sheriff that such omission, mis-statement, or erroneous description arose from mistake, he shall certify the same accordingly, and shall in such certificate state the particulars of any such omission, and in what respect any such matter shall have been mis-stated or erroneously described; and such certificate shall be deposited in the office in Edinburgh of the principal sheriff clerk for the county of Edinburgh, and duplicates of such certificate shall also be deposited

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in the respective offices in Edinburgh of the principal sheriff clerk for the county of the city of Edinburgh, and of the town clerk of the royal burgh of Edinburgh, and with the session clerk of the parish of St. Cuthbert's; and such certificate and duplicates thereof shall be kept by such sheriff clerks, town clerk, and session clerk respectively, along with the other documents to which they relate, and thereupon such plans and book of reference shall be deemed to be corrected according to such certificate, and the Corporation may make the works in accordance therewith.

Power of lateral deviation.

6. The Corporation may deviate from the centre line of the sewer delineated on the deposited plans, provided that no such deviation shall extend beyond the limits of deviation defined thereon, and that the sewer shall not by means of such deviation be made to extend into any lands other than those shown on the deposited plans as being within the limits of deviation, without the previous consent in writing of the owners, lessees, and occupiers of such lands.

Power of vertical deviation.

7. The Corporation may deviate from the levels of the said sewer, as referred to the datum line described on the deposited sections, and as marked thereon, to any extent not exceeding three feet.

Corporation to acquire servitude only of making sewer, and may use public sewers in connexion therewith, but must not pass sewage from a fever ward into sewer without consent of town council.

8. The Corporation shall not acquire any right of property in the lands required to be taken by them for the purposes of the said sewer, but shall only acquire a right of servitude of making the said sewer in the manner authorised by this Act through the said lands, and, subject to the provision herein-after contained, of maintaining, repairing, and rebuilding the same from time to time, when necessary, in all time coming; and the Corporation may connect the said sewer with the public sewer at or near the said manhole in Buccleuch Street, and may use the said public sewer, and any other public sewers leading therefrom, for the drainage of the lands acquired by the Corporation under the powers of the Act of 1870, and of any lands adjoining thereto which may be hereafter acquired by them, and of the buildings erected or which may be erected thereon: Provided always, that no sewage from a fever ward shall be allowed to pass into the sewer by this Act authorised without the consent of the magistrates and council of the city of Edinburgh, and subject to such regulations as may be made by them from time to time.

Sewer to be constructed under direction of magistrates and council or burgh engineer, and to

9. The sewer by this Act authorised (except that portion thereof which will be situate within the lands belonging to the Corporation) shall be constructed under the direction and subject to the control of the magistrates and council of the city of Edinburgh, or of the burgh engineer of that city; and the charges in respect of the services of the burgh engineer in reference thereto shall be paid by

the Corporation; and after the said sewer shall have been completed and connected as aforesaid with the public sewer at or near the said manhole in Buccleuch Street, the same (except the portion aforesaid) shall, if and whenever required by the said magistrates and council, in manner herein-after provided, vest in and belong to them without payment of any consideration, and be entirely under their management and control, reserving always to the Corporation the right of using the same free of charge, and shall thenceforth be deemed to be one of the public sewers of the said city, and be maintained as such by the said magistrates and council: Provided always, that such requirement by the said magistrates and council shall be made and evidenced by a notarial instrument recorded in the general register of sasines.

become one of the public sewers of Edinburgh, if required by magistrates and council.

10. The Corporation shall pay to the said magistrates and council such reasonable sum for the use of the public sewers with which the sewer by this Act authorised is to be connected as aforesaid as may be fixed in terms of the Edinburgh Provisional Order, 1867, section 54.

Payment by Corporation for use of public sewers.

11. The powers of the Corporation for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act.

Powers for compulsory purchases limited.

12. On the expiration of five years from the passing of this Act, the powers by this Act granted to the Corporation for making the sewer by this Act authorised shall cease, except as to so much thereof as shall then be completed.

Period for completion of works.

13. The Corporation shall abandon the construction of the drain authorised by the Act of 1870.

Corporation to abandon authorised drain.

14. The abandonment by the Corporation under the authority of this Act of the said drain shall not prejudice or affect the right of any owner or occupier of any land to receive compensation for any damage occasioned by the entry of the Corporation on such land for the purpose of surveying and taking levels, or probing or boring to ascertain the nature of the soil or setting out of the line of drain, and shall not prejudice or affect the right of the owner or occupier of any land which may have been temporarily occupied by the Corporation to receive compensation for such temporary occupation, or for any loss, damage, or injury which may have been sustained by such owner or occupier by reason thereof.

Compensation for damage to land by entry for purposes of drain abandoned.

15. Where before the passing of this Act any contract may have been entered into or notice given by the Corporation for the purchasing of any land for the purposes of or in relation to any portion of the work authorised to be abandoned by this Act, the Corporation

Compensation to be made in respect of works abandoned.

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shall be released from all liability to purchase or to complete the purchase of any such lands; but, notwithstanding, full compensation shall be made by the Corporation to the owners and occupiers or other persons interested in such lands for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to the contract or notice, and the amount and application of the compensation shall be determined in manner provided by "The Lands Clauses Consolidation (Scotland) Act, 1845," as amended by any subsequent Act, for determining the amount and application of compensation paid for lands taken under the provisions thereof.

Application of funds.

16. The managers of the Corporation for the time being may apply to the purposes of completing, fitting up, and furnishing such hospitals and other buildings, accommodations, and conveniences as have been already erected or are in course of erection upon the lands acquired by the Corporation under the powers of the Act of 1870, and of erecting, fitting up, and furnishing such additional hospitals and other buildings, accommodations, and conveniences as they may, from time to time, think requisite for the purposes of the Corporation, upon the said lands, or upon any lands adjoining thereto, and of constructing the new sewer by this Act authorised in place of that authorised by the Act of 1870, and other the purposes of this Act, any moneys of the Corporation now in their hands or which may hereafter be received by or accrue to them, whether consisting of capital or annual produce, and whether arising from accumulations, donations, or bequests, provided the same shall not have been specially appropriated to other purposes by the donors or testators.

Expenses of Act.

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

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