CHAPTER cvi.

An Act to provide for the Purification of the Water of Leith, and the tributaries thereof, in the county of Midlothian, and the construction of works in connexion therewith; and for the constitution and incorporation of Commissioners; and for other purposes. A.D. 1889.

[26th July 1889.]

WHEREAS the municipal and police administration of the city and royal burgh of Edinburgh, and other matters connected therewith, are vested in and managed by the lord provost, magistrates and council of the said city and royal burgh (who are herein-after referred to as "the Corporation of Edinburgh"), under, among others, the Edinburgh Municipal and Police Acts, 1879 to 1887:

And whereas the municipal and police administration of the burgh of Leith, and other matters connected therewith, are vested in and managed by the provost, magistrates and council of the said burgh (who are herein-after referred to as "the Corporation of Leith"), under the provisions of the Act third and fourth William the Fourth, chapter seventy-seven; the Leith Municipal and Police Act, 1848; the General Police and Improvement (Scotland) Act, 1862; the General Police and Improvement (Scotland) Supplemental Act, 1862; the General Police and Improvement (Scotland) Act, 1862, Order Confirmation (Leith) Act, 1877; and the Secretary for Scotland's (Leith) Provisional Order Confirmation Act, 1886:

And whereas, under the powers of the Edinburgh Police Amendment Act, 1854, the Corporation of Edinburgh executed certain operations on the bed of the water of Leith, within the municipal area of Edinburgh, by deepening the middle of the channel thereof, and otherwise for the purpose of cleansing the said river; but the main objects of the said Act were found impracticable by reason of conditions attached to the execution of the other works thereby authorised:

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And whereas under the Edinburgh and Leith Sewerage Act, 1864 (herein-after called "the Act of 1864") certain main and branch sewers were constructed within the municipal boundaries of Edinburgh and Leith, by which the sewage flowing into the said water of Leith and mill-leads, and harbour of Leith, within the same was intercepted and conveyed to the sea, and the Corporations of Edinburgh and Leith respectively were authorised to levy assessments for the purposes of that Act:

And whereas the main purposes of the Act of 1864 have been fulfilled, and it is expedient that the Commission constituted under that Act should be dissolved, and that the powers, duties, authorities and functions of the Commissioners under the same should be vested in the Commissioners incorporated by this Act; and that the last-mentioned Commissioners should be authorised, subject to the provisions of this Act, to carry out the same, so far as necessary or expedient, and to undertake and pay and perform all obligations and liabilities of the Commissioners under the Act of 1864:

And whereas the city of Edinburgh and the burgh of Leith have, since the Act of 1864 was passed, and the works authorised thereby were executed, increased to such an extent that the said main and branch sewers are now insufficient to carry off and convey to the sea the sewage and drainage of the districts within the municipal boundaries of Edinburgh and Leith, naturally draining into the water of Leith:

And whereas it is expedient that the main and branch sewers intended to be constructed under the authority of this Act, and the works executed under the Act of 1864, should be held and maintained by the Commissioners incorporated by this Act as one undertaking under the provisions of this Act:

And whereas, in consequence of the increase of the population in the towns, villages and districts beyond the municipal boundaries of Edinburgh and Leith, and in proximity to the water of Leith, and the introduction of gravitation water supply and modern systems of drainage into the said districts, the discharge of sewage into the water of Leith and its tributaries has greatly increased:

And whereas the mills, manufactories and works on the water of Leith and its tributaries have increased in number, extent and importance, and the water of Leith district is a large centre of manufacturing industry:

And whereas there are not within that part of the district of the water of Leith, situated beyond the municipal boundaries of Edinburgh and Leith, any existing facilities for the disposal of the sewage from the towns and villages and others therein, and the

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polluting liquids and other substances proceeding from the mills, manufactories and works, otherwise than by discharging the same into the water of Leith or its tributaries:

And whereas it is expedient to make better provision for the more effectual disposal of polluting liquids and other substances proceeding from mills, manufactories and other works within the municipal boundaries of Edinburgh and Leith respectively, otherwise than by discharging the same into the water of Leith or any of its tributaries:

And whereas such discharge of sewage and of liquid and other substances into the water of Leith creates a nuisance, and is detrimental and injurious to the amenity of the district, and of the city of Edinburgh and the burgh of Leith and the harbour of Leith; and the water of Leith and its tributaries have thereby become insanitary, and offensive to the inhabitants of Edinburgh and Leith and of the districts through which the river and its tributaries flow:

And whereas the Corporation of Edinburgh is the local and sanitary authority within the city and royal burgh of Edinburgh; and the Corporation of Leith is the local and sanitary authority within the burgh of Leith:

And whereas the parochial boards of the parishes of Currie, Colinton and Corstorphine are the local and sanitary authority within the same respectively, and the parochial board of the parish of St. Cuthbert's is the local and sanitary authority within that part of the said parish situate beyond the city and royal burgh of Edinburgh and burgh of Leith, all under the Public Health (Scotland) Act, 1867, having powers under the said Act and the Acts amending the same with respect to drainage within their respective jurisdictions, and are herein-after referred to as the landward local authorities:

And whereas it is expedient that a body of Commissioners, representing the Corporations of Edinburgh and Leith and the landward local authorities, should be constituted to secure, preserve and maintain the purity and flow of the waters of the water of Leith and tributaries thereof; and that provision should be made for preventing all sewage, poisonous, noxious, polluting, discolouring, or offensive liquids or matters from flowing or falling or being put into the water of Leith and the tributaries thereof, and for the disposal of the said sewage and other such matters as aforesaid, and for executing and maintaining all such works as may be necessary for these purposes:

And whereas it is expedient that the Commissioners should be incorporated and authorised to exercise the powers by this Act conferred:

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And whereas the Edinburgh and District Water Trustees (who are herein-after referred to as "the water trustees") are the owners of the compensation reservoirs of Harperrig, Threipmuir and Harlaw after mentioned:

And whereas it is expedient that a compensating supply of water should, by the enlargement of the said reservoirs of Harperrig and Threipmuir, be provided in lieu of the water to be withheld or intercepted or taken from the water of Leith and its tributaries, under the provisions of this Act, and that the water trustees should, subject to the provisions of this Act, be authorised to execute all such works as are by this Act authorised to be constructed on the said reservoirs, or in connexion therewith:

And whereas it is expedient that provision should be made for the control, regulation and management of the storage, discharge and supply of compensation water from the said reservoirs of Harperrig, Threipmuir and Harlaw:

And whereas the city and royal burgh of Edinburgh was by the Edinburgh Municipal and Police Act, 1879, formed into one drainage district:

And whereas the burgh of Leith is at present divided into several drainage districts, and it is expedient that the whole of the said burgh should be formed and united into one drainage district:

And whereas the Edinburgh Improvement Act, 1887, was passed for the purpose of improving the sanitary condition of certain districts within the city of Edinburgh lying contiguous to the mill-leads on the water of Leith, and for the execution of certain works thereon, and it is expedient that the time for the compulsory purchase of lands and the construction of said works should be extended, and that the Commissioners incorporated by this Act and the Corporation of Edinburgh should be authorised to enter into agreements for more effectually and economically carrying out and executing any of the powers and works under the said Act:

And whereas by the Edinburgh Improvement Act, 1867, the Corporation of Edinburgh were appointed trustees to carry out the purposes of that Act, under which certain improvements were carried out within the said city:

And whereas the main purposes of the said last-mentioned Act have been fulfilled, and it is expedient that the trust thereby constituted should be terminated and wound up, and the trust dissolved, and that the powers, duties, authorities and functions of the trustees under the same should be exercised by, and all the property and funds of the said trustees should be paid over to and vested in the

Corporation of Edinburgh, subject to payment and performance of all liabilities of the said trustees applicable thereto:

And whereas it is expedient that the Corporation of Edinburgh and the Corporation of Leith and the landward local authorities should respectively be authorised, empowered and required to raise money by rates and assessments for the purposes of this Act:

And whereas it is expedient that the Commissioners incorporated by this Act should be authorised to borrow money for the purposes of this Act:

And whereas plans and sections showing the lines and levels of the several works by this Act authorised, and the lands and heritages which may be taken for the purposes or under the powers of this Act, and books of reference to such plans containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of such lands and heritages, were duly deposited with the principal sheriff clerks of the county of Midlothian, and of the county of the city of Edinburgh respectively, and which plans, sections, and books of reference are in this Act referred to as the deposited plans, sections, and books of reference:

But the said objects cannot be effected without the authority of Parliament:

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

Short title.

1. This Act may be cited for all purposes as the Water of Leith Purification and Sewerage Act, 1889.

Meaning of expressions in recited Acts.

2. In this Act words and expressions to which meanings are attached by any Act wholly or partially incorporated herewith shall have the same meanings, unless the same be varied by this Act, or unless there be something in the context inconsistent therewith or repugnant thereto.

Interpretation of terms.

3. The following words and expressions shall have the several meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction (that is to say):—

"The water of Leith" shall mean and include the water of Leith from the point at which it discharges from Harperrig Reservoir, in the parishes of Mid-Calder and Kirknewton, to the sea or Firth of Forth at Leith;

"The tributaries" shall mean the tributaries of the water of Leith, and shall include the following, namely:—Bavelaw Burn,

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from the point at which it discharges from Harlaw Reservoir in the parish of Currie, Kinleith Burn, Murray Burn, Moat Burn, Corstorphine Stank, Craigleith and Comely Bank Burn, and the tributary burns and ditches of the last-mentioned burn, and all other streams or burns flowing directly or indirectly into the water of Leith, as before defined, in so far as such tributaries are situated in the parishes of Currie, Colinton, Corstorphine, St. Cuthbert's and Cramond;

"The river" shall mean and include the water of Leith and the tributaries;

"Mill-leads" shall mean the mill-leads connected with the river;

"The harbour" shall mean the harbour of Leith;

"The Commissioners" shall mean the Commissioners incorporated by this Act;

"The 1864 Act Commissioners" shall mean the Commissioners constituted under the Edinburgh and Leith Sewerage Act, 1864;

"Lands and heritages" shall have the same meaning as is assigned to that expression in the public Act, seventeenth and eighteenth Victoria, chapter ninety-one, intituled "An Act for the valua-"tion of lands and heritages in Scotland"; and "the Valuation Acts" shall mean the Act last mentioned, and include any Acts extending and amending the same; and the "valuation roll" or "valuation rolls" shall mean the roll or rolls made up in terms of the said Acts, and this Act;

"The city of Edinburgh" shall mean and include the city and royal burgh of Edinburgh within the limits described and defined in the Edinburgh Municipal and Police Acts, 1879 to 1887;

"The burgh of Leith" shall mean and include the burgh of Leith within the limits described and defined in the Act passed in the second and third year of the reign of His late Majesty King William the Fourth, chapter sixty-five, intituled "An "Act to amend the representation of the people in Scotland," which limits form the existing municipal and police boundaries of the said burgh;

"The Corporation of Edinburgh" shall mean the lord provost, magistrates and council of the city and royal burgh of Edinburgh;

"The Corporation of Leith" shall mean the provost, magistrates and council of the burgh of Leith;

"The corporations" shall mean the Corporation of Edinburgh and the Corporation of Leith;

"The urban district" shall mean the city of Edinburgh and the burgh of Leith;

"The landward district" shall mean the district as in this Act defined, and any extension thereof under the provisions of this Act, situate within the jurisdiction of the landward local authorities;

"The landward local authorities" shall mean the parochial boards of the parishes of Currie, Colinton, Corstorphine and St. Cuthbert's, all in the county of Midlothian, as local authorities, constituted under the Public Health (Scotland) Act, 1867, and Acts amending that Act, or the local authority or authorities within the landward district constituted under any Act in force for the time;

"Mills and other works" shall mean and include all the paper mills, manufactories, scouring and dye works, bleachfields, skinneries, tanneries, laundries, glueworks, distilleries, gas-works, and all other works and buildings situate on or adjacent to the banks of or draining into the river, or which may hereafter be erected or established on or adjacent to the river;

"Owner" shall include all persons described as "owner" in the Edinburgh Municipal and Police Acts, 1879 to 1887, and the General Police and Improvement (Scotland) Act, 1862, and the Public Health (Scotland) Act, 1867, and any Acts amending the same, and as "proprietor" in the Valuation Acts;

"Occupier" shall include the actual occupier or tenant, or sub-tenant;

"Sheriff" shall mean the sheriff of the Lothians and Peebles, and shall include any of his substitutes in the county of Midlothian, except when otherwise herein-after expressly provided;

"Clerk" and "treasurer" shall mean the clerk and treasurer respectively for the time being, to be appointed by the Commissioners;

"The existing 1864 sewers" shall mean and include the main and branch sewers, and works constructed under the Act of 1864;

"The undertaking" shall mean the main and branch sewers authorised by this Act, and the existing 1864 sewers as before defined, and all other works and property and powers of the Commissioners;

"Person," and words applied in this Act to any person or individual, shall apply to and include corporations, societies,

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statutory boards or commissioners, local authorities, joint stock companies, partnerships, joint owners, and joint occupants and trustees;

"Water trustees" shall mean the Edinburgh and District Water Trustees constituted and incorporated under the Edinburgh and District Waterworks Act, 1869.

Incorporation of Acts.

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

The clauses and provisions of the Railways Clauses Consolidation (Scotland) Act, 1845, with respect to the temporary occupation of lands near the railway during the construction thereof, and the crossing of roads and other interference therewith, are hereby incorporated with this Act; but such clauses and provisions shall apply only in the case of the reservoirs, embankments, sewers and other works immediately connected therewith by this Act authorised:

The provisions of the Waterworks Clauses Act, 1863, with respect to the security of the reservoirs constructed by the undertakers, are hereby incorporated with this Act; and for the purposes of the last-mentioned provisions as incorporated in this Act the water trustees shall be deemed the undertakers.

Incorporation of Commissioners Clauses Act.

5. The Commissioners Clauses Act, 1847, shall be and the same is (except when expressly varied by or inconsistent with this Act) incorporated with this Act, with the exception of the following clauses and provisions (that is to say):—

With the exception of clauses six and seven;

And with the exception of the provisions with respect to the election and rotation of the Commissioners, when the Commissioners are to be elected by the ratepayers, or other like class of electors;

And with the exception of the provisions with respect to the meetings and other proceedings of the Commissioners, and their liabilities, but not including in such exception clauses fifty-one, fifty-two and fifty-three;

And with the exception of clauses fifty-six and fifty-nine;

And with the exception of the provisions with respect to the accounts to be kept by the Commissioners;

And with the exception of the provisions with respect to the giving notices and orders, but not including in such exception clauses ninety-nine and one hundred;

And with the exception of clauses eighty-six, eighty-seven and one hundred and five to one hundred and eight (both inclusive).

Constitution of Commission.

6. From and after the third Tuesday after the passing of this Act the lord provost of the city of Edinburgh, and the provost of the burgh of Leith, both for the time being, and twelve persons to be elected by the Corporation of Edinburgh from among their own number, other than the lord provost of the said city, and three persons to be elected by the Corporation of Leith from among their own number, other than the provost of the said burgh, and one person to be elected by each of the landward local authorities from among their own number respectively, and also two persons to be elected by the occupiers of mills and other works situated beyond the urban district and enumerated in the Third Schedule to this Act, or in any corrected or altered list thereof made up in terms of the provisions of this Act (such occupiers being herein-after referred to as the "landward mill electors"), shall be and are hereby appointed Commissioners for carrying this Act into execution, and shall be a body corporate under the name and style of "The Water of Leith "Purification and Sewerage Commissioners," and shall have perpetual succession and a common seal, with power to sue and be sued, and to purchase, acquire, take, hold and dispose of lands and other property for the purposes of this Act, and with all the other powers and privileges of a body corporate; and the lord provost of the city of Edinburgh for the time being shall be chairman of the Commissioners.

Election of Commissioners.

7. The corporations respectively, and the landward local authorities respectively, and the landward mill electors shall, as soon as may be, but not later than the third Tuesday after the passing of this Act, at a meeting to be held of each of the said respective bodies and of the landward mill electors for that purpose, proceed to the election of, and elect Commissioners under this Act; and which respective meetings shall, as regards the corporations, be called by the town clerks thereof respectively, and as regards the landward local authorities, shall be called by the clerks thereof respectively, and as regards the landward mill electors, the said meeting shall be held in Edinburgh, and shall be called by the town clerk of Edinburgh; and the Commissioners so elected shall continue in office until the third Tuesday in the month of November, one thousand eight hundred and ninety, when and in every year thereafter, on the third Tuesday in the month of November, one-third of such Commissioners elected by the corporations respectively (namely, four of those elected by the Corporation of Edinburgh, and one of those elected by the Corporation of Leith), and the Commissioners

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elected by the landward local authorities respectively, and the Commissioners elected by the landward mill electors shall go out of office, and other Commissioners shall, in the month of November, one thousand eight hundred and ninety, and in the month of November in every year thereafter, but in all cases not later than the third Tuesday of such month, be elected as aforesaid by the corporations and landward local authorities and the landward mill electors hereby authorised respectively to elect Commissioners to supply the place of the Commissioners going out of office; and the corporations respectively shall, at their meeting in the month of November, one thousand eight hundred and ninety, fix and determine the order in which the Commissioners elected by the corporations respectively shall retire in that and the two subsequent years: Provided always that elected Commissioners going out of office may be re-elected; and thereafter the persons so elected or re-elected by the corporations respectively shall hold office for the period of three years, and the persons so elected or re-elected by the landward local authorities respectively and by the landward mill electors shall hold office for the period of one year from the third Tuesday of November: Provided further, that in the event of any vacancy other than by rotation occurring among the elected Commissioners, the person elected to fill such vacancy shall, without prejudice to his re-election, hold office only for the period during which the Commissioner, in whose place he shall have been elected, would have held the same.

Election of Commissioners by the landward mill electors.

8. With respect to the election of Commissioners by the landward mill electors, the following provisions shall have effect:—

(1) As regards the first election, the town clerk of Edinburgh shall by a circular addressed and posted to the landward mill electors, as appearing in the valuation roll, require them to attend the meeting, appointed by the immediately preceding section to be held for the election of Commissioners by the landward mill electors, on a day not later than the third Tuesday after the passing of this Act, at an hour and at a place within Edinburgh to be named in such circular, and such election of Commissioners by the landward mill electors shall be made subject to the provisions herein-after mentioned;

(2) The clerk (except as regards the first election required to be made under this Act) shall by a circular addressed and posted to the landward mill electors as appearing in the valuation roll, require such landward mill electors to attend a meeting at some convenient place in Edinburgh, on a day and at an hour to be named in such circular (but which day shall be not

later as regards the annual election of Commissioners than the third Tuesday in November in each year), to elect two Commissioners under this Act; and as regards any election other than the annual election such meeting may be called on such notice as the clerk shall think fit, subject always to the provisions of this Act with respect to filling up any vacancy arising otherwise than by rotation: Provided always that the sending of all circulars calling any meeting of the landward mill electors shall, in case of dispute, be sufficiently proved either by the post office receipts for such circulars, where the same are registered, or by an affidavit to be made by the person who may have posted the same;

(3) At the first meeting appointed to be held under this Act, the town clerk of Edinburgh, and at all subsequent meetings the clerk, whom failing the town clerk of Edinburgh, shall preside and act as returning officer;

(4) The landward mill electors shall each have two votes: Provided always that joint occupiers shall for the purpose of exercising the said right to vote be deemed to be one person, and such votes may be given and recorded by any one, but only by one, of such joint occupiers;

(5) The election shall be by open vote, and in the event of there being an equality of votes, the town clerk of Edinburgh, in the case of the first election, and the clerk, whom failing the town clerk of Edinburgh, in all subsequent elections, shall in all cases have a casting vote, and the minutes of meeting signed by the town clerk of Edinburgh or the clerk, as the case may be, shall be conclusive evidence that the persons therein named are elected Commissioners.

Clerk to give notice.

9. The clerk shall, as regards the annual election of Commissioners by the corporations respectively, and by the landward local authorities respectively, give notice thereof in writing to the town clerks of Edinburgh and Leith respectively, and to the clerks of the landward local authorities respectively, one month at least previous to the said third Tuesday in November, in the year one thousand eight hundred and ninety, and previous to the third Tuesday of November in every subsequent year; and the said town clerks and clerks of the landward local authorities respectively shall immediately after such election intimate in writing to the clerk the names of the Commissioners so elected. If, by reason of any neglect, omission, or irregularity, or other cause, there shall be any default in the election of any of the Commissioners under this Act, or in case any person elected shall decline

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to accept, or shall die, resign, or become disqualified, or a vacancy shall arise from any other cause, it shall, notwithstanding, be competent to the other Commissioners to carry this Act into execution until the vacancies so arising shall have been supplied in manner after provided.

Cases of non-election, non-acceptance, death, resignation or disqualification of Commissioners.

10. In cases of non-election or non-acceptance, or of the death, resignation or disqualification of any of the Commissioners to be elected by the corporations, or by the landward local authorities, or by the landward mill electors, or of a vacancy arising from any other cause, it shall be lawful for the corporation or landward local authority, or the landward mill electors, as the case may be, by whom such election should have been made, or by whom the person declining to accept, or dying, resigning, or becoming disqualified, or otherwise causing a vacancy, was elected, to elect, as in this Act provided, a Commissioner or Commissioners to supply the vacancy or vacancies thence arising; and, failing their doing so within one month after such vacancy or vacancies shall have been intimated to them, which the clerk is hereby required to do immediately upon the occurrence thereof, or as soon thereafter as may be, it shall be lawful for the Commissioners, at their first meeting after the expiration of such month, to elect, as in this Act provided, a Commissioner or Commissioners to supply such vacancy or vacancies.

Meetings of Commissioners.

11. The Commissioners shall hold their first meeting within the City Chambers at Edinburgh, on the fourth Wednesday after the passing of this Act, and shall hold an annual meeting on the second Wednesday of March, or within ten days thereafter, and may hold such other meetings at such place and time as the Commissioners shall from time to time fix; and the chairman shall have power to authorise meetings of the Commissioners to be called by the clerk, for carrying the purposes of this Act into execution; and all such meetings (except the first meeting) shall be called by intimation, either sent by post or delivered to each of the Commissioners, at least twenty-four hours before such meetings are held: Provided always that it shall be lawful for the clerk, upon a requisition addressed to him by three or more of the Commissioners, to call meetings, which shall be convened in manner before provided; and at all meetings the questions there considered shall be decided by the votes of the majority present, and the chairman of the Commissioners, or in his absence the president of the meeting to be chosen by the Commissioners present, shall have a deliberative vote as well as a casting vote in case of equality; and nine Commissioners shall be a legal quorum for carrying the whole purposes of this Act into execution; and it shall be lawful for the Commissioners

Quorum.

present at any meeting to adjourn the same to any day which they may fix. A.D. 1889.

Power to appoint committees.

12. The Commissioners may, from time to time, appoint committees of their number for carrying the various purposes of this Act into execution, except as to the borrowing of money, and the making of any requisition for any sums which the Commissioners may call on the corporations and landward local authorities to pay under this Act, and may delegate to such committees the powers competent to the Commissioners in whole or in part, and may name the conveners of such committees and the quorum thereof, and every committee so appointed may meet from time to time, and may adjourn from place to place as they think proper.

Commissioners may make contracts.

13. The Commissioners, or any committee of their body thereunto empowered, may contract with any person in carrying out or putting into execution any of the purposes or operations hereby, or by any of the recited Acts authorised; and every such contract shall be signed by the chairman of the Commissioners or president of the meeting at which such contract shall be made, and by the clerk and treasurer.

Clerk may act for Commissioners.

14. Except in so far as by this Act otherwise expressly provided, all proceedings to be taken by or on behalf of the Commissioners and all notices required to be given may be taken and given by the clerk, who shall be entitled to represent the Commissioners and to act on their behalf in such proceedings, and all acts of the clerk under this section shall be deemed to be acts by the Commissioners and shall be binding upon them.

Proceedings to be entered in a book, and when signed shall be received as evidence.

15. The Commissioners shall cause entries of all the proceedings of the Commissioners, with the names of the Commissioners who shall attend each meeting, to be duly made from time to time in books to be provided for the purpose, which shall be kept by the clerk, and every such entry shall be signed by the chairman of the Commissioners or president of the meeting at which the proceedings took place, or otherwise as the Commissioners may determine, and such entry so signed shall be received as evidence in all courts and before all judges, justices, and others, without proof of such meeting having been duly convened or held, or of the persons attending such meeting having been or being Commissioners, or of the signature of the chairman or president or other Commissioner, or of the fact of his having been chairman or president, or authorised by the Commissioners, all of which last-mentioned matters shall be presumed until the contrary is proved, and such books shall

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at all reasonable times be open to the inspection of any of the Commissioners.

Accounts to be annually prepared.

16. The treasurer shall, at or after the fifteenth day of May next after the passing of this Act, make up accounts from the books of the Commissioners of all moneys received and expended by the Commissioners, and shall in like manner in every subsequent year make up accounts of all moneys received and expended by them, or under their authority or control, in the course of the year immediately preceding the fifteenth day of May in such year, and such accounts shall be audited by an auditor to be appointed in manner herein-after provided.

Appointment of auditor.

17. The Commissioners shall annually appoint an auditor, whose duty it shall be to examine and audit the accounts of the Commissioners, to be received from them or the treasurer, with the vouchers thereof, for which purpose the said accounts and vouchers shall be open for his examination at least one month previous to a yearly meeting, at which they are to be examined and settled by the Commissioners; and such auditor may either make a special report on such accounts or simply confirm the same, and such report or confirmation shall be read at the meeting of the Commissioners to be held in every year for the examination and settlement of such accounts; and the Commissioners may pay the auditor such reasonable remuneration for his trouble as they think fit: Provided always that in case the office of auditor shall, before such accounts have been examined and audited by him, become vacant by death or from any other cause, the Commissioners shall appoint an auditor to supply such vacancy.

Accounts to be open for inspection.

18. For the space of one month at least previous to the yearly meeting at which the accounts are to be examined and settled by the Commissioners, as herein-before provided, such accounts shall remain open for inspection in such place as the Commissioners may appoint, due notice being given thereof by public advertisement in at least two Edinburgh and one Leith newspapers; and every creditor holding a security of the Commissioners may at all reasonable times inspect such accounts.

Accounts to be examined and settled annually.

19. The accounts so made up, examined and audited shall be laid before the Commissioners at a meeting to be held for that purpose in the month of July in every year, and such accounts shall be examined, and if found just and true shall be allowed and certified by the Commissioners under the hand of the chairman or president of such meeting and of the clerk and treasurer; and after such accounts shall have been allowed and certified the same

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shall be final in regard to all persons whomsoever unless an appeal be presented against such accounts to the sheriff within one month from the date of such meeting, which appeal it shall be competent for any Commissioner, or for the corporations respectively, or landward local authorities respectively, or for any creditor holding a security of the Commissioners to institute and prosecute, due notice in writing of such appeal having been given to the clerk at the time of presenting the same by leaving with him a copy thereof, and of the reasons of appeal, and the sheriff shall dispose of the said appeal in a summary way, and his decision thereon shall be final and conclusive, and not subject to review on any ground or by any process whatsoever.

Abstract of accounts to be printed and circulated.

20. As soon as the said accounts shall have been allowed and certified by the Commissioners as aforesaid, an abstract thereof shall be prepared, printed and circulated for the information of the Commissioners, and six copies thereof shall be transmitted free of charge to the town clerks of Edinburgh and Leith respectively, and one copy to the clerks to the landward local authorities respectively, on or before the first day of September in each year, and one of the said copies shall be open to the inspection of the public at the offices of the Commissioners for the time being at all reasonable hours.

Power to execute works.

21. Subject to the provisions of this Act the Commissioners may, in the lines and according to the levels shown on the deposited plans and sections, make and maintain the works herein-after described, or some of them, or some parts or part of the same; and may enter upon, acquire, take and use such of the lands and heritages shown on the deposited plans and described in the deposited books of reference as may be required for that purpose and for the other purposes of this Act: Provided always that the Commissioners may, if they think fit, take and acquire, but by agreement only, an easement or servitude in or over all or any of such lands and heritages so far as they may consider it requisite and sufficient for the construction and maintenance of the main and branch sewers and aqueduct herein-after mentioned, or any of them. The works herein referred to are the following:—

(1.) A main sewer, conduit, or line of pipes (Work No. 1), to be wholly situate in the parish of Currie and county of Midlothian, commencing at a point on the south bank of the stream called the Water of Leith, six hundred and twenty yards or thereabouts, measured along the course of said stream, from and above the bridge which carries the road leading to

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the village of Balerno across the said stream, and known as "Balerno Bridge," and terminating at a point in the road leading from the village of Currie to Middle Kinleith, eleven yards or thereabouts, measured in a southerly direction, from the centre of the bridge which carries said road across the said stream, and known as "Currie Bridge"; with a branch sewer, conduit, or line of pipes (Work No. 2), to be wholly situate in the parish of Currie and county of Midlothian, commencing at a point in the east bank of the stream called "Bavelaw Burn," opposite the upper end of the old Malleny Mills Bleach Work, and terminating at a point in Work No. 1, one hundred and forty yards or thereabouts, measured in an easterly direction, from the said Balerno Bridge;

(2.) A main sewer, conduit, or line of pipes (Work No. 3), commencing in the parish of Currie and county of Midlothian, at the point of termination of Work No. 1 above described, and by a junction therewith, and terminating in the parish of Colinton and county of Midlothian, at a point on the west bank of the stream called the Water of Leith, three hundred and eighty yards or thereabouts, measured along its course from and below the point where the said stream is crossed by the bridge which carries the Caledonian Railway Company's main line from Carstairs to Edinburgh, which main sewer, conduit, or line of pipes will pass from, in, through, or into the parishes of Currie and Colinton, or one of them, and county of Midlothian; with a branch sewer, conduit, or line of pipes (Work No. 4), commencing at a point in the parish of Colinton and county of Midlothian, in the road leading from Slateford to Craiglockhart, one hundred and forty yards or thereabouts, measured in a north-westerly direction, from the point where said road joins the road leading from Merchiston to Colinton by Craiglockhart, and terminating in the said parish of Colinton, at a point in Work No. 3, at or near the termination thereof, which branch sewer, conduit, or line of pipes will pass from, through, or into the parishes of Colinton and St. Cuthbert's, or one of them, and county of Midlothian; also a branch sewer, conduit, or line of pipes (Work No. 5), to be wholly situate in the parish of Colinton and county of Midlothian, commencing at a point in the road leading from Slateford to Old Saughton, at the easterly end of the village of Longstone, and opposite Longstone Inn, and terminating at a point in Work No. 3, at or near the termination thereof;

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(3.) A main sewer, conduit, or line of pipes (Work No. 6), commencing in the parish of Colinton and county of Midlothian, at the point of termination of Work No. 3 above described, and by a junction therewith, and terminating in the parish of St. Cuthbert's and county of Midlothian, at a point on the west bank of the byewash channel of Dalry or Murrayfield corn mills, eight yards or thereabouts, measured in a southerly direction, from the point where the said byewash channel joins the said water of Leith, which main sewer, conduit, or line of pipes will pass from, in, through, or into the parishes of Colinton, Corstorphine, and St. Cuthbert's, or some or one of them, and city and royal burgh of Edinburgh, and county of Midlothian; with a branch sewer, conduit, or line of pipes (Work No. 7), to be wholly situate in the parish of St. Cuthbert's and county of Midlothian, commencing at a point four yards or thereabouts, measured in a southerly direction, from the south-east corner of Saughton Hall Mains farm-steading, and terminating in Work No. 6 at the point where the road from Saughton Hall Mains farm-steading joins the road from Edinburgh to Mid-Calder, opposite Gorgie Mills Dam; also a branch sewer, conduit, or line of pipes (Work No. 8), to be wholly situate in the parish of St. Cuthbert's and county of Midlothian, commencing at a point in the road leading from Merchiston to Colinton by Craiglockhart, opposite to Craiglockhart railway station, and terminating at a point in Work No. 6, ninety yards or thereabouts, measured in a south-westerly direction, from the bridge which carries the North British Railway Company's main line from Edinburgh to Glasgow across the said water of Leith; also a branch sewer, conduit, or line of pipes (Work No. 9), commencing in the parish of Corstorphine and county of Midlothian, at a point on the north bank of the stream called Corstorphine Stank, one hundred and twenty yards or thereabouts, measured in a westerly direction, from the bridge which carries the road leading from Corstorphine to South Gyle farm-steading across the said stream, and terminating in the parish of St. Cuthbert's and county of Midlothian, at a point in Work No. 6, at or near the termination thereof, which branch sewer, conduit, or line of pipes will pass from, in, through, or into the parishes of Corstorphine and St. Cuthbert's, or one of them, and county of Midlothian;

(4.) A main sewer, conduit, or line of pipes (Work No. 10), commencing in the parish of St. Cuthbert's and county of

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Midlothian, at the termination of Work No. 6 above described, and by a junction therewith (that is to say), at a point on the west bank of the byewash channel of Dalry or Murrayfield corn mills, eight yards or thereabouts, measured in a southerly direction, from the point where the said byewash channel joins the said water of Leith, and terminating in the seashore of the Firth of Forth at Leith, in the parish of South Leith, burgh of Leith, and county of Midlothian, at or near to the rocks called Eastern Craigs, being part of the Black Rocks on or near to the Sands of Leith, and in or adjoining the south shore of the Firth of Forth, at or near to, or beyond, low-water mark of ordinary spring tides, and one hundred yards or thereabouts, measured in an easterly direction, from the seaward termination of the present Edinburgh and Leith main sewer; which main sewer, conduit, or line of pipes will pass from, in, through, or into the parish of St. Cuthbert's, the parish of the city of Edinburgh, or one of them, and city and royal burgh of Edinburgh, and county of the city of Edinburgh, and parish of St. Cuthbert's, and parish of South Leith, or one of them, and burgh of Leith, and the seashore of the Firth of Forth at Leith, and county of Midlothian; with a branch sewer, conduit, or line of pipes (Work No. 11), to be wholly situate in the parish of St. Cuthbert's, and city and royal burgh of Edinburgh, county of the city of Edinburgh, and county of Midlothian, commencing at the south side of the intake house at Coltbridge, at the point where the Lochrin Burn enters the present Edinburgh and Leith main sewer, and terminating in Work No. 10, at the south-west boundary wall of the road leading from Edinburgh to Corstorphine, twenty yards or thereabouts, measured in a south-easterly direction, from the south-west corner of the south abutment of the new bridge at Coltbridge; also a branch sewer, conduit, or line of pipes (Work No. 12), to be wholly situate in the parish of St. Cuthbert's, and city and royal burgh of Edinburgh, county of the city of Edinburgh, and county of Midlothian, commencing at a point in Comely Bank Road, one hundred and sixty yards or thereabouts, measured in a westerly direction, from the east corner of Cheyne Street and Raeburn Place, and terminating in Work No. 10, at a point twenty-three yards or thereabouts, measured in a north-easterly direction, from the north-east side of the bridge over the said water of Leith, known as Stockbridge; also a branch sewer, conduit, or line of pipes (Work No. 13), to be wholly situate in the parish of St. Cuthbert's,

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and city and royal burgh of Edinburgh, county of the city of Edinburgh, and county of Midlothian, commencing at a point in Silvermills East Lane, fifty-eight yards or thereabouts, measured in a south-easterly direction, from the south side of the bridge over Canonmills mill-lead, and terminating in Work No. 10, at a point four yards or thereabouts, measured in a northerly direction, from the east corner of Silvermills East Lane and Henderson Row; also a flood water offlet, conduit, or line of pipes (Work No. 14), to be wholly situate in the parish of St. Cuthbert's, city and royal burgh of Edinburgh, and county of the city of Edinburgh, and county of Midlothian, commencing in Work No. 10, at the south end of Canon Street, at a point twenty yards or thereabouts, measured in a southerly direction, from the south-west corner of Canonmills flour mill, and terminating at a point on the south-east bank of the said water of Leith, forty-seven yards or thereabouts, measured in a north-easterly direction, from the north-east corner of the southmost abutment of the bridge over the said water of Leith, known as Canonmills Bridge;

(5.) A sewer, conduit, or line of pipes (Work No. 15), to be wholly situate in the parish of St. Cuthbert's and city and royal burgh of Edinburgh, county of the city of Edinburgh, and county of Midlothian, commencing at a point in the stream or sewer called the Broughton Burn, sixty-five yards or thereabouts, measured in a south-westerly direction, from the south-west boundary wall of the Edinburgh, Leith and Granton Branch of the North British Railway, and terminating in the existing culvert, carrying the said Broughton Burn, at a point fifty yards or thereabouts, measured in a south-westerly direction, from the south-west boundary wall of the public roadway known as Pilrig Street;

(6.) A sewer, conduit, or line of pipes (Work No. 16), to be wholly situate in the parish of St. Cuthbert's and city and royal burgh of Edinburgh, county of the city of Edinburgh, and county of Midlothian, commencing at a point thirty-eight yards or thereabouts, measured in a south-westerly direction, from the north-eastern extremity of the building used as the stores and drying lofts of Bonnington Skinnery, and terminating in the manhole of the branch sewer of the present Edinburgh and Leith main sewer, at a point in the private road leading to said Bonnington Skinnery, seventeen yards or thereabouts, measured in a south-westerly direction, from the south side of the bridge carrying the said private road over the mill-lead of

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Bonnington Mills; with a branch sewer, conduit, or line of pipes (Work No. 17), to be wholly situate in the parish of St. Cuthbert's and city and royal burgh of Edinburgh, county of the city of Edinburgh, and county of Midlothian, commencing at a point in the said private road, forty-one yards or thereabouts, measured in a northerly direction, from the intake sluice, at the commencement of the said mill-lead, and terminating in Work No. 16, at a point thirty yards or thereabouts, measured in a northerly direction, from the weighing-house of said Bonnington Skinnery;

(7.) An aqueduct, conduit, or line of pipes (Work No. 22), to be wholly situate in the parish of Currie, and county of Midlothian, commencing at the outer end of the east outlet pipe of Harlaw Reservoir, and terminating in the stream called Bavelaw Burn, at a point one hundred and ten yards or thereabouts, measured along its course from and above the bridge which carries the road from Balerno to Harlaw Reservoir across said stream:

Together with all necessary and convenient outlets, walls, embankments, tunnels, dams, banks, arches, culverts, drains, sewers, dykes, ventilating shafts, offlets, manholes, cleansing shafts, byewashes, pits, tanks, cuts, outfalls, sluices, weirs, roads, approaches, fences, and other works and conveniences.

Works may be connected with existing works.

22. The Commissioners may connect all or any one or more of the works herein-before authorised as may be constructed under the powers of this Act with any existing public or private outlets, embankments, walls, tunnels, dams, banks, arches, culverts, drains, sewers, dykes, cuts, outfalls, sluices, weirs, roads, approaches, fences and works.

Power to execute works on Harperrig and Threipmuir Reservoirs.

23. Subject to the provisions of this Act the water trustees may, in order to raise the level of the waters in Harperrig Reservoir and Threipmuir Reservoir both after mentioned, and for the purpose of providing compensation water as after mentioned, make, construct and maintain, in the lines and according to the levels shown on the deposited plans and sections, the works herein-after described, or some or one of them, or some part or parts of the same, together with all necessary works and conveniences connected therewith, and all necessary alterations of the existing works consequent thereon; and may impound, within the said reservoirs, take and use, when so impounded, all waters, streams and others running or draining into the said reservoirs respectively; and may enter upon, take and use such of the lands and heritages shown on the deposited plans and described in the deposited books of reference as may be required for the said purposes.

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The works herein referred to are the following (that is to say) :—

(1.) An enlargement of the existing work of the water trustees, called "Harperrig Reservoir" (Work No. 18), to be situate in the parishes of Mid-Calder and Kirknewton and county of Midlothian, which enlargement will commence in the parish of Mid-Calder, at a point in the stream called the Water of Leith (before it enters said reservoir), four hundred and twenty yards or thereabouts, measured in a westerly direction along its course, from and above the bridge which carries the road from Causewayend to Cairns Castle across the said stream, and will terminate at the existing embankment of said reservoir by a heightening of said embankment, which heightening will commence in the parish of Kirknewton, at a point fourteen yards or thereabouts, measured in a northerly direction, from the north end of the existing waste weir of said reservoir, and will terminate in the parish of Mid-Calder, at a point one hundred and fifty yards or thereabouts, measured in a southerly direction, from the said north end of the said waste weir, by means of which heightening the lands and other property adjacent to said reservoir will or may be submerged; together with the raising of the level of a portion of the road from Causewayend to Cairns Castle above referred to (Work No. 19), to be wholly situate in the parish of Mid-Calder and county of Midlothian, which raising will commence at a point two hundred and forty yards or thereabouts, measured in a northerly direction, from the centre of the bridge carrying said road over the said stream, and will terminate at a point thirty yards or thereabouts, measured in an easterly direction, from the centre of the said bridge;

(2.) An enlargement of the existing work of the water trustees, called "Threipmuir Reservoir" (Work No. 20), to be situate in the parishes of Currie and Penicuik and county of Midlothian, which enlargement will commence at a point in the stream called the Bavelaw Burn, one thousand five hundred and fifty yards or thereabouts, measured in a westerly direction along its course, from and above the bridge known as "Redford Bridge" which carries the road from Balerno to Bavelaw Castle across the said stream, and will terminate at the existing embankment of said reservoir, by a heightening of said embankment, wholly situate in the parish of Currie, which heightening will commence at a point seventy yards or thereabouts, measured in a north-westerly direction, from the north-west end of the existing waste weir of said reservoir, and will

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terminate at a point four hundred and fifteen yards or thereabouts, measured in a south-easterly direction, from the north-west end of the said waste weir, by means of which heightening the lands and other property adjacent to said reservoir will or may be submerged; together with the raising of the level of a portion of the said road from Balerno to Bavelaw Castle (Work No. 21), which raising will commence in the parish of Currie and county of Midlothian, at a point one hundred and thirty-five yards or thereabouts, measured in a north-easterly direction, from the centre of the said Redford Bridge, and will terminate in the parish of Penicuik and county foresaid, at a point one hundred and twenty yards or thereabouts, measured in a southerly direction, from the centre of said bridge.

Common lands.

24. Notwithstanding anything in this Act contained, no greater quantity of the commons or common lands or open area after mentioned shall be acquired for the purposes of this Act than the quantity after mentioned, namely, (1) the open area known as the Links of Leith, situate in the parish of South Leith, half an acre, but subject to the provisions with respect to the said links hereinafter in this Act contained, and (2) the common or common land called the "Red Moss" of Balerno or "Currie Moss," situate in the parish of Currie, seventeen acres.

Errors and omissions in plans and book of reference may be corrected by sheriff, who shall certify the same.

25. 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 book of reference, the Commissioners or water trustees, as the case may be, 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 the omission, mis-statement or erroneous description arose from mistake, he shall certify the same accordingly, and he shall in his certificate state the particulars of the omission and in what respect any such matter is mis-stated or wrongly described, and such certificate shall be deposited with the principal sheriff clerk of the county of Midlothian, and kept by such principal sheriff clerk with the other documents to which the same relates, and thereupon the deposited plans or book of reference (as the case requires) shall be deemed to be corrected according to the certificate, and the Commissioners or the water trustees, as the case may be, may enter on, take, hold and use those lands and execute the works in accordance with such certificate.

Certificate to be deposited.

Existing sewers and drains to be connected with works.

26. The Commissioners may make and maintain all such sewers, drains or pipes and appurtenances as may be necessary for connect-

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ing all or any existing sewers, outfalls of sewage, or drains on both sides of the river, which now discharge into the river, or into the mill-leads, or into the 1864 sewers, with any of the intended main or branch sewers of the Commissioners, or for discharging or conducting the contents of such existing sewers, outfalls of sewage and drains into the main or branch sewers of the Commissioners, or any of them, and may make and maintain all necessary sluices, valves, manholes, ventilators, cleansing shafts, bridges, approaches, pipes, offlets, overflows or appurtenances required for carrying out the objects of this Act, and may vary, extend, diminish or enlarge all existing sewers, outfalls of sewage, or drains for the purposes before mentioned: Provided always that the Commissioners shall, at their own expense, make the junction of all local or private drains which are carried down to any of the main or branch sewers of the Commissioners with such main or branch sewers, and where the main or branch sewers of the Commissioners are on the opposite side of the river from any local or private drains the Commissioners shall, at their own expense, and within the limits of deviation, carry all such local or private drains as are brought down to the river (and that either separately or by a branch drain as the Commissioners think fit) from such opposite side across the river in order to effect such junction.

Connexion of existing 1864 sewers with works.

27. The Commissioners may intercept, abstract and withdraw as much or such part of the water and sewage of the existing 1864 sewers as they think fit, including the sewers or burns called Lochrin Burn, Broughton Burn and Greenside Burn, and may, on the completion of the necessary junction therewith, discharge the same into the main and branch sewers which may be constructed under the powers of this Act, or any of them; and may disconnect all or any sewers, drains, or pipes and appurtenances which now discharge their contents into the existing 1864 sewers or into the river, and may join, make and maintain all such sewers, drains, or pipes and appurtenances with the main and branch sewers before described, or any of them; and may make and maintain all necessary sluices, valves, manholes, ventilators, cleansing shafts, bridges, approaches, pipes, offlets, overflows or appurtenances required for carrying out these purposes.

Power to deviate laterally and vertically.

28. The Commissioners or the water trustees, as the case may be, may, in constructing the works by this Act authorised, deviate laterally from the lines thereof as shown on the deposited plans to the extent of the limits of lateral deviation shown thereon; and may deviate vertically from the levels of the various works as shown on

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the deposited sections to any extent in the case of the reservoirs and embankments and works connected therewith by this Act authorised not exceeding three feet, and in the case of the main and branch sewers and other works connected therewith not exceeding ten feet downwards and three feet upwards: Provided that such last-mentioned deviation of three feet upwards shall not be exercised except with the consent of the owner of the lands where an easement only is acquired for the purpose of laying any of the said main and branch sewers: Provided always that no deviation shall be made below high-water mark without the consent of the Board of Trade.

Power to alter roads, &c. temporarily.

29. For the purposes and during the execution of the several works which the Commissioners or the water trustees are by this Act authorised to make, and in maintaining the same, and subject to the provisions of this Act, the Commissioners or the water trustees, as the case may be, may from time to time use, break up, or cross over or under, alter or stop up, temporarily, any streets, highways, roads, lanes, paths, links, quays, bridges, railways, canals, passages, sewers, drains, watercourses, mill-leads and mill canals, or mill dams, sluices, gas pipes and water pipes, and electric or telephonic apparatus in any of the lands shown on the deposited plans, and specified in the deposited books of reference, and which they may from time to time find it expedient for any of those purposes so to interfere with, providing when possible a proper temporary substitute before interrupting the traffic on any such street, highway or railway, or the flow of water, gas, sewage or electricity in any such sewer, drain, watercourse, canal or pipe, and making full compensation to all persons injuriously affected thereby: Provided that nothing in this section shall extend to authorise any interference with electric apparatus or other property of Her Majesty's Postmaster-General: Provided also 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 Act, 1882, to which the provisions of section fifteen of the said Act apply.

Power to agree for easements, &c.

30. All persons empowered by the Lands Clauses Consolidation (Scotland) Act, 1845, or otherwise enabled to sell or convey or release lands, may, if they think fit, subject to the provisions of that Act, and of the Lands Clauses Consolidation Acts Amendment Act, 1860, and of this Act, grant to the Commissioners or the water trustees, as the case may be, any easement, servitude, interest, right or privilege (not being an easement of water) required for the purposes of this Act, in, over, affecting or belonging to lands, at a price or yearly rent, feu duty or otherwise; and the provisions of

the said Acts with respect to lands or feu duties, so far as applicable in this behalf, shall extend and apply to such grant, and to such easement or servitude, interest, right or privilege as aforesaid respectively.

Provisions for execution of works by water trustees.

31. With regard to the powers by this Act conferred on the water trustees for the acquisition of land and execution of works the following provisions shall have effect:—

(1.) The water trustees shall acquire such of the lands and others as may be necessary to be acquired in the execution of the works which they are authorised to execute, and may use such of the lands and others as are already the property of the water trustees, and the Commissioners shall and they are hereby authorised and required to pay to the water trustees, or to the owners, lessees and occupiers of the lands and others to be so acquired, the price or compensation which may be found payable in respect of the acquisition of the same;

(2.) The Commissioners shall not be required to pay any consideration to the water trustees for any lands and others already the property of the water trustees, which may be required, used and taken for the purposes of the said works;

(3.) All lands and others to be so acquired for the purposes of the enlargement of the said reservoirs of Harperrig and Threipmuir shall be taken to and in name of the water trustees, and held by them as part of their undertaking;

(4.) The whole of the works which the water trustees are by this Act authorised to execute shall be executed at the sole expense of the Commissioners, and the Commissioners shall and they are hereby required to repay to the water trustees all sums which the water trustees may have lawfully paid or may be lawfully called upon to pay in or connected with the execution of the said works;

(5.) The acquisition of land and execution of the said works by the water trustees shall be proceeded with in such manner and at such times as the Commissioners shall previously approve and sanction, and all contracts for the execution of any works to be undertaken by the water trustees shall be submitted to, and shall be subject to the approval of the Commissioners;

(6.) The Commissioners shall contribute and pay to the water trustees such a sum, either by way of annual payment or by a lump capital sum, as may be agreed upon between the water trustees and the Commissioners, in respect of the maintenance of the said reservoirs and of the works hereby authorised to be

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executed thereon, and in respect of any increased risks and liabilities which may be incurred by the water trustees, in consequence of the enlargement of the said reservoirs and the works connected therewith, and which sum, and whether the same should be a lump capital sum or an annual payment, shall, failing agreement, be settled by an arbitrator to be mutually chosen, whom failing, by an arbitrator to be named by the sheriff-depute of the Lothians and Peebles;

(7.) The water trustees shall undertake the maintenance of the said reservoirs, including the additional works authorised to be executed thereon, as part of their undertaking;

(8.) The water trustees shall be entitled to recover from the Commissioners, as a debt, with interest at five per cent. per annum, all sums which the water trustees may lawfully pay or expend under the powers and for the purposes of this Act, and they shall have and may exercise all such remedies as are competent for the recovery of debts.

Application of certain provisions of Act 19 & 20 Vict. c. xci.

32. Sections 75, 76 and 77 of the Edinburgh Water Company's Act, 1856, and all other provisions in the said Act or in any other Acts of Parliament in force applicable to the existing Threipmuir, Harlaw and Harperrig Reservoirs, shall, subject to the provisions of this Act, apply to the reservoirs when enlarged under the powers of this Act as fully and effectually as to the said existing reservoirs: Provided always that the word "company" in section 77 of the said Act of 1856 shall be read as if it had been the water trustees.

Compensation.

33. The weirs of the Harperrig and Threipmuir Reservoirs shall be raised as follows, for the purpose of increasing their storage capacity:—

1. The weir of the Harperrig Reservoir shall be raised six feet above its present level;
2. The weir of Threipmuir Reservoir shall be raised five feet above its present level:

And such increase of capacity shall be deemed to be full compensation to all persons having rights or being interested in the use or enjoyment of the waters in the river, mill-leads and harbour as herein-before defined, and for the diversion or abstraction therefrom by the works by this Act authorised of river water of the quantity of four hundred and sixty-six thousand six hundred and sixty-six cubic feet in any one day:

(A) For the information of any person legally interested in the subject matter of this section, the Commissioners shall erect, construct and maintain, in connexion with the sewers authorised

by this Act, measuring gauges or other apparatus proper and sufficient for the purpose of enabling any such person to ascertain and measure the discharges from the mills and other works into the main or branch sewers of the Commissioners, such measuring gauges or other apparatus, in case of difference of opinion, to be constructed to the reasonable satisfaction of an arbiter mutually chosen, or failing agreement by an arbiter to be appointed by the sheriff-depute of the Lothians and Peebles, and to be open to the inspection of all such persons;

(B) The same quantity of water shall be discharged from Harperrig Reservoir on Sundays and non-working days as shall have been discharged on the average of each of the six days of the previous week;

(C) The Commissioners shall make and enforce regulations prescribing the quantity of foul water to be discharged into the pipes or sewers constructed under this Act from the mills and other works, but so that the maximum quantity of river water discharged into the sewers shall not exceed four hundred and sixty-six thousand six hundred and sixty-six cubic feet per day of twenty-four hours for six days each week;

(D) If the Commissioners shall at any time discharge or allow to be discharged into the sewers as aforesaid, on the average of the six days of any one week a larger quantity of river water than the said four hundred and sixty-six thousand six hundred and sixty-six cubic feet in any one day, any persons injuriously affected by such larger discharge as aforesaid shall be entitled to compensation in money, the amount of which shall be fixed and decerned for by the arbiter referred to in this section, in the manner provided by the sixth section of the Waterworks Clauses Act, 1847;

(E) No water shall be discharged into the sewers to be constructed under this Act until the raising of the weirs of Harperrig and Threipmuir Reservoirs shall have been completed in terms of this section;

(F) River water for the purpose of this section shall be held to include compensation water provided to mill owners and others on the water of Leith by the Edinburgh Water Company's Act, 6 & 7 Victoria, cap. lxxxix. (local and personal), and the Edinburgh Water Company's Act, 1856, so far as the said Acts are not repealed, but not other water supplied from the distributing pipes of the water trustees, or derived from

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sources beyond the water-shed of the river; and any difference arising under this sub-section (F) shall be decided by the said arbiter;

(G) The costs of the arbitration under this section of this Act shall be in the discretion of the arbiter.

Lands for extra-ordinary purposes.

34. In addition to the lands authorised to be taken as aforesaid, the Commissioners or the water trustees may purchase by agreement lands not exceeding twenty acres for any of the purposes of this Act, but nothing in this Act shall exempt the Commissioners or the water trustees from any indictment, action or other proceeding for nuisance, in the event of any nuisance being caused by them respectively upon any lands taken under the powers of this section, and no building shall be erected upon any lands so taken, except buildings required for the purposes of the undertakings of the Commissioners or trustees respectively.

Commissioners to make connexions and orifices.

35. The Commissioners shall, subject to the provisions of this Act, construct, make and lay all pipes from the regulating or gauging tanks herein-after mentioned to connect with their main sewers, and also make all orifices or openings in the said main sewers for the carrying off of the foul water.

Restriction on taking houses of labouring class.

36. The Commissioners or the water trustees shall not, under the powers of this Act, without the consent of the Secretary for Scotland, 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. The expression "labouring class" includes mechanics, artizans, labourers, and others working for wages, hawkers, costermongers, persons not working for wages, but working at some trade or handicraft without employing others, except members of their own family, and persons other than domestic servants, whose income does not exceed an average of thirty shillings a week, and the families of any such persons who may be residing with them.

Limiting time for exercise of compulsory powers of purchase.

37. The powers of the Commissioners and the water trustees respectively, for the compulsory purchase of lands for the purposes of this Act, shall not be exercised with respect to lands situate within the urban district after the expiration of three years, and with respect to lands situate beyond the urban district after the expiration of five years from the passing of this Act.

Period for completion of works.

38. If the works authorised by this Act so far as situate within the urban district are not completed within five years, and so far as

situate beyond the urban district are not completed within seven years from the passing of this Act, then, on the expiration of these respective periods, the powers by this Act granted to the Commissioners or to the water trustees for executing any works not so completed, or in relation thereto, shall cease, except as to so much thereof as is then completed; but nothing herein contained shall restrict the Commissioners or the water trustees from respectively maintaining, using, extending, enlarging, altering, replacing, relaying, increasing, adding to or removing the main and branch sewers of the Commissioners and the other works which may be constructed under the powers of this Act at any time and from time to time as occasion requires, or from exercising any of the other powers or executing any of the purposes of this Act.

Owners may be required to sell parts only of certain lands and heritages.

39. And whereas in the construction of the works by this Act authorised, or otherwise in the exercise of the powers of this Act, it may happen that portions only of the lands and heritages shown on the deposited plans may be sufficient for the purposes of the same, and that such portions may be severed from the remainder thereof without material detriment thereto: Therefore, notwithstanding section ninety of the Lands Clauses Consolidation (Scotland) Act, 1845, the owners of and other persons interested in such lands and heritages, described in the First Schedule to this Act, and whereof parts only are required for the purposes of this Act, may, if such portions can, in the opinion of the jury, arbiter, or other authority to whom the question of disputed compensation shall be submitted, be severed from the remainder thereof without material detriment thereto, be required to sell and convey to the Commissioners the portions only thereof so required without the Commissioners being obliged or compellable to purchase the whole or any greater portion thereof, the Commissioners paying for the portions required by them and making compensation for any damage sustained by the owners thereof or other parties interested therein by severance or otherwise.

For protection of road and streets.

40. In all cases in which the Commissioners, in carrying out any of the powers and purposes of this Act, shall require to execute any operations on any roads or streets within the jurisdiction of the Corporation of Edinburgh, or the Corporation of Leith, or the road trustees of the county of Midlothian (who are for the purposes of this section herein referred to as the "road authorities"), they shall, before commencing such operations, give seven days' intimation in writing to the respective clerks of the road authorities, so far as such roads or streets intended to be interfered with are situate

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within the city of Edinburgh, burgh of Leith, or county of Midlothian, of the intention of the Commissioners to break up or interfere with the same for the purpose of such operations; and the Commissioners shall execute such operations and restore all such roads or streets as may be interfered with, at the sight and to the reasonable satisfaction of the road authorities respectively, or of their respective road surveyors; and the Commissioners shall be bound to relay the portions of the roadway or causeway of such roads or streets which may have been broken or taken up or interfered with, with the same kind and description of causeway or other materials as were previously on such roads or streets, or otherwise as may be agreed between the Commissioners and the respective road authorities; and the Commissioners shall maintain such portions of the roads or streets for three months from the date of completion, and such further time, not being more than fifteen months in the whole, as the soil so broken up shall continue to subside, all to the reasonable satisfaction of the road authorities respectively, or of their respective surveyors; and the Commissioners shall make payment of any expenses reasonably and properly incurred by the road authorities respectively in relation to the matters herein mentioned; and further, the Commissioners shall free and relieve the road authorities respectively, and their respective officers, of all injury, loss or damage which may be occasioned to any of the roads or streets so interfered with, or be sustained by any person by or in consequence of the operations aforesaid: Provided always, that with respect to any operations on the Links of Leith the Commissioners shall restore the surface thereof, so far as the same is interfered with by the operations of the Commissioners, to the same or to the like condition as at the commencement of such operations, and that to the reasonable satisfaction of the burgh surveyor of Leith: Provided also that no ventilators shall without consent of the Corporation of Leith be made on any part of the said links: Provided also that the Commissioners shall not, in laying any of the pipes or sewers, acquire any other than a wayleave in or over any public street or road, or the Links of Leith: And further provided that if any difference shall arise under this section between the Commissioners and any of the road authorities, the same shall be determined by an arbiter to be mutually chosen, or, failing agreement, by an arbiter to be named by the sheriff on the application of either party, and the decision of such arbiter shall be final.

For protection of North British

41. Any works to be constructed in laying down, altering, replacing or repairing any main sewer or branch sewer, conduit

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Railway Company.

or line of pipes by the Commissioners in the exercise of the powers conferred by this Act, upon, across, or under, or in any way affecting any railway or canal belonging to the North British Railway Company, or any of the bridges or works thereof, or any lands or property belonging to that Company, shall be done under the superintendence and to the reasonable satisfaction of the principal engineer for the time being of that Company, and according to plans to be reasonably approved by him, before any such works are begun, but in all things at the expense of the Commissioners, and so as to cause as little injury as possible to any such railway, canal, bridges, banks, works, lands or property, or interruption to the passage or conduct of traffic over or upon any such railway or canal; and if in consequence of the laying, or keeping laid, of any main sewer or branch sewer, conduit or line of pipes authorised by this Act, any injury be caused to any such railway, canal, bridges, banks, works, lands or property, or any interruption be caused to such traffic, the Commissioners shall make full compensation to the said Company in respect of such injury or interruption, and the amount of such compensation shall be recoverable with full costs from the Commissioners by all and the same means as a simple contract debt is recoverable. If any difference shall at any time arise between the Commissioners and the Company or their engineer with respect to any matter arising under this section, such difference shall be referred to and determined by an engineer to be agreed on, or, failing agreement, to be appointed by the sheriff, on the application of either the Commissioners or the Company.

For protection of Caledonian Railway Company.

42. All works to be constructed under the powers of this Act shall be laid out so as to interfere as little as possible with the railways, works and lands of the Caledonian Railway Company, or with the doubling of their Balerno Branch within such lands, and the said works shall be so laid out, and all operations of the Commissioners in laying down, altering, replacing or repairing any main sewer or branch sewer, conduit or line of pipes in the exercise of the said powers, upon, across or under, or in any way affecting any railways belonging to the Caledonian Railway Company, or any of the bridges or works thereof, or any lands or property belonging to that Company, shall be done under the superintendence and to the reasonable satisfaction of the principal engineer for the time being of that Company, and according to plans to be reasonably approved by him, before any such works are begun, but in all things at the expense of the Commissioners, and so as to cause as little injury as possible to any such railways, bridges, works, lands or property, or interruption to the passage or conduct of traffic over or upon any

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such railways; and if in consequence of the laying, or keeping laid, altering, replacing or repairing of any main sewer or branch sewer, conduit or line of pipes authorised by this Act, any injury be caused to any such railways, bridges, works, lands or property, or any interruption be caused to such traffic, the Commissioners shall make full compensation to the said Company in respect of such injury or interruption, and the amount of such compensation shall be recoverable with full costs from the Commissioners by all and the same means as a simple contract debt is recoverable. If any difference shall at any time arise between the Commissioners and the Company or their engineer with respect to any matter arising under this section, such difference shall be referred to and determined by an engineer to be agreed on, or, failing agreement, to be appointed by the sheriff, on the application of either the Commissioners or the Company.

For the protection of the Edinburgh Street Tramways Company.

43. For the protection of the Edinburgh Street Tramways Company (in this section called "the Company"), the following provisions shall have effect:—

(1.) Wherever the Work No. 10 by this Act authorised crosses the Company's tramways, the same shall be constructed by means of tunnelling, if practicable;

(2.) Where, for the purpose of constructing the said Work No. 10, it shall be necessary for the Commissioners to interfere with the tramways of the Company, or any of them, or the working thereof, the Commissioners shall make such arrangements (including if and where necessary the temporary shifting of the rails of the tramways) as will ensure that at all times between the hours of five in the morning and twelve midnight one continuous line of tramway at least shall be always available for the traffic of the Company;

(3.) If any tramway of the Company which has been constructed as a double line shall be temporarily altered by the Commissioners to a single line, the Commissioners shall bear the expense of laying down such crossings or passing places as shall be reasonably required by the Company on other parts of the roadways where their tramways are laid, for the purpose of enabling the Company's traffic to be reasonably and safely carried on;

(4.) Before commencing any works affecting or which may affect the tramways of the Company, the Commissioners shall give to the Company seven days notice in writing, in order that the Company may, to the reasonable satisfaction of the engineer of the Commissioners and at the cost of the Commissioners as

aforesaid, make the necessary accommodation works for the carrying on of their traffic;

(5.) All works to be executed by the Commissioners affecting the tramways of the Company shall be executed to the reasonable satisfaction of the engineer of the Company;

(6.) All costs and charges of the Company reasonably and properly incurred in relation to any works to be executed in consequence of the operations of the Commissioners affecting the tramways of the Company, including the reasonable charges of their engineer, shall be paid to the Company by the Commissioners;

(7.) If by reason of the construction or maintenance of any works of the Commissioners, or the state of repair thereof, or any act or omission of the Commissioners in relation thereto, in so far as the same shall affect the tramways of the Company, or any part of any road which the Company are liable to repair, such tramways or road shall be damaged or injured or require repair, the Commissioners shall on demand pay to the Company all costs and expenses reasonably and properly incurred to which they may be put in repairing the said damage or injury, and shall indemnify the Company from any penalties to which they may become liable by reason of such part of such road or the tramways thereon being out of repair from any of the causes aforesaid;

(8.) If any difference shall at any time arise between the Commissioners and the Company or their engineer with respect to any matter arising under this section, such difference shall be referred to and determined by an engineer to be agreed on, or, failing agreement, to be appointed by the sheriff, on the application of either the Commissioners or the Company;

(9.) Nothing in this Act contained shall prejudice or affect the provisions of the several Acts and any agreements scheduled thereto for and relating to the construction and maintenance of tramways and the traffic thereon within the burghs of Edinburgh and Leith.

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

44. The Commissioners shall not remove or displace any of the mains or pipes, valves, firecocks, or other works belonging to the water trustees or the Edinburgh and Leith Corporations Gas Commissioners, or private service pipes in connexion therewith, or do anything to impede the passage of water or gas into or through such mains or pipes until good and sufficient mains or pipes, valves, firecocks, and all other works necessary or proper for continuing the supply of water or gas as sufficiently as the same was supplied

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by the mains or pipes proposed to be removed or displaced shall, at the expense of the Commissioners, have been first made and laid down in lieu thereof, and be ready for use, in a position as little varying from that of the pipes or mains proposed to be removed or displaced as may be consistent with the construction, maintenance or repair of the works hereby authorised, and to the satisfaction of the engineer of the water trustees or the said gas commissioners, or, in case of disagreement between such engineer and the Commissioners, as the sheriff shall direct.

Pipes not to be laid contrary to Acts of Parliament, and twenty-four inches surface road to be retained.

45. The Commissioners shall not lay down any such pipes contrary to the regulations of any Act of Parliament relating to water or gas; and if they shall lower any road for the purposes of this Act, they shall also lower the mains and pipes, so as to leave a covering of not less than twenty-four inches from the surface of the roads over such mains or pipes.

Commissioners to make good all damage.

46. The Commissioners shall make good all damage done to the property of the water trustees or gas commissioners by the disturbance thereof, caused by the construction of the said main and branch sewers, and shall make full compensation to all parties for any loss or damage which they may sustain by reason of any interference with the mains or pipes of the said water trustees or said gas commissioners, or with the private service pipes of any person supplied by them with water or gas.

Main and branch sewers, &c., vested in Commissioners, who may alter and improve or demolish main and branch sewers, &c.

47. Subject to the provisions of this Act the whole main and branch sewers, drains, sluices, valves, pipes, offlets, overflows, appurtenances, and other works executed by the Commissioners, under the authority of this Act (other than gas and water pipes and the works executed by the Commissioners in substitution for works removed or displaced under this Act, and accommodation or other works provided to any person under the provisions of this Act) shall, after the same are formed and constructed, be vested in and belong to and, together with the existing 1864 sewers, be entirely under the management and control of the Commissioners, who may, from time to time as they see fit, repair, enlarge, alter, renew, and otherwise improve and maintain all or any of such main and branch sewers, drains, sluices, valves, pipes, offlets, overflows, appurtenances, and other works, together with the existing 1864 sewers, and if any of the said sewers, drains and other works at any time appear to them to have become useless, the Commissioners, if they think fit to do so, may demolish and discontinue such sewer or drain, but nothing in this section shall authorise the Commissioners to create a nuisance.

Sewage, &c., may be discharged into river during repairs.

48. The Commissioners may, during the time when the said main and branch sewers and other works authorised by this Act, and the existing 1864 sewers, or any part of the same, are being repaired, cleansed, altered, or renewed, or during floods, or in consequence of any accident or any stoppage, discharge or allow to be discharged into the channel of the river or mill-leads, the sewage and drainage or other polluting liquids, which would otherwise flow into such main and branch sewers, or the existing 1864 sewers and other works.

Sewers and drains formed after main and branch sewers to be connected therewith.

49. From and after the construction of the said main and branch sewers authorised by this Act, or of so much or such parts thereof as the Commissioners may find it necessary or convenient to construct for carrying out the purposes of this Act, it shall not be lawful for any person to make or construct any sewer, outfall of sewage, or drain from any lands, houses or property, so as to lead or discharge into the river, or mill-leads, nor to convey or discharge drainage, sewage or other polluting matter or refuse from any lands, houses or other property into the same, but all such sewers, outfalls of sewage, or drains shall, subject to the provisions of this Act, be connected with the main and branch sewers of the Commissioners, or with some one or more of them; and all such drainage, sewage, or other polluting matter or refuse shall, subject as aforesaid, be conveyed or discharged into such main or branch sewers or some of them by means of properly constructed sewers, outfalls of sewage, or drains; and if any person does any act or thing in contravention of this enactment, he shall for every such offence be liable on summary conviction to a penalty not exceeding five pounds, and to a further penalty not exceeding forty shillings for every day during which the offence is continued after the day on which the first penalty is incurred: Provided always that the Commissioners may, within the landward district, require the withdrawal of flood water from all such drains or sewers as may be connected with the main and branch sewers of the Commissioners, and may prohibit such flood water from being discharged into any of the said main or branch sewers.

Future junctions to be executed by Commissioners at cost of proprietors.

50. With respect to any sewers, outfalls of sewage, and drains which may be constructed and intended to be connected with the said main and branch sewers, the point of junction of such sewers, outfalls of sewage, and drains with the said main and branch sewers, and the mode and the terms and conditions of effecting such junction shall, subject to the provisions of this Act, be determined by the Commissioners, and subject as aforesaid, the work

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for effecting such junction shall in all cases be done by the Commissioners at the expense of the person constructing such sewer, outfalls of sewage, or drains, and the Commissioners may require such security for the repayment of such expense as they shall think fit.

Junctions with sewers beyond urban and landward districts.

51. The Commissioners may, and they are hereby authorised and required, subject to the provisions of this Act, to permit any person, being the owner or occupier of any houses and buildings, or mills and other works, which are, or at any time after the passing of this Act may be, erected at any point within the drainage area of the river beyond the urban district and landward district respectively, to join or connect any sewers or drains with the main and branch sewers of the Commissioners, or any of them, on such terms and conditions as the Commissioners shall think fit, or as may be agreed between the Commissioners and such person as aforesaid.

Penalty for unauthorised junctions.

52. Every person, not being employed or authorised by the Commissioners so to do, who shall make any junction, or who shall make or cause to be made any sewer, outfall of sewage, or drain from any lands, houses, or other property into, or connect such sewer, outfall, or drain with the main or branch sewers of the Commissioners, or any of them, or with any sewer, outfall of sewage, or drain connected therewith, shall, upon summary conviction of such offence, be liable to a penalty not exceeding five pounds, together with the expenses of prosecution and conviction, to be ascertained on conviction; and the Commissioners may cause such junction with the main and branch sewers or other works to be remade, to such extent and in such manner as they may consider necessary or expedient, and the expense incurred thereby shall be paid by the owner of such lands, houses, or other property.

Buildings not to be erected over works without consent of Commissioners.

53. No house, building, or other erection shall be constructed over any main or branch sewer of the Commissioners without previous written notice being given to the Commissioners, so that such works as they may deem necessary may be executed by and at the expense of the Commissioners for the protection of such main and branch sewers, and if any such house, building, or other erection be constructed contrary to this provision, the Commissioners may remove the same, and the expense incurred thereby shall be recoverable by the Commissioners as a debt at common law from the person constructing such house, building, or other erection.

Penalty for damaging main and branch sewers, &c.

54. Every person who shall break, or in any way damage, interfere with, or obstruct any of the main or branch sewers, drains, sluices, valves, manholes, ventilators, shafts, pipes, offlets, over-

flows, or appurtenances, or any of the other works constructed under and vested in the Commissioners by the authority of this Act, or any part thereof, shall, upon summary conviction of such offence, be liable to a penalty not exceeding five pounds, over and above payment of the expense of repairing the damage done, and the expenses of prosecution and conviction.

Interference with the river.

55. The Commissioners, in the construction of the main and branch sewers and works by this Act authorised, may cross over or under, or otherwise interfere with the river and mill-leads, and may at any time, but only after one day's notice in two newspapers published in Edinburgh, take, divert, use and appropriate, from the river and mill-leads, by means of such main and branch sewers, and the existing 1864 sewers and works connected therewith, or any of them, any water requisite or desirable for flushing and cleansing such sewers.

Preservation of flow and purity of river.

56. The Commissioners may and they are hereby authorised, for the purpose of preserving and maintaining the flow of the water in the bed or channel of the river, to prevent and prohibit the erection or placing of obstructions on the river which would interfere with or hinder the flow of water in the bed of the river, or would diminish the flow therein or otherwise abstract water therefrom; and the discharge of that duty and the exercise and execution of the powers and functions of the Commissioners in relation thereto, and to the prevention of pollution, shall be deemed purposes of this Act: Provided always that, with a view to prevent roots or trunks of trees or the like from passing down the river into the harbour, the Commissioners may, with the consent and at the expense of the Commissioners for the harbour and docks of Leith, put up an iron or other erection across the river, in or as near as may be in the line of a mill dam or weir formerly existing at a point on the river eighty yards or thereabouts below Bowling Green Street Bridge, of such design and description as shall be deemed effectual for the purpose before mentioned, and so as not to impede or hinder the free flow of the water in the river or cause nuisance; the consent of the owners, lessees and occupiers of any lands required or interfered with, and of the Board of Trade (if erected within tidal water) being first had or obtained to the erection thereof.

Commissioners to possess and exercise similar powers to local authorities.

57. In addition to the several powers by this Act conferred on the Commissioners, for the construction, use and maintenance of the said main and branch sewers, and other works, and for securing, preserving and maintaining the purity and flow of the water of the river, and for the other purposes in this Act expressed

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to be carried into effect by them, the Commissioners shall have, in relation to the river and mill-leads, and the several works by this Act authorised, all powers which a local or sanitary authority as such have in relation to their districts, or otherwise under the Public Health (Scotland) Act, 1867 (except powers of assessment), in all respects (as nearly as may be) as if the Commissioners were, for the purposes aforesaid, a body designated as a local or sanitary authority, in and by the said Act, and this Act shall be read and have effect as if all the powers (except as aforesaid) conferred by the Public Health (Scotland) Act, 1867, upon local or sanitary authorities were herein repeated, and conferred upon the Commissioners, and the Commissioners shall possess and may exercise all or any of such powers accordingly: Provided always that nothing in this section contained shall limit or prejudice the rights, powers and privileges of the corporations, or of the landward local authorities respectively, as local and sanitary authorities within their respective jurisdictions.

Polluting matter from mills and works not to be discharged into river.

58. Upon the construction of the main and branch sewers by this Act authorised, or so much or such part of them as shall be necessary for carrying out the purposes of this Act, the Commissioners shall, after such notice by advertisement in one or more newspapers published in Edinburgh, as they think fit, direct and require that within a time to be limited by them for that purpose, and in any event within a period not exceeding six months from the completion of such main and branch sewers, or so much or such part of them as shall be necessary as aforesaid, all poisonous, noxious, offensive, polluting, or discolouring liquids, matters, or things, and all turbid water, sewage or other offensive substances, shall cease to be discharged into the river or mill-leads from mills and other works, or any of them, and shall in future be discharged (if at all) only into the main or branch sewers of the Commissioners, subject, nevertheless, to the several conditions and limitations herein-after contained.

Liquids, &c., which may be put into sewers or otherwise dealt with.

59. The Commissioners may in their discretion, and as and when occasion requires, determine the several following matters:—

The noxious, deleterious, polluted or discolouring liquids, matters or things, flowing or proceeding from mills and other works, or any of them, which shall be allowed to pass direct into the main or branch sewers of the Commissioners, or the existing 1864 sewers, without treatment, or which shall be excluded until subjected to treatment as herein-after mentioned;

The water flowing or proceeding from mills and other works, or any of them, which may without injury be allowed to flow

directly into the river, and the proportion (if any) of water flowing or proceeding from mills and other works, or any of them which may have become turbid by the presence therein of any extraneous matter, not poisonous, noxious, or deleterious, which may be rendered harmless by being passed through settling ponds, or, as the case may require, through filtering beds or other apparatus, before being discharged into the river;

The dimension and capacity of any pipe by which such liquid matters or things may be discharged from mills and other works into the main and branch sewers of the Commissioners, or the existing 1864 sewers, or any of them, and the quantity, temperature and condition of such liquid matters or things which shall be allowed at any time and from time to time to flow into such sewers:

Whereas the landward local authorities are represented on the Commission in the proportions provided for by this Act, it shall be lawful for them, or any one or more of them, to lodge an objection or objections to any determination of the Commissioners under this section, provided that any such objection shall be made in writing and lodged with the clerk within fourteen days after the receipt of such determination by the landward local authorities; and any dispute or difference arising between the Commissioners and any of the landward local authorities with respect to such objections shall be decided between the parties differing by an arbitrator to be agreed on, or, failing agreement, by an arbitrator to be named by the sheriff-depute of the Lothians and Peebles; and the decision of such arbitrator shall be final: Provided always that the costs of such arbitration shall be in the discretion of the arbitrator.

Commissioners may require removal of deleterious matter before allowing sewers to be used.

60. The Commissioners, before sanctioning or permitting the discharge into any of the sewers of the Commissioners of any poisonous, noxious, offensive, polluting or discolouring liquid, matter or thing, may direct and require the owner or owners, lessees and occupiers, or any of them, of the mills and other works, or any of them, from which such liquid, matter or thing may, after the passing of this Act, be discharged or proposed to be discharged, to effectually remove from such liquid, matter or thing so discharged or proposed to be discharged from the mills and other works, or any of them, all deleterious or other matter which, in the opinion of the Commissioners, may be calculated to destroy or injure or obstruct the said sewers, or any of them: Provided always that the Commissioners may determine which, if any, of the constituents of such liquids, matters or things herein-before mentioned, and what,

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if any, proportion thereof respectively shall be excluded from the said main or branch sewers of the Commissioners, or the existing 1864 sewers.

As to turbid water.

61. Before sanctioning or permitting the discharge into the river of any turbid water flowing or proceeding from the mills and other works, or any of them, charged with extraneous matter which is not poisonous, noxious, or deleterious, but which may be removed mechanically or otherwise, the Commissioners may require the owner or owners, lessees and occupiers, or any of them, of the mills and other works, or any of them, from which such turbid water may, after the passing of this Act, be discharged, or proposed to be discharged, to effectually remove from such turbid water so to be discharged or proposed to be discharged into the river from the mills and other works, or any of them, the organic or other matter causing the turbidity of such water.

Arbitration.

62. In the event of any dispute or difference arising between the Commissioners and any person as to any order, direction, determination or requisition of the Commissioners under the two immediately preceding sections of this Act, including any order or direction under the said sections as to the efficiency of the means adopted from time to time for effectually removing all deleterious or other matter as mentioned therein, such dispute or difference shall be decided between the parties differing by an arbitrator to be agreed on, or, failing agreement, by an arbitrator to be named by the sheriff-depute of the Lothians and Peebles; and the decision of such arbitrator shall be final: Provided always that the costs of such arbitration shall be in the discretion of the arbitrator.

Construction of tanks.

63. The Commissioners shall construct all necessary tanks for regulating and gauging the discharges of the now existing mills and works into the sewers of the Commissioners, and also all necessary tanks for washing the skins of the now existing skinneries on the river and mill-leads (including the necessary connexions for bringing the water into the washing tanks of such skinneries), and also all settling ponds, depositing tanks, filtering beds, or other apparatus or works which the Commissioners may require under the provisions of the section of this Act, the marginal note of which is "Liquids, &c., which may be put into sewers or otherwise dealt with," and shall make the necessary junctions with such sewers, and thereafter the owners, lessees and occupiers of the said skinneries shall, as between themselves and the Commissioners, be entitled to draw from the river or mill-leads such water as they require for use in said tanks: Provided always that the Commissioners shall be

bound to provide the necessary land for these purposes, and the owners, lessees and occupiers of such mills and works and skinneries shall be bound to remove, from time to time, from such tanks, to the satisfaction of the Commissioners or of their engineer, all solid matter which may be deposited therein.

Connexions with sewers to be approved in all cases by engineer of Commissioners.

64. All works necessary or desirable for connecting the sewers, drains, or pipes of or leading from mills and other works, or of or leading from any settling pond, depositing tank, filtering bed, or other apparatus or work with the main and branch sewers of the Commissioners, shall, together with all other works under the provisions of this Act required to be constructed by the owners, lessees and occupiers of mills and other works, or any of them, be constructed and maintained in good and sufficient order in each case under the supervision and to the satisfaction in all things of the engineer to the Commissioners.

Prohibition of solid matter, &c. being cast into river

65. From and after the passing of this Act it shall not be lawful for any person to throw or put, or permit to be thrown or put, or to permit to fall or be carried into the river, or lay down at or near the banks of the river, or in any other place where liable to be washed into the river, or into the mill-leads, or into any cut, ditch, sewer, drain, pipe, channel, stream, or watercourse communicating with the river, any dirt, deposit from tanks, settling ponds, lime, ashes, saw-dust, or dead animal, the solid refuse of any manufactory, manufacturing process, or quarry rubbish, cinders, fish or other offal, or any other waste, or any putrid or other offensive or injurious solid matter; and if any person does any act or thing in contravention of this enactment, he shall for every such offence be liable on summary conviction to a penalty not exceeding five pounds, and to a further penalty not exceeding forty shillings for every day during which the offence is continued after conviction thereof.

Prohibitions against pollution from mills and works.

66. From and after six months after the completion of the main and branch sewers, and tanks and connexions therewith, by this Act authorised to be constructed, or such part of them as it may be necessary to construct for carrying out the purposes of this Act, it shall not be lawful for any owner or occupier of mills and other works to do any of the following things, namely:—

(1) To construct or to open into the river any sewer, drain, pipe, or channel, with intent or in order thereby to provide for the flow or passage into the river of any poisonous, noxious, polluting, or discolouring matter, or any sewage or other offensive or injurious matter;

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(2) To construct or to open into any mill-lead, cut, ditch, sewer, drain, pipe, channel, stream, or watercourse communicating with the river, any sewer, drain, pipe, or channel, with intent or in order thereby to provide for the flow or passage of any such poisonous, noxious, polluting, or discolouring matter or sewage, or other offensive or injurious matter as aforesaid, in such manner that the same will be carried, or be likely to be carried, by, through, or out of such mill-lead, cut, ditch, sewer, drain, pipe, channel, stream, or watercourse into the river;

(3) To cause or suffer any poisonous, noxious, polluting or discolouring matter or any sewage, or other offensive or injurious matter, to flow or pass into the river, or into the mill-leads, or into any sewer, drain, pipe, channel, stream, cut, ditch, or watercourse whatever, in such a manner that the same will be carried, or be likely to be carried, by, through, or out of such mill-lead, sewer, drain, pipe, channel, stream, cut, ditch, or watercourse, directly or indirectly, into the river;

(4) To wash, steep or submerge skins, hides, leather, bark, or any other substance or material in the river, or otherwise so as to pollute, discolour or render impure the water of the river:

If any person does any act or thing in contravention of this enactment, he shall, for every such offence, be liable, on summary conviction, to a penalty not exceeding fifty pounds, and to a further penalty not exceeding ten pounds for every day during which the offence is continued after conviction thereof.

Injurious matter not to be allowed to pass into sewers.

67. It shall not be lawful for any person to send or permit to flow or pass into any of the main or branch sewers of the Commissioners any liquid substance or matter which would be injurious to the construction, use, or efficiency of the said main or branch sewers, or that would, in the opinion of the Commissioners, cause or be likely to cause silting up, corrosion, or decay in the materials thereof; and every person offending against this enactment shall, for every such offence, be liable on summary conviction to a penalty not exceeding ten pounds, and a further penalty not exceeding five pounds for every day during which the offence is continued after conviction thereof.

Questions as to nuisance not affected.

68. Nothing in this Act contained shall be held to authorise or sanction the construction of any works or the doing of any act which may be illegal or objectionable on the ground of nuisance, or prejudice any right of action either at common law or under the Public Health (Scotland) Act, 1867.

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Expenses of works executed by Commissioners, how to be recovered.

69. Wherever, under the provisions of this Act, the Commissioners shall execute works or do certain things at the expense of the owner or occupier of any mills and other works, or of any lands, houses, or other property, such expense, as the same shall be certified by the engineer or other officer of the Commissioners duly authorised by them to certify such expenses, with interest thereon at the rate of five per centum per annum from the date of payment by the Commissioners till paid, shall be repaid to them by such owner or occupier in the same way and manner as is provided with reference to works executed in default of owners or occupiers by Commissioners of Police, acting in the execution of the General Police and Improvement (Scotland) Act, 1862 (in this Act hereinafter called the General Police Act, 1862), and for these purposes clauses 400 to 404, both inclusive, of the said Act are hereby incorporated with this Act.

Commissioners' relief against persons liable to execute works reserved.

70. No liability attaching in law or otherwise to any person, liable to make and maintain, or to pay for the making and maintenance of any works which the Commissioners are hereby authorised to make and maintain, shall be affected, altered, or abridged by anything in this Act contained; and if the Commissioners shall make or maintain any works for the making or maintenance of which any person is so liable, they shall be entitled to reimbursement from such person of the whole moneys expended by them in making or maintaining such works, and to sue for and recover the amount thereof, with interest and expenses.

Powers of entry for inspection, &c.

71. The Commissioners and their officers and servants may, and they are hereby authorised, at all times and on all occasions they may deem necessary, to enter upon the river and river banks and mill-leads, and mills and other works, or any part of the same, and of the works by this Act authorised, and the existing 1864 sewers, for the purpose of inspection, and also for the purpose of altering or repairing and maintaining their undertaking, or any part of the same, and for making and effecting junctions, and for flushing any of the main and branch sewers of the Commissioners, or for ascertaining and enforcing the due compliance with the provisions of this Act: Provided always that the flow of the water in the mill-leads shall not at any time be interrupted by the Commissioners, or their officers or servants, without giving one day's previous notice in two newspapers published in Edinburgh.

Commissioners to estimate and apportion

72. The Commissioners shall annually estimate and fix the sums which may be necessary from time to time for paying interest on money borrowed for the purposes of this Act, and for sinking fund

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sums between corporations, &c.

and for expenses of management, and for maintenance of the main and branch sewers and the existing 1864 sewers and other works which the Commissioners are by this Act required to maintain, and all other outgoings, payments, charges and expenses under this Act, and for otherwise carrying out the purposes and provisions of this Act, and shall, subject to the provisions of this Act, apportion the same to be borne between and among the corporations and the landward local authorities in manner herein-after provided, and shall fix the date or dates when the sums so apportioned shall be paid over by the corporations and the landward local authorities respectively to the Commissioners or their treasurer, the periods of payment being fixed with reference to the times when the sums so apportioned may, in the opinion of the Commissioners, be required for the purposes of this Act: Provided always that the Commissioners shall as regards the first apportionment make the same at or prior to the twelfth day of September, one thousand eight hundred and eighty-nine, and thereafter shall make such apportionment at or prior to the first day of August in each year, and the same shall be for the year from the fifteenth day of May preceding to the fifteenth day of May following: Provided further, that within eight days after such apportionment the clerk shall transmit to the town clerk of Edinburgh, and to the town clerk of Leith, and to the respective clerks to the landward local authorities, a copy of such estimate and a notification of the total sum so estimated and fixed, the proportion of such total sum to be paid by the said corporations respectively, and the landward local authorities respectively, and the date or dates when the same shall be paid to the Commissioners or their treasurer; and the said corporations and landward local authorities shall severally be bound to pay over to the Commissioners or their treasurer, at the date or dates so specified, the sums so required from them respectively, with interest thereon at the rate of five per centum per annum till paid: Provided always that any deficiency or surplus arising in any preceding year shall be carried forward by the Commissioners to the debit or credit, as the case may be, of the succeeding year.

Districts defined.

73. The powers and provisions contained in this Act with respect to rates and assessments shall be put in force within the urban district and within the landward district, as such landward district is described and set forth in the Second Schedule to this Act, and coloured green on a map signed in triplicate by Robert T. Gurdon, Esquire, the Chairman of the Committee of the House of Commons, to whom the Bill for this Act was referred, a copy of which map,

so signed, shall within two weeks after the passing of this Act be deposited in the Private Bill Office of the House of Commons, and another copy thereof so signed shall, within the like period, be deposited in the Parliament Office of the House of Lords, and another copy thereof so signed shall, within the like period, be deposited with the sheriff clerk of the county of Midlothian at his office; and if any discrepancy shall be found to exist between the boundaries shown on the said map, signed as aforesaid, and the boundaries of the landward district, as described in the said Second Schedule to this Act, the said map, signed as aforesaid, shall be deemed to be correct and shall prevail. A copy of the said map certified by the clerk to be a true copy shall, within the like period, be deposited with the clerk of each landward local authority, and with the assessors of the county of Midlothian: Provided always that subject to the provisions of this Act the portion of the landward district within each of the jurisdictions of the landward local authorities shall be a special drainage district for the purposes of this Act within the meaning of the Public Health (Scotland) Act, 1867, and any Act or Acts amending the same: Provided further that the landward local authorities respectively may, under the powers and provisions of the said last-mentioned Acts, enlarge or extend such special drainage district within their respective jurisdictions: Provided always that in the event of the Commissioners being required, under the provisions of this Act, to connect any sewers or drains from beyond the landward district as defined by this Act with the main or branch sewers of the Commissioners, the Commissioners may require the landward local authorities respectively to extend such special drainage district within their respective jurisdictions, under the provisions of the said Public Health Acts.

Apportionment between corporations and landward local authorities.

74. With respect to the apportionment between the corporations and the landward local authorities of the sum which the Commissioners may call upon them to pay, the following provisions shall have effect (that is to say), the Commissioners shall ascertain the amount of the yearly rent or value of the whole lands and heritages within the city of Edinburgh, as such yearly rent or value is established by the valuation roll applicable therein for the time; and the amount of the yearly rent or value of the whole lands and heritages within the burgh of Leith as such yearly rent or value is (subject to the proviso herein-after mentioned with respect to the harbour and docks of Leith) established by the valuation roll applicable therein for the time; and also the amount of the yearly rent or value, multiplied by four, of the whole lands and heritages

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within the landward district as such yearly rent or value is established by the valuation roll applicable therein for the time, and they shall apportion the sum required as aforesaid between the corporations and the landward local authorities, in the proportion which the amounts of such rents or values of such lands and heritages, so ascertained, situated in the city of Edinburgh, burgh of Leith and landward district respectively, bear to the whole amount of such rents or values of such lands and heritages ascertained as aforesaid situated in the city of Edinburgh, in the burgh of Leith and in the landward district taken together: Provided always, that until the whole moneys borrowed for the purposes of this Act shall have been paid off and redeemed, the yearly rent or value of the lands and heritages of the Commissioners for the harbour and docks of Leith shall, in such apportionment, be excluded from the yearly rent or value of lands and heritages within the burgh of Leith.

Apportionment between landward local authorities.

75. With respect to the apportionment between the landward local authorities, of the sum which the Commissioners may call upon them to pay, the following provisions shall have effect:—

(1) The Commissioners shall ascertain the yearly rent or value of the whole lands and heritages within the landward district liable to be assessed under this Act, as such yearly rent or value is established by the valuation roll applicable to each of the districts of the landward local authorities made up under the provisions of the Valuation Act and this Act, and they shall apportion the sum required as aforesaid between the landward local authorities in the proportion which the yearly rent or value of such lands and heritages so liable situated within the respective district of the landward local authorities respectively bears to the yearly rent or value of the whole lands and heritages aforesaid;

(2) The assessors acting under the Valuation Act, who shall make up the valuation rolls of lands and heritages in the county of Midlothian, shall yearly ascertain and insert therein such information as shall be necessary to enable the respective landward local authorities to assess and levy the assessment by this Act provided, and shall distinguish the rental of all lands and heritages situated within the landward district (or partly within and partly beyond the same) of each of the parishes situate within the jurisdiction of the landward local authorities from the rental of all lands and heritages situated within the remainder of each such parish, and shall furnish to the clerks to the respective landward local authorities and to the Commissioners

a copy of so much of such valuation rolls as is necessary for the purposes of assessment by the landward local authorities under this Act, and the reasonable charges incurred to the assessors in carrying out the provisions of this section shall be paid by the Commissioners.

Power to rectify errors in apportionment.

76. In the event of any error having been committed in apportioning any sums called for from the corporations or landward local authorities, in manner before provided, by which any sum shall have been unduly apportioned on either of the corporations or on any of the landward local authorities, it shall be lawful for the Commissioners and the corporations and landward local authorities to correct such error, and failing their doing so, the Commissioners or either of the corporations or landward local authorities may bring the matter under the consideration of the sheriff-depute of the Lothians and Peebles, who shall have power to rectify any such error, and whose judgment thereon shall be final.

Assessment by the Corporation of Edinburgh.

77. To enable the Corporation of Edinburgh to raise and pay over any sum of money which the Commissioners may from time to time apportion and call upon them under this Act to pay, the Corporation of Edinburgh are hereby authorised and required to impose, levy and collect an assessment or assessments of such amount as shall be necessary for paying the sum so required; and the said assessment or assessments shall be imposed, levied and collected and recovered on and from the owners of all lands and heritages within the city of Edinburgh according to the valuation roll in force therein for the time being, and that in addition to the burgh assessments authorised to be imposed, levied and collected within the city of Edinburgh, and in the same manner as the said assessments are so imposed, levied and collected therein under the provisions of the Edinburgh Municipal and Police Acts, 1879 to 1887, or under any Act or Acts for the time in force regulating such burgh assessments within the city of Edinburgh, and all the powers, enactments, and provisions respectively contained in those Acts with respect to the payment and recovery of the assessments thereby authorised to be levied within the city of Edinburgh, on and from the owners of lands and heritages, shall be and are hereby made applicable to the imposing and recovery of the said assessment or assessments by this Act authorised to be imposed and levied, as if the said assessment or assessments had been authorised to be imposed and levied under the authority of those Acts; and the said assessment or assessments shall be collected in the city of Edinburgh

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along with, and at the same time as and as part of the burgh assessments therein.

Assessment by the Corporation of Leith.

78. To enable the Corporation of Leith to raise and pay over any sum of money which the Commissioners may from time to time apportion and call upon them under this Act to pay, the Corporation of Leith are hereby authorised and required to impose, levy and collect an assessment or assessments of such amount as shall be necessary for paying the sum so required; and the said assessment or assessments shall, subject to the provisions of this Act with respect to the lands and heritages belonging to the Commissioners for the harbour and docks of Leith, be imposed, levied and collected and recovered on and from the owners of all lands and heritages within the burgh of Leith according to the valuation roll in force therein for the time being, and that in addition to any other assessments authorised to be imposed, levied and collected within the burgh of Leith, and in the same manner as assessments leviable on owners are so imposed, levied and collected therein under the provisions of the General Police Act, 1862, or under any Act or Acts for the time in force regulating such assessments within the burgh of Leith, and all the powers, enactments and provisions therein with respect to the payment and recovery of assessments within the burgh of Leith, on and from the owners of lands and heritages, shall be and are hereby made applicable to the imposing and recovery of the said assessment or assessments by this Act authorised to be imposed and levied, as if the said assessment or assessments had been authorised to be imposed and levied under the authority of the said Acts; and the same shall be collected in the burgh of Leith along with, and at the same time as any of the other assessments therein: Provided always that the notices of assessment to be given to owners within the burgh of Leith shall be sufficiently given by handbills and advertisement, as is provided by the General Police Act, 1862, in the case of police assessments in the said burgh.

Commissioners of Leith Harbour and Docks to contribute four thousand pounds towards the cost of constructing the works, &c.

79. In respect of the advantage to be derived by the diversion of sewage and other polluting matter from the harbour and docks of Leith, it shall be lawful for the Commissioners for the said harbour and docks, and they are hereby required, out of the revenues of the same or other funds vested in them as Commissioners aforesaid, to contribute towards the cost of constructing the works by this Act authorised the sum of four thousand pounds sterling, to be paid to the Commissioners under this Act within three months from the passing of this Act, and the said sum of four thousand pounds shall be deemed and is hereby declared to be in full satisfaction of all

assessments that could be made in virtue of this Act, on or against the said harbour and docks and rates and duties leviable thereat, or other property vested in the Commissioners for the said harbour and docks, or the revenues or other funds foresaid, for or with respect to the construction of the works by this Act authorised; and the said sum of four thousand pounds shall be applied to purposes to which capital is properly applicable, and may be so applied as and when the Commissioners think fit: Provided always that the lands and heritages belonging to the Commissioners for the harbour and docks of Leith contained in the valuation rolls shall, after the whole moneys borrowed for the purposes of this Act shall have been paid off and redeemed by the sinking fund or otherwise, be liable to assessment for management and maintenance and repair of the works by this Act authorised, and the existing 1864 sewers, on the rental or annual value of such lands and heritages, but only in so far as the same does not include or consist, in whole or in part, of rates and duties on goods and shipping levied by the Commissioners for the said harbour and docks, or the valuation of the harbour and docks and quays of Leith.

Assessment by landward local authorities.

80. To enable the landward local authorities respectively to raise and pay over any sum of money which the Commissioners may from time to time apportion, and call upon them respectively under this Act to pay, the landward local authorities respectively within their respective jurisdictions, in the landward district, are hereby authorised and required to impose, levy and collect an assessment or assessments of such amount as shall be necessary to pay the sum so required; and, subject to the provisions of this Act, the said assessment or assessments shall be imposed, levied, collected and recovered, on and from the owners of all lands and heritages within the landward district, according to the valuation roll in force therein for the time being, as made up under the provisions of the Valuation Act and this Act, and that in addition to any or all other assessment or assessments which the respective landward local authorities have imposed or are authorised to impose within their respective jurisdictions, or within any part of the same, and that in the same manner as assessments under the Public Health (Scotland) Act, 1867, and any Acts amending the same, or any Acts in force for the time applicable to the landward local authorities, are or may be imposed, levied, collected and recovered, and the provisions of the said Public Health Act, and Acts amending the same, or any other Acts so applicable, are hereby made applicable to the imposing, levying, payment and recovery of the said assessments herein authorised to be imposed and levied, as if the landward district and

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any extensions thereof as provided for in this Act, were respectively special drainage districts under the said Public Health Act.

Assessment on mills and works.

81. The respective landward local authorities are further hereby authorised and required annually to impose, levy and recover a special rate or assessment of and from the occupiers of the respective mills and other works mentioned in the Third Schedule to this Act, or in any list amended in terms of this Act, so far as the same are respectively situated within the jurisdiction of such landward local authorities, at the rate of two shillings and threepence per pound on the yearly rent or value thereof appearing in the valuation roll, and the said special rate or assessment so levied shall be collected and recovered by the landward local authorities within whose jurisdiction such mills and other works are situated, in the same way as the assessments on lands and heritages are collected and recovered; as is provided in the immediately preceding section; and the respective landward local authorities shall pay over the amount recovered and received by them to the Commissioners to be applied by the Commissioners in reduction of the sums to be annually estimated and called for from the corporations and landward local authorities under the provisions of this Act: Provided always that such special rate or assessment shall be without prejudice to any other rate or assessment imposed and levied on the said mills and other works, or from the owners thereof under this Act: Provided further that on and after the repayment of all money which may be borrowed by the Commissioners for and in connexion with the construction of the works by this Act authorised, and for the other purposes of this Act relating to capital expenditure, the said special rate and assessment shall be reduced to a rate of sixpence per pound.

Further provisions as to mills.

82. The Commissioners, or any owner or occupier of mills and other works, or the landward local authorities, or any of them, may, in the case of any mills and other works having been omitted from the list mentioned in the said Third Schedule, and which ought to have been inserted therein as contributing to pollution, or in the case of any such mills and other works erected or worked, or premises converted into and used as mills and other works subsequent to the passing of this Act, from time to time apply summarily to the sheriff-depute of the Lothians and Peebles to have such mills and other works inserted in the said list, and the said sheriff, after intimation to the owner or occupier of such mills and other works, and to the Commissioners, and to the landward local authority, by whom such application was made, on being satisfied that the same should be inserted, shall find accordingly, and the occupier of such mills and other works shall thereupon and thereafter be liable to the special

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rate or assessment imposed by the immediately preceding section; and in like manner, in the case of any mills and other works being retained in the said list, which should not remain therein, the said sheriff may from time to time, and after intimation as aforesaid, delete such mills and other works from the said list; and any finding or order pronounced by the said sheriff under this section shall be final, and not subject to review: Provided always that any correction or alteration of the list made in terms of this section shall be authenticated by the said sheriff, and the list so authenticated shall be recorded in the sheriff court books of Midlothian, and thereupon shall be operative as if the same had been originally inserted in the said schedule.

Application of assessments.

83. The moneys to be received by the Commissioners under the authority of this Act shall be applied by the Commissioners in the manner and to the purposes following (that is to say):—

First, in defraying the expense of managing and maintaining the undertaking, including salaries and other payments to officers and servants, and all annual costs, charges and expenses incident thereto, and paying any feu duties and ground annuals, and other annual or other payments exigible in respect of any lands, streams, or property forming part of the undertaking;

Secondly, in payment of the interest on money borrowed by the Commissioners;

Thirdly, in payment of any annual sums which may be payable to the water trustees under this Act;

Fourthly, in setting apart the sinking fund by this Act required;

Lastly, in carrying the several other provisions of this Act into execution, in such manner as the Commissioners for the time shall order and direct.

Power to borrow on mortgage.

84. The Commissioners may from time to time borrow for the purposes of this Act, on mortgage any sum or sums of money not exceeding in the whole two hundred thousand pounds and for securing the moneys so to be borrowed, with the interest thereof, the Commissioners may assign and make over the charges and other moneys payable to and receivable by the Commissioners or which they are authorised and empowered to call for and require under the authority and powers and provisions of this Act to the person or persons who shall advance such moneys as a security for the repayment of the money so to be borrowed, together with interest for the same.

Mortgages to be signed by two Commissioners, &c.

85. All mortgages to be granted under the provisions of this Act shall be signed at a meeting of the Commissioners by the chairman

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of the Commissioners or president of the meeting, and by one other Commissioner, and by the clerk and treasurer, in name and on behalf of the Commissioners, and shall also be under the common seal of the Commissioners, and shall be duly stamped, and may be in the form as nearly as may be contained in the Fourth Schedule to this Act: Provided always, that no Commissioner nor the clerk or treasurer shall, by signing any mortgage, contract, deed, draft or order, be or be held to have rendered themselves individually or personally liable for the payment of any money due or borrowed, drawn or received, or any interest thereon, or of any sums whatsoever in respect thereof.

Power to borrow on a cash credit.

86. The Commissioners may accept and take from any bank or banking company credit on a cash account to be opened and kept with such bank or banking company in the name of the Commissioners, according to the usage of bankers in Scotland, to the extent of the sum which the Commissioners are herein-before authorised to borrow, or any part thereof, and may make and grant mortgages, which may be in the form contained in the said Fourth Schedule, or to the like effect, and which shall be signed and executed in the manner herein-before mentioned, of the charges and other moneys payable to and receivable by the Commissioners or which they are authorised to call for and require under the provisions of this Act, in security of the payment of the amount of such credit, or of the sums advanced from time to time on such cash account, with interest thereon: Provided always, that the whole principal sums due and owing by the Commissioners on such cash account, and for money borrowed by them on mortgage as aforesaid, shall not, when taken together, exceed the sum by this Act authorised to be borrowed on mortgage as reduced by any payments off out of the sinking fund.

Power to borrow for current expenses.

87. In order to raise such money as may be necessary to defray the current annual expenditure of the Commissioners until the amount of the assessment or assessments to be levied under the authority of this Act shall have been received and paid over to the Commissioners by the corporations and landward local authorities as in this Act provided, the Commissioners may borrow, on the security of the charges and other moneys payable to and receivable by the Commissioners, during the currency of any year from the fifteenth day of May in one year to the fifteenth day of May in the succeeding year, in addition to the other sums authorised to be borrowed or which they are authorised and empowered to call for and require under the authority of this Act, and that in

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such way and manner as they may deem most expedient, any sum or sums not exceeding in the whole two-third parts of the sum to be annually estimated and fixed by the Commissioners and apportioned between the corporations and landward local authorities as in this Act provided, from any bank or banking company, or other company or person, on such terms and conditions, and in such form as may be agreed on between the parties: Provided always that such sums so borrowed shall be paid off and extinguished at or before the fifteenth day of May concluding the year to which such borrowing applies.

Commissioners may re-borrow.

88. If, after having borrowed the sums of money by this Act authorised, or any part thereof, the Commissioners shall pay off the same, or any part thereof, otherwise than by means of the sinking fund herein-after mentioned, it shall be lawful for the Commissioners again to borrow the amount so paid off upon the same securities as those upon which the moneys so paid off were secured, and so from time to time.

Transfer of mortgages.

89. Any person entitled to any such mortgage may transfer his right and interest therein to any other person; and every such transfer shall be by deed, or by indorsation on the mortgage, duly stamped, wherein the consideration shall be truly stated, and may be in the form contained in the said Fourth Schedule to this Act, or to the like effect.

Transmission of mortgages in case of bankruptcy.

90. If any such mortgage be transmitted by reason of the bankruptcy of the person entitled thereto, there shall be produced to the Commissioners official evidence of such bankruptcy, and of the vesting of the bankrupt estate in the trustee, official assignee, or other person to whom such estate shall be transferred.

Mortgages of rates to be personal estate.

91. All mortgages and all moneys advanced and lent under the authority of this Act, shall be movable or personal estate, and transmissible as such, and shall not be of the nature of heritable or real estate.

Commissioners not bound to regard trusts as regards mortgages.

92. The Commissioners shall not be bound to see to the execution of any trust, whether expressed, implied or constructive, to which any such mortgage, or the money, principal or interest thereby secured, may be subject; and the receipt of the person in whose name any such mortgage stands in the books of the Commissioners, or if the same stand in more than one name, the receipt of any one of them shall be a sufficient discharge to the Commissioners for any money payable in respect thereof, notwithstanding any

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trust to which the same, or the money thereby secured, may then be subject; and the Commissioners shall not be bound to see to the application of the money paid upon such receipt.

Sinking fund for repayment of borrowed money.

93. The Commissioners may and they are hereby required annually, after the expiration of one year from the date of borrowing, to set apart as a sinking fund a sum of one pound ten shillings per centum per annum on the amount for the time being borrowed under this Act, to be applied, together with the accumulated interest thereof, from time to time, in repayment of money borrowed, and shall be applied to no other purpose whatsoever: Provided that whenever any mortgage granted under the authority of this Act shall have been paid off or redeemed out of such sinking fund, the Commissioners shall thenceforward, in each year, until the whole of such borrowed moneys shall have been paid off and redeemed, pay into the sinking fund and accumulate a further sum equal to the interest which would have been payable on such mortgage or mortgages if the same had not been paid off or redeemed.

Investment of sinking fund.

94. The Commissioners shall invest the said sums so to be set apart as a sinking fund in the public funds, or in any bank in Scotland incorporated under Act of Parliament or by Royal Charter, or on heritable security, until such sinking fund shall be respectively applied in manner herein-before provided.

Arrears may be enforced by appointment of judicial factor.

95. In the event of any principal money borrowed by the Commissioners as aforesaid, or any interest thereon, not being paid within one month after such payment shall become due, and after demand in writing, it shall be lawful for any mortgagee holding a mortgage in arrear to the amount or value of three thousand pounds, or several mortgagees holding mortgages in arrear to the amount of three thousand pounds in the aggregate, to render their security effectual by the appointment of a judicial factor; and the application for such appointment shall be made by summary petition to the Court of Session, or, in time of vacation, to the Lord Ordinary on the Bills, who are hereby respectively authorised and required, on such application being made by any mortgagee or mortgagees holding the mortgages in arrear before specified, to appoint some person as judicial factor, to the effect and with the powers hereinafter mentioned, unless, previously to such application being advised, the amount of such mortgages, with interest and expenses, shall have been paid to the petitioner or petitioners, or unless the said Court or Lord Ordinary, as the case may be, shall be satisfied that consignation thereof should, under the circumstances, be accepted

in lieu of payment, and such consignation be made accordingly, and the interlocutor making such appointment shall not be subject to review or appeal.

Powers and duties of judicial factor.

96. The judicial factor so appointed, on finding security in common form, shall have and exercise all the powers conferred by this Act upon the Commissioners for or in relation to fixing, apportioning, requiring and recovering the sums by this Act authorised and required to be paid to the Commissioners by the corporations and the landward local authorities respectively, and making requisition for levying and recovering the assessments by this Act authorised for payment of the same, and the Commissioners shall deliver to him all books and other documents necessary for those purposes; and after defraying the expense of such application and management and maintenance, the said judicial factor shall from time to time apply and pay over the balance of the sums received by him to the several parties entitled to payment out of the same; and, unless previously recalled on the application or with the concurrence of at least three-fourths in value of the applicants for the appointment of a judicial factor, such judicial factory shall continue not only until all arrears of principal and interest of mortgages due at the date of the appointment of such judicial factor, and all interest which shall have become due during his continuance in office, with interest and expenses (including the expenses of the application for such appointment, and of carrying the purposes thereof into execution, and for obtaining the judicial factor's discharge), shall have been paid, but also until any half year's interest which, although not due may become current during his continuance in office, and a sufficient sum to meet expenses, shall have been paid or consigned in one of the banks in Scotland incorporated by Act of Parliament or Royal Charter; and upon payment or consignation as aforesaid of such interest, and expenses, the Commissioners may apply to the Court of Session in either division thereof, or, in time of vacation, to the Lord Ordinary on the Bills, for the recall of the appointment of the judicial factor, and the said Court of Session or Lord Ordinary may recall such appointment accordingly.

Protection of lender from inquiry.

97. A person lending money to the Commissioners shall not be bound to inquire as to the observance by them of any provision of this Act, or be bound to see to the application, or be answerable for any loss, misapplication, or non-application of such money, or of any part thereof.

Discharge of mortgages.

98. Any person entitled to any mortgage granted by the Commissioners under the authority of this Act may discharge the same,

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and his right and interest therein, in favour of the Commissioners, and every such discharge may be written, or partly written and partly printed, on the mortgage, and may be according to the form contained in the Fifth Schedule to this Act, or to the like effect, and such discharge, when signed by the person entitled to such mortgage, and duly stamped, shall be valid and effectual to all intents and purposes.

Application of moneys borrowed.

99. Subject to the provisions of this Act, the sums borrowed by the Commissioners on mortgage or cash account under the authority of this Act shall be applied in acquiring lands or other property, and in executing the works authorised by this Act, and any extensions and enlargements thereof, or works or conveniences connected therewith, and in payment of any lump capital sum which may be payable to or in relief of the water trustees under this Act, and in the payment of mortgages and of any cash credit or cash account granted, obtained, or opened by the Commissioners, and in carrying out the other purposes and provisions of this Act, being in every case purposes to which capital is properly applicable.

General power to make byelaws.

100. For the purposes of this Act the Commissioners, with reference to all matters under their jurisdiction, may from time to time make any byelaws, rules and regulations which they deem necessary and expedient for the due execution of this Act, and for enforcing the provisions thereof with reference to all such matters, and they may in like manner, from time to time, repeal, alter, or vary any such byelaws, rules and regulations, and may from time to time make new byelaws, rules, and regulations for the like matters: Provided always that such byelaws shall not be repugnant to the law of Scotland, and shall, before being enforced, be approved of and confirmed by the sheriff.

Byelaws may be enforced by penalties.

101. All byelaws made under this Act may be enforced by the imposition of suitable penalties for each breach of such byelaws, not exceeding in any case the sum of ten pounds, save when the offence complained of is a repetition of a former offence.

Penalties not to be cumulative.

102. Provided always that no person shall be liable to penalties both under this Act or any byelaw made in pursuance thereof, and under any other Act or otherwise in respect of one and the same offence.

Application of penalties.

103. Every penalty exigible under this Act, or by any byelaw made in pursuance of this Act, shall be payable to the Commissioners, and shall, when recovered, be applied by them to the purposes of this Act.

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Prosecution of offences.

104. All offenders against any of the provisions of this Act, or of any of the Acts incorporated with the same respectively, or against any of the byelaws of the Commissioners, may be prosecuted summarily, and all penalties and forfeitures in respect of offences against any of such provisions or byelaws may be recovered, by and in the name of the clerk of the Commissioners for the time being, before the sheriff, or before any one or more of the justices of the peace for the county of Midlothian, or any court of competent jurisdiction, in the manner provided by the Summary Jurisdiction (Scotland) Acts, 1864 and 1881, or in any Act amending those Acts, together with the expenses of prosecution and conviction, and all damages and expense occasioned to the Commissioners by the offence complained of.

Repeal of 1864 Act, and vesting of property in Commissioners.

105. From and after the third Tuesday after the passing of this Act the Edinburgh and Leith Sewerage Act, 1864 (herein-after referred to as "the Act of 1864"), shall be and the same is hereby repealed, and the powers and duties of the Commissioners under the said Act shall absolutely cease, except for the purposes of enabling the said 1864 Act Commissioners to carry out the provisions of the next immediately succeeding section hereof, but such repeal shall be without prejudice to any act or thing done under the provisions of the said Act before the passing of this Act, and the existing 1864 sewers, and all other works executed by the 1864 Act Commissioners under the powers of the said Act, and all other the property and claims of every description of or belonging to the said 1864 Act Commissioners shall be and are hereby vested in and shall be under the management and control of the Commissioners as part of their undertaking.

Accounts under 1864 Act to be audited and closed.

106. The accounts of the 1864 Act Commissioners shall be made up and balanced as at the next term of Whitsunday or Martinmas occurring after the passing of this Act, and shall be audited, and thereupon the same shall be closed, and the 1864 Act Commissioners freed and discharged therefrom, and any balance appearing thereon, at such term, to the credit of the account shall be paid, distributed and applied in the manner mentioned in section eighty-five of the said Act, and in section one hundred and eighty-nine of the Edinburgh Municipal and Police Act, 1879, as if the said sections had not been repealed by this Act.

Maintenance of works executed under the 1864 Act.

107. The Commissioners shall free and relieve the 1864 Act Commissioners of all claims and demands against them arising under the Act of 1864, and shall in all time hereafter maintain and repair the existing 1864 sewers, and which maintenance and repair shall

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be deemed to be a purpose of this Act, and the expense of such repair and maintenance shall be borne and paid by the Commissioners.

Amendment of Edinburgh Municipal and Police Act, 1879.

108. From and after the passing of this Act, the Edinburgh Municipal and Police Act, 1879, shall be and is hereby amended as follows, namely :—

Sub-section 4 of section 66 is hereby repealed, and in lieu thereof the following sub-section is hereby enacted, and shall be read as forming part of the said section :—

4. For formation and maintenance of sewers and drains, including any sum or sums to be paid to the Water of Leith Purification and Sewerage Commissioners by the magistrates and council under the provisions of the Water of Leith Purification and Sewerage Act, 1889, payable by the owner :

The proviso of section 178 shall be read as if the undertaking of the Commissioners under the Water of Leith Purification and Sewerage Act, 1889, were substituted therein for the undertaking of the Commissioners under the Edinburgh and Leith Sewerage Act, 1864 : and

Sections 188, 189, and 190 are hereby repealed.

Burgh of Leith formed into one drainage district.

109. From and after the term of Whitsunday next after the passing of this Act the burgh of Leith shall cease to be divided into districts for drainage purposes, under the General Police Act, 1862, and shall, for all drainage purposes of the said burgh, be treated as one drainage district, subject always to the payment of all drainage assessments which may have been imposed under that Act on any such districts prior to the said term of Whitsunday by the persons liable for the same.

Further provisions as to Leith drainage district.

110. With respect to the formation of the burgh of Leith into one drainage district, as provided in the immediately preceding section, the following provisions shall have effect :—

(1) From and after said term of Whitsunday next after the passing of this Act, the several accounts of the drainage districts now existing in the said burgh shall be transferred to and merged in one account, to be known as the "Burgh Sewerage Account" ;

(2) Once in each year, from and after said term of Whitsunday, and at the time of imposing the "police assessment" in said burgh, the magistrates and council thereof may charge the owners of all the lands or premises, presently liable to contribute to the rates therein, for making and maintaining sewers, with a special sewer rate over and above any other assessment

or rate to which such persons may be liable, and that for the year from Whitsunday preceding to Whitsunday following in each such year; and such special sewer rate shall be called the "Burgh Sewer Rate," and shall be applied to meet the cost of making, maintaining, flushing and ventilating sewers within the said burgh, vested in the Corporation of Leith under the General Police Act, 1862, and for the general purposes of the effectual drainage of the burgh under that Act, and shall come in place of the "special sewer rate" and "general sewer rate," by the General Police Act, 1862, authorised, and all the provisions of the General Police Act, 1862, with respect to the said sewer rates or either of them shall be applicable to the said burgh sewer rate: Provided always that the notices of assessment given to owners within the burgh of Leith shall be sufficiently given by handbills and advertisement, as is provided by the General Police Act, 1862, in the case of police assessments in the said burgh;

(3) From and after such term of Whitsunday next after the passing of this Act, clause one hundred of the General Police Act, 1862, and so much of clause one hundred and ninety thereof as authorises and requires a "reasonable sum of money" to be exacted for the use of the sewers, vested as aforesaid under the said Act, shall be deemed repealed as regards the burgh of Leith:

Provided always that nothing contained in this and in the preceding section of this Act shall limit or affect the provisions of this Act with respect to imposing, levying, collecting, and recovering the assessments by this Act authorised and required for the purposes thereof.

Extension of time for purchase of lands under the Act of 1887.

111. The powers granted to the Corporation of Edinburgh, by the Edinburgh Improvement Act, 1887 (herein-after called "the Act of 1887"), for the compulsory purchase of lands for the execution of the works by that Act authorised, are hereby extended, and may be exercised by the Corporation of Edinburgh for and during a period of two years, from the passing of this Act, and on the expiration of that period those powers shall cease.

Extension of time for completion of works under the Act of 1887.

112. The time limited by the Act of 1887, for the construction and completion of the works authorised by that Act, is hereby extended for a period of five years from and after the passing of this Act, and that period shall for all purposes be deemed to be the period originally limited for the construction and completion thereof, and if the said works be not then completed, then, at the expiration of that period, the powers granted by the Act of 1887,

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and this Act, to the Corporation of Edinburgh for making and completing the same, or otherwise in relation thereto, shall cease, except as to so much thereof as shall then be completed.

Agreements for carrying out the Act of 1887.

113. The Commissioners and the Corporation of Edinburgh may, but subject always to the provisions of the Act of 1887, make and enter into agreements, and may carry out the same, with respect to the carrying out of all or any of the powers or provisions of that Act, in so far as the same are or may be connected with the purposes or works authorised by this Act.

Dissolution of Edinburgh Improvement Trust.

114. The trust created by the Edinburgh Improvement Act, 1867 (herein-after referred to as "the Act of 1867"), is hereby dissolved and terminated, except for the purpose of enabling the trustees to make up the accounts required by the next immediately succeeding section, and all the funds and property held by or belonging to the trustees under that Act shall be and are hereby vested in the Corporation of Edinburgh, to be held and used by them for the purposes of general improvements, under the third head of estimate, specified in the Edinburgh Municipal and Police Act, 1879.

Liabilities of improvement trustees to be transferred.

115. The Corporation of Edinburgh shall pay and fulfil all the obligations incumbent on the trustees under the Act of 1867, and shall free and relieve the trustees of and from all liability and obligation undertaken by them in or connected with the execution of the said Act, or any of the purposes of the trust thereby constituted, and the Corporation may do or execute, or cause to be done or executed, any matter or thing which the trustees under that Act might have competently done or executed. The accounts of the said trustees shall be made up and balanced as at the first day of August, one thousand eight hundred and eighty-nine, and shall be audited, and thereupon the same shall be closed and the trustees freed and discharged therefrom.

Saving rights, &c., under the Act of 1867.

116. Everything done or suffered at and prior to the dissolution of the trust created under the Act of 1867, in relation thereto, or under the powers and authority thereof, shall be as valid and effectual as if such dissolution had not taken place, and the same shall accordingly be subject and without prejudice to everything so done or suffered, and to all rights, liabilities, claims and demands which would be incident to or consequent on any and every thing so done or suffered, and with respect to all such rights, liabilities, claims and demands the Corporation of Edinburgh shall, to all intents and purposes, be the trustees.

Rights to sewage reserved.

117. In the event of it being at any time hereafter found that the sewage of Edinburgh and Leith can be used or applied by the said Corporation of Edinburgh or Corporation of Leith respectively, so as to be a source of profit, nothing herein contained shall be held to prejudice or affect the rights therein of the said corporations respectively.

Saving questions between superior and vassal.

118. Nothing contained in this Act shall affect any question between superiors and vassals under their feu rights.

Works on foreshore not to be constructed without consent of Board of Trade.

119. The Commissioners shall not construct on the shore of the sea, or of any creek, bay, arm of the sea, or navigable river communicating therewith, where and so far up the same as the tide flows and reflows, any work without the previous consent of the Board of Trade, to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade, and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of, such approval being signified as last aforesaid; and where any such work may have been constructed, the Commissioners shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consents or approvals. If any such work be commenced or completed contrary to the provisions of this section, the Board of Trade may abate and remove the same, and restore the site thereof to its former condition, at the cost and charge of the Commissioners, and the amount of such costs and charges shall be a debt due from the Commissioners to the Crown, and shall be recoverable accordingly with costs.

Saving rights of the Crown in the foreshore.

120. Nothing contained in this Act shall authorise the Commissioners 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 the 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.

Saving rights of Crown under Crown Lands Act.

121. 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 twenty-one and twenty-two of the Crown Lands

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Act, 1866, and belonging to or exerciseable on behalf of Her Majesty, Her heirs or successors.

Expenses of Act.

122. All costs, charges and expenses of and incident to the preparing for, obtaining and passing this Act, or otherwise in relation thereto, shall be paid by the Commissioners out of the moneys to be borrowed and received under the authority of this Act.

SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

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

Parishes.	No. on deposited Plan.
Currie - -	19, 21, 55, 107, 117, 185, 251.
Colinton - -	11, 42, 65, 70, 74, 87, 93, 101, 115, 154.
Corstorphine - -	31, 35, 36, 41.
St. Cuthbert's - -	81, 83, 111, 123, 170, 171, 172, 178 to 186 inclusive, 188, 194, 204 to 209 inclusive, 211, 212, 214 to 225 inclusive, 227, 228, 230 to 233 inclusive, 235, 236, 238, 248 to 259 inclusive, 265, 271, 273 to 277 inclusive, 280, 281, 283, 285 to 287 inclusive, 291 to 302 inclusive, 305 to 314 inclusive, 317, 318, 320 to 323 inclusive, 331, 332, 333, 335 to 337 inclusive, 340 to 347 inclusive, 376 to 383 inclusive, 385, 386, 387, 390 to 403 inclusive, 405 to 409 inclusive, 412 to 435 inclusive.
City of Edinburgh -	5, 6, 7, 9 to 21 inclusive.
South Leith - -	1 to 14 inclusive, 30 to 37 inclusive, 38 to 66 inclusive, 70 to 75 inclusive, 77 to 83 inclusive, 85.

THE SECOND SCHEDULE.

THE LANDWARD DISTRICT :—

I. THE PARISH OF CURRIE, within the limits following, that is to say :—

Commencing at a point in the parish boundary between the parish of Currie and the parish of Colinton, forty yards, or thereabouts, measured in a northerly direction from the Edinburgh and Lanark Road, and extending thence in a straight line to a point in the road leading from the village of Currie to Riccarton Mains, eighty yards, or thereabouts, measured in a northerly direction from the said Edinburgh and Lanark Road, thence in a straight line to a point on the road leading from the village of Currie to Curriehill Station, forty yards, or thereabouts, measured in a northerly direction from the said Edinburgh and Lanark Road, thence in a straight line to a point in the road leading from New Mills to Curriehill, sixty yards, or thereabouts, measured in a northerly direction from the said Edinburgh and Lanark Road, thence along

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said road leading towards Curriehill for a distance of sixty yards, or thereabouts, thence in a straight line to a point in the road leading from Pilmuir to Dalmahoy, one hundred yards, or thereabouts, measured in a northerly direction from the said Edinburgh and Lanark Road, thence along said road leading from Pilmuir to Dalmahoy to its junction with the said Edinburgh and Lanark Road, thence in a straight line to the north-west corner of the policies of Ravelrig House, thence along the western boundary of said policies, thence along the northern bank of the river to the point where it is joined by the John Burn, thence in a straight line to the north-west corner of Balerno Cottage grounds, thence along western boundary of said grounds to a point two hundred yards, or thereabouts, south-east from the road leading from Bankhead to Balerno, thence in a straight line to a point in the road leading from Balerno to Bavelaw, opposite the south-east corner of Dean Park farmsteading, thence along said road towards Bavelaw to a point opposite the south-west corner of Harmony grounds, thence along the southern boundary of the said Harmony grounds to a point forty yards or thereabouts, measured in a south-westerly direction from Malleny old bleach works, thence in a straight line to a point in the Bavelaw Burn, one hundred and eighty yards or thereabouts, measured in a south-easterly direction from said old bleach works, thence in a straight line to a point in the road leading from Harlaw to Balerno, sixty yards, or thereabouts, measured in an easterly direction from Malleny flour mill, thence along said road towards Balerno, to a point two hundred and thirty yards, measured in a south-easterly direction from the bridge carrying said road over the Bavelaw Burn, thence in a straight line to the point in the road leading from Currie, by Lymphoy, to Malleny House, two hundred yards or thereabouts, measured in a south-easterly direction from Malleny House, thence along said road to a point fifty yards or thereabouts, from the point where it joins the road leading from Currie to Kinleith Smithy, thence in a line parallel to said last-mentioned road to a point in line with the south boundary of Lennoxlee grounds, thence along the south and east boundaries of said grounds to the north-east corner thereof, thence in a straight line to a point in the road leading from Rose Bank to Blinkbonny, one hundred and forty yards or thereabouts, measured in an easterly direction from the said road leading to Kinleith Smithy, thence along said road to Blinkbonny to the Kinleith Burn, thence up the course of Kinleith Burn to a point in line with the south boundary of Braeburn grounds, thence along the south and east boundaries of said grounds to the north-east corner thereof, thence to a point in the parish boundary between the parish of Currie and the parish of Colinton, sixty yards or thereabouts, measured in a southerly direction from the river, thence along said parish boundary to the point of commencement.

II. The Parish of Colinton, within the limits following, that is to say:—

Commencing at a point in the parish boundary between the parish of Colinton and the parish of Corstorphine, at the junction of the stream called the Murray Burn with the river, thence along said parish boundary to a point in the said stream one thousand six hundred and thirty yards or thereabouts,

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measured along the course of said stream, from the said point of commencement, thence in a straight line to a point on the north side of the Caledonian Railway Company's main line from Edinburgh to Carstairs, eight hundred and fifty yards or thereabouts, measured in a westerly direction, from the point where said railway is crossed by the Union Canal, thence along the north boundary fence of said railway to the said point where it is crossed by the Union Canal, thence in a straight line to a point in the Edinburgh and Lanark Road, ninety yards or thereabouts, measured in a north-easterly direction from the footpath at the west end of old Redhall Quarry, thence along the said Edinburgh and Lanark Road to the point where the old road from Colinton Church joins said road at Spylaw Bank, thence in a straight line to the point where the parish boundary between the parishes of Currie and Colinton crosses the road leading from Juniper Green to Babberton House, thence along said parish boundary to a point in the same, sixty yards or thereabouts, measured in a southerly direction from the river, thence along the fence forming the southern boundary of Woodhall policy ground to a point opposite the entrance lodge to Woodhall, thence along the road leading from Woodhall to Colinton to a point in the same, eighty yards or thereabouts, measured in a westerly direction from the point where it is joined by the road from Fernielaw, thence in a straight line to the south-west corner of Fernielaw grounds, thence along the southern boundary of Fernielaw grounds, thence along the farm road leading from Fernielaw to Bonally farm-steading, to the end thereof, thence to the south-east corner of said farm-steading yard, thence along the eastern boundary to the north-east corner thereof, thence along the fence to the gate at Laverock Dale at the south end of the road leading from Colinton to Dreghorn, thence along said road towards Colinton for a distance of three hundred and thirty yards, thence in a straight line to the south-east corner of the grounds of Inchdrewer, thence along the eastern boundary thereof to the road leading from Colinton to Edinburgh, thence in a straight line to a point in the road leading to Kates Mill, three hundred yards or thereabouts, measured in a north-easterly direction from Colinton House, thence along said road in an easterly direction for a distance of two hundred and fifty yards or thereabouts, thence in a straight line to a point in the said road leading from Colinton to Edinburgh, one hundred and sixty yards or thereabouts, measured in a north-westerly direction from the junction of the roads at Firhill, thence to the south-west corner of the Craiglockhart hydropathic grounds, thence along the southern boundary between said grounds and Wester Craiglockhart Hill to a point in the road leading from Craiglockhart to Morningside, two hundred and seventy yards or thereabouts, from its junction with the said road leading from Colinton to Edinburgh, thence in a straight line to the south-west corner of Easter Craiglockhart Hill plantation, thence along the fence forming the north-western boundary of said plantation to a point in the parish boundary between the parishes of Colinton and St. Cuthbert's at the north-east corner of said plantation, thence along said parish boundary to the point where it meets the parish boundary between the parishes of Colinton and Corstorphine, thence along the last-mentioned parish boundary to the point of commencement.

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III. The Parish of Corstorphine (in two detached portions) within the limits following, that is to say:—

(1) Commencing at a point in the parish boundary between the parish of Colinton and the parish of Corstorphine at the junction of Murray Burn with the river, thence in a straight line to a point in the parish boundary between the parishes of Corstorphine and St. Cuthbert's situate in the Edinburgh and Calder Road, at a point two hundred yards or thereabouts, measured in a westerly direction from the bridge which carries said road across the river, thence along said parish boundary between the parishes of Corstorphine and St. Cuthbert's to the point where it meets the parish boundary between the parishes of Colinton and Corstorphine, thence along the last-mentioned parish boundary to the point of commencement.

(2) Commencing at the point where the parish boundaries of the parishes of Corstorphine, St. Cuthbert's and Cramond all meet in the village of Blackhall, thence along the parish boundary between the parish of Corstorphine and the parish of Cramond to a point one hundred and seventy yards or thereabouts, measured in a south-westerly direction from the point of commencement above described, thence in a straight line to a point in the road leading from Craigcrook Castle to Murrayfield, opposite the back entrance to Ravelston House, thence along said road to the point where it is joined by the road from Rest-and-be-thankful, thence in a straight line to a point in the northern boundary of the policies of Belmont House, Murrayfield, two hundred and twenty yards or thereabouts, measured in a north-westerly direction from said Belmont House, thence along the northern boundary of said policies, thence along the northern boundary of the policies of Beechwood House to the point where said boundary joins the road leading from Ravelston by Rest-and-be-thankful to Corstorphine, thence in a straight line to the View Tower on Corstorphine Hill, thence in a straight line to a point in the parish boundary between the parish of Corstorphine and the parish of Cramond, six hundred yards or thereabouts, measured in a south-westerly direction from Craigcrook Castle, thence along the said parish boundary to a point three hundred and seventy yards or thereabouts measured in a north-westerly direction from Clermiston House, thence in a straight line to the north-west corner of Corstorphine Bank farm-steading yard, thence in a straight line to a point in the road leading from Edinburgh to Kirkliston, two hundred yards or thereabouts, measured in a westerly direction from the point of junction of said road with the road leading to Corstorphine Bank, thence in a straight line to a point in the stream called Corstorphine Stank, one hundred and seventy yards or thereabouts, measured in a westerly direction from the bridge which carries the road leading from Corstorphine to South Gyle across said stream, thence along said stream to the parish boundary between the parish of Corstorphine and the parish of St. Cuthbert's, thence along said parish boundary to the point of commencement.

IV. The Parish of St. Cuthbert's within the limits following, that is to say:—

Commencing at a point in the municipal boundary of the city and royal burgh of Edinburgh, where it enters upon the road leading from Leith to

Queensferry, thence along said road in a westerly direction to the point where it is crossed by the parish boundary between the parish of St. Cuthbert's and the parish of Cramond, thence along said parish boundary to the point where it meets the parish boundary between the parish of St. Cuthbert's and the parish of Corstorphine, thence along last-mentioned parish boundary to a point where it crosses the road leading from Murrayfield to Gorgie by Balgreen, thence along said road to a point opposite the entrance gate to Balgreen House, thence in a straight line to a point in Saughton Hall Mains Farm road, sixty yards, or thereabouts, measured in a north-westerly direction from the said farm-steading, thence to a point in the parish boundary between the parishes of Corstorphine and St. Cuthbert's, in the Edinburgh and Calder Road, two hundred yards, or thereabouts, measured in a westerly direction from the bridge which carries the said road across the river, thence along said parish boundary to a point where it meets the parish boundary between the parishes of Colinton and St. Cuthbert's, thence along said last-mentioned parish boundary to a point in the same, sixty yards or thereabouts, measured in a north-easterly direction from the north-east end of Easter Craiglockhart Hill plantation, thence to a point in the municipal boundary of the city and royal burgh of Edinburgh, two hundred and thirty yards or thereabouts, measured in a south-easterly direction from the said road from Colinton to Edinburgh thence along the said municipal boundary to the point of commencement.

THE THIRD SCHEDULE.

I. PARISH OF CURRIE:—

1. Balerno Bank Paper Mill.
2. Balerno Paper Mill.
3. Kinleith Paper Mill.

II. PARISH OF COLINTON:—

1. Woodhall Paper Mill.
2. Mossie Mill Paper Mill.
3. West Colinton Paper Mill.
4. Kates Paper Mill.
5. Inglis Green Bleachfield Scouring and Dye Works.
6. Slateford Paper Mill.

III. PARISH OF ST. CUTHBERT'S:—

1. Saughton Leather Works.
2. Gorgie Gelatine and Glue Works.

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THE FOURTH SCHEDULE.

Form of Mortgage.

Water of Leith Purification and Sewerage.

MORTGAGE No. £

By virtue of the Water of Leith Purification and Sewerage Act, 1889, we, the Water of Leith Purification and Sewerage Commissioners, in consideration of the principal sum of [*specify amount*] paid by [*name and designation of mortgagee*] to us, for the purposes of the said Act, do hereby, subject to the provisions of the said Act, grant and assign to the said [*name of mortgagee*] and his executors administrators and assignees [*or* as the case may be] the charges, and other moneys to be received by us, or which we are authorised and empowered to call for and require under the powers and provisions of the said Act, to hold to the said [*name of mortgagee*] and his foresaids, until the said principal sum and the whole interest due thereon, at the rate of per centum per annum, shall be fully paid and satisfied; and it is hereby stipulated that the said principal sum shall be repayable on the [*date*] or shall thereafter, in virtue hereof, remain as a loan to us until the expiration of such further term of years and at such rate of interest as shall be specified in a minute or minutes to be endorsed hereon, and signed by the clerk and treasurer to us the said Commissioners, and which minute or minutes are hereby declared and shall be held to be valid and binding, though they may be neither holograph of the said clerk or treasurer, nor tested; and we, for and in respect of interest on the said principal sum to the date of repayment first above mentioned, shall pay the several sums contained in the [*state number*] interest warrants, bearing the number and date hereof and delivered herewith, at the several times mentioned in such respective warrants, upon delivery to the treasurer to us the said Commissioners, of the same respectively, and such delivery shall be a sufficient receipt and discharge to us for the contents of such warrants; declaring that the said mortgagee and his foresaids shall not be entitled to make, and that we shall not be bound to recognise or register any partial assignation of these presents or of the sums of money, principal or interest, herein contained, and that we shall not be liable for any expenses that may be incurred by the said mortgagee or his foresaids for or in relation to the preparation, revision, adjustment or execution of this mortgage, or of any discharge, renunciation, release, assignation or minute of postponement or renewal thereof. In witness whereof [*testing clause according to law of Scotland*].

(To be signed by the chairman or president and one other Commissioner, and by the clerk and treasurer, and to have the corporate seal affixed.)

FORM OF INTEREST WARRANT.

Water of Leith Purification and Sewerage.

MORTGAGE No. , dated 18 .

Interest Warrant,

For pounds shillings and pence.

Less Income Tax - - £ : ;

£ : ;

Payable on 18

At the

(To be signed by a Commissioner and by the clerk and treasurer.)

FORM OF TRANSFER OF MORTGAGE.

I [*name and designation of mortgagee*], in consideration of the sum of [*specify amount*], paid to me by [*name and designation of transferee*], do hereby transfer to the said [*name of transferee*], and his executors, administrators and assignees [*or* as the case may be], a certain mortgage number [*number of mortgage*] dated the [*date of mortgage*] granted by the Water of Leith Purification and Sewerage Commissioners by virtue of the Water of Leith Purification and Sewerage Act, 1889, in my favour [*or* in favour of the original lender, as the case may be, mentioning the intermediate assignee or assignees], for securing the sum of [*principal sum in mortgage*] [*or* if the transfer be by indorsation, the within mortgage], together with the interest thereon, from and after the [*date from which transferee is to be entitled to the interest*], and all my right and interest in and to the principal money thereby secured, and interest thereon as aforesaid, and in and to the charges, and other moneys thereby assigned. In witness whereof [*testing clause according to the law of Scotland*].

THE FIFTH SCHEDULE.

FORM OF DISCHARGE.

Received from the treasurer to the Water of Leith Purification and Sewerage Commissioners, acting on their behalf, the sum of being the principal sum contained in the within mortgage (all interest due thereon having been previously paid), and the said mortgage is now delivered up as paid.

Dated this day of one thousand eight hundred and

Printed by EYRE and SPOTTISWOODE,

FOR

T. DIGBY PIGOTT, Esq., the Queen's Printer of Acts of Parliament.

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