



CHAPTER cxv.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Edinburgh Corporation. A.D. 1927.
[22nd December 1927.]

WHEREAS the Provisional Order set forth in the schedule hereunto annexed has been made by one of His Majesty's Principal Secretaries of State under the provisions of the Private Legislation Procedure (Scotland) Act 1899 as read with the Secretaries of State Act 1926 and it is requisite that the said Order should be confirmed by Parliament:

62 & 63
Vict. c. 47.
16 & 17
Geo. 5. c. 18.

Be it therefore enacted by the King'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:—

1. The Provisional Order contained in the schedule hereunto annexed shall be and the same is hereby confirmed.

Confirma-
tion of
Order in
schedule.

2. This Act may be cited as the Edinburgh Corporation Order Confirmation Act 1927.

Short title.

A.D. 1927.

SCHEDULE.

EDINBURGH CORPORATION.

Provisional Order to authorise the Corporation of the city and royal burgh of Edinburgh to make and maintain tramways to construct works and improvements to acquire lands to amend the Edinburgh Municipal and Police Acts to borrow money and for other purposes.

WHEREAS the lord provost magistrates and council of the city and royal burgh of Edinburgh (hereinafter referred to as "the Corporation") are vested with the municipal government of the said city and royal burgh (hereinafter referred to as "the city") and are the local authority therein for police public health road sanitary tramway electricity gas water and other purposes:

And whereas the Corporation are the owners of and work the existing tramways within the city and are authorised to construct maintain and work additional tramways within the city:

And whereas it is expedient and would be in the public interest that the Corporation should be authorised to construct work and maintain the tramways hereinafter in this Order described:

And whereas it is expedient that the Corporation should be authorised to make construct maintain and use a pier and other works at Portobello and the other works and improvements hereinafter in this Order mentioned and to acquire lands for the purposes thereof and for the purposes of the improvement of the city:

And whereas the following estimates have been prepared by the Corporation for the purposes hereinafter mentioned (that is to say):—

(1) For and in connection with the tramways by this Order authorised	£ 59,539
(2) For and in connection with the works by this Order authorised	- - 102,400
(3) For the purchase of lands	- - 6,100

(4) For tramway equipment cars rolling stock depôts and garages	£ 150,000	A.D. 1927.
(5) For motor omnibuses	50,000	---
(6) For the general purposes of the tramway undertaking of the Corporation	25,000	

And whereas the said works contained in the said estimates are permanent works and it is expedient that the cost thereof should be spread over a term of years :

And whereas it is expedient that the Corporation should be authorised to borrow money for the construction of the works and improvements authorised by this Order for the purchase of lands and for the tramway undertaking of the Corporation as hereinafter provided in this Order and should be empowered to levy rates and assessments :

And whereas it is expedient that the Edinburgh Municipal and Police Acts 1879 to 1926 should be amended and that further powers should be conferred on the Corporation as hereinafter in this Order provided :

And whereas it is expedient that the other provisions in this Order contained should be enacted :

And whereas plans and sections describing the lines and situations and levels of the tramways and other works proposed to be authorised by this Order and the lands houses and other properties which will or may be taken and acquired for the purposes thereof respectively and of the lands houses and other properties which may be taken for the other purposes of this Order and also a book of reference to those plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the said lands houses and other properties were duly deposited with the sheriff clerk of the county of Midlothian and also with the sheriff clerk of the county of the city of Edinburgh and the same are hereinafter respectively referred to as the deposited plans sections and book of reference :

And whereas the purposes aforesaid cannot be effected without an Order confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Act 1899 :

Now therefore in pursuance of the powers contained in the last-mentioned Act as read with the Secretaries of State Act 1926 the Secretary of State orders as follows :---

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PART I.

PRELIMINARY.

Short title.

1. This Order may be cited as the Edinburgh Corporation Order 1927 and the Edinburgh Municipal and Police Acts 1879 to 1926 and this Order may be cited as the Edinburgh Municipal and Police Acts 1879 to 1927.

Division of Order into Parts.

2. This Order is divided into Parts as follows :—

Part I.—Preliminary.

Part II.—Tramways new works &c.

Part III.—Portobello Pier.

Part IV.—Amendment of Acts.

Part V.—Miscellaneous.

Part VI.—Finance.

Commencement of Order.

3. This Order shall (except as otherwise hereinafter provided) commence and have effect on and from the date of the passing of the Act confirming the same which date is hereinafter referred to as “ the commencement of this Order.”

Interpretation.

4. In this Order unless there be something in the subject or context repugnant to such construction the following expressions shall have the meanings hereinafter respectively assigned to them (that is to say) :—

“ Act of 1879 ” means the Edinburgh Municipal and Police Act 1879 ;

“ Act of 1893 ” means the Edinburgh Improvement and Municipal and Police (Amendment) Act 1893 ;

“ Act of 1897 ” means the Edinburgh Corporation Act 1897 ;

“ Act of 1913 ” means the Edinburgh Corporation Act 1913 ;

“ Act of 1920 ” means the Edinburgh Boundaries Extension and Tramways Act 1920 ;

“ Authorised tramways ” means the tramways already authorised within the city and not yet constructed ;

“ City ” means the city and royal burgh of Edinburgh as extended and defined by the Act of 1920 ;

“Corporation” means the lord provost magistrates and council of the city; A.D. 1927.

“Corporation Tramways Acts” means the Edinburgh Corporation Tramways Act 1893 and all other Acts or Orders relating to the Corporation tramways;

“Edinburgh Municipal and Police Acts” means the Edinburgh Municipal and Police Acts 1879 to 1926 the Edinburgh Corporation Stock Act 1894 (as amended by the Edinburgh Improvement and Tramways Act 1896 the Edinburgh Corporation Act 1906 and the Edinburgh Corporation Order 1921) and this Order;

“Existing tramways” means the tramways within the city owned by the Corporation;

“General Powers Order of 1926” means the Edinburgh Corporation (General Powers) Order 1926;

“Harbours Clauses Act 1847” means the Harbours Docks and Piers Clauses Act 1847;

“New tramways” means the tramways authorised by this Order;

“Order of 1901” means the Edinburgh Corporation Order 1901;

“Order of 1916” means the Edinburgh Corporation Order 1916;

“Order of 1922” means the Edinburgh Corporation Order 1922;

“Sheriff” means the sheriff of the Lothians and Peebles and includes his substitutes or any one of them within the county of Midlothian;

“Streets Buildings and Sewers Order of 1926” means the Edinburgh Corporation (Streets Buildings and Sewers) Order 1926;

“Tramways” or “Corporation tramways” means the existing tramways the authorised tramways and the new tramways;

“Water Order of 1924” means the Edinburgh Corporation Water Order 1924;

and the words and expressions defined in the Edinburgh Municipal and Police Acts 1879 to 1926 shall if and when used in this Order and when not inconsistent with

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A.D. 1927. — the above definitions or with any of the provisions of this Order respectively have the same respective meanings as in the said Edinburgh Municipal and Police Acts.

Certain provisions of Tramways Act 1870 incorporated.

5. Section 3 (Interpretation of terms) section 19 (Local authority may lease or take tolls) and Part II (Construction of tramways) and Part III (General provisions) of the Tramways Act 1870 are incorporated with this Order except where the sections so incorporated are inconsistent with or are varied by the Corporation Tramways Acts and this Order.

Incorporation of Lands Clauses Acts.

6. The Lands Clauses Acts are subject to the provisions of this Order incorporated with and shall form part of this Order.

Incorporation of Harbours Clauses Act.

7. The Harbours Clauses Act 1847 is incorporated with this Order excepting sections 6 to 13 inclusive sections 16 to 19 inclusive section 23 section 50 sections 77 to 80 inclusive and sections 84 and 85 and in construing the said Act as incorporated with this Order the expression "the harbour dock or pier" shall mean the pier and works connected therewith by this Order authorised and the expression "the undertakers" shall mean the Corporation and the expression "the special Act" shall mean this Order Provided that the following expressions used in the Harbours Clauses Act 1847 shall have the following respective meanings (that is to say) :—

The expressions "packet boat or Post Office packet" and "Post Office bag of letters" shall mean respectively a vessel employed by or under the Post Office or the Admiralty for the conveyance under contract of postal packets as defined by the Post Office Act 1908 and a mail bag as defined by the same Act Provided that nothing in the Harbours Clauses Act 1847 or in this Order shall exempt from rates duties regulation or control any such vessel as aforesaid if she also conveys passengers or goods for hire.

PART II.

TRAMWAYS NEW WORKS &C.

Construction of new tramways.

8. Subject to the provisions of this Order the Corporation may construct reconstruct make form lay down work use and maintain the new tramways herein-

after described in the lines and according to the levels shown on the deposited plans and sections with all proper rails plates works and conveniences connected therewith and may take up remove alter appropriate and use any part or parts of the existing tramways which may interfere with or be rendered unnecessary by the construction of the new tramways or some of them : A.D. 1927.

Provided that nothing in this Order shall authorise any interference with electric lines and works of any undertakers under the Electricity (Supply) Acts 1882 to 1926 to which the provisions of section 15 of the Electric Lighting Act 1882 apply except in accordance with and subject to the provisions of that section.

The new tramways herein authorised are the following :—

Tramway No. 1 (double and single lines) 7 furlongs 6·8 chains or thereabouts in length of which 7 furlongs 3·52 chains or thereabouts are double line and 3·28 chains or thereabouts are single line wholly situate in the city of Edinburgh and city parish of Edinburgh commencing by a junction with the Corporation's existing tramway in St. John's Road Corstorphine at a point thirty yards or thereabouts westwards from the south-west corner of Templeland Road passing thence westwards along St. John's Road Corstorphine Bank Park and Corstorphine Road and terminating in the last mentioned road at a point three hundred and ninety yards or thereabouts westwards from the west side of the road giving access to the property known as North Gyle :

Tramway No. 2 (double and single lines) 3 furlongs 8·71 chains or thereabouts in length of which 3 furlongs 5·31 chains are double line and 3·40 chains or thereabouts are single line wholly situate in the city of Edinburgh and city parish of Edinburgh commencing by a junction with the Corporation's existing tramway in Gorgie Road at a point fifty-five yards or thereabouts east of Chesser Avenue thence passing in a westerly direction along Gorgie Road and terminating in the said road at a

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point fifty-nine yards or thereabouts westwards from the west side of Saughton Road :

Tramway No. 4 (double and single lines) 2 furlongs 7·01 chains or thereabouts in length of which 2 furlongs 3·70 chains or thereabouts are double line and 3·31 chains or thereabouts are single line wholly situate in the city of Edinburgh and city parish of Edinburgh commencing by a junction with the Corporation's existing tramway in Comely Bank at a point eleven yards or thereabouts south-eastwards from the west side of East Fettes Avenue thence passing in a westerly direction along Comely Bank Comely Bank Road and Craigleith Road and terminating in the last mentioned road at a point sixty yards or thereabouts westwards from the west side of Orchard Brae.

Period for completion of new tramways.

9. The new tramways shall be completed within seven years from the commencement of this Order and on the expiration of that period the powers by this Order granted to the Corporation for executing the same shall cease except as to so much thereof as shall then be completed.

New tramways to be part of Corporation tramways.

10. Subject to the provisions of this Order the new tramways and the works connected therewith by this Order authorised to be constructed shall for all purposes of rates tolls and charges and for all other purposes whatsoever be part of the Corporation tramways.

Application of sections of Corporation Tramways Acts.

11. Subject to the provisions of this Order the sections of the Corporation Tramways Acts mentioned in the First Schedule to this Order shall so far as the same are respectively applicable extend and apply mutatis mutandis to the new tramways.

For protection of Postmaster-General.

12. Subsection (4) of section 24 (For protection of Post Office telegraph lines) of the Edinburgh Corporation Act 1906 shall be read and have effect as if the words "generated or used by or supplied to" were inserted in that subsection in substitution for the words "generated by."

New works.

13. Subject to the provisions of this Order and to the powers of deviation hereinafter mentioned the Corporation may in the lines and situation and upon the

lands in that behalf delineated on the deposited plans and described in the deposited book of reference and according to the levels shown on the deposited sections make construct maintain and use the works hereinafter mentioned or some of them or some part or parts thereof together with all necessary and proper works and conveniences connected therewith or incidental thereto respectively (that is to say):—

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Work No. 1 An aqueduct conduit or line or lines of pipes (Work No. 1) commencing in the city of Edinburgh and city parish of Edinburgh at a point within the electricity generating station of the Corporation fifty yards or thereabouts from the north side of High Street Portobello thence proceeding in a south-easterly direction into Rosebank Lane thence proceeding in a north-easterly direction along the said Rosebank Lane across the Portobello Promenade and the foreshore and bed of the sea adjacent thereto and terminating in the city parish of Edinburgh and the county of Midlothian on the bed of the sea adjacent to the city of Edinburgh at a point five hundred yards or thereabouts north-eastwards from the retaining wall of the said promenade opposite the east side of Rosebank Lane:

Work No. 2 A pier (Work No. 2) (partly of open work and partly of solid construction) commencing in the city of Edinburgh and city parish of Edinburgh at a point on the south side of Portobello Promenade opposite Rosebank Lane thence proceeding in a north-easterly direction across the Portobello Promenade and the foreshore and bed of the sea adjacent thereto and terminating in the city parish of Edinburgh and the county of Midlothian on the bed of the sea adjacent to the city of Edinburgh at a point five hundred and twenty-five yards or thereabouts from the point of commencement:

Work No. 4 A widening and improvement (Work No. 4) wholly in the city of Edinburgh and city parish of Edinburgh of Rosebank Lane Portobello commencing at a point at or about the

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centre of High Street Portobello eleven yards or thereabouts south-eastwards from the junction of the east side of Rosebank Lane with High Street Portobello and terminating at a point three yards or thereabouts east of the junction of the east side of Rosebank Lane with the south side of Portobello Promenade :

Work No. 5 A new road (Work No. 5) wholly in the city of Edinburgh and city parish of Edinburgh commencing at a point in the centre of Corstorphine Road in line with the east side of Murrayfield Road thence passing southwards and westwards and terminating at a point on the south side of the Stank Burn one hundred and four yards or thereabouts from the point of commencement :

Work No. 6 A widening and improvement (Work No. 6) wholly in the city of Edinburgh and city parish of Edinburgh of Hamilton Place commencing at a point in the centre of Hamilton Place in line with the boundary wall between Nos. 26 and 28 Hamilton Place thence passing south-eastwards and terminating at a point forty-one yards or thereabouts from the point of commencement :

Work No. 7 A widening and improvement (Work No. 7) wholly in the city of Edinburgh and city parish of Edinburgh of Lady Road and Dalkeith Road commencing at a point in Lady Road fifteen yards or thereabouts north-eastwards from the north-east abutment of the bridge carrying the London and North Eastern Railway over Lady Road thence passing north-eastwards eastwards and south-eastwards and terminating at a point in Dalkeith Road thirteen yards or thereabouts northwards from the north-west abutment of the bridge carrying the said railway over the said Dalkeith Road.

Power to
deviate
new works.

14. In the execution of the said works or any of them described in this Part of this Order the Corporation may deviate laterally to any extent within the limits of deviation shown on the deposited plans applicable thereto and may deviate vertically from the levels shown on the

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deposited sections to any extent not exceeding three feet A.D. 1927.
Provided that no deviation either lateral or vertical
below high-water mark shall be made without the consent
in writing of the Board of Trade. —

15. If the works described in this Part of this Order and shown on the deposited plans are not completed within seven years from the commencement of this Order then on the expiration of that period the powers hereby granted for the execution of the same shall cease except as to so much thereof as is then completed. Period for completion of works.

16. Sections 20 (Magistrates and council may take down buildings and lay out lands and sell or let those not required) 21 (Power to make subsidiary works &c.) 22 (Alterations of sewers and gas and water pipes) 23 (Alterations consequent on changing levels of streets to be made at expense of magistrates and council) and 26 (Magistrates and council not to be bound to execute all works) of the Act of 1893 and section 30 (Corporation empowered or may be required to underpin or otherwise strengthen houses near works) of the Act of 1913 shall so far as applicable apply mutatis mutandis to the works authorised to be executed by this Order and to the lands authorised to be acquired therefor and for the other purposes of this Order. Application of sections of Acts of 1893 and 1913.

17. Subject to the provisions of this Order the Corporation may enter upon purchase take hold appropriate and use the lands houses and property respectively shown on the deposited plans and described in the deposited book of reference or such part or parts thereof as may be required for or in connection with the works authorised by the section of this Order the marginal note whereof is "New works": Lands for works.

Provided that the Corporation shall not under the powers of this Order enter upon take or use by compulsion any lands or property of the London and North Eastern Railway Company.

18. Subject to the provisions of this Order the Corporation may for the purposes of public improvements or providing public parks or open spaces enter upon purchase take hold appropriate and use the lands and property hereinafter mentioned and shown on the deposited plans and marked thereon Area "B" and described in the deposited book of reference or any Purchase of lands for public improvements.

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A.D. 1927. part or parts of the same The said lands and property
are the following:—

Area " B " The lands and property within the city of Edinburgh and city parish of Edinburgh situate within the area marked " B " delineated upon the deposited plans (consisting of enclosures 179 and 181 on the $\frac{1}{2500}$ ordnance survey map edition 1914 county of Edinburgh) and bounded by a line commencing at a point in Clermiston Road at the north-western corner of enclosure 181 of the said ordnance survey map thence proceeding in an easterly direction along the north boundary wall or fence of the said enclosures 181 and 179 for a distance of four hundred and fifty-five yards or thereabouts thence proceeding south-westwards south-eastwards south-westwards southwards westwards and southwards for a distance of eight hundred and ten yards or thereabouts along the eastern boundary of the said enclosure 179 of the said ordnance survey map thence proceeding westwards for a distance of three hundred yards or thereabouts along the boundary wall or fence of enclosure 179 of the said ordnance survey map thence proceeding northwards along the said boundary wall or fence for a distance of five hundred and seventeen yards or thereabouts thence proceeding westwards for a distance of two hundred and sixty yards or thereabouts along the boundary wall or fence of the said enclosures 179 and 181 of the said ordnance survey map to the east side of Clermiston Road thence northwards along the east side of Clermiston Road for a distance of two hundred and forty-five yards or thereabouts to the point of commencement.

Omission or mis-statement in plans or book of reference may be corrected.

19. If there be any omission misstatement or erroneous description of any lands which may be required or taken for the purposes of this Order or any of them or of the owners lessees or occupiers of any such lands shown on the deposited plans or specified in the deposited book of reference the Corporation after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to the sheriff for the correction

thereof and if it appear to the sheriff that such omission misstatement or erroneous description arose from accident or mistake he shall certify the same accordingly and shall in such certificate state the particulars of the omission and in what respect any such matter is misstated or erroneously described and the decision of the sheriff in such matter shall be final.

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20. The certificate of the sheriff shall be deposited in the office at Edinburgh of the sheriff clerk of the county of Midlothian and a duplicate thereof shall also be deposited at the office of the sheriff clerk of the county of the city of Edinburgh and such certificate and duplicate shall be kept by such sheriff clerks respectively along with the other documents to which they relate and thereupon the deposited plans and book of reference shall be deemed to be corrected in accordance with the certificate and the Corporation may enter upon purchase take hold and use for the purposes of this Order any lands in accordance with such certificate as if such omission misstatement or erroneous description had not been made.

Certificates
to be
deposited.

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

Limiting
period for
compulsory
purchase
of lands.

22. Subject to the provisions of this Order the Corporation may during the execution of the new tramways and the other works by this Order authorised stop up temporarily the carriageway or footway of any street road or bridge as may be necessary and for that purpose may put up bars posts and other erections Provided that the Corporation shall before stopping up any footway under this section provide a temporary substitute therefor with access therefrom to any houses Provided also that before stopping up any carriageway or footway under this section the Corporation shall provide reasonable access both for the vehicular and pedestrian traffic to and from any station depôt or property of a railway company near to which any works are in course of execution under the powers of this Order.

Stoppage of
roads during
execution
of works.

23. Persons empowered by the Lands Clauses Acts to sell and convey or discharge lands may if they think fit subject to the provisions of those Acts and of this

Power to
grant servi-
tudes &c. by
agreement.

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A.D. 1927. Order grant to the Corporation any servitude right or privilege (not being a servitude right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Order or any of them in over or affecting any such lands and the provisions of the said Acts with respect to lands and ground annuals or feu duties so far as the same are applicable in this behalf shall extend and apply to such grants and to such servitudes rights and privileges as aforesaid respectively.

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

24. Whereas in the exercise by the Corporation of the powers of this Order it may happen that portions only of certain properties shown or partly shown on the deposited plans will be sufficient for the purposes of the Corporation and that such portions or some other portions less than the whole can be severed from the remainder of the said properties without material detriment thereto Therefore the provisions set forth in section 47 (Owners may be required to sell parts only of certain lands and buildings) of the Order of 1916 shall apply and have effect in respect of the properties mentioned in the Second Schedule to this Order.

Lights on works during construction.

25.—(1) The Corporation shall at or near such part of the works by this Order authorised as shall be below high-water mark of ordinary spring tides during the whole time of the construction alteration or extension of the same exhibit and keep burning every night from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Board of Trade shall from time to time require or approve.

(2) If the Corporation fail to comply in any respect with the provisions of this section they shall be liable on summary conviction to a penalty not exceeding twenty pounds and in the case of a continuing offence to an additional penalty not exceeding two pounds for every day on which after conviction thereof they so fail.

Permanent lights on works.

26.—(1) After the completion of the works the Corporation shall at the outer extremity of those works below high-water mark of ordinary spring tides exhibit and keep burning every night from sunset to sunrise such lights (if any) and take such other steps for the

prevention of danger to navigation as the Commissioners of Northern Lighthouses shall from time to time direct. A.D. 1927.

(2) If the Corporation fail to comply in any respect with the provisions of this section they shall be liable on summary conviction to a penalty not exceeding twenty pounds and in the case of a continuing offence to an additional penalty not exceeding two pounds for every day on which after conviction thereof they so fail.

27.—(1) Where any work constructed by the Corporation under the powers of this Order and situate wholly or partially on under or over the shore or bed of the sea or of any creek bay arm of the sea or navigable river communicating therewith below high-water mark of ordinary spring tides is abandoned or suffered to fall into decay the Board of Trade may by notice in writing either require the Corporation at their own expense to repair and restore such part of such work as is situate below high-water mark of ordinary spring tides or any portion thereof or require them to abate or remove the same and restore the site thereof to its former condition to such an extent and within such limits as the Board of Trade may think proper. Abatement of work abandoned or decayed.

(2) Where any part of any such work which has been abandoned or suffered to fall into decay is situate above the high-water mark of ordinary spring tides and is in such condition as to interfere or to cause reasonable apprehension that the same may interfere with the right of navigation or other public rights over the foreshore the Board of Trade may include any such part of such work or any portion thereof in any notice under this section.

(3) If during the period of thirty days from the date when the notice is served upon the Corporation they have failed to comply with such notice the Board of Trade may execute the works required to be done by the notice at the expense of the Corporation and the amount of such expense shall be a debt due from the Corporation to the Crown and shall be recoverable either as a debt due to the Crown or summarily as a civil debt.

28. If at any time the Board of Trade deems it expedient for the purposes of this Order to order a survey and examination of any work constructed by the Corporation under the powers of this Order which shall be on Survey of works by Board of Trade.

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under or over tidal waters or tidal lands below high-water mark of ordinary spring tides or of the site upon which it is proposed to construct any such work the Corporation shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Corporation to the Crown and shall be recoverable either as a debt due to the Crown or by the Board of Trade summarily as a civil debt.

Works below high-water mark to be subject to approval of Board of Trade.

29.—(1) Subject to the provisions of this Order any work authorised by this Order shall only be constructed so far as the same shall be on under or over tidal waters or tidal lands below high-water mark of ordinary spring tides in accordance with plans and sections approved by the Board of Trade under the hand of one of the secretaries or assistant secretaries of the Board of Trade and subject to such restrictions and regulations as the said Board may prescribe before such work is begun.

(2) Any alteration or extension of any such work shall be subject to the like approval.

(3) 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 of the Corporation and the amount of such cost shall be a debt due from the Corporation to the Crown and shall be recoverable either as a debt due to the Crown or by the Board of Trade summarily as a civil debt.

Provision against danger to navigation.

30.—(1) In case of injury to or destruction or decay of the works by this Order authorised or any part thereof so far as the same shall be constructed on under or over any tidal waters or tidal lands below high-water mark of ordinary spring tides the Corporation shall lay down such buoys exhibit such lights or take such other means for preventing so far as may be danger to navigation as shall from time to time be directed by the Commissioners of Northern Lighthouses and shall apply to those Commissioners for directions as to the means to be taken.

(2) If the Corporation fail to comply in any respect with the provisions of this section they shall be liable on summary conviction to a penalty not exceeding ten pounds and in the case of a continuing offence to an additional penalty not exceeding one pound for every

day during which they omit after conviction thereof so to apply or refuse or neglect to obey any direction given in reference to the means to be taken. A.D. 1927.

31. Works Nos. 1 and 2 and the works connected therewith shall be deemed to be for all purposes within the city and the city parish of Edinburgh. Works Nos. 1 and 2 to be in city.

32. Work No. 1 and the works connected therewith by this Order authorised shall be deemed to be part of the electricity undertaking of the Corporation and the Corporation may by means of the said works convey water from the electricity generating station of the Corporation at Portobello to the sea or from the sea to the said station. Work No. 1 to be part of Corporation electricity undertaking.

PART III.

PORTOBELLO PIER.

33. In this Part of this Order unless there be something in the subject or context repugnant to such construction :— Definitions.

“ The pier ” means the pier authorised by this Order and the land buildings works plant property and conveniences connected therewith or any part thereof as the case may be ;

“ The undertaking ” means the undertaking of the Corporation in connection with the pier ;

“ Authorised rates ” and “ authorised rate ” mean respectively the rates or rate which the Corporation are authorised to levy demand and recover in pursuance of the powers of this Part of this Order ;

“ The works ” means the pier or as the case may require any part thereof.

34.—(1) The limits within which the Corporation shall have authority and within which the powers of the pier master may be exercised shall comprise the pier and an area below high-water mark within a distance of one hundred yards from any part of the pier which limits are in this Order termed “ the limits of the pier ” Provided that the jurisdiction of the pier master conferred by this Order shall be limited to vessels going to moored at or departing from the pier and shall not be exercised Limits of pier.

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A.D. 1927. — in relation to other vessels navigating or at anchor within the limits of the pier in the Firth of Forth unless such vessels shall obstruct the approaches to the pier.

(2) The limits within which the powers to levy rates may be exercised hereinafter termed "the rating limits" shall comprise the pier.

Power to maintain and improve pier.

35. Subject to the provisions of this Order the Corporation may within the limits of the pier maintain widen alter improve and extend the pier and construct maintain alter and improve landing places piers jetties buoys moorings lights beacons drains gas water and electricity pipes and other works and conveniences which may be found necessary :

Provided that any electricity pipes or other works and conveniences constructed or maintained under the provisions of this section shall be so constructed maintained and used as not to interfere or be likely to interfere with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line.

Penalty for obstructing works.

36. Any person who wilfully obstructs any person acting under the authority of the Corporation in setting out the lines of the works or who pulls up or removes any poles or stakes driven into the ground for the purpose of such setting out shall for every such offence be liable to a penalty not exceeding five pounds.

Power to erect pavilions and other buildings.

37. The Corporation may construct and maintain on the pier and may furnish and equip pavilions saloons assembly concert lecture waiting refreshment reading and other rooms band-stands shops kiosks shelters winter gardens lavatories baths and sanitary and other conveniences and swimming and other baths and may make such reasonable charges as they may determine for the use of such conveniences and for admission to such buildings or places as aforesaid.

Power to levy rates.

38. When in addition to the certificate to be granted under section 26 of the Harbours Clauses Act 1847 a certificate has been obtained from the Minister of Transport that all consents and approvals required under this Order or otherwise necessary for the due execution of the works have been given the Corporation may within the rating limits subject and according to the provisions

of this Order levy and demand for the use of the pier and in respect of vessels boats and persons and things and for services described in the Third Schedule to this Order any rates not exceeding those specified in that schedule and they may receive and recover payment accordingly. A.D. 1927.
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39. If it is at any time certified in writing under the hand of an officer to be appointed for the purpose by the Minister of Transport but to be paid by the Corporation that the works have been so far completed as to afford accommodation for the landing and embarking or the shipping and unshipping of passengers and luggage by means of those works the Corporation may notwithstanding section 25 of the Harbours Clauses Act 1847 and although the whole of the works have not then been completed levy and demand such of the rates or such proportion of all or any of the rates specified in the Third Schedule to this Order as will in the opinion of the Minister of Transport be commensurate with the accommodation afforded. Rates may be levied though works not completed.

40. The Corporation may confer vary or extinguish exemptions from and compound with any person with respect to the payment of rates or charges authorised by this Part of this Order but so that no preference be in any case given to any person over any other person using the pier under the like circumstances and that anything done under this section shall not prejudice the other provisions of this Part of this Order. Power to vary exemptions and compound for rates.

41. The Corporation may (so far as the rates specified in the Third Schedule to this Order do not extend) demand and recover such reasonable rates or other consideration as they may determine for the use of any buildings mooring posts buoys works and conveniences belonging to or provided by the Corporation or in respect of any services rendered by them in connection with the pier. Rates for buildings &c.

42. All persons going to or returning from any lifeboat or using any apparatus for saving life and being persons either belonging to the crew of the lifeboat or to the coastguard or being persons for the time being actually employed in saving life or in exercising or using the lifeboat or the apparatus for saving life and all persons brought ashore from any vessel in distress shall at all Exemption of lifeboat crew.

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A.D. 1927. times have free ingress passage and egress to along and from the pier.

Power to charge higher rates at certain times.

43.—(1) Notwithstanding anything contained in this Order the Corporation may charge for every person entering upon and using the pier between the hours of six p.m. and ten p.m. on any day on which a concert or other public entertainment (lasting for at least one and a half hours between the said hours of six p.m. and ten p.m.) is held on the pier or in any pavilion building or room for the time being on the pier any sum not exceeding sixpence.

(2) Any person who having already paid the ordinary charge for using the pier remains on the pier after six p.m. on any such day as in the preceding subsection mentioned shall have credit for the sum already paid by him and shall be liable in addition thereto to pay only the difference between the special charge and the sum already paid by him as aforesaid.

(3) The Corporation shall notwithstanding the progress of any concert or other public entertainment reserve a sufficient passage along the pier for all persons landing or embarking at the pier or jetties and that reserved passage shall be open for use by such persons at the ordinary charge and without payment of the special rate by this section authorised so long as they use the pier as a passage only and do not remain upon it.

(4) A copy of this section shall be exhibited in print at the entrance to the pier and in some conspicuous place or places on the pier.

Power to close pier on special occasions.

44.—(1) Subject to the provisions of this Order the Corporation may on any special occasions but not on more than twelve days in any one year or for more than three days consecutively close the pier against the public and may on such occasions admit any persons to the pier on payment of such special rates of admission not exceeding one shilling for each person as the Corporation may determine.

(2) On all such occasions the Corporation shall reserve a sufficient passage along the pier between the landing steps and the shore for any persons landing or embarking at the pier the reserved passage to be open for use by those persons at the ordinary charge and without

payment of any special rates so long only as they use the pier as a passage and do not remain upon it. A.D. 1927.

(3) The special rate charged under this section shall be in lieu of and not in addition to the rate specified in the Third Schedule to this Order and any person paying the special rate shall not be liable to pay any further or other rate or sum for admission to the pier on the day for which the special rate is charged.

(4) During at least two days before the day on which the pier is to be closed the Corporation shall exhibit conspicuously at the entrance to the pier a notice of their intention to close the pier under this section.

45.—(1) The Corporation may grant pass tickets or family tickets to passengers and promenaders or others for the use of the pier (either inclusive or exclusive of admission to any building or room for the time being thereon) at such rates on such terms and for such periods not exceeding one year as the Corporation may determine and may issue books containing any number of pass tickets at a reduced rate and day tickets available for one day or part of a day only for any number of admissions on such day or part of a day at a reduced rate but so that no preference be given to any person. Pass and family tickets.

(2) The Corporation shall have power to prescribe the conditions on which pass tickets and family tickets are issued and the persons by whom such tickets may be used.

(3) A pass ticket shall not be transferable and shall not be used by any person except the person to whom it is granted. A pass ticket or family ticket shall not be used otherwise than in accordance with the conditions on which it is issued or after the period limited for its use.

(4) There shall be printed on every pass ticket and family ticket the terms and conditions upon and subject to which the same is issued.

(5) If any person wilfully and with intent to defraud acts in any way in contravention of the provisions of this section or uses or attempts to use any false or counterfeit ticket he shall for each offence be liable to a penalty not exceeding twenty shillings.

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—
Revision
of rates.

46.—(1) If it is represented by application in writing to the Minister of Transport (in this section referred to as “the Minister”)—

- (a) by any person who in the opinion of the Minister is a proper person for the purpose; or
- (b) by the Corporation;

that under the circumstances then existing the authorised rates or any of them should be revised the Minister if he thinks fit may make an order revising the authorised rates referred to in the application or any of them and may fix the date as from which such order shall take effect and thenceforth such order shall remain in force until the same expires or is revoked or modified by a further order of the Minister made in pursuance of this section. Provided that before making an order under this section the Minister shall cause an inquiry to be held with reference thereto in pursuance of the Board of Trade Arbitrations &c. Act 1874 as applied by this section.

(2) Where upon an application for revision of authorised rates or an authorised rate an order has been made or the Minister has decided not to make an order no further application for a revision of the rates or rate to which the application related shall be made within twelve months from the date of such order or decision as the case may be.

(3) The provisions of Part I of the Board of Trade Arbitrations &c. Act 1874 shall apply for the purposes of this section—

- (a) as if the Minister were referred to therein in lieu of the Board of Trade;
- (b) as if the person or persons duly authorised to hold any inquiry thereunder were the rates advisory committee constituted under the Ministry of Transport Act 1919 or any sub-committee thereof to which the said advisory committee may under section 2 of the Harbours Docks and Piers (Temporary Increase of Charges) Act 1920 have delegated their powers or in the event of the said advisory committee ceasing to exist some persons with similar qualifications to be

appointed for the purpose by an order of the Minister under section 2 of the said Act of 1874; and

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- (c) as if in section 4 of the said Act of 1874 the words "under the seal of the Minister of Transport" were substituted for the words "by writing under the hand of the president or of one of the secretaries of the Board."

(4) An application made to the Minister under this section shall be accompanied by such information and particulars as the Minister may consider relevant certified in such manner as he may require and the Minister and the body or persons holding an inquiry for the purposes of this section may call for such documents and accounts as they may consider relevant and may hear such witnesses as they shall think fit and shall have power to take evidence on oath and for that purpose may administer oaths.

47.—(1) At any time after the works have been completed the Corporation may with the previous consent in writing and upon such terms conditions and restrictions as may be approved by the Minister of Transport sell the undertaking and the purchaser to the extent authorised by his conveyance shall have and may exercise all or any of the powers conferred upon the Corporation by this Part of this Order or which the Corporation have or might exercise under this Part of this Order and shall be subject to all the liabilities and obligations to which the Corporation are subject and shall perform all the duties of the Corporation under this Part of this Order.

Power to
sell under-
taking.

(2) The Corporation shall within one month after the date of any conveyance made under this section deposit a certified copy thereof at the Ministry of Transport and shall on failure to do so be liable to a penalty not exceeding twenty pounds.

48.—(1) The Corporation may with the previous consent in writing of and upon such terms conditions and restrictions and for such period as may be approved by the Minister of Transport lease to any company corporation or person the undertaking or the right to collect and retain the authorised rates.

Power to
lease under-
taking
or rates.

(2) As from the commencement of any lease made under the last preceding subsection the lessee during the

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continuance of and to the extent provided in his lease shall have and may exercise all or any of the powers conferred upon the Corporation by this Part of this Order which the Corporation have or might exercise under this Part of this Order and shall be subject to all the liabilities and obligations to which the Corporation are subject and shall perform all the duties of the Corporation under this Part of this Order.

(3) No lease made under subsection (1) of this section shall be assignable without the previous consent in writing of the Corporation and the Minister of Transport and the provisions of this Order with respect to such lease or to the lessee shall apply to any such assignment or to the assignee respectively.

(4) The Corporation shall within one month after the date of any lease made under this section deposit a certified copy thereof at the Ministry of Transport and shall upon failure to do so be liable to a penalty not exceeding twenty pounds.

(5) No lease made under this section shall be made in consideration or part consideration of any fine premium or other capital sum.

(6) Nothing in this section shall exempt the Corporation from their obligation to keep and render accounts and as from the date of any lease made under this section all the provisions of the Acts incorporated with this Order and of this Order as to the keeping delivery and audit of accounts shall apply to and be binding upon as well the lessee as the Corporation and all moneys received by the Corporation under or in respect of any such lease shall be deemed to be moneys levied by virtue of and income received under this Order.

Power to
lease
pavilions
&c.

49. The Corporation may let for hire or lease for any term not exceeding fifteen years any pavilions rooms shops or other buildings separately from any other part of the undertaking to any company corporation or person upon such terms pecuniary or otherwise and under such restrictions and conditions as they may determine.

Reserve
fund.

50. The Corporation may if they think fit appropriate and set apart subject to the provisions of this Order as to application of revenue any amount which they think fit in any year out of the revenue received under this Part of this Order for the purpose of forming and maintaining a reserve fund not exceeding at any

time one-tenth of the aggregate capital expenditure on the undertaking which fund shall be applicable to answer any deficiency at any time happening in the income of the undertaking or to meet any extraordinary claim or demand in respect of the undertaking or for payment of the cost of renewing any part of the works forming part thereof.

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51. The revenue received from rates or otherwise under this Part of this Order shall be applicable for the purposes and in the order following and not otherwise:—

Application of revenue of undertaking.

- (1) In payment of the expenses properly chargeable to revenue of the maintenance repair and management of the undertaking and all conveniences connected therewith:
- (2) In payment of the interest and sinking fund charges in respect of money borrowed for the purposes of the undertaking:
- (3) In payment of all other expenses of executing this Part of this Order not being expenses properly chargeable to capital:
- (4) In making such payments (if any) as the Corporation think fit into a reserve fund established under the provisions of this Part of this Order.

The Corporation shall carry the net surplus remaining in any year to the credit of the burgh assessments under the second head of estimate referred to in the section of this Order the marginal note whereof is "Amendment of provisions as to estimates of expenditure" or in reduction of the capital moneys borrowed for the purposes of the undertaking. Provided that any deficiency of income in any year when not met out of the reserve fund shall be charged upon and payable out of the burgh assessments under the second head of estimate aforesaid.

52. The Corporation shall within two months after the date to which their annual accounts and balance sheet are made up send a copy of the same to the Ministry of Transport.

Annual account to be sent to Ministry of Transport.

53. Notwithstanding anything contained in this Order or in any Act incorporated herewith—

Restrictions on use of pier.

- (1) No vessel or boat of any kind shall be moored or attached alongside or to the pier without the consent of the Corporation or the pier-master appointed by them:

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(2) No sheep cattle merchandise or other goods (passengers' personal luggage excepted) shall be shipped or unshipped at the pier :

(3) The Corporation may close the pier from the thirtieth day of September in any year till the thirty-first day of March following or at such other times as may be approved in writing by the Ministry of Transport :

Provided that nothing contained in this section shall affect the operation of sections 24 and 28 of the Harbours Clauses Act 1847.

Byelaws.

54.—(1) The byelaws which may from time to time be made by the Corporation in exercise of the power in that behalf conferred on them by section 83 of the Harbours Clauses Act 1847 may provide for imposing a penalty not exceeding forty shillings for the breach or non-observance of any of the byelaws.

(2) No byelaw shall come into operation until it has received the allowance and confirmation of the Minister of Transport and that allowance and confirmation shall be sufficient for all purposes.

Lifebuoy
to be kept.

55. The Corporation shall at all times keep at convenient places on the pier and in obedience to any requirements which may be made by the Board of Trade lifebuoy and lifelines in good order and fit and ready for use.

Recovery
of penalties.

56. All penalties under this Part of this Order and under the section of this Order the marginal note whereof is "Lights on works during construction" shall be recovered and applied as penalties are recoverable and applicable under the Harbours Clauses Act 1847.

Officers
exempt
from rates.

57. Officers of the Board of Trade and Ministry of Transport and police officers acting in the execution of their duty shall at all times have free ingress passage and egress to along and from the pier without payment.

Provisions
as to
bathing.

58. No person shall bathe at and from the pier except at the times and places and in accordance with regulations to be prescribed by the Corporation from time to time which regulations may provide for imposing a penalty not exceeding forty shillings for the breach or non-observance thereof.

PART IV.

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AMENDMENT OF ACTS.

59. Notwithstanding the provisions of section 66 (Expenses to be estimated) of the Act of 1879 and section 23 (Amendment of provisions as to estimates of expenditure) of the General Powers Order of 1926 the following provisions shall apply and have effect after the fifteenth day of May nineteen hundred and twenty-eight (that is to say) :—

Amend-
ment of
provisions
as to
estimates of
expenditure.

- (1) Expenditure for or in connection with the sewerage undertaking of the Corporation or for the purposes of Part V (Sewers and drains) and Part VII (Water of Leith) of the Streets Buildings and Sewers Order of 1926 shall be payable one half by the owner and one half by the occupier :
- (2) Expenditure for or in connection with the acquisition or maintenance or equipment of public parks open spaces pleasure grounds playgrounds or places of public resort or recreation or for the provision of music shall be payable one half by the owner and one half by the occupier :
- (3) The heads of estimate mentioned in the said section 66 of the Act of 1879 and the said section 23 of the General Powers Order of 1926 shall consist of two heads of estimate only and such heads of estimate shall be as follows (that is to say) :—
 - (a) The first head of estimate shall consist of all expenditure payable wholly by the occupier ; and
 - (b) The second head of estimate shall consist of all expenditure payable one half by the occupier and one half by the owner :
- (4) The expenditure required to be defrayed out of the burgh assessments for carrying out the provisions of public general Acts or local Acts in operation in the city for the time being shall fall under one or other of the two foregoing heads of estimate according as such Acts provide for the expenditure being payable wholly by the

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occupier or one half by the owner and one half by the occupier and the proviso to subsection (1) of section 23 of the General Powers Order of 1926 shall be and the same is hereby repealed :

- (5) References in any Act Order deed or other document to any of the heads of estimate mentioned in the said section 66 of the Act of 1879 and the said section 23 of the General Powers Order of 1926 shall be construed as references to the appropriate head of estimate set forth in this section.

As to
deficiencies
on gas
undertaking
of Cor-
poration.

60.—(1) Section 128 (Gas guarantee rate) of the Act of 1920 shall be and the same is hereby repealed.

(2) In the event of there being any deficiency of funds for payment of annuities and interest thereon (if any) the interest on money borrowed the annual sums required to be transferred to the sinking and reserve funds and all other annual expenditure under the provisions and for the purposes of the Acts or Orders of or relating to the gas undertaking of the Corporation which cannot otherwise under the said Acts and Orders or any of them be met or provided for the Corporation shall from time to time fix and determine the amount of such deficiency to be met out of assessments and thereupon such deficiency shall be met out of the burgh assessments leviable under the second head of estimate referred to in the section of this Order the marginal note whereof is "Amendment of provisions as to estimates of expenditure."

Provision
as to
Electricity
(Supply)
Acts.

61. In the application of the Electricity (Supply) Acts 1882 to 1926 to the electricity undertaking of the Corporation the expression "local rate" used in those Acts shall mean the burgh assessments levied under the second head of estimate referred to in the section of this Order the marginal note whereof is "Amendment of provisions as to estimates of expenditure."

Repeal of
exemption
from assess-
ment of
properties
upheld out
of burgh
assessments.

62. After the fifteenth day of May nineteen hundred and twenty-eight the following provisions contained in section 70 (Certain premises not to be assessed) of the Act of 1879 shall be and are hereby repealed (that is to say) "and the public parks gardens and bleaching greens "drying greens and grounds public buildings public

“ washhouses baths gymnasiums open spaces police offices
“ station houses and other buildings or grounds con- A.D. 1927.
“ nected with the police establishment or provided or ---
“ upheld out of the burgh assessments shall be exempted
“ from the payment of such assessments and the said
“ police offices station houses houses and other buildings
“ or grounds connected with the police establishment
“ shall also continue to be exempted from the payment
“ of all cess or poor rates imposed or to be imposed.”

63.—(1) The first paragraph of section 57 (Amend- Assess-
ment of Acts) of the Order of 1901 relating to the ments not to
amendment of section 70 (Certain premises not to be be imposed
assessed) of the Act of 1879 is hereby repealed. on church
halls &c.

(2) After the fifteenth day of May nineteen hundred and twenty-eight the Corporation shall not impose or levy assessments in respect of halls offices and premises connected with churches chapels or meeting places and belonging to or held by the religious body for or on behalf of whom such churches chapels or meeting places are held or used where and so long as such halls offices and premises are used exclusively for religious charitable or educational purposes Provided that this section shall not apply as regards the owner's proportion of such assessments where in respect of any such halls offices and premises the owner receives rent therefor and does not himself occupy the same Provided further that the occasional use of such halls offices and premises for other than religious charitable or educational purposes shall not subject the same to assessment where such use is granted gratuitously or subject only to a reasonable payment in respect of cleaning heating lighting or other services and no profit is derived from such payment.

(3) For the purposes of this section the expression “assessments” means the public water rate and the assessments imposed and levied by the Corporation under the Edinburgh Municipal and Police Acts and any Act or Order amending or extending the same and under any public general Act.

64. After the fifteenth day of May nineteen hundred and twenty-eight and notwithstanding anything to the contrary contained in the Edinburgh Municipal and Police Acts and the Water Order of 1924 the owner's proportion of the burgh (consolidated) assessments and Assess-
ment of
unlet or
unoccupied
property.

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A.D. 1927. — the public water rate shall be due and payable whether the lands and heritages in respect of which the same have been imposed shall have been let or occupied during the year of assessment or not.

Retiral of
members of
fire brigade.

65. Notwithstanding the provisions of Part III (Superannuation) of the Order of 1922 the following provisions shall have effect in the case of professional firemen :—

- (1) Retirement from the service of the Corporation shall be compulsory on any professional fireman when he attains the age of sixty except that in special cases the Corporation may extend the services of any professional fireman for a further period on being satisfied that such extension would be in the interests of efficiency :
- (2) Retirement from the service of the Corporation shall also be compulsory on any professional fireman who has attained the age of fifty-five where such professional fireman is required to retire by the Corporation on the ground that his retention in the brigade would not be in the interests of efficiency :
- (3) Any professional fireman if he has completed twenty-five years' service with the Corporation and has attained the age of fifty-five shall on resigning or otherwise ceasing to hold his office or employment be entitled without a medical certificate to retire and receive a superannuation allowance according to the scale provided in section 37 (Scale of superannuation allowances) of the Order of 1922 :
- (4) For the purposes of this section the expressions "professional fireman" or "professional firemen" means a member or members of the Corporation fire brigade wholly and permanently employed on fire brigade duties :
- (5) References in Part III (Superannuation) of the Order of 1922 to officers or servants who are members of the Corporation fire brigade shall be deemed to be references to professional firemen as defined in this section.

66. Section 44 of the Order of 1922 shall be read and construed as if the following provisions were inserted at the end of that section (that is to say) :—

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Amendment of provisions as to forfeiture of claim to superannuation allowance.

“or the Corporation may if they see fit pay such sum or such part thereof as aforesaid to the wife or family of such officer or servant :

“Provided further that in the case of any such officer or servant who has completed ten years' aggregate service and has attained the age of sixty years the Corporation may if they see fit grant to such officer or servant a superannuation allowance not exceeding the amount to which he would have been entitled if he had retired at the earliest date at which he would have been qualified for a superannuation allowance in respect of aggregate service and age and in such event the immediately preceding proviso shall not apply.”

67.—(1) Section 33 (Further enactment as to seashore) of the *Edinburgh Corporation (Tramways &c.) Order 1924* shall be and the same is hereby repealed.

Further enactment as to seashore.

(2) Section 70 (Special enactments as to seashore) of the Act of 1897 shall be read and construed as if the following additional subsections were inserted after subsection (3) thereof (that is to say) :—

“ (4) No person shall erect occupy or use any tent shed or other structure upon the seashore or strand within or ex adverso of the city except under authority from the Corporation and only at such places thereon as the Corporation may appoint and any person who shall contravene this enactment shall be liable to a penalty not exceeding five pounds and to a daily penalty after conviction not exceeding forty shillings :

“ (5) Nothing in this section shall prejudice affect or interfere with the powers of the Commissioners for the Harbour and Docks of Leith so far as the seashore or strand is within the limits of the Port of Leith.”

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PART V.

MISCELLANEOUS.

Revival of powers and extension of time for purchase of lands authorised by Order of 1922.

68.—(1) The powers for the compulsory purchase of lands granted by the Order of 1922 in respect of Area "C" described in section 19 of the said Order are hereby revived and extended and may be exercised by the Corporation within but shall cease after the expiration of three years from the commencement of this Order.

(2) Any notice to treat served by the Corporation after the commencement of this Order in respect of the lands or any part thereof forming Area "C" hereinbefore in this section referred to shall be deemed to have been served under the powers of the Order of 1922.

Confirmation of agreement between the Corporation and the education authority for the burgh of Edinburgh.

69. The agreement as set forth in the Fourth Schedule to this Order made between the Corporation and the education authority for the burgh of Edinburgh is hereby confirmed and made binding on the parties thereto and shall have effect according to the true intent and meaning thereof and notwithstanding anything to the contrary contained in the Act 1 & 2 Victoria chapter 55 (public) the Secretary for Scotland's Leith Provisional Order Confirmation Act 1886 the Leith Burgh Order 1904 or in any other Act or Order relating to Leith Links or in section 98 (All alienations of heritable property to be by public roup) of the Town Councils (Scotland) Act 1900 the said education authority are hereby authorised and empowered to hold use and appropriate the part of the said links transferred to them under the said agreement for all or any of their purposes as education authority.

Confirmation of agreement between the Corporation and the trustees of the Craigmook Mortification.

70. The agreement as set forth in the Fifth Schedule to this Order made between the Corporation and the trustees of the Craigmook Mortification is hereby confirmed and made binding on the parties thereto and shall have effect according to the true intent and meaning thereof.

Surplus fire fund.

71. Whereas a fund (in this section referred to as "the fund") was raised by voluntary subscriptions to relieve the sufferers by a great fire which occurred in the city in November one thousand eight hundred and twenty-four which fund amounted to the sum of eleven thousand seven hundred and twenty-seven pounds :

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And whereas a sum of seven thousand pounds or upwards was expended in relief of sufferers by the said fire leaving an unexpended balance of four thousand one hundred and six pounds or thereby :

And whereas the committee administering the fund called a meeting of subscribers for the purpose of determining the most appropriate application of the said balance of the fund and at the said meeting of subscribers held on the thirtieth day of December one thousand eight hundred and twenty-five it was resolved that the fund should be vested in trust for the following purposes viz. " First For paying or rewarding in the event of an " extraordinary and extensive fire in Edinburgh or Leith " any prominent and well certified instances of peculiar " activity and exertion in the firemen or others employed " on the occasion and especially for the rescue of human " life " and " Secondly For relieving and remunerating " any persons especially firemen and others employed " upon the fire establishment who shall suffer any " serious bodily injury by fire and for extending adequate " relief or support to the widows and orphans of any " whose lives may fall a sacrifice upon such occasions " and that no part shall be applied for losses of property " in future " :

And whereas at the said meeting of subscribers trustees (consisting of the lord provost of Edinburgh and other persons ex-officiis) were appointed to take over and administer the fund and such trustees have since carried on the administration of the fund :

And whereas the annual revenue of the fund has generally exceeded the expenditure and the amount of the fund as at the thirty-first day of December one thousand nine hundred and twenty-six was sixteen thousand and twelve pounds :

And whereas it is expedient and would be of advantage that the fund should be transferred to the Corporation and administered by them Be it therefore enacted that the amount standing at the credit of the fund at the commencement of this Order shall be and is hereby by virtue of this Order transferred to the Corporation and the Corporation are hereby authorised to use and apply the same for the purposes or any of them to which the fund might before the commencement of this

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A.D. 1927. Order have been applied or for providing pensions allowances or gratuities for the widows children or dependants of men who are or have been professional firemen and members of the fire brigade of the Corporation and the trustees appointed for the administration of the fund shall be and are hereby discharged of and from all their actings and intromissions as such trustees and of their management and administration of the fund prior to the same being transferred to the Corporation.

Burgh
(consolidated)
assessments.

72. After the fifteenth day of May nineteen hundred and twenty-eight the burgh assessments shall be levied collected and recovered under the name of the burgh (consolidated) assessments.

Provision
as to
Rating
(Scotland)
Act 1926.

73. Nothing in the Rating (Scotland) Act 1926 as read along with the Edinburgh Municipal and Police Acts shall affect the provisions of the last mentioned Acts in respect of the security for moneys borrowed or to be borrowed for the purposes of those Acts or any of them and such security shall not include the parish lunacy and education rates or any of them as such rates are defined in the said Rating Act and for the purposes of this provision the expression "Edinburgh Municipal and Police Acts" shall be deemed to include any Act or Order amending or extending the said Acts.

Crown
rights.

74. Except as hereinafter expressly provided nothing in this Order shall affect prejudicially any estate right power privilege or exemption of the Crown or shall subject to the provisions of this Order any land buildings or works vested in or occupied by the Crown or any department of His Majesty's Government except to such extent as His Majesty or such department may voluntarily agree and in particular nothing herein contained shall authorise the Corporation to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land heritages subjects or rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Crown Lands or of the Board of Trade respectively without the consent in writing of the Commissioners of Crown Lands or of the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose.

75. Notwithstanding the provisions contained in the section of this Order of which the marginal note is "Crown rights" or in any public statute His Majesty and His lessees for their respective interests may work any minerals belonging to His Majesty in right of His Crown under or adjacent to lands and works of the Corporation authorised to be taken or constructed by this Order.

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—
Crown
minerals.

76. Nothing in this Order contained shall prejudice or affect the existing rights of the proprietors referred to in subsection (5) of section 158 of the Act of 1920 of taking sand from the foreshore ex adverso of the subjects known as the Harbour Green Portobello.

For protec-
tion of Wood's
Bottle Works
(1920) Limi-
ted and
William
Henry West
Wood.

PART VI.

FINANCE.

77.—(1) In addition to any money which the Corporation have borrowed for tramway purposes the Corporation under the authority of this Order may borrow sums of money as follows:—

Borrowing
for tramway
purposes.

- (a) For and in connection with the tramways by this Order authorised the sum of sixty thousand pounds;
- (b) For the purchase of cars and rolling stock for the provision of plant and for the provision and reconstruction of sheds depôts or garages for the housing of tramway cars or motor omnibuses the sum of one hundred and fifty thousand pounds;
- (c) For the purchase of motor omnibuses the sum of fifty thousand pounds;
- (d) For the general purposes of the tramway undertaking the sum of twenty-five thousand pounds.

(2) The Corporation shall annually out of the revenues of the tramway undertaking set apart as sinking fund and pay into the loans fund a sum equal to not less than one-thirtieth part of any sums which may be borrowed under the provisions of paragraphs (a) (b) and (d) of subsection (1) of this section.

(3) The Corporation shall annually out of the revenues of the tramway undertaking set apart as sinking fund and pay into the loans fund a sum equal to not less

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A.D. 1927. — than one-eighth part of any sums which may be borrowed under the provisions of paragraph (c) of subsection (1) of this section.

(4) The provisions of the Edinburgh Municipal and Police Acts in respect of moneys borrowed and to be borrowed and the security therefor shall apply to the money to be borrowed under the provisions of this section.

(5) The Corporation shall provide annually from the revenues of their tramway undertaking a sum adequate to meet depreciation until the moneys borrowed under the provisions of this section have been redeemed through the operation of the sinking fund.

Borrowing
for new
works &c.

78. The Corporation are hereby authorised to borrow money for executing the works authorised by the section of this Order the marginal note whereof is "New works" (except Work No. 1) and for the acquisition of lands and heritages servitudes and other property which may be required for the purposes of that section or for the purposes of the sections of this Order the marginal notes whereof are respectively "Purchase of lands for public improvements" and "Power to erect pavilions and other buildings" and the provisions of the Edinburgh Municipal and Police Acts in respect of money borrowed and to be borrowed and the security therefor and the redemption thereof by means of a sinking fund shall apply to the money to be borrowed under the provisions of this section.

Application
of assess-
ments.

79. The assessments appropriate to any of the purposes of this Order authorised by the Edinburgh Municipal and Police Acts shall extend and apply to the money which the Corporation are by this Order authorised to borrow and to any expenditure incurred by the Corporation under the provisions of this Order.

Expenses of
Order.

80. All costs charges and expenses of and incident to the preparing for obtaining and confirming this Order and otherwise in relation thereto shall be paid by the Corporation out of moneys borrowed or assessments imposed by the Corporation under the powers of this Order and if paid out of borrowed money shall be repaid within five years from the fifteenth day of May preceding the commencement of this Order.

The SCHEDULES referred to in the foregoing Order. A.D. 1927.

THE FIRST SCHEDULE.

(Referred to in the section of this Order of which the marginal note is "Application of sections of Corporation Tramways Acts.")

Act or Order and marginal note of section.	Number of section.
<u>The Edinburgh Improvement and Tramways Act 1896 :—</u>	
Tramways to be kept on level of surface of road -	13
Further provisions as to construction of tramways	14
Penalty for not maintaining rails and roads -	16
Sanitary authority to have access to sewers -	17
Level of rails - - - - -	20
Temporary tramways - - - - -	22
Application of road materials excavated in construction of tramways - - - - -	23
Power to use lands for tramway purposes - - -	25
Power to use animal or mechanical power - - -	26
Byelaws - - - - -	27
Penalties for offences against byelaws - - -	28
Byelaws to remain in force till altered - - -	29
Saving for Corporation and magistrates' authorities - - - - -	30
Power to form junctions - - - - -	31
As to notices delivered under Tramways Act 1870 &c. - - - - -	32
Tramways on streets not yet formed - - - - -	33
Tolls - - - - -	35
Fares on Sunday or public holidays not to be raised	36
Approval of Board of Trade of mechanical power system - - - - -	38
<u>The Edinburgh Corporation Act 1897 :—</u>	
Tolls - - - - -	18
Power to Corporation to work tramways - - -	22
Power to lease tramways - - - - -	23
<u>The Edinburgh Corporation Tramways Order 1905 :—</u>	
Amendment of existing speed limit on tramways	4
Byelaws of local authority - - - - -	5

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A.D. 1927.	Act or Order and marginal note of section.	Number of section.
	The Edinburgh Corporation Act 1906 :—	
	Byelaws - - - - -	11
	Gauge of tramways - - - - -	12
	Corporation may lop trees overhanging public highways - - - - -	14
	Adaptation of existing tramways and construction of tramways and works - - - - -	20
	Rails of tramways - - - - -	22
	Special provisions as to use of electrical power -	23
	For protection of Post Office telegraph lines -	24
	Alteration of telegraph lines of Postmaster-General	25
	Apparatus used for mechanical power to be deemed part of tramways - - - - -	26
	Attachment of brackets &c. to buildings &c. -	27
	Provisions as to motive power - - - - -	28
	Penalty for malicious damage - - - - -	29
	Power to acquire patent rights - - - - -	30
	Provision as to general Tramway Acts - - - - -	33
	The Edinburgh Corporation Order 1910 :—	
	Use of tramway posts by Postmaster-General -	12
	The Edinburgh Corporation Order 1916 :—	
	Cross-overs to be constructed in certain cases -	10
	Power to make additional cross-overs and to double tramway lines. - - - - -	11
	New tramways to be inspected before being opened	12
	Corporation may reduce footpath for constructing new tramways - - - - -	16
	Shelters or waiting rooms - - - - -	25
	As to removal of snow &c. - - - - -	26
	As to licensing carriages &c. - - - - -	27
	For protection of Blackford Hill Observatory -	29
	The Edinburgh Boundaries Extension and Tramways Act 1920 :—	
	Subsidiary works - - - - -	97
	Corporation may supply electricity for working tramways - - - - -	98
	As to running through cars - - - - -	99
	Passengers' luggage - - - - -	100
	Rates for parcels &c. - - - - -	101

THE SECOND SCHEDULE.

A.D. 1927.

(Referred to in the section of this Order of which the marginal note is "Owners may be required to sell parts only of certain lands and buildings.")

PROPERTIES OF WHICH PORTIONS ONLY MAY BE TAKEN
 WITHOUT TAKING THE WHOLE.

City and Parish.	Numbers on deposited Plans.													
City and royal burgh of Edinburgh and city parish of Edinburgh.	8	8	8	8	8	8	9	9	24	24	24	24	24	24
	25	25	34	35	36	36	37	37	37					

THE THIRD SCHEDULE.

(Referred to in the section of this Order of which the marginal note is "Power to levy rates.")

PART I.

RATES ON VESSELS ANCHORING OR MOORING AT THE PIER
 OR WITHIN, THE RATING LIMITS.

	Per registered ton.	
	s.	d.
For every vessel under 15 tons	0	4
For every vessel of 15 tons and under 50 tons	0	6
For every vessel of 50 tons and under 100 tons	0	8
For every vessel of 100 tons and upwards	1	0
All lighters from any vessel inside the rating limits shall be exempted from rates but if the vessel does not enter the rating limits every lighter shall pay for each trip	0	2

All yachts not carrying goods or passengers for hire each Two shillings.

PART II.

RATES FOR USE OF PIER.

	£	s.	d.
For every passenger or other person landing on the pier from or embarking from it on board of any ship vessel boat packet or passage boat for each time	0	0	6

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	£	s.	d.
For every person using the pier for the purpose of walking for exercise pleasure or any other purpose except for bathing embarking or disembarking for each time - - - - -	0	0	4
For every bath chair taken on the pier for each time	0	0	4
For every perambulator taken on the pier for each time - - - - -	0	0	4
For every person using the pier for the purpose of bathing - - - - -	0	0	6

PART III.

RATES ON PASSENGERS' LUGGAGE.

	s.	d.
For every trunk portmanteau box parcel or other package within the description of luggage not exceeding 28 lbs. - - - - -	0	2
Over 28 lbs. and not exceeding 84 lbs. - - - - -	0	4
Over 84 lbs. and not exceeding 112 lbs. - - - - -	0	5
Over 112 lbs. and not exceeding 140 lbs. - - - - -	0	6
Over 140 lbs. and not exceeding 196 lbs. - - - - -	0	7
Over 196 lbs. and not exceeding 2 cwt. - - - - -	0	8
And for every cwt. beyond - - - - -	0	4
And for every 20 lbs. weight in addition - - - - -	0	1

THE FOURTH SCHEDULE.

(Referred to in the section of this Order of which the marginal note is "Confirmation of agreement between the Corporation and the education authority for the burgh of Edinburgh.")

Stamp



MINUTE OF AGREEMENT between the LORD PROVOST MAGISTRATES AND COUNCIL OF THE CITY OF EDINBURGH (hereinafter called "the Corporation") of the one part and the EDINBURGH EDUCATION AUTHORITY incorporated by and acting under the Education (Scotland) Acts 1872 to 1925 (hereinafter called "the Second Parties") of the other part.

WHEREAS the Corporation are vested in the subjects known as Leith Links Leith and administer the same as part of the common good of the city of Edinburgh :

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Order Confirmation Act, 1927.

Whereas the Corporation are also the road authority within the said city : A.D. 1927.

Whereas the Second Parties are the proprietors of subjects in Duke Street Leith known as Links Place School :

Whereas the Second Parties propose to remove the buildings on the said subjects and to erect a new school thereon and in connection therewith they desire to utilise a portion of ground adjoining said subjects on the north and now forming part of said Leith Links :

And whereas the Second Parties have offered in exchange for a conveyance of the said portion of Leith Links to give up a portion of the said subjects belonging to them for the purpose of widening Duke Street aforesaid :

And whereas the Corporation have agreed (subject to confirmation by Parliament as hereinafter provided) to carry out the said excambion arrangement on the terms and conditions after-mentioned :

And whereas the Second Parties have agreed to grant to the Corporation on the conditions aftermentioned a right or privilege of access through the subjects belonging to the Second Parties at North Junction Street known as David Kilpatrick School to the town hall proposed to be erected by the Corporation at Ferry Road :

THEREFORE the parties agree as follows :—

First In consideration of the obligations undertaken by the Second Parties in articles second fifth and sixth hereof the Corporation agree to convey to the Second Parties all and whole that area or piece of ground extending to two hundred and twenty-three decimal or one thousandth parts of an acre or thereby imperial measure situated at Duncan Place Leith and forming part of the links of Leith as the said piece of ground is delineated and coloured pink on the plan annexed and signed as relative hereto.

Second The Second Parties agree to convey to the Corporation all and whole that strip of ground extending to thirty-five decimal or one thousandth parts of an acre or thereby imperial measure situated in Duke Street Leith which strip of ground is delineated and coloured blue on the said plan and forms part of all and whole that piece of ground consisting of three roods of ground customary land measure of Scotland being part and portion of the links of Leith in the city and county of Edinburgh described in the disposition granted by the trustees of the deceased John Watt merchant Leith and governors of John

[Ch. cXV.] *Edinburgh Corporation* [17 & 18 GEO. 5.]
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A.D. 1927. Watt's Hospital Leith dated twelfth and fourteenth and recorded in the general register of sasines for the county of Edinburgh sixteenth May nineteenth hundred and three.

Third Entry to the said area of ground and to the said strip of ground shall be at the term of Whitsunday nineteen hundred and twenty-seven but no warrandice as regards the said area of ground shall be applicable until the first term of Whitsunday or Martinmas after the Corporation have obtained Parliamentary confirmation as above referred to.

Fourth The Corporation shall use the said strip of ground only for the purpose of widening the said street of Duke street aforesaid.

Fifth So far as not then already done the Second Parties shall within three years after the term of entry hereinbefore referred to remove the existing wall separating their said property of Links Place School from Duke Street aforesaid and erect and thereafter maintain in all time coming along the whole frontage of the said school property to Duke Street a low parapet and open railing or other form of open fencing.

Sixth The Second Parties agree to grant to the Corporation a right or privilege of access for subsidiary purposes through the subjects belonging to them at North Junction Street known as David Kilpatrick School to the town hall proposed to be erected by the Corporation at Ferry Road provided that the Corporation shall erect and maintain to the satisfaction of the Second Parties a suitable railing separating the said access from the school playground.

Seventh The Corporation shall apply to Parliament as soon as conveniently may be for confirmation hereof This agreement is subject to such alterations as the Secretary of State for Scotland or Parliament may make thereon and should any such alteration be made thereon as may in the opinion of the Dean of the Faculty of Advocates for the time being be material thereto either of the parties may withdraw therefrom.

Eighth In the event of any difference of opinion arising between the parties hereto as to the intent and meaning of these presents or the carrying out thereof such difference is hereby submitted to and referred to the amicable decision of the Dean of the Faculty of Advocates for the time being as sole arbiter whose decision shall be final and conclusive.

Ninth The whole expenses of this agreement shall be borne by the Second Parties.

Lastly The parties hereto consent to registration hereof for preservation:

A.D. 1927.

In witness whereof these presents typewritten on this and the two preceding pages are (under the declaration that the word "warrandice" occurring in the nineteenth line counting from the top of page second hereof was typewritten on erasure before subscription hereto) together with the plan annexed executed in duplicate at Edinburgh by the parties hereto as follows videlicet They are sealed with the common seal of the said Edinburgh Education Authority and are subscribed on their behalf by Peter Harvey Allan chairman and John Stewart Order of the British Empire Solicitor Supreme Courts executive officer both of said Edinburgh Education Authority on the twenty-sixth day of April nineteen hundred and twenty-seven before these witnesses Frank Jolly Trotter Solicitor Supreme Courts deputy executive officer and Christina Macrae Still clerk both to said Edinburgh Education Authority and they are subscribed in accordance with the provisions of section thirty-three of the Edinburgh Corporation (General Powers) Order 1926 by the Right Honourable Alexander Stevenson Lord Provost and Andrew Grierson Solicitor Supreme Courts town clerk both of Edinburgh in name and by authority of the said lord provost magistrates and remanent members of council present in council on the fifth day of May nineteen hundred and twenty-seven before these witnesses David Ovens Drummond Lord Provost's Secretary City Chambers Edinburgh and Francis Alexander Sibbald clerk to the said Andrew Grierson.

D. O. DRUMMOND	ALEX. STEVENSON
Witness.	Lord Provost.
F. A. SIBBALD	A. GRIERSON
Witness.	Town Clerk.
F. J. TROTTER	P. H. ALLAN
Witness.	Chairman.
CHRIS. M. STILL	JOHN STEWART
Witness.	Executive Officer.

L.S.

A.D. 1927.

THE FIFTH SCHEDULE.

(Referred to in the section of this Order of which the marginal note is "Confirmation of agreement between the Corporation and the trustees of the Craigcrook Mortification.")

Stamp



AGREEMENT between THE TRUSTEES OF THE CRAIGCROOK MORTIFICATION incorporated by the Craigcrook Mortification Act 1897 entitled "An Act for incorporating the Trustees of the Deed of Mortification of the deceased John Strachan of Craigcrook W.S. for enlarging the powers of the Trustees and for other purposes" (hereinafter called "the First Parties") of the first part and THE LORD PROVOST MAGISTRATES AND COUNCIL OF THE CITY OF EDINBURGH (hereinafter called "the Corporation") of the second part.

WHEREAS the Corporation are promoting in the present session of Parliament a Provisional Order to make and maintain tramways to construct works and improvements to acquire lands and for other purposes :

And whereas by the said Order the Corporation ask authority to take and acquire compulsorily or by agreement inter alia the lands and property at Corstorphine Hill within the city of Edinburgh and city parish of Edinburgh situated within the area marked "B" delineated on the plans deposited with reference to said Order which lands and property belong to the First Parties :

And whereas the First Parties have at present no power of sale of any part of the trust estate belonging to them :

And whereas the First Parties have agreed (subject to the authority of Parliament being obtained as hereinafter provided) to sell to the Corporation and the Corporation have agreed to purchase the said lands and property and that on the terms and conditions after specified :

Therefore the parties hereby agree as follows :—

First Subject to the conditions after written the First Parties bind themselves to sell to the Corporation and the Corporation agree to purchase all and whole the lands and property at Corstorphine Hill within the city of Edinburgh and city parish

A.D. 1927.
—

of Edinburgh situate within the area marked " B " delineated upon the said deposited plans (consisting of enclosures 179 and 181 on the $\frac{1}{2500}$ ordnance survey map edition 1914 county of Edinburgh) and bounded by a line commencing at a point in Clermiston Road Corstorphine at the north-western corner of enclosure 181 of the said ordnance survey map then proceeding in an easterly direction along the north boundary wall or fence of said enclosures 181 and 179 for a distance of four hundred and fifty-five yards or thereabouts thence proceeding south-westwards south-eastwards south-westwards southwards westwards and southwards for a distance of eight hundred and ten yards or thereabouts along the eastern boundary of the said enclosure 179 of said ordnance survey map thence proceeding westwards for a distance of three hundred yards or thereabouts along the boundary wall or fence of enclosure 179 of said ordnance survey map thence proceeding northwards along the said boundary wall or fence for a distance of five hundred and seventeen yards or thereabouts thence proceeding westwards for a distance of two hundred and sixty yards or thereabouts along the boundary wall or fence of said enclosures 179 and 181 of said ordnance survey map to the east side of said Clermiston Road thence northwards along the east side of said Clermiston Road for a distance of two hundred and forty-five yards or thereabouts to the point of commencement Together with the whole buildings and erections thereon so far as belonging to the First Parties including (subject as aftermentioned) the First Parties' rights in the walls and fences bounding the same Together also with the pertinents of the said subjects and the whole right title and interest present and future of the First Parties Declaring that the Corporation shall on their entry erect and thereafter maintain an unclimbable iron fence not less than five feet in height along the boundaries between the lands and property above described and the policies attached to Craigcrook Castle and further that the fences and walls separating the said subjects from the remainder of the property belonging to the First Parties (except as above mentioned) are hereby declared to be mutual and shall be maintained by the First Parties and the Corporation as such.

Second The price to be paid by the Corporation to the First Parties for the said subjects shall be £3,000 which sum the Corporation shall pay to the First Parties at the first term of Whitsunday or Martinmas after Parliamentary sanction has been obtained as aftermentioned or at such earlier date as may be arranged with interest at 5 per cent. during the not-payment in exchange for a valid disposition containing all usual and necessary clauses and particularly a clause of absolute warrandice but excepting from said warrandice the current leases or other rights of possession of existing tenants and any rights of servitude affecting the said subjects The said subjects shall be conveyed

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A.D. 1927. free of all feuduties casualties duplicands ground annuals and other burdens and incumbrances with the exception of a proportion of the Minister's stipend and heritors assessment applicable to the whole lands belonging to the First Parties Declaring that the proportion of Minister's stipend and heritors assessment applicable to the said subjects shall be arrived at on the basis of the proportion which the area of the said subjects bears to the area remaining vested in the First Parties.

Third In respect that the First Parties have at present no power of sale the Corporation shall be bound to insert a clause or clauses in the said Provisional Order empowering the First Parties to carry out this agreement or otherwise to schedule this agreement to the said Provisional Order and to insert a clause therein confirming the agreement in either of which events the Corporation shall accept the First Parties' power to sell as being unexceptionable.

Fourth In the event of Parliament or the Secretary of State making any alteration hereon or on the terms of the Provisional Order to be promoted by the Corporation in so far as relating to this agreement which in the opinion of the Dean of the Faculty of Advocates for the time being is material either party shall be entitled to resile from this agreement.

Fifth The parties hereto consent to the registration hereof for preservation and execution :

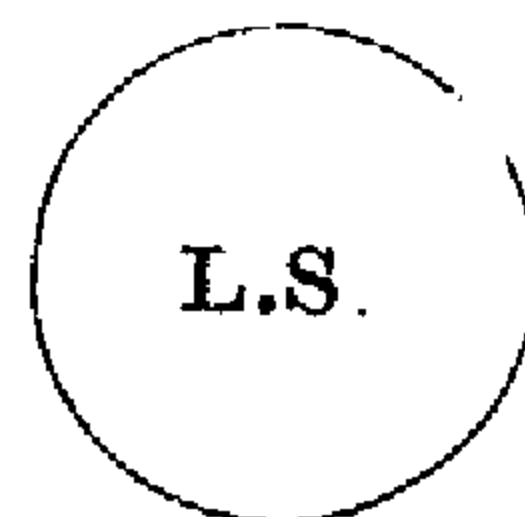
In witness whereof these presents consisting of this and the three preceding pages are (under the declaration that the word "Edition" occurring in the second line of page second hereof was typewritten on erasure and that the word "as" was interlined so as to be read between the words "far" and "belonging" both occurring in the twenty-fourth line of said page second both before execution hereof) executed in duplicate by the parties hereto as follows videlicet they are sealed with the common seal of the said trustees of the Craigmockart Mortification and subscribed for them and on their behalf by David Oswald Dykes King's Counsel Professor of Constitutional Law and Constitutional History in the University of Edinburgh and Ninian Jamieson Finlay writer to the signet Edinburgh two of their number and as authorised by them by Lyndesay Graham Langwill chartered accountant in Edinburgh one of their joint clerks and factors as follows by the said Lyndesay Graham Langwill at Edinburgh on the twenty-third day of August nineteen hundred and twenty-seven before these witnesses Arthur Gordon Heron and Cowan Pollock Walker both apprentices to Messieurs Archibald and Lyndesay G. Langwill chartered accountants in Edinburgh by the said David Oswald Dykes at Glen Devon Perthshire on the twenty-fourth day of said month

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of August in the year last mentioned before these witnesses the Reverend Alexander Oswald Taylor (subscribing "Alexander Taylor") justice of the peace the Manse Glen Devon aforesaid and Mrs. Alice C Jolly Gubshill Farm Tewkesbury and by the said Ninian Jamieson Finlay at Edinburgh on the twenty-sixth day of said month of August in the year last mentioned before these witnesses Gustave Dejardin clerk to Messieurs Bell Bannerman and Finlay writers to the signet Edinburgh and the said Arthur Gordon Heron and they are subscribed in accordance with the provisions of section 33 of the Edinburgh Corporation (General Powers) Order 1926 by David Wright Deas acting chief magistrate and Andrew Grierson Solicitor Supreme Courts town clerk both of Edinburgh in name and by authority of the said lord provost magistrates and remanent members of council present in council at Edinburgh on the fifteenth day of September nineteen hundred and twenty-seven before these witnesses David Ovens Drummond lord provost's secretary City Chambers Edinburgh and Donald Cameron clerk to the said Andrew Grierson.

A.D. 1927.

D. O. DRUMMOND	DAVID W. DEAS
Witness.	Acting Chief Magistrate.
DON. CAMERON	A. GRIERSON
Witness.	Town Clerk.
ALEXANDER TAYLOR	D. OSWALD DYKES
Witness.	Trustee.
ALICE C. JOLLY	
Witness.	
GUSTAVE DEJARDIN	NINIAN J. FINLAY
Witness.	Trustee.
ARTHUR G. HERON	
Witness.	
ARTHUR G. HERON	LYNDESAY G. LANGWILL
Witness.	Jt. Clerk and Factor.
COWAN P. WALKER	
Witness.	



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