CHAPTER clxiv.

An Act to authorise the Provost, Magistrates, and Town Council of the burgh of Dumbarton to supply the burgh and adjacent district with Gas; to erect a Pier in the river Clyde, and road of approach thereto; and for other purposes. [21st July 1873.] A.D. 1873.

WHEREAS it is expedient that the provost, magistrates, and town council of the burgh of Dumbarton (herein-after called "the Corporation") should be authorised to afford an improved supply of gas to the inhabitants and manufacturers of the said burgh (herein-after called "the burgh") and of the adjacent district, and for that purpose to acquire the undertaking of the Dumbarton Gaslight Company, herein-after called "the company," and to erect new gasworks:

And whereas the company are a private joint stock company, constituted by a contract of co-partnery, dated the seventh, fourteenth, and fifteenth days of June one thousand eight hundred and thirty-two, and their capital stock consists of six hundred shares of the nominal value of ten pounds each, all of which are fully paid up, and the company have erected gasworks on land described in Part II. of the fourth schedule to this Act, and are now supplying gas within the said burgh:

And whereas it has been agreed, and it is expedient, that the undertaking of the company be purchased by the Corporation on the terms and conditions herein-after specified:

And whereas the erection of a pier on the foreshore of the river Clyde would be a great convenience to the inhabitants of Dumbarton and others desirous of landing from or embarking on vessels in that river, and it is expedient that the Corporation should be authorised to erect such pier and to construct a road of approach thereto:

A.D. 1873.

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

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

Short title.

1. This Act may be cited for all purposes as "The Dumbarton Corporation Gasworks, Pier, &c. Act, 1873."

Provisions of Acts herein named incorporated.

2. "The Lands Clauses Consolidation (Scotland) Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," the clauses of "The Commissioners Clauses Act, 1847," with respect to the contracts to be entered into and the deeds to be executed by the commissioners, with respect to the liabilities of the commissioners and to legal proceedings by or against the commissioners, with respect to the appointment and accountability of the officers of the commissioners, with respect to the mortgages to be executed by the commissioners, with respect to the making of byelaws, and with respect to the recovery of damages not specially provided for and of penalties, and to the determination of any other matter referred to justices or to the sheriff; "The Gasworks Clauses Act, 1847," with the exception of the clauses with respect to the amount of profit to be received by the undertakers when the gasworks are carried on for their benefit; "The Gasworks Clauses Act, 1871," excepting the provisions thereof with respect to accounts; "The Harbours, Docks, and Piers Clauses Act, 1847," with the exception of sections 16 to 19, both inclusive (unless and until the Board of Trade shall otherwise require); and sections 16, 17, 18, and 19 of "The Railways Clauses Act, 1863," are (except where expressly varied by this Act) incorporated with and form part of this Act: Provided always, that after the Corporation shall have entered into possession of the undertaking of the company, the Gasworks Clauses Act, 1871, shall apply to the said undertaking as if the same were hereby authorised.

Interpretation of terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction:

The expression "the Corporation" means the provost, magistrates, and town council of the burgh of Dumbarton:

The expression "the burgh" means the whole burgh of Dumbarton within the municipal limits and boundaries thereof:

A.D. 1873.

The expression "the company" means the Dumbarton Gaslight Company:

The expression "date of transfer" means the date on which the undertaking of the company shall become vested in the Corporation:

The word "persons" includes companies and corporations:

The word "shareholder" or "shareholders" means any person or persons holding a share or shares of the stock of the company:

The word "annuities" means Dumbarton Corporation gas annuities created by and payable under this Act:

The word "annuitant" or "annuitants" means any person or persons entitled to and holding Dumbarton Corporation gas annuities:

The expression "gas undertaking" means and includes the gasworks and works connected therewith by this Act authorised to be constructed, and also (but only subsequently to the date of transfer) the gasworks and works connected therewith which shall be acquired by the Corporation from the company:

The expression "lands and heritages" has the same meaning as is assigned to that expression in the Public Act seventeenth and eighteenth Victoria, chapter ninety-one, intituled "An Act for the valuation of lands and heritages in Scotland:"

The word "sheriff" means the sheriff of Stirling and Dumbarton, or any of his substitutes:

The word "magistrates" means the provost and bailies of the burgh of Dumbarton, or any one of them sitting as judge in the burgh and police courts of Dumbarton:

The words "secretary," "clerk," "collector," mean any secretary, clerk, or collector respectively for the time being appointed for the purposes of this Act:

The word "treasurer" means the treasurer of the burgh:

In the Commissioners Clauses Act, 1847, as applied to this Act, the expression "the Commissioners" means the Corporation; in the Gasworks Clauses Act, 1847, as applied to this Act, the expression "the undertaking" means and includes the gasworks and works connected therewith by this Act authorised to be constructed, and also (but only subsequently to the date of transfer) the gasworks and works connected therewith which shall be acquired by the Corporation from the company, and the expression "the undertakers" means the Corporation; in the Harbours, Docks, and Piers Clauses Act, 1847, as applied to this Act, and in this Act, the expression "the pier," and in the Railways Clauses Act, 1863, as applied to this Act,

A.D. 1873.

the expression "the railway," means the pier and the road of approach thereto authorised by this Act; in the several Acts wholly or partially incorporated with this Act the expression "the special Act" means this Act.

Powers as to construction and maintenance of gasworks, &c.

4. Subject to the provisions of this Act, the Corporation may, upon the lands described in Part I. of the third schedule to this Act, erect, and from time to time maintain, alter, improve, enlarge, extend, and renew or discontinue gasworks; and may also, but only from and after the date of transfer, maintain, alter, improve, enlarge, extend, and renew or discontinue the existing gasworks of the company, but only upon the lands on which the same are erected, or any part thereof, and which are described in Part II. of the last-mentioned schedule; and may erect, lay down, provide, and from time to time maintain, alter, improve, enlarge, extend, renew, or discontinue gasometers, receivers, drains, sewers, mains, pipes, meters, lamps, lamp-posts, burners, stopcocks, machinery, and other works and apparatus and conveniences, and may do all such acts as they may think proper for making and storing gas and for supplying gas within the limits of this Act, and may make, store, and supply gas accordingly, and may manufacture, sell, provide, supply, and deal in coal, coke, tar, pitch, asphaltum, ammoniacal oil, and all materials or products or residuum of any materials employed in or resulting from the manufacture of gas, and also meters, fittings, tubes, pipes, and other articles and things in any way connected with gasworks or with the supply of gas, as they may from time to time think fit.

Power to purchase lands by agreement.

5. The Corporation may, for the purposes of their gas undertaking, purchase, take, and hold (by agreement, but not otherwise), in addition to the lands described in the third schedule to this Act, any lands and heritages, not exceeding in the whole three acres, which the Corporation may from time to time require for their gas undertaking; but no lands shall be used by the Corporation for the purpose of manufacturing gas or residual products except the lands described in the third schedule to this Act and as hereinbefore limited.

Power to hold licenses under letters patent.

6. The Corporation may take, hold, and use any license or authority (not being exclusive) under any letters patent for the use of any invention relative to the manufacture or distribution of gas or the utilization of residual products.

Undertaking of gas company vested in Corporation.

7. The undertaking of the company, including the whole lands, works, heritages, property, gas-holders, mains, pipes, plant, stock in hand, and effects of every description, including outstanding accounts

A.D. 1873.

and contracts vested in or belonging or owing to the company, or in or to any person on their behalf, or to or in which they are entitled or interested, are hereby transferred to and vested in the Corporation as at the first day of August one thousand eight hundred and seventy-three, subject to the payment of the debts, liabilities, and obligations of the company (with the relief to the Corporation herein-after provided), and of the annuities as herein-after specified; and the said annuities shall be and are hereby constituted real burdens and liens on the said lands, works, and heritages; and this Act shall, as respects the said lands, works, and heritages, be equivalent to a general conveyance thereof by the company according to the law of Scotland; and in order to the completion of a feudal title to the said lands, works, and heritages in the Corporation, it shall be lawful for the Corporation to expede a notarial instrument or instruments which shall specially refer to this Act, and to record such notarial instrument or instruments in the manner and to the effect prescribed by "The Titles to Land Consolidation (Scotland) Act, 1868," with reference to lands conveyed by general disposition or conveyance, and such notarial instrument or instruments shall contain provisions constituting the annuities to be paid for the undertaking of the company as herein-after provided real burdens upon the lands, works, and heritages aforesaid: Provided always, that within six months after the date of transfer the Corporation shall produce to the Commissioners of Inland Revenue a copy of this Act, printed by Her Majesty's printers, and duly stamped with an ad valorem stamp duty of the same amount as would have been payable in respect of a conveyance of the said undertaking for the consideration by this Act provided; and if the Corporation shall not within the said period of six months produce to the Commissioners of Inland Revenue such copy of this Act duly stamped as aforesaid, the said ad valorem stamp duty shall be recoverable from the Corporation, with full costs of suit, and all costs and charges attending the same.

Deeds and securities granted in favour of company to remain in force.

8. All bonds, securities, conveyances, contracts, agreements, and obligations granted, made, or entered into in favour of or with the company shall remain in full force and effect, and shall be available to the Corporation in the same manner as the same were or might have been available to the company before the date of transfer in all courts of law or equity until the same shall be fully paid, satisfied, performed, and discharged.

Company to pay their own debts.

9. The company shall satisfy and pay all mortgages, bonds, debts, and obligations granted, incurred, or due by them on or previously to the date of transfer.

A.D. 1873.

Debts and liabilities of company to be discharged by Corporation, subject to relief from company.

10. On and after the date of transfer all mortgages, bonds, securities for money, conveyances, contracts, agreements, and obligations previously granted, made, or entered into by the company in favour of or with any person or persons whomsoever, and all liabilities arising out of the same, and all other debts owing by the company, shall be enforceable against and recoverable from the Corporation, and shall be chargeable and charged upon the undertaking of the company to be vested in the Corporation as aforesaid, and shall remain in full force and effect against the Corporation, and shall be available in all courts of law and equity while the same remain unperformed or unsatisfied: Provided always, that the Corporation shall have relief against the company, and may retain out of any sums payable by the Corporation to the company under the provisions of this Act, or may recover from the company, any sums disbursed by the Corporation or for which they shall be found liable and shall have paid in respect of any such mortgages, bonds, securities, conveyances, contracts, agreements, obligations, liabilities, or debts.

Actions not to abate.

11. No action, suit, prosecution, or other proceeding whatsoever commenced either by or against the company previous to the date of transfer shall abate or be discontinued or be prejudicially affected by this Act, but all such actions, suits, prosecutions, and other proceedings shall continue and take effect either in favour of or against the Corporation in such and the like manner as the same would have continued and taken effect in favour of or against the company if this Act had not been passed, the Corporation being in all respects substituted for and in place of the company, subject always to the provisions of this Act as respects the rights and relief of the company and the Corporation inter se.

Corporation to pay annual burdens affecting undertaking.

12. All feu duties, ground annuals, and public and parochial burdens that may from and after the date of transfer be payable for or leviable from the lands, works, and heritages transferred to and vested in the Corporation by this Act shall be paid by the Corporation.

Company entitled to revenue accrued prior to date of transfer and to value of stores.

13. The company shall be entitled to all gas rents and other revenues accruing from their undertaking up to the date of transfer, and the Corporation shall, notwithstanding anything herein-after contained, account to the company for any such gas rents and other revenues which may come into the hands of the Corporation, and shall also pay to the company for their stock of tools, implements, meters in store, pipes in store, furniture, stock of coal, and other materials for the manufacture of gas, stock of secondary products,

A.D. 1873.

and for gas within the gas holders and pipes, manufactured and ready for use, belonging to the company at the date of transfer, and which shall then be handed over by the company to the Corporation, such an amount as may be agreed on between the company and the Corporation, or, failing agreement, as may be fixed by valuation to be made by such person or persons of skill as may be agreed on by the company and the Corporation, or, failing agreement, as may be appointed by the sheriff on the application of the company or the Corporation.

Arrears of gas rents, &c. to be paid to the Corporation.

14. All gas rents and other moneys due to the company and remaining unpaid at the date of transfer shall be payable to the Corporation, and may after that date be recovered by the Corporation from the persons by whom the same were then due to the company.

Company to cease to manufacture gas and to be wound up.

15. From and after the date of transfer the company shall cease to manufacture and supply gas and the residual products arising from the manufacture of gas, and shall continue to exist only for the purpose of paying the debts of the company, including repayment to the Corporation of any disbursements made by them on the company's account, of satisfying obligations in respect of which the Corporation are entitled to have relief against the company, of receiving moneys due to them from the Corporation, of accounting to the shareholders for any funds belonging to them after payment of such debts, and generally of winding up their affairs.

Annuities to be paid to shareholders of company.

16. The Corporation shall pay to the several holders of shares in the capital of the company the following annuities in perpetuity, subject to the condition for the redemption thereof herein-after contained; that is to say, annuities amounting in the aggregate to five hundred and forty pounds, being nine pounds per centum upon the capital of the company of six thousand pounds, and each person entitled at the date of transfer to any share or shares of the capital of the company shall be entitled to a proportion of the said aggregate amount of annuities corresponding to the proportion which the share or shares of the company then belonging to such person shall bear to the whole of the said capital of the company. The following rules shall apply to such annuities:

Annuities to vest in shareholders of company.

(1.) The annuities granted and payable to the shareholders of the company under the provisions of this Act shall be called "Dumbarton Corporation Gas Annuities," and shall vest in and belong to the several persons who at the date of transfer are shareholders of the company, and shall rank pari passu with each other.

A.D. 1873.

Date of payment of annuities.

(2.) Subject to the first payment herein-after mentioned, the annuities shall be payable half-yearly in equal moieties on the fifteenth day of May and the eleventh day of November in each year, at the office at Dumbarton of the treasurer, and a first payment of the annuities for a period of nine months shall be made on the fifteenth day of May one thousand eight hundred and seventy-four, and thereafter the annuities shall be payable in equal moieties half-yearly on the days of payment above mentioned in each year; and the Corporation may issue to the annuitants warrants for the payment of the said annuities at such reasonable time before they become due as to the Corporation may seem proper; and the delivery to the Corporation or treasurer, or to any person on their behalf, of any such annuity warrant, duly signed by the annuitant and stamped as a receipt, shall be a valid and sufficient discharge to the Corporation for the amount of annuity in respect of which such warrant was issued.

Annuities to represent shares in company.

(3.) The annuities shall in all respects be substituted for and represent shares in the capital of the company, and the several persons in whom any annuities become vested under this Act shall be possessed thereof respectively upon the same trusts, and subject to the same powers, provisions, charges, and liabilities, as those upon and to which their respective shares in the capital of the company are, on the date at which the said annuities become so vested as aforesaid, held and subject; and the annuities shall be conveyed or affected by any deed, will, or other instrument disposing of or affecting such shares.

Annuity certificates to be granted.

(4.) The Corporation shall, at their own expense, grant and issue to every shareholder of the company, or to his executors, administrators, or assignees, on delivery to the Corporation of the transfer of, or on production of other evidence, of the share or interest held by him in the capital of the company, annuity certificates, in the form of the first schedule to this Act, or to the like effect, for the amount of the annuities to which such shareholder is entitled under the provisions of this Act, which certificates shall be under the common seal of the Corporation, and be signed by two members of the Corporation, and the secretary or clerk.

Provision in case of loss of title to shares.

(5.) If any transfer of or other title to a share in the capital of the Company be lost or destroyed, then, on proof thereof, the Corporation shall issue to the person entitled to the transfer or other title so lost or destroyed a certificate for the annuity

substituted for that share, and in case the Corporation shall not be satisfied with the proof offered by such person he may appeal to the sheriff, who shall decide summarily as to the proof requisite in the circumstances of each case.

Number of annuities for which certificates to be issued.

(6.) The certificates issued by the Corporation to any person entitled thereto shall be so many, and each of them for such amount of annuities, but not exceeding in the aggregate the whole amount of his annuities, as he by notice in writing to the Corporation shall require; provided that if or so far as any person does not require any particular number of certificates to be issued to him, the Corporation shall issue to such person one or more certificates as they think fit.

Register of annuities.

(7.) The Corporation shall keep a book called the "Register of Dumbarton Corporation Gas Annuities," and shall enter therein from time to time, in alphabetical order, the names and designations of the several annuitants respectively entitled to the annuities, and the respective amounts of their annuities.

Certificates to be renewed if lost, &c.

(8.) If any certificate be lost, worn out, or damaged, a new certificate shall be granted and issued by the Corporation on production to the treasurer of evidence of the right of the annuitant requiring such new certificate; and if in any case the Corporation shall not be satisfied with the evidence offered by the annuitant he may appeal to the sheriff, who shall decide summarily what evidence is requisite, and such decision shall be final; and for every such new certificate the Corporation may demand any sum not exceeding one shilling.

Certificates for altered numbers of annuities.

(9.) If at any time an annuitant be desirous of having several certificates instead of one, or one certificate instead of several, for his annuities or any of them, then on any such certificate or certificates being produced to the Corporation they may order the same to be cancelled, and shall thereupon issue to him, as he requires, one or more certificate or certificates for his annuities the certificate or certificates for which is or are so cancelled; and in every such case a proper entry of the substituted certificate or certificates shall be made by the Corporation in the said register of annuities, and for every such substituted certificate the Corporation may demand any sum not exceeding one shilling, provided that in every such case the amount or the aggregate amount of the annuities for which the substituted certificate or certificates is or are issued shall be the same as the amount or the aggregate amount of the annuities the certificate or certificates for which is or are so cancelled.

A.D. 1873.

Certificates to be evidence.

(10.) The certificates shall be admitted in all courts as primâ facie evidence of the title of the holder thereof to the annuities therein specified, but the want of such certificate shall not prevent any annuitant from disposing of his annuity.

Annuitants address book to be kept.

(11.) The Corporation shall also keep a book called the "Dumbarton Corporation Gas Annuitants Address Book," and shall enter therein from time to time, in alphabetical order, the names and the places of business of the annuitants being companies or corporations, and the names, designations, and places of abode of the other annuitants, so far as the same are known to the Corporation; and every annuitant, or if such annuitant be a company or corporation, their clerk or agent, may at all convenient times inspect such book gratis, and may require a copy thereof or of any part thereof; and for every one hundred words or any smaller number of words so required to be copied the Corporation may demand any sum not exceeding sixpence.

Annuities to be personal estate.

(12.) The annuities shall be movable or personal estate.

Annuities may be transferred.

(13.) Every annuitant may sell or transfer all or any part of his annuity, and every transfer of an annuity, or any part thereof, shall be by deed duly stamped, in which the consideration shall be truly stated, and such deed may be in the form of the second schedule to this Act, or to the like effect.

Transfers of annuities to be registered.

(14.) Every deed of transfer when duly executed shall be delivered to the Corporation, and be kept by them, and they shall keep a book called the "Register of Transfers of Dumbarton Corporation Gas Annuities," and shall enter every such transfer therein, and shall endorse such entry on the transfer (such endorsement to be signed by the secretary or clerk), and shall on demand deliver a new certificate to the transferee and for every such entry of a transfer with such endorsement and certificate the Corporation may demand any sum not exceeding one shilling; and on the request of any transferee an endorsement of the transfer to him shall be made on the certificate transferred instead of a new certificate being granted, and such endorsement being signed by the secretary or clerk shall be considered in every respect the same as a new certificate, and for every such endorsement the Corporation may demand any sum not exceeding one shilling; and until such transfer be so delivered to the Corporation the transferee shall not be entitled to receive any part of the annuities transferred, unless the loss of such transfer shall be proved to the reasonable satisfaction of the Corporation.

Closing of transfer books.

(15.) The Corporation may close the register of transfers of annuities for any period not exceeding fourteen days before the fifteenth day of May and the eleventh day of November in each year, and any transfer made during the time when such register is closed shall, as between the Corporation and the transferee, but not otherwise, be held as made after that time.

Transmission of annuities by other means than transfer to be authenticated by a declaration.

(16.) If the right to an annuity becomes transmitted in consequence of the death or bankruptcy or insolvency of any annuitant, or in consequence of the marriage of a female annuitant, or by any lawful means other than by a transfer according to the provisions of this Act, such transmission shall be authenticated by a declaration in writing as herein provided, and until the transmission be so authenticated no person claiming by virtue thereof shall be entitled to receive any part of the annuity transmitted.

Contents of declaration in all cases.

(17.) Every such declaration shall state the manner in which and the party to whom the annuity is transmitted, and shall be made and signed by some credible person before a justice of the peace of any county or city, or any sheriff or his substitute, and such declaration shall be left with the Corporation and shall be entered in the register of transfers of Dumbarton Corporation gas annuities, and for every such entry the Corporation may demand any sum not exceeding one shilling.

Contents of declaration *in cases of* transmission by marriage or will.

(18.) If the transmission be by virtue of the marriage of a female annuitant the declaration shall contain a copy of the register of such marriage, or other particulars of the celebration or effecting thereof, and shall declare the identity of the wife with the holder of the annuity; and if the transmission be by virtue of any will or testamentary instrument, or by intestacy, the confirmation, or testament testamentar, or testament dative, or the probate or letters of administration, or an official copy or extract thereof, shall, with the declaration, be produced to the treasurer or clerk.

Corporation not bound to regard trusts.

(19.) The Corporation shall not be bound to see to the execution of any trust, whether express, implied, or constructive, to which any annuity may be subject; and the receipt of the person in whose name any annuity stands in the register of annuities shall from time to time be a sufficient discharge to the Corporation for any money payable in respect of such annuity, notwithstanding any trust to which the same may then be subject, and whether or not the Corporation have had notice of

A.D. 1873.

such trust, and the Corporation shall not be bound to see to the application of the money paid upon such receipt.

Annuities recoverable by suit.

(20.) If any annuity, being payable, be not paid on demand thereof in writing made by the annuitant or his agent to the Corporation, the annuitant may sue for and recover the same from the Corporation in any court of competent jurisdiction.

Annuitants to be creditors of Corporation, and to hold mortgages of property and rates.

(21.) The annuitants shall be creditors of the Corporation for payment of the annuities respectively herein-before provided to be paid to them, and shall be deemed to hold, by virtue of this Act, in security of such payment, a mortgage and assignation of the whole lands, works, and heritages vested in the Corporation, and hereafter to be acquired or constructed by them for the purposes of their gas undertaking, and of the rents, charges, and revenues to be levied and received by them from such lands, property, and works, and from the supply of gas and the sale of residual products, which mortgage and assignation shall rank pari passu with the other mortgages and assignations to be made and granted under the provisions of this Act, and shall confer the like powers and privileges.

Corporation may redeem annuities under certain conditions.

(22.) The Corporation may from time to time on the fifteenth day of May or the eleventh day of November in any year redeem, without the consent of the annuitants, the whole or any portion of the annuities, subject to the following provisions:

The Corporation shall give not less than twelve months notice of the day on which and the extent to which they intend to redeem the annuities; such notice shall be given by advertisement inserted at least once in each week for two consecutive weeks in a newspaper published in Dumbarton, or in two newspapers published in Glasgow, and by circular sent through the post office, addressed to each person who is at the time an annuitant, at his address as entered in the Dumbarton Corporation Gas Annuitants Address Book:

The Corporation shall not at any one time apply to such redemption of annuities any sum less than one thousand pounds in the aggregate:

In redeeming any portion of the annuities, the Corporation shall redeem the same proportional part of every annuity or portion thereof at the time remaining unredeemed: Provided always, that any annuitant, the whole of whose annuity shall not exceed five pounds, shall be entitled to

require the Corporation to redeem the whole instead of a proportional part thereof:

The whole or any proportional part of each annuity so to be redeemed shall be redeemed by payment or consignation in manner herein-after mentioned of a sum equal to twenty-five years purchase of the whole or such proportional part of such annuity (as the case may be) in addition to any termly payment of annuity then due:

After the redemption of any part of an annuity the annuitant shall be entitled only to payment of so much of that annuity as at the time remains unredeemed, but he shall have, as respects the portion of such annuity remaining unredeemed, the like rights, powers, and privileges for securing, enforcing, and recovering payment of such portion as he would by this Act have had in respect to such annuity if no portion thereof had been redeemed:

The Corporation shall, at least seven days before the day of redemption of the whole or any portion of the annuities, send notice in writing through the post office to each person then being an annuitant whose annuity is to be wholly or partially redeemed, at his address as entered in the said annuitants address book, of the place and time of payment of the redemption money, and if any annuitant fail or refuse to accept such redemption money at the said place and time the Corporation may consign the same, together with any termly payment of annuity then due, in any of the chartered banks or banks established by Act of Parliament in Scotland, in the name and for behoof of such annuitant, and on the acceptance or consignation of such redemption money all liability on the part of the Corporation for payment thereof shall cease.

Corporation may re-issue redeemed annuities.

(23.) When any annuity or part of an annuity has been redeemed by the Corporation otherwise than out of the sinking fund, the Corporation may, if they think fit, re-issue the same to any person willing to accept the same on payment to the Corporation of a sum equal to twenty-five years purchase of the amount of such annuity or part of an annuity, and upon such re-issue the person accepting such annuity or part of an annuity shall be held to be an annuitant and to have all the rights, powers, and privileges which the person from whom the annuity or part of an annuity was so redeemed possessed in respect thereof previously to the redemption thereof.

A.D. 1873.

Power to redeem annuities by agreement.

(24.) The Corporation may from time to time, by agreement with any annuitant, redeem all or any of his annuities, or any part thereof, at any price not exceeding twenty-five years purchase thereof.

Annuitant to deliver up certificate of annuity redeemed.

(25.) On redemption of any annuity or part of an annuity the annuitant shall deliver up to the Corporation the certificate of such annuity, and shall give the Corporation a discharge for the redemption money, and the Corporation shall issue to such annuitant, free of expense, a certificate for any portion of his annuity which shall remain unredeemed, and an entry of the redemption of such annuity or part of an annuity shall be made in the Register of Dumbarton Corporation Gas Annuities, and the annuity or part of an annuity so redeemed shall, unless it shall be re-issued as herein-before provided, be extinguished.

Power to lay pipes against buildings.

17. The Corporation, with the consent of the owner or occupier of any building, may lay any pipe, branch, or any other necessary apparatus from any main or branch pipe into, through, or against such building for the purpose of lighting it, and may, with the like consent, provide and set up any apparatus necessary for securing to such building a proper and complete supply of gas, and for measuring and ascertaining the extent of such supply, and may from time to time, with the like consent, repair, replace, alter, discontinue, and remove any such pipe, branch, or apparatus.

Limiting price of gas.

18. The price to be charged by the Corporation for gas supplied by them to persons who shall burn the same by meter shall not at any time exceed six shillings for one thousand cubic feet.

Interest to be paid on money deposited in security of meters.

19. When any owner or occupier is required by the Corporation to give to them security for the payment of the price or rent of a meter, the Corporation shall pay interest at the rate of five pounds per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands.

Pressure of gas.

20. All gas supplied by the Corporation to any consumer of gas shall be supplied at such pressure as to balance a column of water from midnight to sunset not less than six tenths of an inch, and from sunset to midnight not less than eight tenths of an inch in height at the main, as near as may be to the junction therewith of the service pipe supplying such consumer; and any gas examiner appointed under the Gasworks Clauses Act, 1871, may, subject to the terms of his appointment, from time to time test the pressure at which the gas is supplied, and may for that purpose open any

street, road, passage, or place vested in or under the control of any road authority; and the provisions of the Gasworks Clauses Act, 1871, with reference to the testing of gas and to penalties shall, mutatis mutandis, apply to such testing of pressure.

Quality of gas.

21. All the gas supplied by the Corporation shall be at least of such quality as to produce from a union jet burner capable of consuming five cubic feet of gas per hour, under a pressure equal to a column of water five tenths of an inch in height, a light equal in intensity to the light produced by twenty sperm candles of six in the pound, burning one hundred and twenty grains per hour.

Corporation to maintain apparatus to test illuminating power of gas.

22. The Corporation shall, within six months after the passing of this Act, provide in some convenient part of their works an experimental meter, furnished with a union jet burner capable of consuming five cubic feet of gas per hour, with other necessary apparatus for testing the illuminating power of the gas, and so situate and arranged as to test all the gas supplied by the Corporation, and shall at all times thereafter keep and maintain such experimental meter and apparatus in good repair and working order.

Limits of Act.

23. The limits of this Act for the supply of gas by the Corporation are the burgh of Dumbarton and the parishes of Dumbarton, Cardross, and Old Kilpatrick, in the county of Dumbarton.

Corporation to supply gas to public buildings and lamps.

24. The Corporation may supply public buildings and all or any of the present public lamps within the limits of this Act, and such other public lamps as shall hereafter be provided and fixed in any line of street or road within those limits in which any main of the Corporation is laid, with so much gas as they think proper, or as the lighting authority may from time to time require, at such sum or rate, not exceeding the rate charged to any other consumer, as the Corporation think fit, or as may from time to time be agreed upon between the Corporation and the lighting authority; and the Corporation may also enter into contracts with the lighting authority to light such public lamps at such sum as may be agreed upon; and the giving of such supply for such public buildings and lamps at a lower price than the price charged to any other consumer shall not entitle any other consumer to require the Corporation to supply him at the price so charged for the supply of such public buildings or lamps.

Power to Corporation to make pier and road of approach.

25. Subject to the provisions of this Act, the Corporation may make and maintain, in the lines and according to the levels shown on the deposited plans and sections, the pier and road of approach

A.D. 1873.

thereto, and all rails, cranes, weighing machines, storehouses, and other works and conveniences connected therewith; and may from time to time, at the sight and to the reasonable satisfaction of the engineer for the time being of the Trustees of the Clyde Navigation, dredge, scour, and deepen the bed and foreshore of the river Clyde adjoining and approaching the said pier to such extent as may be necessary to afford access from the channel of the said river to and alongside of the pier, and may enter upon, take, and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for those purposes: Provided that in the event of dredging being at any time necessary at or near to the said pier, or in connexion therewith, such dredging shall not be carried on in the months of May, June, July, and August in any year, except with the consent of Sir James Colquhoun, of Luss, Baronet, or his heirs or successors. The pier and road of approach thereto herein-before referred to and authorised by this Act are,—

A pier commencing at a point near and to the westward of the gate of Dumbarton Castle, on the south side of that castle, and terminating in the foreshore of the river Clyde at a point about 250 yards, measuring in a southerly direction, from the said point of commencement, and 50 feet within the authorised line of river improvement on the north side of the river Clyde, delineated on the plans referred to in section 12 of the Act (Local) 3 & 4 Victoria, chapter 118:

A road of approach to the said pier, commencing at a point near and to the eastward of the said gate of Dumbarton Castle, and terminating at a point at or near and to the westward of the point of commencement herein-before specified of the said pier.

Period for compulsory purchase of lands.

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

Power to take easements, &c. by agreement.

27. Persons empowered by the Lands Clauses Consolidation (Scotland) Act to sell and convey or release lands may, if they think fit, subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act, 1860, and of this Act, grant to the Corporation any easement or servitude, right or privilege, not being an easement of water, required for the purposes of this Act, in, over, or affecting any such lands; and the provisions of the said Acts with respect to lands and rentcharges, or feu duties, so far as the same are applicable in this behalf, shall extend and

apply to such grants, and to such easements or servitudes, rights and privileges as aforesaid respectively.

Powers of lateral deviation.

28. In the construction of the pier and road of approach by this Act authorised, the Corporation may, notwithstanding anything in the Harbours, Docks, and Piers Clauses Act, 1847, contained, deviate laterally from the lines of the said several works, so far as respects the road of approach, to any extent within the limits of deviation of that work delineated on the deposited plans, and, so far as respects the pier, to any extent not exceeding one hundred feet on either side of the centre line of that work as delineated on those plans, but the limits of deviation shall not extend southwards beyond a line fifty feet within the authorised line of river improvement before mentioned: Provided always, that no buildings or erections shall be placed nearer the Leven than the line of the proposed pier as shown on the deposited plan, and that the said pier is to be erected on the exact line of that plan, and that there shall be no deviation from that line unless engineering difficulties may render it absolutely necessary.

Mode of construction of pier.

29. The pier by this Act authorised shall be constructed upon piles in such manner as shall least affect the ebb and flow of the tide, and the work shall not be proceeded with until plans, sections, and working drawings thereof shall have been submitted to and approved of by the Board of Trade.

Number of vessels to be moored limited.

30. Not more than two tiers of vessels shall be moored at any one time at the pier head next the river.

Accommodation at pier for Clyde Trustees.

31. The Corporation shall provide, at the expense of the Trustees of the Clyde Navigation, such reasonable office accommodation on the pier as may be required for the servants of the said trustees employed in collecting any rates to which the said trustees are entitled under any of the Acts relating to the Clyde Navigation; and in the event of difference of opinion between the Corporation and the said trustees as to the nature and extent of such accommodation, the same shall be determined by the sheriff on the application of the Corporation or of the said trustees.

Limits of authority of pier master.

32. The limits of the pier, and within which the powers of the pier master for the regulation of the pier shall be exercised, include the pier and road of approach by this Act authorised, and also an area bounded on the south by the said authorised line of river improvement; on the west by an imaginary straight line parallel to the centre line of the said pier (as delineated on the deposited plans), and at a distance westward therefrom of one hundred and fifty yards,

A.D. 1873.

commencing at the said authorised line of river improvement, and continuing in a northern direction to the shore at high-water mark; on the east by another imaginary straight line, parallel to the said centre line, and at a distance eastward therefrom of three hundred yards, commencing at the said authorised line of river improvement, and continuing in a northern direction to the shore at high-water mark; and on the north by high-water mark along the shore between the respective points at which the said parallel straight lines touch the same: Provided always, that nothing in this section contained shall apply to the ferry boats employed in working the ferry between Erskine and Dumbarton, known as the West Ferry, so as to interfere with the embarking or landing of passengers, horses, carriages, cattle, goods, or things on or from such ferry boats at the pier, or with the right of the proprietor of the said ferry to use the foreshore within the limits of the pier for mooring such ferry boats.

Pier master may require vessels to be removed from within limits of pier.

33. No vessel shall be moored at the head of or alongside of any part of the pier, or within the limits of the pier, without the consent of the pier master; and if any vessel shall come to or be moored at the head of or alongside the pier, or within the limits of the pier, so as to obstruct the access thereto, the pier master may require such vessel to be removed beyond such limits; and if the master of any vessel shall refuse or neglect so to remove such vessel when required by the pier master, he shall be liable to a penalty not exceeding twenty pounds for every day or part of a day during which such refusal or neglect shall continue.

Period for completion of works.

34. If the pier and road of approach thereto are not completed within seven years from the passing of this Act, then on the expiration of that period the powers by this Act granted to the Corporation for making and completing the said pier and road of approach, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

Penalty for obstructing construction of works.

35. Every person who shall wilfully obstruct any person acting under the authority of the Corporation in setting out the lines of the works by this Act authorised, or who shall pull up or remove any poles or stakes driven into the ground for the purpose of setting out the lines of the said works, or deface or destroy the said works, or any part thereof, shall for every such offence be liable to a penalty not exceeding five pounds.

Rates for pier, &c.

36. The Corporation may levy on and from each person landed or embarked at or entering on or otherwise using the pier or road of approach thereto by this Act authorised any rate not exceeding

twopence, and such rate shall be payable by each such person upon his entering upon or leaving the said pier or road of approach, as the Corporation think fit; and the Corporation may levy on and in respect of all animals, carriages, goods, and articles shipped or unshipped, received or delivered at the said pier or road of approach any rates they think fit, not exceeding the rates which the Corporation are at the time entitled to levy on and in respect of animals, carriages, goods, and articles of a similar description shipped or unshipped, received or delivered from any vessel within the port of Dumbarton; and such rates shall be payable by the owner or consignee of any such animals, carriages, goods, or articles before shipment or removal from the said pier or road of approach: Provided, nevertheless, that the proprietor for the time being and his tenants of the ferry between Erskine and Dumbarton, known as the "West Ferry," shall be entitled to embark and land passengers, horses, carriages, cattle, goods, and other things in and from the boats employed at such ferry at the said pier, at all times and in all respects as freely as they now do at their customary landing-places, and no rate shall be levied from the ferrymen or from any persons, or for any horses, carriages, cattle, goods, or other things conveyed in the ferry boats in respect of the use of the said pier and road of approach, unless such persons, horses, carriages, cattle, goods, or things shall remain upon the said pier or road of approach for more than one hour previously to embarkation from or after disembarkation at the same; but such exemption from payment of rates shall not apply to any persons, horses, carriages, cattle, goods, or other things embarked on or disembarked from steamboats at the pier before or after passing the ferry: Provided further, that nothing in this Act contained shall be held to authorise the Corporation to convey for hire any persons, horses, carriages, cattle, goods, or other things between the pier or road of approach and any vessel navigating the river Clyde.

Rates for warehouses and transit sheds.

37. The Corporation may levy, in respect of all goods and articles placed or stored in any transit sheds or warehouses which may be erected by them on the said pier or road of approach thereto, any rates they think fit, and all such rates shall be payable by the owner or consignee of such goods and articles before shipment or removal: Provided that the said rates shall not be exigible unless such goods or articles shall remain so placed or stored for a longer period than forty-eight hours.

Rates for cranes and weighing machines.

38. The Corporation may levy for the use of any cranes and weighing machines which may be erected or placed on the pier or

A.D. 1873.

road of approach thereto by this Act authorised any rates not exceeding the rates specified in the fourth schedule to this Act, and all such rates shall be payable by the owner or consignee of the goods loaded, unloaded, or weighed by means of such cranes or weighing machines, or by the owner, agent, master, or consignee of the vessel, or other person using the said cranes or weighing machines, before shipment or removal of the goods, or such other time as the Corporation may fix.

Meters and weighers.

39. The Corporation may appoint meters and weighers.

Rates may be leased.

40. The Corporation may from time to time lease the rates authorised by this Act for any period not exceeding ten years, and for such rent or consideration and on such terms and conditions as they think fit, and the lessee shall have and may exercise during the continuance of his lease the same powers of levying and recovering the said rates as the Corporation have or might exercise under "The Harbours, Docks, and Piers Clauses Act, 1847," and this Act, and shall be subject to all the same provisions as to accounts and otherwise to which the Corporation are made subject by this Act.

Power to Corporation to borrow on mortgage for gas undertaking.

41. The Corporation may from time to time borrow, for the purposes of their gas undertaking, any sums of money which may be required for the redemption of the Dumbarton Corporation gas annuities, and also any money not exceeding the sum of fifteen thousand pounds, and may make and grant mortgages of the rents, charges, and revenues accruing to them from the lands, property, and works acquired or constructed by them for the purposes of their gas undertaking, and from the sale of gas and residual products, in security of the payment of the money so borrowed and interest thereon; and if, after having borrowed the said sum, or any part thereof, the Corporation pay off the same otherwise than from a sinking fund, they may again borrow on the security aforesaid the amount so paid off, and so from time to time.

Power to borrow on cash credit.

42. The Corporation, in the exercise of their borrowing powers for the purposes of their gas undertaking, may take from any bank or banking company credit on a cash account to be opened and kept with such bank or banking company according to the usage of bankers in Scotland, in the name of an officer to be appointed by the Corporation, to the extent of any sum which they are by this Act authorised to borrow for the purposes aforesaid, or any part thereof; and may make and grant mortgages as aforesaid in security of the payment of the amount of such credit, or of the sums

advanced from time to time on such cash account, with interest thereon. A.D. 1873.

Protection of lender from inquiry.

43. No person lending money to the Corporation shall be bound or entitled to inquire as to the observance by the Corporation of any provision of this Act, or be bound to see to the application, or be answerable for any loss or non-application, of such money, or any part thereof.

Application of money borrowed for gas undertaking.

44. All money borrowed by the Corporation under this Act for the purposes of their gas undertaking shall be applied by the Corporation in the payment of the costs, charges, and expenses of and incident to the preparing for, obtaining, and passing this Act, or otherwise in relation thereto, in payment of the cost of stores acquired from the company, in the redemption of the Dumbarton Corporation gas annuities, in payment of the cost of constructing the gasworks by this Act authorised, and in the payment of mortgages granted to raise money for the purposes of the said gas undertaking, and to no other purposes: Provided that the Corporation shall not apply any money borrowed under this Act to the management or maintenance of the works acquired or constructed by them.

Power to Corporation to borrow on mortgage for pier and road of approach.

45. The Corporation may from time to time borrow, for the purposes of the pier and road of approach thereto by this Act authorised, any money not exceeding six thousand pounds, and may make and grant mortgages on the security of the said pier and road of approach, and of the rates which they are by this Act authorised to levy on, from, and in respect of all persons, animals, carriages, goods, and articles landed or embarked, shipped or unshipped, received or delivered at the said pier or road of approach, and for the use of warehouses and transit sheds, cranes, and weighing machines; and if, after having borrowed the said sum, or any part thereof, the Corporation pay off the same otherwise than from a sinking fund, they may again borrow, on the security aforesaid, the amount so paid off, and so from time to time.

Power to borrow on cash credit.

46. The Corporation, in the exercise of their borrowing powers for the purposes of the pier and road of approach thereto by this Act authorised, may take from any bank or banking company credit on a cash account to be opened and kept with such bank or banking company according to the usage of bankers in Scotland, in the name of an officer to be appointed by the Corporation, to the extent of the sum which they are by this Act authorised to borrow for the purposes of the said pier and road of approach, or any part of such sum, and may make and grant mortgages as aforesaid in security

A.D. 1873.

of the payment of the amount of such credit, or of the sums advanced from time to time on such cash account, with interest thereon.

Application of money borrowed for pier and road of approach.

47. All money borrowed by the Corporation under this Act for the purposes of the pier and road of approach thereto by this Act authorised shall be applied by the Corporation in the payment of the costs, charges, and expenses of and incident to the preparing for, obtaining, and passing this Act, or otherwise in relation thereto, in payment of the cost of constructing the pier and road of approach, and in payment of mortgages granted to raise money for the purposes of the said pier and road of approach, and to no other purposes: Provided that the Corporation shall not apply any money borrowed under this Act to the management or maintenance of the said pier or road of approach.

Guarantee rate.

48. The Corporation shall and they are hereby authorised and required from time to time, in the event of there being a deficiency of funds in their hands for payment in any year of the Dumbarton Corporation gas annuities, or of the interest on any money borrowed under the powers of this Act, or of the sinking funds by this Act prescribed, to assess, levy, and recover a rate, to be called "The Dumbarton Corporation Guarantee Rate," of such amount as shall be necessary to make good such deficiency, and such rate shall be imposed, levied, and recovered by the Corporation on and from the occupiers of all lands and heritages within the municipal limits of the burgh, or when such lands or heritages are let at a rent under four pounds on and from the owners thereof, according to the valuation roll in force therein for the time being, and in the same manner as the assessment for police purposes may be imposed, levied, and recovered within the burgh under the provisions of the General Police and Improvement (Scotland) Act, 1862; and all the powers, enactments, and provisions contained in that Act with respect to the assessing, levying, payment, and recovery of the assessment for police purposes thereby authorised to be levied on and from the occupiers or the owners of lands and heritages, and with respect to the exceptions and exemptions from such assessment, shall be and are hereby made applicable to the levying, payment, and recovery of the Dumbarton Corporation guarantee rate hereby authorised to be levied, and the exceptions and exemptions therefrom, as if such rate had been authorised to be levied by the Corporation under the authority of the last-mentioned Act for the police purposes thereof; and for the purposes above mentioned the expression "the commissioners" in that Act shall be held to mean the Corporation: Provided always, that the moneys

received by the Corporation from the Dumbarton Corporation guarantee rate shall (so far as necessary) be applied to making good any deficiency of funds in their hands for payment of the Dumbarton Corporation gas annuities, and of the interest on moneys borrowed as aforesaid, and to no other purpose whatsoever, excepting to the sinking funds under this Act.

Recovery of arrears of rates.

49. The Corporation may, if they think fit, recover any arrears of Dumbarton Corporation guarantee rate, or of any rents or charges for gas or gas fittings supplied by them, or otherwise due under the provisions of this Act, by obtaining from the magistrates or sheriff a summary warrant to recover such arrears, with the addition of ten per centum on the amount thereof as costs, from the persons liable to pay the same, which warrant the magistrates or sheriff shall grant on production of a list of the names and addresses of the persons so in arrear and the amounts respectively due by them, with a certificate by the treasurer or collector that they have been severally required to make payment of the said arrears by two separate requisitions, printed or written, or partly printed and partly written, delivered to them personally or left at their respective dwelling-places or in the premises in respect of which the rates are assessed or charges made, the second requisition being so delivered or left at an interval of at least seven days after the first requisition, and at least fourteen days previously to the application for such warrant, and that such rates and charges are truly due by such persons; or such arrears may be recovered by means of the ordinary procedure before any competent court, and legal diligence following thereon, according to the law and practice of Scotland: Provided that if any person so in arrear shall not have previously appealed against such rates or charges, such person may, on consignation in the hands of the treasurer of the sum alleged to be due, and costs, cite the treasurer to appear before the magistrates or sheriff, who shall thereupon summarily inquire into and dispose of any objections to such rates or charges, and wholly or partially confirm or recall the said warrant; and the decision of the magistrates or sheriff shall be final, and not subject to review in any court or by any process whatsoever.

Power to enforce warrant for recovery of arrears.

50. The Corporation may, in virtue of the said warrant, enter into the premises of the persons so in arrear, and poind, seize, and remove or secure their goods, chattels, and effects, or so much thereof as will fully satisfy the respective amounts due by them, including costs, and may, after the lapse of four days, in the event of nonpayment of the said arrears and costs, sell and dispose of the

A.D. 1873.

said goods, chattels, and effects, and apply the proceeds in or towards payment of such arrears and costs.

Arrears may be enforced by appointment of judicial factor.

51. In the event of any principal money borrowed on mortgage, or any interest thereon, or any of the Dumbarton Corporation gas annuities, not being paid within one month after such payment is due and demand thereof made in writing, any mortgagee holding a mortgage in arrear as to payment of interest to the amount of one hundred pounds, or as to principal to the amount of one thousand pounds, or any annuitant holding an annuity or annuities in arrear to the amount of one hundred pounds, or several mortgagees holding mortgages in arrear as to payment of interest to the amount of one hundred pounds, or as to principal to the amount of one thousand pounds in the aggregate, or several annuitants holding annuities in arrear to the amount of one hundred pounds in the aggregate, may render his or their security effectual by the appointment from time to time of a judicial factor, and the application for such appointment shall be made by summary petition to the Court of Session, or in the time of vacation to the Lord Ordinary on the bills, which appointment shall be made accordingly, unless before such application is advised the amount of such interest, mortgage, or annuity, or mortgages or annuities, as the case may be, with interest and expenses, is paid or redeemed, as the case may be, or it appears to the satisfaction of the Court or Lord Ordinary that consignation thereof should, under the circumstances, be accepted in lieu of payment, and such consignation is made accordingly; and the interlocutor making such appointment shall not be subject to review or appeal.

Powers and duties of judicial factor and continuance of factory.

52. The judicial factor appointed under this Act, on finding security in common form, shall exercise all the powers conferred by this Act on the Corporation for and in relation to the assessing, levying, and recovering of the Dumbarton Corporation guarantee rate, and the rates, rents, and charges authorised by this Act, and the managing, carrying on, and maintaining of the works and property of the Corporation under this Act; and the Corporation shall hand over to him all rate books and other books and documents necessary for that purpose; and after defraying the expenses of such application, management, carrying on, and maintenance, the judicial factor shall from time to time apply and pay over the balance of the sums received by him to the several parties entitled to payment thereout; and the judicial factory shall continue not only until all arrears of principal and interest on mortgages, and all arrears of Dumbarton Corporation gas annuities due at the date of his appointment, and all interest due on any of those sums, and any interest or

annuity becoming due during his continuance in office, with interest and expenses (including the expenses of the application for his appointment, and of the execution of the purposes thereof), are paid, but also until any interest or annuity which, though not due, becomes current during his continuance in office, and a sufficient sum to meet expenses, are paid or are consigned in one of the chartered banks or banks established by Act of Parliament in Scotland; and on such payment or consignation the Corporation may apply for the recall of the appointment of the judicial factor to the Court of Session or Lord Ordinary as aforesaid, who may recall the same accordingly. A.D. 1873.

Sinking fund.

53. The Corporation shall, after the expiration of three years from the passing of this Act, set apart as a sinking fund for the redemption of the Dumbarton Corporation gas annuities a sum of not less than one hundred pounds during each of the first ten years, a sum of not less than one hundred and fifty pounds during each of the next ten years, a sum of not less than two hundred pounds during each of the following ten years, and thereafter a sum of not less than two hundred and fifty pounds during each year, until the whole of the said annuities are redeemed; and shall also set apart as a sinking fund annually a sum not less than one per centum on the greatest amount at any one time borrowed under this Act for the purposes of their gas undertaking, which sinking fund shall from time to time be invested in Government securities or deposited in one of the banks in Scotland incorporated by Act of Parliament or royal charter, and shall, with the accumulations thereof, be applied by the Corporation to the redemption of Dumbarton Corporation gas annuities, or to the payment of the principal moneys borrowed under this Act for the purposes of the said gas undertaking. The Corporation shall, after the expiration of three years from the date at which the pier and road of approach thereto are completed and opened for use, set apart as a sinking fund annually a sum not less than one per centum on the greatest amount at any one time borrowed under this Act for the purposes of the said pier and road of approach, which sinking fund shall from time to time be invested in Government securities or deposited in one of the banks in Scotland incorporated by Act of Parliament or royal charter, and shall, with the accumulations thereof, be applied by the Corporation to the payment of the principal moneys borrowed under this Act for the purposes of the said pier and road of approach.

Notices to Corporation.

54. Any summons, notice, or writ to be served on the Corporation shall be served by being given personally to the secretary or clerk,

A.D. 1873.

or being left at his office, or delivered to some inmate at his place of abode; or in case there shall be no secretary or clerk at the time, then by being given personally to the provost or one of the magistrates of the burgh.

Notices by the Corporation.

55. Every summons, demand, or notice, or other such document requiring authentication by the Corporation may be signed by any one member of the Corporation, or by the secretary or clerk, and may be in writing or print, or partly in writing and partly in print.

Corporation may appoint committees to carry Act into operation.

56. The Corporation may, in the month of November of each year, or at such other time or times as they may think fit, appoint out of their own body one or more committees, consisting of such number of persons and to continue for such period as they shall think fit, to carry into operation all or any of the purposes of this Act; and shall fix the quorums of such committees, and name a convener thereof, and each committee so appointed may, while and so long as they continue so appointed, exercise all the powers conferred by this Act upon the Corporation with reference to the purposes which such committee are so appointed to carry into operation.

Minutes of meetings.

57. The Corporation and each committee so appointed by the Corporation shall cause notes, minutes, or copies, as the case shall require, of all appointments made or contracts entered into by them, and of the orders and proceedings of all their meetings, as well ordinary as special, to be duly entered in books to be from time to time provided for the purpose, and every such entry shall be signed by the chairman of the meeting at which the matters in respect of which such entry is made was moved or discussed, or by the chairman of the next following meeting, and such entry so signed shall be received as primâ facie evidence in all courts and before all judges, justices, and others, without proof of such respective meetings having been duly convened, or of the persons making or entering such orders or proceedings being members of the Corporation or of such committee, or of the signature of the chairman, all of which last-mentioned matters shall be presumed until the contrary be proved; and all such books shall at all reasonable times be open to the inspection of any member of the Corporation.

Quorum and proceedings of committees.

58. Every such committee may meet from time to time, and may adjourn from place to place, as they think proper for carrying into effect the purposes of their appointment; and at all meetings of any committee the convener, or in his absence any other member to be appointed by the members present, shall be chairman; and all questions shall be determined by a majority of the votes of the members present, and in case of an equal division of votes the

chairman shall have a casting vote in addition to his vote as a member of such committee; and every committee appointed as aforesaid shall report their proceedings at every general meeting of the Corporation. A.D. 1873.

Appointment of sub-committees.

59. Every committee appointed by the Corporation may from time to time appoint a sub-committee of their number, with such powers and under such instructions, directions, and limitations as to them shall appear expedient, and a majority of the members of such sub-committee shall form a quorum thereof.

Ordinary and special meetings.

60. The Corporation may hold meetings at such times as they think fit, and at any time any two members of the Corporation may require the clerk to call a special meeting, giving notice to him at the same time of the object of the meeting, and thereupon the clerk shall call such meeting, giving notice to the members of the Corporation of the purpose thereof; and no business shall be transacted at such special meetings of which notice shall not have been given as aforesaid.

Application of revenue arising from gas undertaking.

61. The Corporation shall apply all moneys from time to time received by them under the powers of this Act from their gas undertaking (not being money borrowed or money for the application of which provision is herein-before made) in manner and order following, and not otherwise; viz.,

First, in payment of the expenses of and incidental to the raising, levying, and recovering the rates, rents, charges, and revenues arising from and the borrowing of money under this Act for the purposes of the said gas undertaking:

Secondly, in payment of the expenses of managing and maintaining the said gas undertaking:

Thirdly, in payment of the Dumbarton Corporation gas annuities (if any), and the interest of money borrowed under this Act for the purposes of the said gas undertaking:

Fourthly, in setting apart the amount herein-before prescribed for a sinking fund for redemption of the annuities, and for the said gas undertaking:

Fifthly, in carrying the several powers and provisions of this Act in relation to the said gas undertaking into execution, including any extension and improvement of the gasworks and mains:

And may carry any balance thereof to the credit of the Corporation for their general purposes.

Application of revenue arising from pier and road of approach.

62. The Corporation shall apply all moneys from time to time received by them under the powers of this Act from the pier and road of approach thereto by this Act authorised (not being money

A.D. 1873.

borrowed, or money for the application of which provision is herein-before made) in manner and order following, and not otherwise; viz.,

First, in payment of the expenses of and incidental to the levying and recovering the rates, rents, and charges arising from and the borrowing of money under this Act for the purposes of the said pier and road of approach:

Secondly, in payment of the expenses of managing and maintaining the said pier and road of approach:

Thirdly, in payment of the interest of money borrowed under this Act for the purposes of the said pier and road of approach:

Fourthly, in setting apart the amount herein-before prescribed for a sinking fund for the said pier and road of approach:

Fifthly, in carrying the several powers and provisions of this Act in relation to the said pier and road of approach into execution:

And may carry any balance thereof to the credit of the Corporation for their general purposes.

Accounts to be kept and published by the Corporation.

63. The Corporation shall cause books to be provided and kept and true and regular accounts to be entered therein of all sums of money received and paid by them for the purposes of this Act, distinguishing therein the sums paid and received in respect of their gas undertaking and the sums paid and received in respect of the pier and road of approach by this Act authorised, and they shall cause such accounts to be balanced in each year as at the first day of August, (which date shall be held to be the day referred to in section 50 of "The Harbours, Docks, and Piers Clauses Act, 1847,") and they shall annually apply to the sheriff, who shall appoint an auditor, who shall be the auditor of such accounts for one year; and if any vacancy occur by the death of any auditor or otherwise in the course of such year the sheriff shall supply such vacancy by appointment as aforesaid; and an abstract of such accounts, certified as correct by the treasurer and two members of the Corporation and the auditor, shall annually be published within two months after the said first day of August in some newspaper published in Dumbarton, or in two newspapers published in Glasgow.

Saving rights of Clyde Navigation Trustees.

64. Nothing in this Act contained shall affect any of the powers, rights, privileges, and byelaws of the Trustees of the Clyde Navigation, or the byelaws of the Clyde Pilot Board, or the rights, privileges, and jurisdiction of the bailie of the river and firth of Clyde.

Saving rights of Crown to mines, &c.

65. Nothing contained in this Act, or to be done under the authority hereof, shall in any manner affect the title to any of the subjects or any rights, powers, and authorities reserved by or mentioned in sections 21 and 22 of "The Crown Lands Act, 1866,"

or shall divest, alter, or affect any other estate, right, or interest belonging to the Queen's most Excellent Majesty, her heirs or successors.

Saving rights of the Crown.

66. Nothing contained in this Act shall authorise the Corporation to take, use, or in any manner interfere with any land or hereditaments, or any rights of whatsoever description, belonging to the Queen's most Excellent Majesty in right of her Crown, and under the management of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or either of them, without the consent in writing of the same Commissioners, or one of them, on behalf of Her Majesty, first had and obtained for that purpose (which consent such Commissioners are hereby respectively authorised to give); neither shall anything in this Act contained extend or take away, prejudice, diminish, or alter any of the estates, rights, privileges, powers, or authorities vested in or enjoyed or exerciseable by the Queen's Majesty, her heirs or successors.

Power for Commissioners of Woods to grant lease to Corporation for 999 years.

67. The Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or either of them, may, if they or he shall so think fit, and with the previous consent of the Commissioners of Her Majesty's Treasury for the time being, demise and lease to the Corporation such land belonging to Her Majesty (and under the management of the said Commissioners of Woods, Forests, and Land Revenues) as may be required for the purposes of the works by this Act authorised, for such term not exceeding nine hundred and ninety-nine years, at such rent, and subject to such covenants and conditions as may be agreed upon.

Saving rights of Her Majesty's Principal Secretary of State for War.

68. And whereas it is necessary that the lands, hereditaments, and works belonging to Her Majesty, or vested in Her Majesty's Principal Secretary of State for the War Department for the public service, should be preserved intact and free from all obstruction: Be it therefore enacted, that nothing in this Act contained shall authorise the Corporation to enter upon, use, or interfere with any land, soil, or water belonging to Her Majesty, or vested as aforesaid, or any right in respect thereof, or to take away, lessen, prejudice, or alter any of the rights, privileges, or powers vested in or exercised by the said Principal Secretary for the time being, without his previous consent signified in writing under his hand, and which consent the said Principal Secretary for the time being is hereby authorised to give, subject to such special or other conditions as he shall see fit to impose on the Corporation.

Saving rights of the Crown in the foreshore.

69. Nothing contained in this Act shall authorise the Corporation to take, use, or in any manner interfere with any portion of the

A.D. 1873.

shore or bed of the river Clyde, or any right in respect thereof, belonging to the Queen's most Excellent Majesty in right of her Crown, and under the management of the Board of Trade, without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give); neither shall anything in this Act contained extend to take away, prejudice, diminish, or alter any of the estates, rights, privileges, powers, or authorities vested in or enjoyed or exerciseable by the Queen's Majesty, her heirs or successors.

Reserving rights in foreshore.

70. Subject to the powers by this Act conferred on the Corporation, nothing in this Act contained shall be held to extend, diminish, or otherwise alter the rights and interests of any person in the foreshore of the river Clyde.

Reserving Merchant Shipping and general Acts.

71. Nothing in this Act contained shall exempt the Corporation or their undertaking from the provisions of the Merchant Shipping Acts, or of any general Acts relating to dues on shipping, now in force or which may be passed during the present or any future session of Parliament, or from any future revision or alteration, under the authority of Parliament, of the rates authorised by this Act in respect of the use of the pier by this Act authorised.

Expenses of Act.

72. All the costs, charges, and expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the Corporation, and may be allocated by them in such proportions as they think fit between their gas undertaking and the other purposes of this Act.

SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

FORM OF ANNUITY CERTIFICATE.

No.

THIS is to certify that *A.B.* [*name and designation*] is the holder of pounds of the Dumbarton Corporation gas annuities, created by "The Dumbarton Corporation Gasworks, Pier, &c. Act, 1873," which annuity is secured on the lands, property, and works vested in the Corporation by the said Act, and which have been or may be acquired or con-

structed by them for the purposes of manufacturing and supplying gas, and on the rents, charges, and revenue from the supply of gas and the sale of residual products, and on the Dumbarton Corporation guarantee rate to be levied and received by them. A.D. 1873.

Dated this day of one thousand eight hundred and .

(*Signed by two members of the Corporation and the secretary or clerk.*)

L.S.

THE SECOND SCHEDULE.

Form of Transfer of Annuity.

I, *A.B.* [*name and designation*], in consideration of the sum of pounds, or other consideration, as the case may be, paid to me by *C.D.* [*name and designation*] do hereby transfer to the said *C.D.*, and his executors, administrators, or assignees, the whole or pounds (*as the case may be*) of an annuity of pounds of the Dumbarton Corporation gas annuities, created by "The Dumbarton Corporation Gasworks, Pier, &c. Act, 1873," now standing in my name in the books of the Corporation, with the rights and privileges and subject to the conditions and provisions specified in the said Act; and I, the said *C.D.*, do hereby agree to hold the said annuity subject to the same conditions and provisions.

In witness whereof [*insert testing clause according to the form of the law of Scotland, or the form of attestation used in England.*]

THE THIRD SCHEDULE.

Part I.

Lands situate within a line commencing on the northern side of the road known as Bankend Road, at the point where that road joins the road known as Bonhill Turnpike Road, thence proceeding westward along the northern side of the said Bankend Road for a distance of 670 feet, thence proceeding north in a straight line to the northern side of the embankment on the southern side of Broad Meadow, thence proceeding along such northern side for a distance of 655 feet, and thence along an imaginary straight line in continuation of such northern side to the western side of the said Bonhill Turnpike Road, and thence along the western side of that road to the point first above mentioned, all in the royal burgh of Dumbarton.

Part II.

The lands belonging or reputed to belong to the Dumbarton Gaslight Company within the royal burgh of Dumbarton, bounded on the north by

A.D. 1873

property belonging or reputed to belong to the Dumbartonshire Prison Board, on the east by property belonging or reputed to belong to John Denny, on the south by Castle Street, and on the west partly by dwelling-houses and court belonging or reputed to belong to the heirs of the late Mrs. McMillan, partly by the playground of the Burgh Academy, belonging or reputed to belong to the provost, magistrates, and town council of the burgh of Dumbarton, and as respects the remainder thereof by property belonging or reputed to belong to George Burns.

THE FOURTH SCHEDULE.

Rates for the use of Cranes.

	per Ton. s.	d.
All goods or packages not exceeding one ton - - -	0	3
Exceeding one ton and not exceeding two tons - - -	0	4
Exceeding two tons and not exceeding three tons - - -	0	6
Exceeding three tons and not exceeding four tons - - -	0	8
Exceeding four tons and not exceeding five tons - - -	0	10
Exceeding five tons and not exceeding six tons - - -	1	0
Exceeding six tons and not exceeding seven tons - - -	1	2
Exceeding seven tons and not exceeding eight tons - - -	1	4
Exceeding eight tons and not exceeding nine tons - - -	1	8
Exceeding nine tons and not exceeding ten tons - - -	2	0
Exceeding ten tons and not exceeding twenty tons - - -	3	0
Exceeding twenty tons and upwards - - - -	5	0
For the use of any tilting machine - - - - -	0	2

Steam cranes double the above rates.

Cranemen's wages sixpence per hour.

Rates for Weighing Machines.

	s.	d.
For every cart or other carriage weighed at any of the weighing machines at the harbour, not exceeding 12 cwt., each - -	0	1
Exceeding 12 cwt., each - - - - - -	0	2

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