CHAPTER lxviii.

An Act to authorise the Magistrates and Town Council of the Burgh of Falkirk to erect construct and maintain Gasworks and supply with Gas the Burgh of Falkirk and districts and places adjacent to empower the Magistrates and Town Council to purchase and the Falkirk Joint Stock Gas Company Limited to sell to the Magistrates and Town Council the Gasworks and property of that Company and for other purposes. A.D. 1894.

[3rd July 1894.]

WHEREAS the magistrates and town council of the burgh of Falkirk are the Commissioners of the said burgh under the Burgh Police (Scotland) Act 1892 and as such are the local authority therein and are herein-after referred to as "the Commissioners":

And whereas it is expedient that the Commissioners be empowered to erect construct and maintain gasworks and to manufacture and store gas and to manufacture and deal in the residual products arising therefrom and to supply gas within the burgh of Falkirk and districts and places adjacent and to purchase take and acquire lands for these purposes:

And whereas it is expedient that the Commissioners should purchase and the Falkirk Joint Stock Gas Company Limited should sell to the Commissioners the undertaking of the said limited company:

And whereas it is expedient that the further powers herein-after contained should be conferred on the Commissioners:

And whereas plans showing the lands which may be taken for the purposes or under the powers of this Act and a book of reference to such plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of such lands were duly deposited in the offices at Stirling and Falkirk respectively of the principal sheriff clerk of the county of Stirling and which

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plans and book of reference are in this Act referred to as the deposited plans and book of reference:

And whereas the purposes aforesaid cannot be attained 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 for all purposes be cited as the Falkirk Corporation Gas Act 1894.

Incorporation of Acts.

2. The following Acts and parts of Acts (so far as the same are respectively applicable for the purposes of and are not inconsistent with and not expressly varied by this Act) are hereby incorporated with this Act namely:—

The Lands Clauses Acts;

The Commissioners Clauses Act 1847 with respect to the mortgages to be executed by the Commissioners except clauses 84 86 and 87.

Application of Gasworks Clauses Acts.

3. The provisions of the Gasworks Clauses Act 1847 (except the provisions with respect to the amount of profit to be received by the undertakers when the gasworks are carried on for their benefit) and the Gasworks Clauses Act 1871 except section thirty-five (accounts &c.) so far as the same respectively are applicable for the purposes of and are not varied by or inconsistent with this Act shall apply to the gas undertaking in the hands of the Commissioners.

Interpretation of terms.

4. The following words and expressions shall have the several meanings hereby assigned to them (that is to say):—

"The Commissioners" shall mean the magistrates and town council of the burgh of Falkirk in their corporate capacity as the Commissioners of the said burgh under the Burgh Police (Scotland) Act 1892;

"Clerk" and "treasurer" shall mean the clerk and treasurer respectively for the time being of the Commissioners or the clerk or treasurer who may be appointed under this Act;

"Police Act" shall mean the Burgh Police (Scotland) Act 1892 and any Act amending the same;

"Lands and heritages" shall have the same meaning as is assigned to that expression in the Lands Valuation (Scotland) Act 1854 and "the Valuation Acts" shall mean the Act last mentioned and include any Acts extending and amending the same and "the valuation roll" shall mean the roll or rolls made up in terms of the said Acts;

"Sheriff" unless where otherwise provided shall mean the sheriff of the sheriffdom of Stirling Dumbarton and Clackmannan and includes his substitutes within the county of Stirling;

"The gas undertaking" shall mean and include all the lands and heritages gasworks and property plant works engines meters stoves machinery pipes and all other implements apparatus and appliances of the Commissioners used and employed in and in connexion with the manufacture storage and supply of gas and in the manufacture and conversion of residual products and all the rights powers and authorities of the Commissioners with respect to the same;

"The company" shall mean the Falkirk Joint Stock Gas Company Limited.

Commissioners to execute purposes of this Act.

5. This Act shall subject to the provisions thereof be carried into execution by the Commissioners and for the purposes of this Act the Commissioners shall have all the powers and rights belonging to them as Commissioners under the Police Act and may conduct and transact the business and matters of the gas undertaking in all respects as a part of the business of the Commissioners and according to their usual rules and practice of procedure.

Books and accounts to be kept.

6. The Commissioners shall for the purposes of this Act cause to be provided and kept true and regular accounts and to be entered therein all sums of money received and paid by them for the purposes of this Act and the gas undertaking and such accounts shall be kept as part of but separate and distinct from the other accounts of the Commissioners and shall be open to the inspection of any person interested therein without payment of any fee or reward and if a clerk be appointed for the purposes of this Act such clerk shall keep the books and records of the Commissioners so far as the same relate to the purposes of this Act and any copy or extract from the books and records of the Commissioners so far as relating to the purposes of this Act authenticated by the signature of the clerk shall be received as evidence in all courts whatsoever in any cause or matter concerning this Act.

Commissioners may appoint clerk treasurer and collector.

7. The clerk treasurer and collector respectively of the Commissioners may be clerk treasurer and collector respectively under this Act or the Commissioners may if they think fit appoint any other suitable person or persons to the offices of clerk treasurer and collector for the purposes of this Act or to any one or more of such offices and from time to time remove such person or persons and appoint others in their stead or in the room of such of them as may die resign or discontinue their offices and the provisions of the

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Police Act in regard to the clerk treasurer and collector appointed or to be appointed for the purposes thereof shall be and are hereby made applicable to the clerk treasurer and collector or any one or more of them who may be appointed under the provisions and for the purposes of this Act.

Limits of Act.

8. The limits of this Act for the supply of gas by the Commissioners shall comprise and include the burgh of Falkirk and also parts of the parishes of Falkirk Larbert and Bothkennar all in the county of Stirling contained within the following boundaries (that is to say) Commencing at the point on the municipal boundary of the burgh of Falkirk where the road to the railway (high) station at Falkirk branches off from the road leading from Falkirk to Slamannan thence southwards to a point one hundred yards or thereabouts to the south of the road known as the Slamannan West Road and south-westwards in a straight line from said last-mentioned point to the west boundary of the lands belonging to the Commissioners partly occupied by the fever hospital thence northwards to the north side of the Edinburgh and Glasgow Railway thence westward along the north side of that railway to the west side of the bridge crossing that railway near the railway siding of the lime wharf chemical works thence westward and northward along the south and west side of the road leading from the said last-mentioned bridge to the Forth and Clyde Canal thence north-westward in a straight line to the point where the road to Larbert Grinding Mill diverges from the public road from Larbert to Dunipace Bridge thence northward to the point on the public road from Larbert to Stirling where the entrance to Glenbervie branches off that road thence in a straight line north-eastward to the point on the road leading from Carron to Dunmore where the road to Hill of Kinnaird Farm Steading diverges from that road thence south-eastward to the point on the south side of the road from Carronshore to Bothkennar Church one hundred yards eastward of its junction with the road from Carronshore to Kinnaird thence in a straight line southwards to the north-east corner of the municipal boundary of the burgh of Falkirk thence following said burgh boundary southward and south-westward to the point of commencement and which limits are herein-after referred to as "the limits of this Act."

Power for local authorities to purchase portions of undertaking within their district.

9. If at any time the local or lighting authority whether constituted before or after the passing of this Act of any district beyond the burgh of Falkirk included in the limits of this Act are desirous to purchase so much of the gas undertaking of the Commissioners as is situate within such district and of such desire shall give to the

Commissioners at least six months notice in writing the Commissioners shall notwithstanding the provisions of section 2 of the Burgh Gas Supply (Scotland) Act 1876 or of any other Act at the expiration of such notice sell that portion of the gas undertaking except the works mains and pipes or other apparatus which shall be necessary for supplying with gas any other district or districts at a price to be determined in default of agreement by arbitration in manner provided by the Lands Clauses Acts Provided that after the completion of such purchase all powers and obligations on the part of the Commissioners to supply gas within the district of such local authority shall cease and determine.

Power to take lands.

10. Subject to the provisions of this Act the Commissioners may for the purposes of this Act enter upon purchase take hold and use such of the lands delineated on the deposited plans and described in the book of reference as are described in the First Schedule to this Act and as they may require for the purposes of this Act.

Period for compulsory purchase.

11. The powers of the Commissioners for the compulsory purchase of lands authorised by this Act shall cease after the expiration of three years from the commencement of this Act.

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

12. If there be any omission mis-statement or erroneous description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Commissioners after giving ten days notice to the owners lessees and occupiers of the lands in question may apply to the sheriff for the correction thereof and if it appear to the sheriff that the omission mis-statement or erroneous description arose from accident or mistake he shall certify the same accordingly and shall in such certificate state the particulars of the omission and in what respect any such matter is mis-stated or erroneously described and the decision of the sheriff in such matter shall be final The certificate of the sheriff shall be deposited in the offices at Stirling and Falkirk of the principal sheriff clerk of the county of Stirling and a duplicate thereof shall be deposited with the session clerk of the parish in which the lands to which such certificate relates are situate and such certificate and duplicate shall be kept by such sheriff clerk and session clerk 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 Commissioners may enter on purchase take hold and use for the purposes of this Act any lands in accordance with such certificate as if such omission mis-statement or erroneous description had not been made.

Certificates to be deposited.

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Powers as to construction and maintenance of gasworks &c.

13. Subject to the provisions of this Act the Commissioners may upon the lands or any part thereof respectively described in the First Schedule and in the Second Schedule to this Act erect construct and from time to time maintain alter improve enlarge extend and renew or discontinue gasworks retorts gasometers receivers drains sewers mains pipes meters lamps lamp-posts burners stopcocks machinery and other works and apparatus and conveniences for the manufacture storage and supply of gas and the manufacture of residual products 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 manufacture make store and supply gas accordingly and may manufacture sell provide supply and deal in coke tar pitch asphaltum ammoniacal oil and all other 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 and the manufacture of residual products as they may from time to time think fit.

Power to purchase lands by agreement.

14. The Commissioners may for the purposes of their gas undertaking purchase take feu and hold (by agreement but not otherwise) in addition to the lands described in the First Schedule and in the Second Schedule to this Act any lands and heritages not exceeding in the whole five acres which the Commissioners may from time to time require for the purposes of their gasworks and gas undertaking or any part of the same but the Commissioners shall not create or permit a nuisance on any such lands and no lands shall be used by the Commissioners under the powers of this Act for the purpose of manufacturing gas or residual products except the lands described in the First Schedule and in the Second Schedule to this Act.

Restriction on taking houses of labouring class.

15. The Commissioners shall not under the powers of this Act purchase or acquire in any district within the meaning of the Public Health (Scotland) Act 1867 ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Secretary for Scotland ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied The expression "labouring class" includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not

exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

Power to supply gas beyond gas limits in certain cases.

16. The Commissioners may from time to time contract with any adjoining local authority or company authorised to supply gas for the supply by the Commissioners of gas in bulk to such authority or company beyond the limits of this Act.

Power to take licences.

17. The Commissioners may (but not so as to acquire any exclusive right therein) purchase take and use any licence or authority to work use exercise or put in practice any invention under any letters patent heretofore made or hereafter to be made in relation to the manufacture or distribution of gas and the utilisation of residual products resulting from the manufacture of gas.

Power to supply gas apparatus engines &c. for heating motive and other purposes.

18. The Commissioners may purchase sell let for hire and fix set up alter remove and refix gas meters and fittings gas engines stoves ranges pipes and other apparatus and appliances articles and things for lighting motive power the warming and ventilation of houses and buildings the cooking of food and for all other purposes for which gas can or may be used and may require and take such remuneration in money or such rents and charges for and make such terms and conditions with respect to the sale supply letting fixing setting up altering or removing of such meters fittings engines stoves ranges pipes and other apparatus and appliances articles and things as aforesaid and for securing their safety and return to the Commissioners as may be agreed upon between the Commissioners and the persons to or for whom the same are sold supplied let fixed set up altered or removed Provided always that any such meters so far as they are the property of the Commissioners shall not be subject to distress poinding or seizure for rent of the premises where the same may be used nor to be taken in execution under any process of a court of law or any proceeding in bankruptcy against the persons in whose possession they may be.

Power to lay pipes against buildings.

19. The Commissioners may with the consent of the owner and occupier of any building 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.

Power to fix service pipes in tenements.

20. In case of any building occupied in flats or separate dwellings entering by a common stair or other access and belonging

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to one or more owners the Commissioners may for the purpose of supplying any occupier or occupiers with gas lay and fit up service pipes in such common stair with branches to communicate with each separate flat or dwelling without the consent of any other owner or owners occupier or occupiers as the case may be.

Pressure of gas.

21. All gas supplied by the Commissioners to any consumer of gas for illuminating purposes 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 local or road authority and the provisions of the Gasworks Clauses Act 1871 with reference to testing of gas and to penalties shall mutatis mutandis apply to such testing of pressure and two hours previous notice shall be given to the Commissioners of the time and place at which such testing shall be conducted.

Quality of gas.

22. The illuminating power of the gas supplied by the Commissioners shall not be less than 20 candles.

Burner.

23. The prescribed burner shall be an 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.

Testing place.

24. The prescribed testing place shall be some part of the gasworks of the Commissioners or such other place or places as the Commissioners may determine and the prescribed time shall be six months after the Commissioners shall commence to supply gas under this Act.

Commissioners to fix price for gas.

25. The Commissioners shall from time to time fix the price to be charged by them for gas to be supplied during any succeeding year half year or quarter of a year and until such price be altered by the Commissioners the price so fixed shall remain in force Provided always that the price to be charged for gas shall be such as will along with all other revenue to be derived by the Commissioners from their gas undertaking for the time being under the powers and provisions of this Act as nearly as the same can be estimated raise such amount of money as will be as nearly as possible sufficient to meet the costs and charges of and incident to

the manufacture and distribution of gas and the manufacture and sale of residual products interest and instalments of borrowed money expenses of management maintenance of works repairs materials wages taxes and all other annual outgoings charges and expenses under this Act and the payment of the sums required to be set apart for the sinking and reserve funds herein-after provided and any deficiency or surplus of revenue in any preceding year half year or quarter of a year as the case may be shall be carried forward to the debit or credit as the case may be of the succeeding period Provided also that the prices charged shall be the same to all consumers within the limits of this Act under like circumstances.

Recovery of sums owing to Commissioners.

26. Where any person fails to pay any gas rent or any rate rent or any sum whatever due under this Act to the Commissioners the Commissioners may recover the same with costs by proceedings in any court of competent jurisdiction and may also discontinue the supply of gas and their remedies under this enactment shall be in addition to their other remedies for the recovery thereof.

Consumers to give notice to Commissioners before removing.

27. Notice in writing shall be given to the Commissioners by every gas consumer before he shall quit any premises supplied with gas by meter by the Commissioners and by the trustee in bankruptcy of every such consumer who shall become bankrupt immediately after his appointment and in default of such notice the consumer so quitting or the estate of the bankrupt whose trustee shall make such default as the case may be shall be liable to pay to the Commissioners the moneys accruing due in respect of such supply up to the next usual period for ascertaining the register of the meter on such premises.

Power to refuse to supply persons in debt for other property.

28. If any person requiring a supply of gas from the Commissioners has previously quitted premises at which gas was supplied to him by the Commissioners without paying all gas or meter rent or other sums due from him the Commissioners may refuse to furnish to him a supply of gas until he pays the same.

Application of revenue.

29. The rates rents and charges levied under the authority of this Act and the other revenues of the Commissioners arising under and in connexion with the gas undertaking shall be applicable in the manner and in the order following (that is to say) :—

(1) In payment of the expenses of managing and maintaining the gas undertaking of the Commissioners including the annual costs charges and expenses of providing and supplying gas and of manufacturing and converting and dealing in the residual products arising therefrom and also the payment of

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any feu duties casualties ground annuals and rates and taxes exigible in respect of any lands or property forming part of the gas undertaking of the Commissioners;

(2) In payment of the interest and instalments of money borrowed under the authority of this Act;

(3) In from time to time providing the sums to be annually set apart for the sinking fund required by this Act for paying off money borrowed by the Commissioners under the provisions of this Act;

(4) In providing a reserve fund if the Commissioners think fit but not to exceed in the whole the sum of twenty thousand pounds by setting aside such money as they from time to time think reasonable and investing the same and the resulting income thereof upon securities upon which trustees are by law for the time being authorised to invest and accumulating the same at compound interest which reserve fund shall be applicable as and when the Commissioners shall determine from time to time to meet any deficiency at any time happening in the income of the Commissioners from their gas undertaking or to meet renewals or any extraordinary claim or demand at any time arising against the Commissioners in respect of their gas undertaking.

Sale of surplus lands.

30. The Commissioners may from time to time and at any time and in such manner and for such price or consideration as they may determine sell and dispose of any lands and property belonging to them or which they may acquire under the powers of this Act and which may not be required for the purposes of the gas undertaking and all moneys received by the Commissioners for the lands and property so sold shall be applied by them in paying off moneys borrowed by them under the powers of this Act or liabilities incurred properly chargeable against capital or in purchasing other lands and property and constructing works in connexion with the gas undertaking.

Guarantee rate.

31. It shall be lawful for the Commissioners and they are hereby required from time to time to fix impose levy and collect such a rate (to be termed "the gas contingent guarantee rate") as shall be necessary to meet any deficiency in the moneys required to pay the interest and instalments of money borrowed and to be borrowed and the sums required to be transferred to the sinking fund and other annual expenditure under the provisions and for the purposes of this Act.

Assessment and levy of rate.

32. The gas contingent guarantee rate shall be imposed and levied by the Commissioners on and from the occupiers of all lands

and heritages within the burgh of Falkirk according to the valuation roll in force therein for the time being and in the same manner as the assessment for general purposes of police may be imposed and levied within the burgh of Falkirk under the provisions of the Police Act and all the powers contained in the Police Act with respect to the levying payment collection and recovery of the assessments thereby authorised to be levied on and from occupiers 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 collection and recovery of the gas contingent guarantee rate by this Act authorised to be raised in the same manner as if the said rate had been authorised to be levied under the authority of the Police Act.

Power to borrow.

33. The Commissioners may from time to time borrow on mortgage or otherwise any sums required for the purposes of this Act and for constructing the gasworks authorised by this Act and for the purchase of the undertaking of the Company and the purchase of lands and other property and rights and for the general purposes of the gas undertaking not exceeding in the whole one hundred and twenty thousand pounds and may make and grant mortgages or other securities of the several rates rents and charges and other revenues to be levied and received by the Commissioners under the provisions of this Act in security of the money so borrowed and interest thereon and any sums so to be borrowed may be borrowed on terms of the repayment thereof by way of instalment or otherwise.

Commissioners may re-borrow.

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

Power to borrow on a cash credit.

35. The Commissioners may accept and take from any bank or banking company credit on a cash account to be opened and kept with such bank or banking company in the name of the Commissioners according to the usage of bankers in Scotland to the extent of the sum which the Commissioners are herein-before authorised to borrow or any part thereof and may make and grant mortgages or other securities of the several rates rents charges and other revenues to be levied and received by the Commissioners under the provisions of this Act in security of the payment of the amount of such credit or of the sums advanced from time to time on such cash account with interest thereon Provided always that the whole principal

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sums due and owing by the Commissioners on such cash account and for money borrowed by them as aforesaid shall not when taken together exceed the sum by this Act authorised to be borrowed.

Borrowing powers for current expenses.

36. In order to raise such money as may be necessary to defray the current annual expenditure for the gas undertaking of the Commissioners until the rents charges and revenues shall be collected the Commissioners may borrow during the currency of any year from the fifteenth day of May in one year to the fifteenth day of May in the succeeding year in addition to the other sums authorised to be borrowed on the security of such rates rents and charges in such way and manner as they may deem most expedient any sum or sums not exceeding in the whole two-third parts of the approximate amount of such rents charges and revenue for the year then current from any bank or banking company or other company or person on such terms and conditions and in such form as may be agreed on between the parties Provided always that such sums so borrowed shall be paid off and extinguished at or before the fifteenth day of May concluding the year to which such borrowing applies.

Form of mortgage.

37. Every mortgage to be granted by the Commissioners shall be by deed duly stamped in which the consideration shall be truly stated and may be in the form contained in the Third Schedule to this Act or to the like effect or as the circumstances may require.

Manner in which mortgages and orders on bank account to be signed and executed.

38. Every mortgage or other deed to be made granted or executed by the Commissioners under this Act may be partly in writing and partly printed and shall be signed by at least three Commissioners and the treasurer and all drafts cheques or orders shall be signed by two Commissioners and by the treasurer and clerk Provided always that no Commissioner or any officer of the Commissioners shall by his subscription of any deed mortgage interest warrant draft cheque or order be or be held to have rendered himself individually or personally liable for any obligation or for the payment of any money borrowed drawn or received or any interest thereon or of any sums whatsoever in respect thereof.

Transfers of mortgages.

39. Any person entitled to any such mortgage may transfer his right and interest therein to any other person and every such transfer shall be by deed or by indorsation on the mortgage duly stamped and may be partly in writing and partly printed wherein the consideration shall be truly stated and may be in the form of the Fourth Schedule to this Act or to the like effect.

Transmission of mortgages in case of bankruptcy.

40. If any such mortgage be transmitted by reason of the bankruptcy of the person entitled thereto there shall be produced to the clerk evidence of such bankruptcy and of the vesting of the

bankrupt estate in the trustee official assignee or other person to whom such estate shall be transferred.

Mortgages of rates to be personal estate.

41. All mortgages and all moneys advanced and lent on the security of the rates rents and charges under this Act shall be moveable or personal estate and transmissible as such and shall not be of the nature of heritable or real estate.

Discharge of mortgages.

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

Commissioners not bound to regard trusts as regards mortgages.

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

Sinking fund for repayment of borrowed money.

44. The Commissioners may and in the event of their borrowing otherwise than on terms of repayment by instalments shall annually after the expiration of one year from the date of borrowing set apart as a sinking fund a sum of not less than one per centum per annum on the amount for the time being borrowed under this Act to be applied together with the accumulated interest thereof from time to time in repayment of money borrowed and shall be applied to no other purpose whatsoever Provided that whenever any mortgage granted under the authority of this Act shall have been paid off or redeemed out of such sinking fund the Commissioners shall thenceforward in each year until the whole of such borrowed moneys shall have been paid off and redeemed pay into the sinking fund and accumulate a further sum equal to the interest which would have been payable on such mortgage or mortgages if the same had not been paid off or redeemed Provided always that in the event of such repayment being made by way of instalment the annual amount of such

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instalment shall be sufficient to pay off the whole of such money so borrowed within fifty years.

Investment of sinking funds.

45. The Commissioners shall invest the said sums to be so set apart as sinking funds in the public funds or in any bank in Scotland incorporated under Act of Parliament or by Royal Charter or on heritable security or any other security authorised by Act of Parliament in which trust funds may be invested (other than securities of the Commissioners and securities transferable by delivery) until such sinking funds shall be respectively applied in manner herein-before provided.

Arrears may be enforced by appointment of judicial factor.

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

Powers and duties of judicial factor.

47. The judicial factor so appointed on finding security in common form shall exercise all the powers conferred by this Act upon the Commissioners for and in relation to assessing levying and recovering the several rates rents and charges by this Act granted and managing and maintaining the gas undertaking and the Commissioners shall hand over to him all books and documents necessary for that purpose and after defraying the expense of such application management and maintenance the said judicial factor shall from time to time apply and pay over the balance of the sums received by him to the several parties entitled to the same according to the priority by this Act established and such

judicial factor shall continue not only until all arrears due at the date of the appointment of such judicial factor and any interest which shall have become due during his continuance in office with interest and expenses including the expenses of the application for such appointment and of carrying the purposes thereof into execution shall have been paid but also until any half-year's interest which although not due may become current during his continuance in office and a sufficient sum to meet expenses shall have been paid or consigned in one of the chartered banks in Scotland and upon payment and consignation as aforesaid of the said principal money interest and expenses it shall be lawful for the Commissioners to apply to the Court of Session or Lord Ordinary as aforesaid for the recall of the appointment of the judicial factor.

Protection of lender from inquiry.

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

Application of money borrowed.

49. All moneys borrowed by the Commissioners under this Act other than money borrowed for current annual expenditure under this Act shall be applied only to purposes to which capital is properly applicable.

Application of penalties.

50. All penalties and forfeitures exigible under this Act and the Acts wholly or partially incorporated herewith shall except when exigible from the Commissioners be payable to the Commissioners and shall when recovered be applied by them to the purposes of this Act.

Sale of gas company's undertaking.

51. The company shall forthwith sell and the Commissioners shall forthwith before commencing to supply gas under this Act purchase the undertaking of the company the price to be fixed under the Lands Clauses Acts.

Expenses of Act.

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

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The SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

LANDS ON WHICH THE COMMISSIONERS MAY CONSTRUCT AND MAINTAIN NEW GASWORKS AND GAS HOLDERS AND MANUFACTURE AND STORE GAS AND MANUFACTURE AND CONVERT RESIDUAL PRODUCTS.

(1) A piece of land situate in the burgh and parish of Falkirk and county of Stirling sometime belonging to the heirs of George Meek and now belonging or reputed to belong to James Aitken Mrs. Anne Yuill or Walker and Mrs. Elizabeth Galloway or McKenzie bounded as follows On the east by the east march fence of the said piece of land from a point in that fence twenty feet or thereby north of the north boundary wall of the grounds of Bleachfield House and continuing in a northerly direction to the point of its junction with the south bank of the railway siding to Parkhouse Foundry on the north by the south bank of the said railway siding to a point therein at its junction with the march fence on the west side of the said piece of land on the west by the said last-mentioned march fence to a point fifty-five feet or thereby north of the lane leading from Falkirk to Parkhouse and on the south by a straight line drawn from the last-mentioned point in an easterly direction to the point in the east march fence first herein described the said piece of land being a part of the lands delineated (Third) (*b*) on the deposited plans.

(2) A piece of land situate within the burgh and parish of Falkirk and county of Stirling belonging or reputed to belong to the heirs of Patrick Rankine bounded as follows On the east by the east march fence of the said piece of ground extending from the lane leading from Falkirk to Parkhouse to the junction of the said march fence with the south bank of the railway siding to Parkhouse Foundry on the north by the south bank of the said railway siding for a distance westwards of one hundred and ninety-one feet or thereby on the west by a straight line drawn in a southerly direction from the said south bank of the said railway siding for a distance of sixty-nine feet or thereby to the north side of the cow-house belonging to the trustees of the late William Mitchell thence east for a distance of nine feet or thereby thence south for a distance of ten feet or thereby thence west for a distance of eight feet or thereby thence in a straight line southwards to a point in the said lane one hundred and ninety feet measured in a westerly direction from the south end of the said east march fence first herein mentioned and on the south by the said lane the said piece of land being a part of the lands delineated (Third) (*c*) on the deposited plans.

THE SECOND SCHEDULE.

LANDS ON WHICH OR ON PARTS OF WHICH THE EXISTING GASWORKS AND GAS HOLDERS OF THE COMPANY ARE ERECTED.

(1) A piece of land situate at Bainsford Bridge within the burgh of Falkirk containing two thousand and fifty-one square yards or thereabouts bounded on the east by Graham's Road on the north and west by the Forth and Clyde Canal and on the south by Canal Street.

(2) A piece of land within the burgh of Falkirk containing one thousand nine hundred and fifty square yards or thereabouts bounded on the north by Canal Street on the east by Simpson's Lane on the south by John Street and on the west by the Forth and Clyde Canal and a loading basin connected therewith.

(3) A piece of land at Bankside within the burgh of Falkirk containing two roods twenty-seven poles and twenty-seven square yards or thereabouts bounded on the north by Dalderse Burn on the east by property belonging or reputed to belong to the Falkirk Iron Company on the south by the road along the north bank of the Forth and Clyde Canal and on the west by the road from Falkirk to Mungalend.

(4) A piece of land in the burgh of Falkirk containing three roods thirty-one poles and eighteen square yards or thereabouts bounded on the north by Callendar Road on the south-east by the road leading from the last-mentioned road to East Bridge Street on the south and south-west by East Bridge Street and on the west by property belonging or reputed to belong to the trustees of the late John Malcolm.

THE THIRD SCHEDULE.

FORM OF MORTGAGE.

FALKIRK CORPORATION GAS.

Mortgage No. £.

By virtue of the Falkirk Corporation Gas Act 1894 we the magistrates and town council of the burgh of Falkirk as Commissioners under the Burgh Police (Scotland) Act 1892 in consideration of the principal sum of [*specify amount*] paid by [*name and designation of mortgagee*] to the treasurer to the said Commissioners for the purposes of the said Falkirk Corporation Gas Act do hereby grant and assign to the said [*name of mortgagee*] and his executors administrators and assignees [*or as the case may be*] such proportion of the several rates rents and charges and other revenues to be levied and received by the said Commissioners under the authority of

A.D. 1894.

the said Act as the said sum of [*specify amount*] doth or shall bear to the whole sum which is or shall be borrowed upon the credit of the said rates rents charges and revenues to hold to the said mortgagee and his foresaids until the said principal sum and the whole interest due thereon shall be fully paid and satisfied and it is hereby stipulated that the said principal sum shall be repayable on the [*date*] or shall thereafter in virtue hereof remain as a loan to the said Commissioners until the expiration of such further term of years and at such rate of interest as shall be specified in a minute or minutes to be indorsed hereon and signed by the said mortgagee or his foresaids and by the said treasurer and by the clerk to the Commissioners which minute or minutes are hereby declared and shall be held to be valid and binding though they may be neither holograph of any of the said parties nor tested and the said Commissioners shall pay interest on the said principal sum from the day of to the said date of repayment first above mentioned (being at the rate of [*specify rate*] per centum per annum) In witness whereof [*testing clause according to the law of Scotland*].

[Signed by three Commissioners and the Treasurer.]

THE FOURTH SCHEDULE.

FORM OF TRANSFER OF MORTGAGE.

I [*name and designation of mortgagee*] in consideration of the sum of [*specify amount*] paid to me by [*name and designation of transferee*] do hereby transfer to the said [*name of transferee*] and his executors administrators and assignees [*or as the case may be*] a certain mortgage number [*number of mortgage*] dated the [*date of mortgage*] made in my favour by the magistrates and town council of the burgh of Falkirk as Commissioners under the Burgh Police (Scotland) Act 1892 by virtue of the Falkirk Corporation Gas Act 1894 in connexion with the gas undertaking authorised by that Act for securing the sum of [*principal sum in mortgage*] [*or if the transfer be by endorsement* the within mortgage] together with the interest thereon from and after the [*date from which transferee is to be entitled to the interest*] In witness whereof [*testing clause according to the law of Scotland*].

THE FIFTH SCHEDULE.

FORM OF DISCHARGE.

Received from the treasurer to the Commissioners of the burgh of Falkirk acting on their behalf the sum of

being the principal sum contained in the within mortgage (all interest due thereon having been previously paid) and the said mortgage is now delivered up as paid. A.D. 1894.

Dated this day of one thousand eight hundred and

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