CHAP. cii.

An Act to authorise the Magistrates and Town Council of Forfar to supply with Gas the town of Forfar and districts and places adjacent, and to transfer to them the works and undertaking of the Forfar Gaslight Company; and for other purposes. A.D. 1871. [13th July 1871.]

WHEREAS the royal burgh of Forfar, in the county of Forfar, has been for upwards of thirty years supplied with gas by the company or association styled or commonly called by the name of "The Forfar Gaslight Company," and the works of said Company have during the said period been established in the said burgh of Forfar, and its mains and pipes in and under the streets of the burgh:

And whereas the burgh of Forfar has a large and rapidly increasing population and trade:

And whereas the magistrates and town council of the said burgh, on behalf of and as representing the community thereof, are a corporation or corporate body, with perpetual succession, and a common seal, and such magistrates and town council are herein-after called the Corporation:

And whereas it is expedient, and would be for the public advantage, that the supply of gas to the burgh, as defined in the interpretation clause of this Act, and to the suburbs and places adjacent, should be under the control of the Corporation, and that the undertaking of the said Company should be acquired by the Corporation:

And whereas an agreement has been entered into between the Corporation and the said Company for the transfer of the undertaking of the said Company to the Corporation upon the terms and conditions which appear in the agreement set forth in Schedule (A.) to this Act:

And whereas it is expedient that the said agreement should, subject to the provisions of this Act, be confirmed, and that the Corporation should be authorised to execute and carry into effect the

A.D. 1871.

purposes of this Act, and that all necessary powers should be conferred upon them:

And whereas these purposes 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 for all purposes be cited as "The Forfar Gas Act, 1871."

10 & 11 Vict. c. 16. partly incorporated.

2. The clauses of "The Commissioners Clauses Act, 1847," with respect to the appointment and accountability of the officers of the Commissioners, and with respect to the mortgages to be executed by the Commissioners, except section eighty-four, and with respect to the making of byelaws, are, except where expressly varied by this Act, incorporated with this Act; and the expression "the Commissioners" in those clauses, as incorporated with this Act, means the Corporation.

10 & 11 Vict. c. 15. incorporated.

3. "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, shall (except where expressly varied by this Act) be incorporated with and form part of this Act, and shall be held applicable as well to the mains, pipes, and works of the Company vested in the Corporation by this Act, as to the mains, pipes, and works to be hereafter laid down and constructed by the Corporation in virtue of the provisions of this Act.

Same meanings to words in incorporated Acts as in this Act.

4. The several words and expressions to which, by the Acts wholly or partially incorporated with this Act, meanings are assigned, shall in this Act have the same respective meanings, unless there be something in the subject or context repugnant to such construction: Provided always, that in the Acts wholly or partially incorporated with this Act, and also in this Act, the expression "the special Act" shall mean this Act; the expression "the undertakers" shall mean the Corporation; the expression "the undertaking" shall mean the gasworks, business, lands, buildings, mains, pipes, meters, machinery, plant, apparatus, and heritable and moveable fittings and tools, and other trade assets belonging to the Forfar Gaslight Company vested in the Corporation by or under the provisions of this Act; and the word "street" shall mean and include street, highway, bridleway, footway, carriageway, side pavement, turnpike, statute labour or other road, bridge, thoroughfare, lane, passage, square, court, or place within the limits of this Act.

A.D. 1871.

Interpretation of terms.

5. The following words and expressions in this Act shall have the several meanings hereby assigned to them; (that is to say,)

"Burgh," "town," and "town of Forfar" shall severally mean the burgh of Forfar within the limits thereof as fixed and defined by the Public Act, second and third William the Fourth, chapter sixty-five:

"Corporation" shall mean the magistrates and town council of Forfar for the time being, as representing the community of the burgh of Forfar, and as authorised and empowered by this Act and acting in the execution of this Act:

"Lands and heritages" shall have the same meaning as is assigned to that expression in the Public Act, seventeenth and eighteenth Victoria, chapter ninety-one, intituled "An Act "for the Valuation of Lands and Heritages in Scotland:"

"Police Act" shall mean the Public Act, thirteenth and fourteenth Victoria, chapter thirty-three, or any other public or local police Act in force within the burgh for the time being:

"Company" and "the Company" shall mean the Forfar Gaslight Company:

"Shareholder" or "shareholders" shall mean shareholder or shareholders, or holder or holders of stock, of or in the Forfar Gaslight Company, and shall include persons, companies, and corporations:

"Persons" shall include companies and corporations:

"Annuity" or "annuities" shall mean the annuities payable under this Act, or any of such annuities:

"Annuitant" or "annuitants" shall mean any person or persons entitled to and holding annuities payable under this Act:

"Sheriff" shall mean the sheriff of the county of Forfar, or any of his substitutes, unless otherwise herein provided for:

"Treasurer" shall mean the treasurer for the time being of the Corporation as authorised and empowered by this Act.

Meetings of Corporation.

6. The Corporation shall hold their first meeting for the execution of this Act within four weeks after the passing of this Act. The first meeting of the Corporation shall be held within the Council Chambers of the said burgh wherein the magistrates and town council are in use to meet for their ordinary duties. An annual general meeting of the Corporation shall also be held yearly in the month of July or August within the Council Chambers of Forfar. At all meetings of the Corporation five members of the Corporation shall form a quorum, and the provost or senior magistrate present shall be chairman, or if no magistrate be present the members of the Corporation present shall elect, by a majority of voices, a chairman for the day from among their own number, and

A.D. 1871.

in the case of equality of votes it shall be decided by lot which of the members, having an equal number of votes, shall be chairman. In case of equality of votes upon any other matter the chairman for the time shall have a casting as well as a deliberative vote. The first meeting of the Corporation shall be called by the provost or acting chief magistrate for the time by a written or printed notice to each member, and all subsequent meetings shall be called by the provost or acting chief magistrate, or in the mode customary for calling the ordinary meetings of the magistrates and council, and shall be held in such place as the Corporation or the provost shall from time to time appoint: Provided always, that the provost or acting chief magistrate shall be bound to call special meetings of the Corporation for Gas Act purposes, upon a requisition being presented to him subscribed by three members of the Corporation stating the purpose of the meeting, and such purpose shall be set forth in the notice calling such meeting, and shall be intimated by a written or printed notice to each member of the Corporation at least twenty-four hours before such meeting shall be held, and no other business shall be considered at any such special meeting than that which shall be set forth in such notice.

Corporation may appoint committees.

7. The Corporation may from time to time appoint, out of their own body, a committee or committees for the execution of any of the purposes of this Act, consisting of such number of persons as they shall think proper, and may from time to time remove any member of committee, and appoint another member of the Corporation in his room, and may delegate to any committee such of the powers and authorities of the Corporation as the Corporation think fit; and where such powers and authorities are not specially limited and defined by the Corporation every committee shall have and may exercise all powers and authorities necessary to enable them to transact the business committed to them; and the acts and proceedings of the committee within the limits of such delegation shall be deemed the acts and proceedings of the Corporation, and the quorum of such committees shall, unless when otherwise declared, be three; and the Corporation may from time to time make such regulations as they think fit for the guidance of the committees.

Meetings of committees.

8. Every committee so appointed 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 the committee one of the members present shall, in the absence of the convener, be appointed 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 the committee.

Acts of Corporation not to be invalidated by reason of vacancies.

9. No proceeding of the Corporation, or of any committee, shall be invalidated or be illegal in consequence only of there being any vacancy or vacancies in the number of members of the Corporation at the time of such proceeding.

Minute of proceedings.

10. The Corporation shall cause entries of all the proceedings of the Corporation, and of every committee appointed by them, with the names of the members of the Corporation who shall attend each meeting, to be duly made from time to time in books to be provided for the purpose, which shall be kept by the clerk, under the superintendence of the members of the Corporation; and every such entry shall be signed by the chairman of the meeting at which the proceedings took place; and such entry so signed, or a copy thereof certified by the clerk, shall be received as evidence in all courts and before all judges, justices, and others, without proof of such meeting having been duly convened or held, or of the persons attending such meeting having been or being members of the Corporation or members of committee respectively, or of the signature of the chairman, or of the fact of his having been chairman, all of which last-mentioned matters shall be presumed until the contrary is proved; and such books shall at all reasonable times be open to the inspection of any of the members of the Corporation, or of any mortgagee of the property of the Corporation, or of any annuitant.

Contract for supply of gas not to disqualify members of Corporation.

11. No person shall be disqualified from being, continuing, or acting as a member of the Corporation by reason of his being concerned in any contract entered into with the Corporation for the supply of gas or residual products, or other articles of any kind, or of his being a mortgagee of the property of the Corporation, or an annuitant.

Payment of rates not to disqualify any judge.

12. No person liable under this Act in payment of rates or other consideration in respect of gas supply shall, on that account or on account of being a member of the Corporation, be disqualified from acting as a justice of the peace or sheriff, or exercising any judicial function in the carrying out of this Act.

Actions by or against Corporation, how to be brought and not to abate.

13. All actions, suits, or proceedings in respect of any matter or thing relating to or arising under the execution of this Act, to be brought by or against the Corporation, shall be in the name of their clerk or treasurer for the time being as the party, pursuer, or defender, representing the Corporation, and no action, suit, or proceeding, wherein the Corporation shall be concerned as pursuers or defenders in the name of their clerk or treasurer, shall cease or abate by the death, resignation, or removal of any such clerk or

A.D. 1871.

treasurer, or by any change in the persons holding office as members of the Corporation, but the clerk or treasurer to the Corporation for the time being shall be deemed to be the pursuer or defender, as the case may be, in every such action, suit, or proceeding.

Books and accounts to be kept.

14. The treasurer shall keep separate and distinct books and accounts altogether apart from and unconnected with the other accounts and books of the magistrates and town council; and such books and accounts shall contain a full and accurate record of all moneys received and paid by the treasurer or the servants of the Corporation, under the powers and provisions of this Act.

Accounts to be balanced.

15. The accounts to be kept by the treasurer shall be brought to a balance, as on the fifteenth day of June in each year, for the year or period immediately preceding, and shall be submitted to a meeting of the Corporation, which shall be called and held within sixty days thereafter; at which meeting the accounts shall be examined, and an abstract statement and account, authenticated by the docquet and subscription of the chairman of the meeting, shall be printed, and a copy thereof delivered to each member of the Corporation six days at least prior to the annual general meeting of the Corporation.

Auditor to be appointed.

16. In the month of January of the year one thousand eight hundred and seventy-two, and of every year thereafter, the Corporation shall make application to the sheriff for the appointment by him, for the financial year or period then current, of an auditor (being a person well skilled in accounts, and not being one of the members of the Corporation) to audit and docquet the accounts of the Corporation; and such auditor shall be allowed such reasonable remuneration for his time, trouble, and responsibility as shall, in case of difference, be fixed by the sheriff; and in case in any year the office of such auditor shall, before such accounts have been audited by him, become vacant by death, or from any other cause, the Corporation shall make application to the sheriff for the appointment by him of an auditor to supply such vacancy; and the whole books, accounts, vouchers, and documents of the Corporation shall be laid before the auditor for the purpose of such audit.

Agreement confirmed.

17. Subject to the provisions of this Act, the agreement dated the seventh and eighth days of December one thousand eight hundred and seventy, entered into between the Corporation of the first part, and the Company of the second part, set forth in Schedule (A.) to this Act, is hereby ratified and confirmed, and the undertaking of the Forfar Gaslight Company, in whatever manner, or by whomsoever the same or any part thereof may be held, is, with the exceptions and subject to the provisions contained in said

agreement, hereby vested in and transferred to the Corporation as on and from and after the fifteenth day of July one thousand eight hundred and seventy-one, when they shall take possession of the same under this Act, but subject always to payment of the preferable annuities and other sums after mentioned: Provided always, that within six months after the passing of this Act, the Corporation shall produce to the Commissioners of Inland Revenue a copy of this Act printed by Her Majèsty'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.

Corporation to take stores.

18. The Company shall sell and the Corporation shall purchase the stock of coals, lime, bricks, and coke, and secondary or residual products on hand belonging to the Company, as at the said fifteenth day of July one thousand eight hundred and seventy-one, at such prices as may be agreed on or as may be fixed according to a valuation to be made by such person or persons of skill as may be mutually agreed on, and failing agreement or valuation, as may be determined by two arbiters mutually chosen by the Corporation and the Company, or by the oversman to be appointed by such arbiters in the event of their differing in opinion; and both parties shall be bound to choose their arbiters and enter into a submission accordingly, and the price or value agreed on or fixed by such arbiters or oversman shall be paid to the Company by the Corporation on the first day of December one thousand eight hundred and seventy-one.

Corporation may purchase accounts due to Company for gas.

19. It shall be lawful for the Corporation to purchase from the Company, on such terms as may be agreed on, the outstanding accounts which may be due to the Company for the supply of gas or residual products as at the fifteenth of July one thousand eight hundred and seventy-one, or any of them.

As to debts and liabilities of Company.

20. The Corporation shall free and relieve the Company from liability for payment of the debt due by the Company on personal bond to John Nicholl, farmer, Pitreuchie, to the extent of two hundred and fifty pounds, and of all interest to become due on the said sum of two hundred and fifty pounds from and after the said fifteenth day of July one thousand eight hundred and seventy-one, and they shall pay the same on or before the eleventh day of

A.D. 1871.

November one thousand eight hundred and seventy-two, and obtain and deliver a discharge thereof to the Company, and with the exception of the aforesaid sum of two hundred and fifty pounds, and said interest agreed to be paid by the Corporation, the Company shall be bound to pay and discharge all debts, liabilities, and obligations of whatsoever kind or denomination, incurred or due by or existing against the Company at the said fifteenth day of July one thousand eight hundred and seventy-one, including the interest on the said bond debt due to John Nicholl to the said fifteenth day of July one thousand eight hundred and seventy-one.

As to Company's contracts for stores, &c.

21. The Corporation shall assume and become liable for (first), the contracts, or accounts, or debts of the Company for stores ordered but not delivered previous to the said fifteenth day of July one thousand eight hundred and seventy-one, the Corporation being on the other hand entitled to demand and receive delivery, and implement of such contracts and stores for subsequent use; (second), the contracts or engagements of the Company with the manager and servants of the Company, and all salaries to the manager or servants, and feu duties, and public and parochial burdens exigible from or on account of the undertaking from and after the said fifteenth day of July one thousand eight hundred and seventy-one and in all time thereafter; but, except as herein provided, the Company shall pay all wages to servants, and all other charges, burdens, and debts existing or due at and prior to the said date.

Act equivalent to general conveyance.

22. This Act shall, as respects all lands and heritages forming part of the undertaking vested in the Corporation as aforesaid, be equivalent to a general conveyance thereof to the Corporation according to the law of Scotland by the Company, and by any person or persons in whose name or names as trustees or otherwise for the benefit of the Company and partners thereof, or either of them, the same or any part thereof may stand; and in order to the completion of a title to the said lands and heritages in the Corporation, it shall be lawful for the Corporation to expede a notarial instrument or notarial instruments which shall specially set forth this Act, and to record such notarial instrument or notarial 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 notarial instruments shall contain provisions constituting the annuities real and preferable burdens upon the lands and heritages aforesaid.

Annuities to be paid to shareholders of Company.

23. The Corporation shall pay for the undertaking of the Company a perpetual annuity or perpetual annuities to the amount

A.D. 1871.

in all of six hundred and seventy-five pounds per annum, being at the rate of seven and one half per centum per annum on the paid up capital stock of the Company, which amounts in all to nine thousand pounds, and each person entitled on the fifteenth day of July one thousand eight hundred and seventy-one to any share or shares of the paid up capital stock 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 to which he is so entitled shall bear to the whole of the said paid up capital stock of the Company, and all such perpetual annuities shall be payable in every year, from and after the fifteenth day of July one thousand eight hundred and seventy-one, to the persons entitled to the same, and that on the fifteenth day of July of each year, the first of such yearly payments being payable on the fifteenth day of July one thousand eight hundred and seventy-two for the year preceding, and so on yearly thereafter; provided that if any such yearly day of payment shall be a Sunday such yearly payment shall be made on the following day.

Annuities to vest in shareholders of Company.

24. The said annuities shall be called "The Forfar Gas Annuities," and shall vest in and belong to the several persons who on the fifteenth day of July one thousand eight hundred and seventy-one shall be the shareholders in the Company according to their respective rights and interests in the paid up capital stock of the Company, as herein-before provided, and shall be subject to the following provisions, viz.:

Annuities to represent shares in Company.

(A.) The said annuities shall in all respects be substituted for and represent the shares in the paid up capital stock of the Company in respect of which they are respectively granted, 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 as those upon and subject to which the respective shares in the paid up capital stock of the Company for which such annuities are respectively substituted are held on the date at which the said annuities become so vested as aforesaid; and the said annuities shall be held as conveyed or affected by any deed, will, or other instrument disposing of or affecting such shares, as if such annuities were mentioned therein instead of such shares:

Annuity certificates to be granted.

(B.) The Corporation shall, on or before the first day of November one thousand eight hundred and seventy-one, at their own expense, grant and issue to every shareholder of the Company or to his executors, administrators, or

A.D. 1871.

assignees, on delivery to the Corporation of a certificate signed by the chairman and secretary of the Company, or on production of other evidence of the share or stock or interest held by him in the paid up capital stock of the Company, annuity certificates in the form of the Schedule (B.) to this Act for the amount of the annuities to which such shareholder shall be entitled under the provisions of this Act; and such certificates shall be so many, and each of them for such amount of annuity as the person entitled thereto shall by notice in writing to the Corporation require, amounting in the aggregate to the whole amount of annuities to which he is entitled; and if such person shall not require any particular number of certificates to be issued to him, then the Corporation shall issue to such person such number of certificates as they shall think fit, amounting in the aggregate as aforesaid:

Certificates to be numbered and renewed.

(C.) The said annuity certificates shall be numbered in arithmetical progression, beginning with number one, and every annuity certificate shall be distinguished by its appropriate number; and the said certificates shall be renewed by the Corporation when lost, worn out, or damaged, on production, to them or their clerk or treasurer, of evidence of the right of the annuitant requiring such renewal, and if in any case the Corporation shall not be satisfied with the evidence offered by any annuitant he may appeal to the sheriff, who shall decide summarily what evidence is requisite, and the sheriff's decision shall be final; and for every such renewed certificate the Corporation may demand any sum not exceeding two shillings and sixpence:

Certificates may be exchanged for others.

(D.) 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 shall order the same to be cancelled, and shall thereupon issue to him, as he may require, 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 register of transfers of the Forfar Gas Annuities herein-after mentioned; 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:

Register of annuities.

(E.) The Corporation shall keep a book, called "The Register of Forfar 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; and every annuitant may at all convenient times inspect such book gratis, and may require a copy thereof, or of any part thereof; and for every two hundred and fifty words, or any less number of words which he may require to be copied, the Corporation may demand any sum not exceeding one shilling:

Annuities personal estate.

(F.) The annuities shall be moveable or personal estate, and transmissible as such, and shall not be of the nature of heritable or real estate:

Annuities may be transferred.

(G.) Every annuitant may, subject to the provisions of this Act, sell or transfer all or any of his annuities, and every such transfer shall be by deed duly stamped, in which the consideration shall be truly stated, and such deed may be in the form of the Schedule (C.) to this Act, or to the like effect:

Transfer of annuities to be registered.

(H.) Every such 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 the Forfar Gas Annuities," and shall enter every such transfer therein, and shall endorse such entry on the transfer (such endorsement to be signed by the clerk or treasurer), 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 two shillings and sixpence; 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 treasurer or clerk, shall be considered in every respect the same as a new certificate, and until such transfer be so delivered to the Corporation the transferee shall not be entitled to receive any part of the annuities transferred:

Closing of transfer books.

(I.) The Corporation may close the register of transfers of annuities for any period not exceeding fourteen days before the fifteenth day of July in each year, and any

A.D. 1871.

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.

(K.) If the right to any 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 so transmitted:

Contents of declaration in all cases.

(L.) 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 thereupon, but subject to the provisions after mentioned, they shall enter the name of the person entitled under such transmission in the register of 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.

(M.) If the transmission is 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, a 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, and upon such production in either of these cases the treasurer or clerk shall make an entry of the declaration in the register of transfers of annuities:

Corporation not bound to regard trusts.

(N.) The Corporation shall not be bound to see to the execution of any trust, whether expressed, 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 annuities, notwithstanding any trust to which the same may then be subject, and whether or not the Corporation have had notice of such trust, and the

Corporation shall not be bound to see to the application of the money paid upon such receipt:

Payment of annuities.

(O.) The annuities shall be paid at the office of the treasurer in the burgh of Forfar in net money, clear of all deductions whatsoever, except income or property tax, or other tax in the nature thereof legally chargeable thereon:

Annuities recoverable by suit.

(P.) If any annuity or any part of an annuity being payable be not paid on demand thereof in writing made by any annuitant or his agent to the Corporation, the annuitant may sue for and recover the same from the Corporation, with interest at the rate of five pounds per centum per annum till paid, and full costs of suit in any court of competent jurisdiction:

Annuitants to be preferential creditors for annuities.

(Q.) The annuitants shall be creditors of the Corporation, both in its ordinary corporate capacity and as authorised and empowered by this Act, for payment of the annuities respectively herein-before directed to be paid to them and of the interest thereon and expenses incident thereto, and further the said annuities and the interest on the moneys borrowed under the authority of this Act are hereby constituted primary, real, and preferential burdens and liens, and shall rank pari passu on the undertaking hereby acquired by the Corporation, and on any other works and property to be constructed or acquired by the Corporation for the purposes of this Act, and on the rates, charges, assessments, and other revenues to be levied and received by them under this Act.

Company to cease to supply gas.

25. From and after the date when the Corporation shall become vested in the undertaking of the Company under the provisions of this Act the Company shall cease to manufacture and supply gas and all residual and other products, and shall subsist only for the purpose of securing the annuity certificates being granted to the respective shareholders of the Company for their respective annuities as herein-before provided, of entering into all submissions necessary for the valuation of stores and others aforesaid, and of recovering the price thereof, of retaining, recovering, and dividing among the shareholders the amount of the reserved fund as appearing in the books of the Company on the fifteenth day of July one thousand eight hundred and seventy-one, and of recovering and enforcing payment of any rates, rents, charges, penalties, and other revenues due or owing to the Company, or provided to be paid to them under this Act, previous to the vesting in the Corporation, and of paying all debts which may be due by the Company other than the foresaid debt of two hundred and fifty

A.D. 1871.

pounds, and of distributing their funds among their shareholders in proportion to the amount of shares held by such shareholders respectively after deducting such debts and all necessary expenses, and of winding up the affairs of the Company and carrying into effect the purposes of this Act so far as relating to the Company; and the directors of the Company who are in office at the passing of this Act, and the survivors and survivor of them, shall continue without re-election to hold the office of directors of the Company, and shall have full power and authority to take all necessary proceedings for carrying into effect the several purposes hereinbefore mentioned, and so soon as such purposes are carried into effect the Company shall be dissolved.

Power to purchase additional lands.

26. The Corporation may for the purposes of this Act purchase and hold (by agreement, but not otherwise) any lands and heritages not exceeding in the whole five acres, in addition to the lands acquired from the Company under this Act.

Limits of Act.

27. The limits of this Act for the supply of gas by the Corporation shall comprise and include the burgh of Forfar and also the district beyond the said burgh situated within the parishes of Forfar, Glamis, Kinnettles, Kirriemuir, Rescobie, Dunnichen, and Inverarity, all in the county of Forfar.

Power to manufacture and supply gas.

28. It shall be lawful for the Corporation, subject to the provisions of this Act, to make and to supply gas for the purpose of lighting the streets and public places within the burgh, and to supply gas to the inhabitants, houses, buildings, works, and premises within the burgh, and they shall also be entitled, on such terms and under such agreements or conditions as they may consider judicious, to make and supply gas to the inhabitants, houses, buildings, works, and premises outwith the burgh but within the foresaid limits of supply, or to any of them or any part thereof; and the Corporation may from time to time on the lands described in the Schedule (D.) to this Act on which the gasworks of the Company now stand, and on any additional lands to be acquired by them, erect gasworks, and maintain, restore, improve, or alter the same as well as the existing gasworks, and purchase and procure all such materials, and do all such acts as they shall consider necessary for these purposes, and manufacture, sell, and dispose of the coke, and other substances, products, and refuse, or residuum arising or to be obtained from the materials used in making gas, in such manner as they may think proper: Provided, that nothing in this Act shall prevent the Corporation from being liable to any legal proceedings for nuisance to which they may be liable in consequence of the exercise by them of the powers aforesaid; and

provided also, that it shall not be lawful for the Corporation to manufacture gas excepting on the said lands described in the said Schedule (D.), nor, excepting on such lands, to store gas within three hundred yards of any dwelling-house, without the consent of the owner, lessee, and occupier thereof.

As to laying pipes within burgh.

29. Where the main pipes of the Corporation within the burgh are more than twenty feet distant from the dwelling-house of any consumer, the Corporation shall be at the expense of the branch pipe to said extent, and the consumer shall be at the expense of the pipe for any greater distance.

Dispensing with notice as to interference with streets under control of Corporation.

30. It shall not be necessary for the Corporation, before they proceed to open or break up for the purposes of this Act any street under the control of the Corporation in any other capacity, to give any notice of their intention so to do.

Power to supply gas fittings, &c.

31. The Corporation may manufacture, purchase, supply, hire, sell, let, lay down, place, and maintain gas fittings, meters, pipes, pillars, lamp posts, lamps, burners, and other articles and things connected with gasworks, or with the supply of gas for public or private consumption, in such manner as the Corporation think proper, and generally may carry on such operations and business as are for the time being usually carried on by Gas Companies.

Gas pipes may be put on buildings.

32. Subject to the provisions contained in this Act and the Acts wholly or partially incorporated herewith, the Corporation may lay any pipe, branch, or other necessary apparatus, with the consent of the owner and occupier of any building, for the purpose of lighting the same, or any adjoining building, and may, with the like consent, provide and set up any apparatus necessary for securing to any building a proper and sufficient supply of gas, and for measuring and ascertaining the extent of such supply.

Gas to be consumed by meter.

33. Every consumer of gas supplied by the Corporation shall consume gas by meter, unless it be otherwise arranged between him and the Corporation, and every such meter, whether the same is provided by the consumer or the Corporation, shall be at all times subject to the inspection and approval of the officers and servants of the Corporation.

Notice to Corporation of putting up or removing meters.

34. Before any person shall connect or disconnect any meter through which any of the gas of the Corporation is intended to be or has been registered, he shall give not less than twenty-four hours notice in writing to the Corporation of his intention to do so, and any person offending against this enactment shall be liable to a penalty not exceeding forty shillings.

A.D. 1871.

Repair of meters.

35. Every consumer of gas of the Corporation shall at all times, at his own expense, keep all meters belonging to him whereby any gas of the Corporation is registered in proper order for correctly registering such gas, in default whereof the Corporation may cease to supply gas through such meters, and the Corporation shall at all reasonable times have access to, and be at liberty to take off, remove, test, inspect, and replace any meter belonging to a consumer, such taking off, removal, testing, inspecting, and replacing to be done at the expense of the Corporation if the meter be found in proper order, but otherwise at the expense of the consumer.

Power to Corporation to let meters.

36. The Corporation may let for hire any meter for ascertaining the quantity of gas consumed or supplied, and any fittings thereto, for such remuneration in money and on such terms with respect to the repair of such meter and fittings, and for securing the safety and return to the Corporation, of such meter, as may be agreed upon between the hirer and the Corporation, and such remuneration shall be recoverable in the same manner as the rents or sums due to the Corporation for gas, and such meters and fittings shall not be subject to sequestration or other process 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 proceedings in bankruptcy against the persons in whose possession the same may be.

Register of gas meter to be primâ facie evidence.

37. The register of the meter shall be primâ facie evidence of the quantity of gas consumed by any customer of the Corporation and in respect of which any rent is charged and sought to be recovered by the Corporation.

Power to remove meters and fittings.

38. It shall be lawful for the Corporation, after forty-eight hours notice in writing under the hand of the manager of their works or any other of their officers to the occupier, or, if unoccupied, then to the owner or lessee, or the person in charge or reputed to be in charge of any land, house, or building in which any pipes, mains, meters, or fittings belonging to the Corporation are laid or fixed, and through or in which the supply of gas shall from any cause other than the neglect or default of the Corporation be discontinued, to enter such land, house, or building, between the hours of nine in the morning and four in the afternoon, for the purpose of removing and to remove such pipes, meters, or fittings, repairing all damages caused by such entry or removal, and every such notice shall be served by being delivered to the person for whom it is intended, or left at his usual or last known place of abode, or if such person or his address be not known to the Corporation after due inquiry, then by being affixed on some conspicuous part of such land, house, or building.

A.D. 1871.

Fraudulently injuring meters, &c.

39. Every person who shall wilfully, fraudulently, or by culpable negligence injure or suffer to be injured any meter or fittings belonging to the Corporation, or shall fraudulently alter or prevent the index to any meter from duly registering the quantity of gas supplied, shall (without prejudice to any other right or remedy for the protection of the Corporation or the punishment of the offender) for every such offence forfeit and pay to the Corporation a sum not exceeding five pounds, and the Corporation may, in addition thereto, recover the amount of any damages by them sustained; and the Corporation may also discontinue the supply of gas to the person so offending until the injury is remedied, and the amount of the damages are paid, and notwithstanding any contract previously existing.

For preventing frauds and waste of gas.

40. If and whenever any person supplied with gas by the Corporation wilfully does, or causes or suffers to be done, anything in contravention of any of the provisions of this Act, or wilfully fails to do anything which under this Act ought to be done for the prevention of the waste, misuse, or undue consumption of the gas of the Corporation, the Corporation may cut off or stop any pipe by or through which gas is supplied to him, and cease to supply him with gas so long as the cause of injury remains or is not remedied, and also may recover in any court of competent jurisdiction from every person so offending the amount of all loss, damage, or injury which the Corporation may sustain by reason of any such thing or failure; and the remedies of the Corporation under this enactment shall be in addition to their other remedies in that behalf.

Quality of gas.

41. All the gas supplied by the Corporation shall be at least of such quality as to produce from an argand burner having fifteen holes and a seven-inch chimney, and consuming five cubic feet of gas per hour, a light equal in intensity to the light produced by eighteen 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.

42. 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 an argand fifteen-hole burner and a seven-inch chimney, or other approved 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.

A.D. 1871.

Provision for testing quality of gas.

43. The Local Board of Health, or any five consumers of gas, may, by order in writing, appoint some competent person, not being a member, or officer, or servant of the Local Board of Health or said consumers, to proceed to the works of the Corporation, and the person so appointed may, at any reasonable hour in the daytime, on producing the said order, enter on the premises of the Corporation, and in the presence of the superintendent, or other officer of the Corporation, make experiment of the illuminating power of the gas by means of the experimental meter and other apparatus before mentioned, and the Corporation and their officers shall afford all reasonable facilities and assistance for making such experiment; and if it shall be proved to the satisfaction of the sheriff, after hearing the parties, that the illuminating power of the gas supplied by the Corporation did not, when so tested as aforesaid, equal the illuminating power by this Act prescribed, or that the Corporation or their officers refused to afford such reasonable facilities as aforesaid, or hindered or prevented the making of such experiment, in any such case the Corporation shall forfeit and pay to the Local Board of Health or consumers signing the appointment such sum, not exceeding twenty pounds, as such sheriff shall determine.

Costs of experiment to be paid according to the event.

44. The costs of and attending such experiment, including the remuneration to be paid to the person making the same, and the costs of the proceedings before the sheriff, and in the event of any penalty being imposed on the Corporation, shall be paid, together with such penalty, by the Corporation, to the persons complaining, but in the event of no penalty being imposed, such costs shall be awarded to be paid by the Local Board or consumers aforesaid to the Corporation, and shall be paid or levied accordingly.

Security for payment of rate.

45. Any person requesting to have a supply of gas from the Corporation shall, if and when required in writing by them, before he is entitled to have such supply, give to them security for the payment of the rate for the gas to be supplied to him; and the Corporation shall be liable to a penalty not exceeding five pounds if they shall discontinue the supply of gas to any person then having a supply, unless such person shall have failed to give them such security for seven days after the same shall have been demanded by the Corporation; and any dispute as to any matter arising under the present section shall be settled upon the application of either party by the sheriff, whose decision thereof shall be final, and not subject to review in any court or by any process whatever.

Recovery of sums owing to Corporation.

46. Where any person fails to pay any gas rent, or any rate, or any sum whatever due under this Act to the Corporation, they

may recover the same, with costs, by proceedings in any court of competent jurisdiction, and their remedies under this enactment shall be in addition to their other remedies for the recovery thereof.

Incoming occupier not to be liable for arrears.

47. The Corporation shall not be entitled to require from the incoming occupier of any property the payment of arrears of gas rent or of gas guarantee rate left unpaid by any former occupier, unless the incoming occupier has undertaken with such former occupier to pay or exonerate him from the payment of such arrears.

Corporation to fix rates for gas.

48. The Corporation shall, within one month after the passing of this Act, and also at their annual general meeting, cause their treasurer to lay before them an estimate by him of the sums to be derived for the year then current or ensuing from the sale of gas, secondary products, and other materials or articles, and from the letting of meters, and also an estimate of the sums required to meet for such year the annuities, interest on borrowed money, expenses of management, maintenance of works, repairs, materials, wages, taxes, and other outgoings and charges, and the payment of the sum required to be annually set apart for the sinking fund, and of a sum for the contingent fund, as herein-after provided, and at said meeting or at an adjournment thereof the Corporation shall fix the sums or prices to be charged by them for gas within the burgh and other products and articles manufactured and sold or let by them for the year then ensuing, or then current, as the case may be, so that the revenue shall, as nearly as possible, meet the expenditure for each year. Provided always, that if in any year the revenue received exceeds the amount required for the purposes aforesaid, the Corporation shall make such reductions in the sums to be charged by them in the following year for the like articles, or one or more of them, or carry such surplus to the contingent fund herein-after provided, as they shall think proper.

Guarantee rate.

49. It shall be lawful for the Corporation and they are hereby required from time to time to fix, impose, and levy, as after mentioned, such an assessment, to be termed "The Gas Contingent Guarantee Assessment," as shall be necessary to meet any deficiency in the moneys required to pay the annuities and interest thereon, if any, the interest of money borrowed and to be borrowed, and other annual expenditure under the provisions and for the purposes of this Act.

Assessment and levy of rate.

50. The gas contingent guarantee assessment shall be imposed and levied by the Corporation on and from the occupiers of all lands and heritages within the burgh 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

A.D. 1871.

levied within the burgh under the provisions of the Police Act; and all the powers, enactments, and provisions contained in the Police Act, with respect to the levying, payment, and recovery of the assessments thereby authorised to be levied, 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 assessment by this Act authorised to be raised, and the exceptions and exemptions therefrom, in the same manner as if said assessment had been authorised to be levied under the authority of the Police Act: Provided always, that the annual value of all lands and heritages used exclusively as a railway constructed under the powers of any Act of Parliament for public conveyance (excepting the stations, depôts, and buildings which shall be assessable to the same extent as other lands and heritages within the burgh) shall, for the said gas contingent guarantee assessment authorised by this Act, be held to be the nearest aggregate sum of pounds sterling to one fourth of the annual value thereof entered in the said valuation roll.

Discount on rates.

51. The Corporation may from time to time, if they think fit, make an allowance by way of discount, not exceeding the rate of five per centum on the amount due in respect of any rates or charges for gas and other products and articles manufactured or sold or let by them, to every person who pays the same within such time after demand thereof as the Corporation think fit to prescribe in that behalf.

Application of revenue.

52. The rates and charges levied under the authority of this Act and the other revenues of the Corporation shall be applied in manner following; (that is to say),

Firstly, in defraying the expenses of management and maintenance of the undertaking, including the annual costs, charges, and expenses of providing and supplying gas, and the payment of any feu duties or ground annuals exigible in respect of any lands or property forming part of the undertaking:

Secondly, in payment of the annuities to the annuitants, and of the interest of money borrowed under the authority of this Act:

Thirdly, in payment of the sum required to be annually set apart and appropriated for the purpose of the sinking fund as hereinafter provided:

Lastly, in payment of the sum which the Corporation are hereinafter authorised to set apart as a contingent fund.

Power to borrow on mortgage.

53. It shall be lawful for the Corporation to borrow on mortgage any sums not exceeding five thousand pounds, and to make and

grant mortgages of the property and works forming their undertaking, and of the several rates and charges leviable by them under the provisions of this Act in security of the payment of the money so borrowed, and interest thereon; and if after having borrowed the said sums or any part thereof, the Corporation pay off the same, except by means of the sinking fund after mentioned, it shall be lawful for them again to borrow the amount so paid off, and so from time to time.

Corporation may borrow on credit of a cash account.

54. It shall be lawful for the Corporation to 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 Corporation, according to the usage of bankers in Scotland, to the extent of the sum which the Corporation are herein-before authorised to borrow, or any part thereof, and to make and grant mortgages of the property and works forming their undertaking, and of the several rates and charges leviable by them under this Act, in security of the payment of the amount of such credit, or of the sums advanced from time to time on such cash account, with interest thereon: Provided always, that the whole principal sums due and owing by the Corporation on such cash account, and for money borrowed by them on mortgage, as aforesaid, shall not, when taken together, exceed the sum by this Act authorised to be borrowed.

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

55. Every mortgage to be granted by the Corporation may be partly in writing and partly printed, and shall, besides being under the common seal of the Corporation, be signed by at least two of the members of the Corporation and the treasurer, and all drafts or orders on the cash account before mentioned shall be signed by any two of the members of the Corporation authorised so to do, and shall be countersigned by the treasurer: Provided always, that no member of the Corporation or the treasurer shall, by his subscription of any such mortgage draft or order, be or be held to have rendered himself individually or personally liable for the payment of any money so borrowed, drawn, or received, or any interest thereon, or of any sums whatsoever in respect thereof.

Arrears may be enforced by appointment of judicial factor.

56. In the event of any annuity or part of an annuity, or of any principal money borrowed by the Corporation as aforesaid, or any interest thereon, not being paid within two months after the same shall have become due, and after twenty-one days previous demand thereof in writing, containing notice of the intention to make the application after mentioned, and which twenty-one days may form part of the said two months, it shall be lawful for any annuitant or mortgagee having an annuity or interest on a mort-

A.D. 1871.

gage respectively in arrear to the amount of twenty pounds, or for any mortgagee with principal, or principal and interest in arrear, to the amount of five hundred pounds, or for several annuitants or mortgagees having annuities or interest respectively in arrear to the amount of forty pounds in the aggregate, or for several mortgagees, with principal, or principal and interest 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 may be made from time to time when such arrears arise, and shall be made by summary petition to the Court of Session in either division thereof, 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 annuitant or annuitants, or mortgagee or mortgagees, holding the sums in arrear before specified, to appoint from time to time some person as judicial factor, to the effect and with the powers hereinafter mentioned, unless previously to such application being advised the sums due, with interest and expenses, shall have been paid to the petitioner or petitioners; and the interlocutor making such appointment shall not be subject to review or appeal, but without prejudice to the legal rights of recovery competent to such annuitant or annuitants, or mortgagee or mortgagees.

Powers and duties of judicial factor.

57. The judicial factor so appointed, on finding security in common form, shall have and exercise all the powers conferred by this Act upon the Corporation for and in relation to fixing, imposing, levying, and recovering the several rents and charges by this Act authorised to be made and levied, and managing and maintaining the undertaking, works, and property of the Corporation, and the Corporation shall deliver to him all rate books and other 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 payment out of the rates and revenues according to their respective rights and priorities as herein-before provided; and such judicial factor shall continue not only until all arrears of annuities and arrears of interest or of principal and interest of mortgages due at the date of the appointment of such judicial factor, and all interest due on any of the said sums, and any annuities or interest which shall have become due during his continuance in office, with interest and expenses, including the expenses of the application for such appointment and of carrying the purposes thereof into execution, and for obtaining the judicial factor's discharge, shall have been paid, but also until any half year's annuities

or interest which, although not due, may become current during his continuance in office, and a sufficient sum to meet expenses shall have been paid or consigned in one of the banks of Scotland incorporated by Act of Parliament or Royal Charter; and upon payment as aforesaid of such annuities, interest, and expenses, it shall be lawful for the Corporation to apply to the Court of Session in either division thereof, or in time of vacation to the Lord Ordinary on the Bills, for the recall of the appointment of the judicial factor, who may recall such appointment accordingly.

Mortgages to be personal estate.

58. All mortgages to be granted by the Corporation under the authority of this Act, and all money to be advanced and lent on the security of the rates and charges leviable by them, 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.

59. Any person entitled to any mortgage granted by the Corporation under the authority of this Act may discharge the same, and his right and interest therein, in favour of the Corporation, 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 Schedule (E.) 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.

Providing for regular payment of annuities.

60. With a view to the regular payment of the annuities under the provisions of this Act as the same fall due, the Corporation shall from time to time apply such part of the money borrowed under the authority of this Act as may be required to pay the said annuities, but it shall be incumbent on the Corporation to replace the sums so applied out of the rates and charges to be imposed and levied under the powers of this Act.

Application of money borrowed.

61. The several sums borrowed by the Corporation under the authority of this Act shall be applied in payment of the debts of the Company in so far as undertaken by the Corporation, and in carrying the other purposes of this Act into execution, and to no other purposes whatsoever; provided that the several sums so borrowed shall not be applied to any of the purposes to which the rates and charges by this Act authorised to be levied are herein-before specially made applicable, excepting temporary advances for payment of the annuities as herein-before provided.

Lenders to Corporation not bound to see to application of money.

62. Any person lending money to the Corporation shall not be bound to see to the application or be answerable for any loss or non-application of such money, or of any part thereof.

A.D. 1871.

Sinking fund.

63. The Corporation shall, after the expiration of three years from the passing of this Act, set apart as a sinking fund a sum of not less than one hundred and fifty pounds per annum, and such sinking fund shall from time to time be applicable to the redemption of mortgages and annuities, and to no other purpose, and shall be lodged in any of the banks in Scotland incorporated by Act of Parliament or Royal Charter, or invested in Government securities, or lent out at interest in the name and at the discretion of the Corporation, until the same be applied for the purposes before specified.

Contingent fund.

64. It shall be lawful for the Corporation to set apart annually a sum, not less than two and one half per centum of the gross annual revenue received by them, to be applied, in their discretion, as a contingent fund against risks and losses by fire, explosions, and decay or destruction of works other than by ordinary tear and wear, and for permanent additions and improvements, and to invest the moneys so set apart, when the same are not required, in such way and manner as they may deem expedient.

Redemption of annuities.

65. It shall be lawful for the Corporation to redeem the annuities, or any of them, or any part thereof, from time to time as they come into the market for sale; and before any shareholder or annuitant shall sell or attempt to sell any annuity or annuities vested in such shareholder or annuitant, such shareholder or annuitant shall be bound to offer to sell the same to the Corporation at and after the rate of twenty-two and one half years purchase thereof, and the Corporation shall be bound to signify their acceptance or rejection of such offer within fourteen days after it is made; and no sale made, and no conveyance or transfer in implement of any sale granted contrary to the provisions herein-before written, or during the currency of the foresaid fourteen days, shall be valid or effectual; and in the event of any transfer or conveyance being so granted the Corporation shall be entitled to decline to register the same, and it shall not be registered, but be null and void without the necessity of declarator, reduction, or other process: Provided always, that should the Corporation delay signifying their acceptance of the said offer beyond the said fourteen days, or should they decline to accept the said offer within that period, the shareholder or annuitant making the said offer shall then and thereafter be entitled to sell and to grant, execute, and deliver all necessary and proper transfers or conveyances: Provided further, that when any annuity is redeemed as before mentioned, an entry of the redemption thereof shall be made in the register of Forfar Gas Annuities, and thereupon the redeemed annuity shall be wholly extinguished.

Application of penalties.

66. All penalties and forfeitures exigible under this Act, and the Acts wholly or partially incorporated herewith, other than those

for which the Corporation themselves may at any time become liable, shall be payable to the Corporation, and shall, when recovered, be applied by them to the purposes of this Act.

Expenses of Act.

67. All costs, charges, and expenses of and incident to the preparing for, obtaining, and passing this Act, or otherwise in any way in relation thereto, whether incurred by the magistrates and town council of Forfar, or by the Company (but as regards the Company only to the extent of fifty pounds in all) shall be paid by the Corporation out of the moneys to be borrowed and received under the authority of this Act.

A.D. 1871.

SCHEDULES referred to in the foregoing Act.

SCHEDULE (A.)

MINUTE of AGREEMENT between John Whyte, Esquire, provost; James Grant, James Stewart, and Robert Thornton, bailies; James Dargie, treasurer; and John Lowson, junior, John Fyfe, William Adamson, John Laird, junior, Alexander Lowson, Robert Hutchison, Peter Reid, David Christie, James Byars, and Arthur Nicoll, councillors, the magistrates and town council of the royal burgh of Forfar, as representing the community thereof, of the first part; and James Lowson, junior, manufacturer, Forfar; John Steele, merchant there; James Anderson, merchant there; William Barry, merchant there; James Ewen, wood merchant there; William Steel, Doctor of Medicine, residing there; John Fyfe, farmer, residing in New Road, Forfar; James Burns, residing in East High Street, Forfar; and John Lowson, junior, manufacturer, Forfar; the Directors of the Forfar Gaslight Company, and for and on behalf of and as representing the said Company, of the second part.

WHEREAS the first parties, having become desirous to acquire the undertaking of the Forfar Gaslight Company, entered into negotiations with the second parties on the subject, and both parties have now agreed as underwritten; that is to say, the said parties, subject to the sanction of Parliament, mutually agree as follows:—

First. The undertaking of the Forfar Gaslight Company (excepting as after mentioned) shall be transferred in manner after mentioned to the first parties hereto and their successors in office as representing the community of the burgh of Forfar (herein-after called "the Corporation") under the Bill and Act to follow thereon after mentioned.

Second. The said transfer shall take place as at the fifteenth day of July one thousand eight hundred and seventy one, at which date, in consideration and subject to payment of the annuities and other sums herein-after stipulated to be granted and paid as the price thereof, there shall be transferred to and there shall vest in the said Corporation the undertaking of the said Company, including therein their whole gasworks, business, lands, buildings, mains, pipes, meters, machinery, plant, apparatus, and heritable and moveable fittings and tools, and other trade assets belonging to the Company, with the exception of what is reserved under article third hereof, and of the following effects; videlicet, any stock of coals, lime, bricks, and coke, and secondary or residual products on hand as at the said date of transfer belonging to the Company, but which excepted effects shall be taken and paid for by the said Corporation at

such valuation as shall be put thereon by two arbiters mutually chosen, or by an oversman to be appointed by such arbiters in case of their differing in opinion, and the valuation price of which excepted effects shall be paid on the first day of December one thousand eight hundred and seventy-one.

Third. The Company shall retain and reserve and have right to the whole gas rates or rents incurred and due by consumers for gas made and consumed up to the said fifteenth day of July one thousand eight hundred and seventy-one, including all arrears for previous years, the sums due for secondary products sold but not collected up to the same period, the amount of the Company's contingent fund now lent to the magistrates and heritors of Forfar, and all money in the hands of bankers or accounts due by third parties to the said Company, as well as all money in the hands of the Company itself as at the said date, all of which the Company shall be entitled to uplift, recover, and deal with as their property. For the purpose of ascertaining the precise amount of gas rates or rents due to the Company up to the said fifteenth July one thousand eight hundred and seventy-one, there shall be an inspection made of the whole meters of consumers, commencing on first May and ending on thirty-first May next, and the result of such inspection shall be entered in the consumers pass books as on fifteenth May next, and the amount of gas made and consumed as from that date to fifteenth July one thousand eight hundred and seventy-one shall be taken and ascertained from the register of the station meter of the works, and after deducting twenty per centum for leakage, the balance of such consumption shall, on the one hand, be charged at the present price of gas as a debt due by the Corporation to the Company and paid by the former on the first day of December one thousand eight hundred and seventy-one, and on the other hand the Corporation shall be entitled to collect, recover, and discharge as gas rates or rents due to themselves, the gas rates or rents for all gas made and supplied from and after the dates of said inspection, and to appropriate and use as their own property all gas in gasholders or pipes, or in the course of being made, on the said fifteenth July one thousand eight hundred and seventy-one.

Fourth. The purchase price of the said undertaking, including as aforesaid but excepting as before mentioned, shall be paid in the form of perpetual annuities at the rate of seven and one half per centum per annum on the sum of nine thousand pounds, being the paid-up capital stock of the Company, amounting in all, the said perpetual annuities, to six hundred and seventy-five pounds on the said paid-up capital stock of the Company; and the said Corporation shall pay and shall become bound under the foresaid Bill and Act to pay to the shareholders of the Company, according to their respective rights and interests in and according to the several proportions held by them of the said paid-up capital stock, the foresaid perpetual annuities, amounting in the aggregate to six hundred and seventy-five pounds per annum; and each person entitled on the fifteenth day of July one thousand eight hundred and seventy-one to any share or shares of the said paid-up capital stock shall be entitled to a proportion of the said aggregate amount of annuities of six hundred and seventy-five pounds per annum, corresponding to the proportion which the share or shares of paid-up capital stock to which he is then entitled shall bear to the whole of the said paid-up capital stock, payable, the said annuities, to the said respective shareholders as aforesaid on the fifteenth day of July in every year in all time coming, the first payment thereof being made on the

A.D. 1871. fifteenth day of July one thousand eight hundred and seventy-two, for the year preceding, and so on yearly thereafter.

Fifth. The annuitants shall be creditors of the said Corporation for the payment of the said annuities, and the same shall be by the said Bill and Act constituted primary, real, and preferable burdens and liens on the undertaking to be transferred to the Corporation and on any other works and property to be constructed or acquired by the said Corporation for the purposes of said Act, and on the rates, charges, assessments, and other revenues to be levied and received by them under the said Act.

Sixth. The said annuities shall vest in and belong to the several persons who, on the said fifteenth day of July one thousand eight hundred and seventy-one, shall be shareholders in the Company, according to their respective rights and interests as herein-before provided, and on or before the first day of November one thousand eight hundred and seventy-one the Corporation shall, at their own expense, grant and issue to every such shareholder of the Company, or to his or her executors, administrators, or assignees on delivery to the Corporation of a certificate signed by the chairman and secretary of the said Company, or on production of other evidence of the share or stock held by him or her in the paid-up capital of the Company, annuity certificates in the form to be sanctioned by the said Act for the amount of the annuities to which such shareholders shall be entitled under this agreement and the said Act.

Seventh. The said Corporation shall yearly, at their annual meeting, make up an estimate of the revenues to be derived for the then current or ensuing year from the sale of gas, secondary products, and others, and also an estimate of the sums required to meet for such year the said annuities, expenses of management, maintenance of works and repairs, materials and wages, and other annual outlays, including interest on borrowed money, and any payments to sinking fund, and they shall fix the price of gas and other products for the year then current or ensuing, so that the revenue shall as nearly as possible meet the said annual payments and expenditure for each year, and as a further security for the payment of the said annuities the said Corporation shall take power, and shall be required under the said Act from time to time to assess and levy on and from the occupiers of all lands and heritages within the said burgh, according to the valuation roll in force therein for the time, or otherwise as the Act may provide, such a rate or assessment to be called the "Gas Guarantee Assessment," as shall be necessary in the event of and for the purpose of meeting any deficiency of funds for payment of the said annuities, and other annual payments and expenditure, which guarantee assessment shall be levied by the Corporation from the said occupiers in the same manner as the assessment for general purposes of police may be imposed and levied within the burgh under the provisions of the Police Act, or otherwise as the Act may provide.

Eighth. It shall be lawful for the Corporation to purchase and redeem the annuities from time to time as they come into the market for sale, and before any shareholder or annuitant shall sell any annuity or annuities vested in such shareholder or annuitant, such shareholder or annuitant shall be bound to offer to sell the same to the Corporation at and after the rate of twenty-two and one half years purchase thereof, who shall be bound to signify their acceptance or rejection of said offer within fourteen days after it is made, and no sale made and no conveyance or transfer in implement of any sale granted contrary to the

provision herein-before written, or during the currency of the foresaid fourteen days, shall be valid and effectual, and in the event of any transfer or conveyance being so granted the Corporation shall be entitled to decline to register the same, and it shall not be registered, but shall be null and void without the necessity of declarator, reduction, or other process: Provided always, that should the Corporation delay signifying their acceptance of the said offer beyond the said fourteen days, or should they decline to accept the said offer within that period, the shareholder or annuitant making the said offer shall then and thereafter be entitled to sell and to grant, execute, and deliver all necessary and proper transfers and conveyances.

Ninth. The said Corporation agree to free and relieve the Company from liability for payment of the debt due by the Company on personal bond to John Nicoll, farmer, Pitreuchie, to the extent of two hundred and fifty pounds, and of all interest to become due on said sum of two hundred and fifty pounds from and after the said fifteenth day of July one thousand eight hundred and seventy-one, and they shall pay the same on or before the eleventh day of November one thousand eight hundred and seventy-two, and obtain and deliver a discharge thereof to the Company, and, with the exception of the foresaid sum of two hundred and fifty pounds and said interest agreed to be paid by the said Corporation, the said Company shall be bound to pay and discharge all debts, liabilities, and obligations of whatsoever kind or denomination, incurred or due by or existing against the Company at the said fifteenth day of July one thousand eight hundred and seventy-one; but declaring that the said Corporation shall assume and become liable for (first), the Company's contracts or accounts or debts for stores ordered but not delivered previous to fifteenth July next, they being on the other hand entitled to demand and receive delivery and implement of such contracts and stores for subsequent use; (second), the Company's contracts or engagements with the manager and servants of the Company, and all salaries to the manager or servants and feu duties and public and parochial burdens exigible from or on account of the undertaking to be transferred from and after the said fifteenth day of July one thousand eight hundred and seventy-one and in all time thereafter.

Tenth. In so far as not already herein specified, provision shall also be made in the said Act in reference to the annuity certificates, and the registering and transferring and transmitting of the annuities, and for securing payment of the annuities, fixing and levying rates and assessments, appointment of judicial factor and others, similar to sections twenty-nine to thirty-nine inclusive, and sections forty-three, fifty-one, seventy, seventy-one, seventy-three, and sections seventy-nine and eighty of "The Dundee Gas Act, 1868," but with such variations as may be necessary to adapt them to the different circumstances of the Company and the Corporation and the provisions of this agreement as confirmed by the said Act.

Eleventh. The said Corporation agree to promote in the next Session of Parliament a Bill for vesting the undertaking of the Company, including as aforesaid and excepting as before mentioned, in the said Corporation in terms of this agreement. The clauses of the said Act will be such as to carry out the arrangements now agreed on, and will contain such other provisions as may be necessary for enabling the Corporation to work and maintain the gasworks and manufacture and supply gas and secondary products, &c. It will also contain

A.D. 1871. a power to borrow money on mortgage or otherwise not exceeding five thousand pounds, and a sinking fund clause, and the interests of the borrowed money will rank pari passu with the annuities; but all sums that may be borrowed by the Corporation under the authority of the said Act shall be applied in payment of the debts of the Company, in so far as undertaken by the Corporation, and in carrying the other purposes of the said Act into execution, and to no other purpose whatsoever. The said Bill shall be under the control of the said Corporation, who shall be entitled to employ their own solicitors and parliamentary agents, and be alone responsible to them for the expenses thereby incurred; but the said Company shall also be entitled, at the expense of the said magistrates and town council, to employ a parliamentary solicitor and local agents to revise the Bill and to watch over the same in its progress through Parliament, so as to carry out fully the provisions of this agreement; but the obligations of the Corporation as to payment of the expenses of the parliamentary and local solicitors to be employed by the Company, both in connexion with this deed of agreement and the revising of the said Bill, and the watching over the same in its progress through Parliament and otherwise, shall be limited to fifty pounds.

Twelfth. All expenses incurred, or to be incurred, by the magistrates and town council of and incident to the preparing for and passing the Act, or otherwise in any way in relation thereto, including the foresaid payment of expenses to be made to the Company, shall be paid by the Corporation out of the moneys to be borrowed or received by them under the authority of the Act.

Thirteenth. In case any difference shall arise between the parties hereto as to the true intent and meaning of these presents, or as to the terms of the said Act to be applied for, then the same shall be referred to the decision of John Horatio Lloyd, Esquire, barrister-at-law, London, as sole arbiter.

Fourteenth. Both parties agree to carry out the present agreement in good faith, and all the clauses of the Bill as between the parties hereto are to be agreed upon and adjusted by the said parties to their mutual satisfaction, or failing that by the said referee, before the second reading of the Bill in the House of Commons.

Lastly. In the event of the authority of Parliament not being obtained in the next session to this agreement, the same shall come to an end, and neither the magistrates and town council nor the Company shall incur any personal or other liability the one to the other, except that the magistrates and town council shall in that case bear and pay expenses aforesaid, from the common good of the burgh.

In witness whereof these presents, consisting of this and the eight preceding pages, written on stamped paper by Andrew Christie, apprentice to William Lowson, solicitor in Forfar, are duly executed (in duplicate) as follows, videlicet, the same are sealed with the common seal of the said royal burgh of Forfar, and subscribed by John Whyte, leather merchant in Forfar, provost, James Grant, manufacturer in Forfar, and James Stewart, shoemaker in Forfar, bailies, by James Dargie, builder in Forfar, treasurer, and by Alexander Lowson, coal merchant in Forfar, Robert Hutchison, saddler in Forfar, David Christie, shoemaker in Forfar, and Arthur Nicoll, draper in Forfar, all councillors, being a majority and quorum of the magistrates and town council of the

said royal burgh of Forfar, and by order and authority and in name of the said magistrates and town council in council assembled at Forfar, on the seventh day of December eighteen hundred and seventy years, before these witnesses, William Fyfe Craik and Thomas Guthrie Chase, both clerks to William Roberts, town clerk of Forfar; and the same are also subscribed by the said James Lowson, junior, James Anderson, William Barry, James Ewen, William Steel, John Fyfe, James Burns, and John Lowson, junior, being eight and a quorum of the directors of the said The Forfar Gaslight Company, by order and in presence of a general meeting of the shareholders of the said Company, duly called and held, and for and on behalf of and as representing the said Company, at Forfar, on the eighth day of the said month of December and year last before mentioned, before these witnesses, the said Andrew Christie, writer hereof, and Alexander Wallace, also apprentice to the said William Lowson.

JOHN WHYTE, provost.
JAMES GRANT.
JAMES STEWART.
JAMES DARGIE.
ALEXANDER LOWSON.
ROBERT HUTCHISON.
DAVID CHRISTIE.
ARTHUR NICOLL.

JAMES LOWSON, jr.
JAS. ANDERSON.
WM. BARRY.
JAS. EWEN.
WILLIAM STEEL.
JOHN FYFE.
JAMES BURNS.
JOHN LOWSON, jur.

WM. F. CRAIK, witness.
TH. G. CHASE, witness.
ANDW. CHRISTIE, witness.
ALEXR. WALLACE, witness.

L.S.

SCHEDULE (B.)

FORM OF ANNUITY CETIFICATE.

No.

This is to certify that *A.B.* (*name and designation*) is entitled to receive from the Corporation authorised under "The Forfar Gas Act, 1871," an annuity of pounds, payable on the fifteenth day of July in each year, beginning the first payment thereof on the fifteenth day of July one thousand eight hundred and seventy-two, for the year preceding, and so forth thereafter, and which annuity is preferably secured on the property and works vested in and to be acquired or constructed by the said Corporation, and on the several rates and revenues to be levied and received by them.

Dated this day of one thousand eight hundred and

(*Signed by two members of the Corporation and the Treasurer.*)

A.D. 1871.

SCHEDULE (C.)

Form of Transfer of Annuity Certificate.

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 annuity of pounds, No. (*as the case may be*) of "The Forfar Gas. Annuities," created under and by virtue of "The Forfar Gas Act, 1871," now standing in my name in the books of the Corporation authorised under the said Act, 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, if executed in Scotland, and if executed in England or elsewhere the form of attestation used in England*).

SCHEDULE (D.)

All and whole those lands lying within the burgh of Forfar, and bounded as follows; videlicet, on the west by the public road leading from the north Loan of Forfar to the railway station; on the north by a road thirty feet wide; on the east by the property or reputed property of the successors of the late Andrew Copland, quarry master in Forfar; and on the south by the line of the Arbroath and Forfar Railway, now forming part of the Caledonian Railway system.

SCHEDULE (E.)

Form of Discharge.

Received from the Corporation authorised under "The Forfar Gas Act, 1871," the sum of , being the principal sum contained in the within mortgage (all interest due thereon having been previously paid), and the said mortgage is now delivered up as paid.

Dated this day of eighteen hundred and .

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