CHAP. xliv.

An Act for amending the Acts relating to the Police and Improvement of the town of Greenock, and for vesting the existing Gasworks there in the Board of Police of the town, and for authorising the Board to make new Gasworks; and for other purposes. [16th June 1871.]

A.D. 1871.

WHEREAS by the Greenock Police and Improvement Act, 1865, (in this Act referred to as the Greenock Act of 1865,) provisions relating to the police of the town of Greenock were consolidated and amended, and the Board of Police of Greenock (in this Act referred to as the Board) were constituted and incorporated, and certain improvements in the town were authorised, and various powers were conferred on the Board with reference to those improvements, and to (among other things) the government of the town, and the lighting thereof, and the supply of water thereto: 28 & 29 Vict. c. ccc.

And whereas it is expedient that the Greenock Act of 1865 be in various respects extended and amended:

And whereas an agreement, dated the twenty-second day of February one thousand eight hundred and thirty-one, and registered in the books of council and session in Scotland on the seventh day of March one thousand eight hundred and thirty-one (in this Act referred to as the agreement of 1831), was made between several persons therein named and described, and further therein designated as commonly called trustees on the water fund, on the one part, and several persons therein named and described as baillies, treasurer, and councillors of the burgh of barony of Greenock, and therein designated as acting as such on behalf of the community, on the other part:

And whereas by the agreement of 1831 it was recited (among other things) to the effect that by deed of concert entered into by the subscribers to the fund for erecting gasworks in Greenock (in this Act referred to as the subscribers), with consent of the predecessors in office of the said first party, dated the twenty-seventh

A.D. 1871. day of December one thousand eight hundred and twenty-seven, and subsequent dates, it was agreed that the subscribers should advance certain sums of money, amounting in whole to the sum of nine thousand four hundred pounds (but of which the sum of nine thousand one hundred pounds only was actually advanced), and that for the purpose of having gasworks erected in the town, it being thereby specially stipulated that the gasworks so to be erected should be vested in the subscribers, or in trustees appointed by them, but should be afterwards conveyed to the said first party as trustees on their repaying the money to be advanced by the subscribers, with interest at the rate of five per centum per annum, provided such repayment should be made on or before the first Friday of June one thousand eight hundred and thirty-two, and failing the said first party doing so, then the gasworks were to be held by the subscribers as a joint stock company as therein mentioned:

And whereas the agreement of 1831 further recited to the effect that by the said deed of concert persons therein named were appointed a committee for carrying the purposes therein detailed into effect, and also trustees for the subscribers, and in order that the grounds and buildings purchased for the undertaking, and the gasworks and property connected therewith, might be vested in them as trustees for the subscribers:

And whereas the agreement of 1831 further recited to the effect that the persons named in this behalf in the said deed of concert accepted the office of trustees thereunder, and in virtue of the powers thereby committed to them purchased two pieces of ground on which gasworks had (between the date of the deed of concert and the date of the agreement of 1831) been erected, and that the same were, along with the pipes, meters, and whole other property connected therewith at the date of the agreement of 1831, vested in them and their successors in office as trustees aforesaid:

And whereas the agreement of 1831 further recited to the effect that the said first party, commonly called trustees on the water fund, had then already borrowed to the extent authorised by the Acts of Parliament, and were thus not in a situation to make payment to the subscribers of the amount of their respective subscriptions, with interest, and that therefore, in order to secure as far as possible the advantages which were likely to arise to the trust under the management of the trustees on the water fund from the possession of the gasworks, and which would otherways be wholly lost, it was resolved, at a meeting of the trustees on the water fund, held on the third day of April one thousand eight hundred and thirty, to assign over to the magistrates and council the right vested in those trustees by the deed of concert, on condition that the magistrates and council should

advance to the subscribers the amount of their respective subscriptions, with interest, and divide the profit or loss arising from the gasworks equally between the funds of the trust under the management of the said first party and the funds of the town proper:

And whereas the agreement of 1831 further recited to the effect that this arrangement was acceded to at a meeting of council held on the sixth day of April one thousand eight hundred and thirty, and also at a general meeting of the subscribers held on the thirteenth day of June one thousand eight hundred and thirty, to which they had since individually agreed:

And whereas by the agreement of 1831 it was agreed to the effect that in implement of the resolution come to at the aforesaid meetings, and for the considerations therein-after mentioned, the persons being the said first party as trustees foresaid did thereby for themselves and their successors in office assign and convey over to the persons the said second party, as baillies, treasurer, and councillors foresaid, and their successors in office, for behoof of the community, all right, title, and interest which they the said first party, or their predecessors or successors in office, had had, or then had, or could claim or pretend to the said gasworks, grounds on which the same were erected, pipes, meters, and every other property, of whatever description or denomination, connected therewith or belonging thereto, whether in virtue of the aforesaid deed of concert, or in any other manner of way:

And whereas by the agreement of 1831 it was further agreed to the effect that the said first party further bound and obliged themselves, as trustees foresaid, and their successors in office, to procure a formal, valid, and irredeemable conveyance to the said gasworks, grounds on which the same were erected, pipes, meters, and every other property connected therewith or belonging thereto, in favour of the said magistrates, treasurer, and councillors, and their successors in office:

And whereas by the agreement of 1831 it was further witnessed to the effect that for the causes aforesaid, and on the other part the persons, being the said second party, as baillies, treasurer, and councillors foresaid, in implement of the resolution come to at the aforesaid meeting of the council, agreed and became bound, as they did thereby bind and oblige themselves, as magistrates, treasurer, and councillors foresaid, and their successors in office, to advance and pay to the subscribers the amount of their respective subscriptions, amounting to the sum of nine thousand one hundred pounds, being the actual amount advanced by the subscribers, together with interest, as stipulated for in the said deed of concert:

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And whereas by the agreement of 1831 it was further agreed to the effect that, in further implement of the agreement entered into between the parties thereto as aforesaid, they the said parties had mutually resolved and agreed, and thereby bound and obliged themselves and their respective successors in office, to the effect following; (namely,)

First, that the gasworks should be managed by the trustees on the water fund for the time being, or by a committee of their number to be appointed by them, but that every such committee should consist of equal numbers of the magistrates and council for the time being, and of such of the said trustees as were elected by the feuars and householders, and that one of the magistrates should be convener, with a casting vote, and that any such committee should have no power to alter the rates of charge for gas, or to dismiss or appoint managers, clerks, or officers, but that such powers should be vested in the whole trustees as a body;

Second, that the free surplus funds then in the hands of the treasurer to the fund for erecting the gasworks should be equally divided between the funds of the water trust and the town proper, and that the profit or loss arising in all time thereafter from the gasworks should be equally divided or shared between the funds of the said trust, under the management of them the said first party, and the funds of the town proper, then under the management of them the said second party;

Third, that regular separate and distinct books should be kept for the gasworks, to be posted, brought forward, and balanced as therein provided, when the profit or loss arising from the works should be equally divided as aforesaid between the funds of the water trust and those of the town proper, or shared equally by them, after debiting the works with the interest of the said sum of nine thousand one hundred pounds, the expense of all extensions, improvements, or repairs, and also all expenses of management;

Fourth, that in the event of the annual revenue of the works not being sufficient to meet the interest on the sums advanced by them the said magistrates and councillors to the subscribers, and other expenses, improvements, or repairs as aforesaid, or that the funds could not be realised in proper time to meet the said interest and expenses, and other expenses, improvements, or repairs, then and in that case they the said parties thereby severally bound and obliged themselves and their successors in office to advance and pay from the funds under their manage-

ment respectively, each an equal proportion of any sum or sums which should be necessary in either of said cases, and in case either of them or their respective foresaids should have previously advanced more than the due proportion exigible from them, they respectively bound and obliged themselves and their foresaids, the one to make payment to the other of the sums so advanced beyond such due proportion, with the legal interest thereof from the date of such advance; A.D. 1871.

with a provision for arbitration in case of any difference between the said parties:

And whereas in the year one thousand eight hundred and forty an Improvement Act for the town of Greenock, described in the first schedule to this Act, was passed (which is in this Act referred to as the Greenock Act of 1840):

And whereas the Greenock Act of 1840 recited the various Acts under which the trustees, commonly called the trustees on the water fund, acted, and partly repealed and otherwise altered the same:

And whereas the Greenock Act of 1840 enacted (among other things) to the effect (section 4) that the provost, the four baillies, the treasurer, and the whole councillors of the town council of Greenock, and their successors in office, together with nine feuars or sub-feuars of the town, to be named and afterwards to be chosen as in that Act mentioned, should be and they were thereby appointed trustees for effecting the ends and purposes of that Act, and carrying the same into execution:

And whereas the Greenock Act of 1840 further enacted (among other things) to the effect (section 89) that all contracts and agreements theretofore entered into between the former baillies and town council of Greenock of the one part, and the trustees on the water fund of the other part, in relation to the acquiring and establishing of works and apparatus for the manufacture of gas, and laying pipes for the supply of the same to the inhabitants of the town, should be valid and effectual to all intents and purposes, and should be binding on the trustees acting under the authority of that Act, and their successors in office, and that it should be lawful for the said trustees, and they were thereby required, to exercise and use all and every the powers by that Act granted for the due fulfilment of the said contracts or agreements accordingly:

And whereas by the Greenock Act of 1865 the Greenock Act of 1840 was recited, and the same was thereby (section 3) repealed, except that part thereof providing for the supply of water:

And whereas by the Greenock Act of 1865 it was enacted (among other things) to the effect (section 15) that all lands and heritages,

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rates, assessments, debts, fines, penalties, and expenses, rights, claims, demands, and effects of every kind belonging to or vested in the trustees under the Greenock Act of 1840, or in any person on their behalf, under or by virtue or in pursuance of the same Act, and all powers, rights, and privileges conferred on or vested in the said trustees, were transferred to and vested in the Board:

And whereas by the Greenock Act of 1865 it was further enacted (among other things) to the effect (section 17) that the agreement between the former baillies and town council of Greenock and trustees acting under the Acts recited in the Greenock Act of 1840 (meaning the trustees on the water fund), relative to the acquiring and establishing of works and apparatus for the manufacture of gas and supply of the same, confirmed by section 89 of the Greenock Act of 1840, should be good, valid, and effectual to all intents and purposes, and might be enforced by or against the Board to the same extent and effect that they might have been enforced by or against the trustees for carrying into effect the Greenock Act of 1840:

And whereas by the Greenock Act of 1865 it was further enacted (among other things) to the effect (section 289) that the Board, as in place of the trustees under the Acts recited in the Greenock Act of 1840 (meaning the trustees on the water fund), and the provost, magistrates, and town council of Greenock, as in room of the baillies, treasurer, and councillors of Greenock, parties to the agreement in regard to the supply of gas confirmed by the Greenock Act of 1840, as therein-before mentioned, should have right to sell and supply gas for consumption within the town as therein provided:

And whereas in pursuance of the agreement of 1831 the Corporation of Greenock paid the sum of nine thousand one hundred pounds therein stipulated to be paid by them, and all interest thereon, and they have from time to time advanced money for the purposes of the extension and improvement of the gasworks, portions of which money have been from time to time repaid to them out of the profits of the gas undertaking, and the balance due to the Corporation on the account between them and the gasworks was on the first day of July one thousand eight hundred and seventy the sum of thirty-four thousand and three pounds two shillings and eightpence:

And whereas in further pursuance of the agreement of 1831 the yearly profits of the gas undertaking, after payment thereout of interest at the rate of five per centum per annum on the balance from time to time due to the Corporation, have been divided equally between the Board and the Corporation:

And whereas the result of the arrangements aforesaid is that the Corporation are or claim to be the owners of the gasworks and

buildings and the site thereof, and that the gasworks and the supply of gas are under the management of the Board, and that the Corporation and the Board are jointly interested in and liable to the profit and loss of the gas undertaking:

And whereas by reason of the increasing demand for gas in the town of Greenock and its neighbourhood it has become necessary that additional gasworks be erected:

And whereas it has been considered expedient by the Corporation and the Board that the proposed additional gasworks should be established by the Board solely, and that the existing gas undertaking should be transferred to and vested in the Board solely, the debt thereon due to the Corporation being paid off (the interest whereon has been regularly kept down), and compensation being paid to the Corporation for their prospective share of the profits thereof; and it is expedient that the arrangements made between the Board and the Corporation in that behalf be carried into effect, and that the Board be empowered to obtain a site for the proposed additional gasworks, partly by means of the construction of an embankment or sea wall, and the reclamation thereby of land from the bed or shore of the river or Firth of Clyde:

And whereas the objects aforesaid cannot be attained without the authority of Parliament:

And whereas plans and sections describing the lines, situations, and levels of the proposed works, and a book of reference to those plans containing the names of the owners or reputed owners, lessees or reputed lessees, and occupiers of lands in the line of the proposed works, or within the limits of deviation as defined on the plans, and describing those lands, have been deposited with the principal sheriff clerk of the county of Renfrew (which are in this Act referred to as the deposited plans, sections, and book of reference):

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; (that is to say,)

Short title.

1. This Act may be cited as The Greenock Police, Improvement, and Gas Act, 1871.

Provisions of general Acts herein named incorporated.

2. The following enactments (as far as they are applicable for the purposes of and not inconsistent with this Act) are hereby incorporated with this Act; namely,

The Lands Clauses Consolidation (Scotland) Act, 1845, and the Lands Clauses Consolidation Acts Amendment Act, 1860;

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The Gasworks Clauses Act, 1847, except the provisions thereof with respect to the amount of profits to be received by the undertakers when the gasworks are carried on for their benefit;

The provisions of the Commissioners Clauses Act, 1847, with respect to the mortgages to be executed by the commissioners, except section 84;

The provisions respecting protection of navigation comprised in Part I. (relating to construction of a railway) of the Railways Clauses Act, 1863;

And section 17 of the Railways Clauses Consolidation (Scotland) Act, 1845.

Interpretation of terms.

3. With respect to the interpretation of terms in this Act, the following provisions shall have effect; (namely,)

In construing section 17 of the Railways Clauses Consolidation (Scotland) Act, 1845, and the Railways Clauses Act, 1863, Part I., the expression "company" shall mean the Board, and the expressions the "railways" and the "works" shall mean the embankment or sea wall and works connected therewith by this Act authorised to be constructed:

"The Board" means the Board of Police of Greenock:

"The Corporation" means the provost, baillies, and town council of the town and burgh of Greenock:

"The parish of Greenock" means and includes the whole territory within the three parishes called or known as the West, Middle or New and East parishes of Greenock:

"Greenock" means and includes the limits as defined in section 4 of the Greenock Act of 1865:

"The sheriff" means the sheriff of Renfrewshire or any one of his substitutes:

"The gas undertaking" means the gas undertaking at the passing of this Act under the management of the Board:

"Lands and heritages" has the same meaning as in the Act of the session of the seventeenth and eighteenth years of Her Majesty (chapter ninety-one), "for the valuation of lands and heritages in Scotland:"

"Treasurer," "clerk," "surveyor," and "collector," respectively mean the treasurer, clerk, surveyor, and collector for the time being appointed for purposes of this Act:

"The Greenock Act of 1840" means the Act described in the first schedule to this Act:

"The Greenock Act of 1865" means the Greenock Police Improvement Act, 1865:

Terms which have special meanings assigned to them in and enactment incorporated with this Act, or which have therein special meanings, have in this Act the same meanings.

Amendment of interpretation of "street" and "private street."

4. Notwithstanding anything in sections 2 and 29 of the Greenock Act of 1865, the word "street" and the expression "private street" respectively in sections 128, 132, 134, 136, 137, 140, 144, 145, 147, 159, 161, 162, 163, 164, 165, 166, 168, 191, 215, 233, 234, 235, 237, 248, 249, 251, 253, 254, 279, 302, 304, 331, and 355 of the General Police and Improvement (Scotland) Act, 1862, as incorporated in the Greenock Act of 1865, shall have the same meanings as are assigned to that word and expression respectively in the General Police and Improvement (Scotland) Act, 1862, but so as not to affect anything done or any right or liability acquired or accrued before the passing of this Act.

Alteration of date for assessment.

5. Section 40 of the Greenock Act of 1865 shall for the year one thousand eight hundred and seventy-two and every subsequent year be read and have effect as if the third Tuesday in September were therein mentioned instead of the third Tuesday in June.

Appointment of procurator fiscal.

6. Section 64 of the Greenock Act of 1865, and all provisions of that Act relative thereto, shall have effect as if a procurator fiscal or procurators fiscal were mentioned in that section instead of a procurator fiscal, and in case more procurators fiscal than one are appointed by virtue of section 64, as amended by this Act, every person so appointed shall be deemed a procurator fiscal within the Greenock Act of 1865.

Provision as to lighting.

7. The owner or owners of common stairs or passages or private courts, or of lands or premises having a right of access by any common stair or passage or private court, shall, where such common stairs, passages, and private courts are not lighted to the satisfaction of the Board, on being required by the Board, light such common stair or passage or court with gas in a manner satisfactory to the Board; but such owner or owners shall be entitled to recover repayment of such costs to an amount not exceeding the sum of ten shillings for each burner per annum from the occupier, or if there are more occupiers than one, then proportionately from each of the occupiers of any building or part of a building to which access is obtained by such common stair or passage or private court; and in the event of such owner or owners neglecting, on being so required, to light such common stairs or passages or private courts, the Board shall be entitled, in their option, either to take proceedings in any competent court to compel such owner or owners so to do, or to do

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so themselves, and to recover the expense thereof from such owner or owners.

Provision for gun-powder, &c. magazine.

8. The Board may purchase by agreement, but not otherwise, and hold, lands for the purpose of, and may on such lands provide and maintain convenient premises to be used as a magazine for gunpowder and fireworks, and may build thereon magazines and houses, and may employ a storekeeper for the same; and the provisions of sections 119 to 124 inclusive of the Greenock Act of 1865 shall extend and apply to any magazine established under this Act, as well as to the magazine in those sections referred to; provided that such lands are not situated within Greenock, and that the site to be selected be approved of by the sheriff of the county of Renfrew.

Alteration of qualification of dean of guild.

9. Section 151 of the Greenock Act of 1865 is hereby repealed, as far as it requires that the person to be annually chosen to be the dean of guild shall be one of the baillies of the town, or that the person to be chosen to act as dean of guild in the case of the necessary absence, resignation, or death of the dean of guild during his term of office shall be one of the baillies of the town, and that section shall be deemed to require only the choice and designation of a fit person in each of the cases therein provided for.

Council of dean of guild.

10. Notwithstanding anything in sections 157 and 159 of the Greenock Act of 1865, the dean of guild may act in the execution of his duties without the concurrence or assistance of all or any of his councillors, or with the concurrence or assistance of any one or more of his councillors; and so much of the said section 159 as enacts that three of the councillors of the dean of guild shall be a quorum is hereby repealed.

As to macadamisation of streets.

11. Section 191 of the Greenock Act of 1865 is hereby repealed, and in lieu thereof be it enacted, that, notwithstanding anything provided in the Greenock Act of 1865, it shall be lawful for the Board, instead of requiring that foot pavements and causeways or either of them in any uncompleted street shall be made in manner therein-before provided, to resolve that such street be laid with gravel or with stones in the manner known by the term "macadamised," or to be laid or formed in such other temporary manner as the Board may think proper, at the expense of the proprietors of lands and heritages on the line of such street, and to form such street accordingly; and the said expense shall be borne by such proprietors, and shall be fixed and recovered in the same way as the expense of making foot pavements and causeways in the manner provided in the Greenock Act of 1865: Provided that,

although such street should be so macadamised or otherwise temporarily laid or formed, the Board shall nevertheless have power at any future time when they shall think fit, but not sooner than seven years from the date of the said resolution, to require foot pavements and causeways to be made in such street, at the expense of the proprietors of the lands and heritages therein, and otherwise to make the same a completed street in the mode and terms provided in the Greenock Act of 1865.

As to streets on the estates of Greenock and Cartsburn.

12. The superiors or proprietors of the estates of Greenock and Cartsburn, and their respective successors in the said estates, who are by the Greenock Act of 1865 exempted from making and from paying the expense of making foot pavements or causeways, and macadamising any street opposite to unfeued ground on the said estates, shall not be bound to lay or form, or to pay the expense of laying or forming, any uncompleted street opposite to unfeued ground on the said estates, under the powers and as provided in the immediately preceding section, but it shall be lawful for the Board to lay or form any uncompleted street in the manner herein-before provided opposite to such unfeued ground, and to advance and pay ad interim the expense of so doing in so far as effeirs to such unfeued ground, subject to the right of relief from the feuars of such unfeued ground when the same shall come to be feued; and so soon as any part of such ground shall be feued the Board shall charge the expense so advanced by them, so far as effeirs to such unfeued ground (but without any interest prior to the date of feuing), against the persons taking such part of the ground in feu, in proportion to the length of frontage to such street of the successive parts of the unfeued ground, as they shall come to be feued, and said expense may be recovered in the same way as is provided for the recovery of the expense of making foot pavements and causeways in the Greenock Act of 1865.

Levelling of uncompleted streets.

13. Where it shall be found necessary to excavate or fill up the solum of any uncompleted street (the levels of which have been fixed as directed by the Greenock Act of 1865), so as to make such street conform to the said levels, before being temporarily or permanently formed, the Board may execute the said work, and the Dean of Guild Court shall, on application of the procurator fiscal, ascertain and apportion the expense thereof among the feuars of property in the line of the said street, in such proportions and to such extent as the dean of guild may consider fair and equitable, and the dean of guild shall decern for payment accordingly.

Further provisions as to

14. In the event of any portion of the property in the line of the said street being unfeued at the date of any such application, it shall

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levelling of uncompleted streets.

be competent, as often as any party or parties subsequently feu any portion of property in the line of the said street, for the procurator fiscal to apply to the Dean of Guild Court to have any portion of the expense of such excavations or filling up remaining unpaid apportioned among and decerned for against all or any of the subsequent feuars in the line of street, in the same manner and to the same extent as if they had been feuars at the date of such original application, and the dean of guild shall accordingly ascertain, apportion, and decern for the same accordingly.

Power to enter and examine respecting space in sleeping rooms, &c.

15. With respect to section 279 of the Greenock Act of 1865, relative to the space to be allowed in apartments used for sleeping, the Board may from time to time, by persons appointed by them for the purpose, at any time in the day or night, enter any such dwelling-house as is described in that section, and may inspect and examine every apartment therein, in order to ascertain whether the provisions of that section are complied with or not, and if any person refuses to admit, resists or obstructs, or incites any other person to resist or obstruct, any officer or person authorised by the Board for that purpose in so entering, examining, or inspecting as aforesaid, he shall, for every such offence, be liable on summary conviction to a penalty not exceeding five pounds.

Payment of consideration money to Corporation.

16. On the passing of this Act, the Board shall pay to the Corporation, as consideration for the transfer of the gasworks, lands, heritages, and property by this Act transferred to the Board, the sum of thirty-four thousand and sixteen pounds seventeen shillings and fivepence, and in consideration of the waiver by the Corporation of their right to share equally with the Board in future profits of the gas undertaking, the sum of forty thousand pounds.

Application of consideration money by Corporation.

17. The Corporation shall apply for the general purposes of the Corporation the said sums when received by them.

Transfer of gasworks and lands to Board.

18. The lands described in the second schedule to this Act, being at the passing of this Act wholly or in part the site of the gasworks forming part of the gas undertaking, with the gasworks, buildings, and erections thereon, and the whole works, lands, and heritages of the gas undertaking, and the gas undertaking, are hereby transferred to and vested in the Board, as at the first day of August one thousand eight hundred and seventy-one, for all the estate and interest therein of the Corporation (which transfer is in this Act referred to as the transfer), and this Act shall, as respects the same works, lands, and heritages, be equivalent to a conveyance thereof by the Corporation according to the law of Scotland.

Payment of stamp duty.

19. Within six months after the passing of this Act, the Board shall produce to the Commissioners of Inland Revenue a copy of this Act printed by Her Majesty's printers, and duly stamped with an ad valorem stamp duty of the same amount as would have been payable in respect of a conveyance of the works, lands, and heritages aforesaid for the consideration provided by this Act, and if the Board do not within that period produce to the Commissioners of Inland Revenue such copy of this Act duly stamped as aforesaid, that ad valorem stamp duty shall be recoverable from the Board, with full costs of suit, and all costs and charges attending the recovery thereof.

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

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

Debts and liabilities of Corporation to be discharged by the Board.

21. All mortgages, bonds, securities for money, conveyances, contracts, agreements, and obligations granted, made, or entered into by the Corporation in favour of or with any person, and all liabilities arising out of the same, and all other debts and liabilities incurred or owing by the Corporation in respect of the gas undertaking, shall be payable by and shall be enforceable against and recoverable from the Board, and shall be chargeable and charged on the works, lands, and heritages transferred to the Board by this Act, and the rents, charges, and revenues to be levied and received by them for the supply of gas and the sale of residual products, and shall remain in full force and effect, and be and continue valid in law, and available in all courts of law and equity, until fully satisfied, paid, performed, and discharged.

Board to pay annual burdens.

22. All annual or other periodical payments or burdens that may after the transfer be payable for or leviable from the works, lands, and heritages transferred to the Board by this Act shall be paid by the Board.

Actions not to abate.

23. No action, suit, prosecution, or other proceeding whatsoever, commenced either by or against the Corporation before the passing of this Act, in respect of the gas undertaking, shall abate or be discontinued or be prejudicially affected thereby, but all such actions, suits, prosecutions, and other proceedings shall continue and take effect either in favour of or against the Board as the same would have continued and taken effect in relation to the Corporation if the

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transfer had not been made, the Board being in reference thereto in all respects substituted for the Corporation.

Former proceedings saved.

24. From and after the passing of this Act, everything before that time done or suffered by the Corporation, in relation to the gas undertaking, shall be as valid as if the transfer had not been made, and the transfer shall accordingly be subject and without prejudice to anything so done or suffered, and to all rights, liabilities, claims, and demands which if it had not been made would be incident to or consequent on any and every thing so done or suffered, and with respect to all such rights, liabilities, claims, and demands the Board shall to all intents and purposes represent the Corporation; and the generality of the terms of this section shall not be restricted by any special provision contained in this Act.

Power to manufacture gas, &c.

25. The Board may manufacture, store, and sell gas, and the several matters producible from the residual products arising or resulting from the manufacture of gas, and generally may carry on the operations and works ordinarily carried on by companies and corporations who manufacture and supply gas for public and private lighting.

Board liable for nuisance.

26. Nothing in this Act contained shall exonerate the Board from any indictment, action, or other proceeding for nuisance in the event of any nuisance being caused by them.

Power to hold licenses under letters patent.

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

Power to maintain, discontinue, &c. existing works.

28. The Board may hold and maintain, and may from time to time alter and improve, but not extend, the gasworks comprised in the transfer, or the Board may, if and when they think fit, discontinue, wholly or in part, the manufacture and storage of gas, or either of them, at those gasworks.

Power to make embankment or sea wall.

29. Subject to the provisions of this Act, the Board may make, in accordance with the deposited plans and sections, and may maintain, the embankment or sea wall described in the third schedule to this Act, with all necessary and proper banks, walls, sluices, culverts, drains, openings, roads, approaches, bridges, works, and conveniences connected therewith.

Limits of lateral deviation.

30. In the construction of the works authorised by this Act, the Board may deviate laterally from the lines thereof as shown on the deposited plans to the extent of the limits of lateral deviation marked thereon.

Limits of vertical deviation.

31. In the construction of the works authorised by this Act, the Board may deviate vertically from the levels shown on the deposited sections to any extent not exceeding six feet upwards or three feet downwards.

Mode of forming access to Inch Green.

32. The access to the island of Inch Green from parts of the enclosures numbered seven and eight respectively on the deposited plans shall be constructed with an archway, with a clear headroom at the springing of the arch sufficient to admit of the passage of water and the floating of timber thereunder at ordinary spring tides, and not with a solid embankment.

Power to divert roads, &c.

33. The Board may, in the execution of the works authorised by this Act, with reference to the island of Inch Green, and for the purposes thereof, and so far as necessary therefor, and within the limits of deviation shown on the deposited plans, cross, stop up, alter, remove, divert, or otherwise interfere with, either temporarily or permanently, all roads, highways, footpaths, streets, streams, rivers, bridges, quays, landing places, landing stages, sewers, drains, culverts, ways, and watercourses, and the bed and shore of the river or Firth of Clyde, within or adjoining to the parish of Greenock, which it may be necessary or convenient to cross, stop up, alter, divert, or interfere with for purposes of the works: Provided that it shall not be competent to the Board to cross, stop up, alter, or otherwise interfere with the road or street numbered eight on the deposited plans and book of reference.

Period for completion of works.

34. If the embankment or sea wall authorised by this Act is not completed within ten years from the passing of this Act, then on the expiration of that period the powers by this Act granted for the execution thereof shall cease to be exercised.

Power to take lands referenced.

35. Subject to the provisions of this Act and of the enactments incorporated therewith, the Board may from time to time enter on, take, and use the lands described in the deposited plans, book of reference, or such of them as they require for purposes of this Act.

Correction of errors, omissions, &c.

36. If any omission, mis-statement, or erroneous description is found to have been made of any lands, or of any owners, lessees, or occupiers of any lands, described or intended to be described in the deposited plans or book of reference, the Board may apply to the sheriff for the correction thereof, after giving ten days notice to the owners of the lands affected by the proposed correction; and if it appears to the sheriff that the omission, mis-statement, or erroneous description arose from mistake, he shall certify the same accordingly, stating the particulars of the omission, mis-statement, or erroneous description; and such certificate shall be deposited with the principal

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sheriff clerk of the county of Renfrew, and shall be kept by him with the other documents to which it relates, and subject and according to the same enactments and provisions as apply to those other documents, and thereupon the deposited plans or book of reference (as the case requires) shall be deemed to be corrected according to the certificate, and the Board may enter on, take, hold, and use those lands accordingly.

Powers for compulsory purchases limited.

37. The powers of the Board for compulsory purchase of lands under this Act shall not be exercised after the expiration of five years from the commencement of this Act.

Power to agree for easements, &c.

38. The Board may take by agreement, and any person by the Lands Clauses Consolidation (Scotland) Act, 1845, or otherwise, enabled to sell lands may grant to them, any easement, interest, right, or privilege in, over, affecting, or belonging to lands, at a yearly rent or otherwise, but in the case of a person not enabled otherwise than by the Lands Clauses Consolidation (Scotland) Act, 1845, to sell lands, then subject and according to the provisions relative to the taking of lands by agreement contained in that Act and the Lands Clauses Consolidation Acts Amendment Act, 1860, for which purpose any such easement, interest, right, or privilege shall be deemed lands within those Acts.

Reclamation of part of bed of Firth of Clyde.

39. The Board may reclaim so much of the bed and shore of the river and Firth of Clyde within the parish of Greenock as is situate between the line of the embankment or sea wall authorised by this Act and the island of Inch Green, and also so much of the same bed and shore within the limits of deviation shown on the deposited plans as the Board from time to time find necessary for the making of that embankment or sea wall, and may appropriate and hold so much of the same bed and shore as is so reclaimed for the purposes of this Act.

New gasworks on lands in third schedule, or reclaimed.

40. The Board may, on any lands comprised in the third schedule to this Act, or reclaimed as aforesaid, erect and maintain gasworks, gasometers, retorts, machinery, apparatus, buildings, approaches, works, and conveniences, and manufacture and store gas, and the several matters producible from the residual products arising or resulting from the manufacture of gas.

No gasworks to be erected except on certain lands.

41. It shall not be lawful for the Board to manufacture gas, or any of the residual products arising or resulting therefrom, except on the lands comprised in the second and third schedules to this Act, nor shall they, except on such lands, erect works for the storage of gas within three hundred yards of any dwelling-house existing at the time of the acquisition by the Board of the lands for such

storage works, without the consent in writing of the owner, lessee, and occupier of every such dwelling-house. A.D. 1871.

Limits of Act.

42. The limits of this Act for the supply of gas shall be the parish of Greenock, except so much of the said parish as is situate within the police boundaries of Port Glasgow.

Power to supply gas fittings, &c.

43. The Board may manufacture, purchase, supply, hire, sell, let, lay down, place, and maintain gas fittings, meters, pillars, pipes, 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 Board think proper, and generally may carry on such operations and business in relation thereto as are for the time being usually carried on by gas companies.

Quality of gas.

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

Board to maintain apparatus to test illuminating power of gas.

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

Provision for testing quality of gas.

46. Any five consumers of gas may, by order in writing, appoint some competent person, not being one of themselves, to proceed to the works of the Board, and the person so appointed may, at any reasonable hour in the daytime, on producing the said order, enter on the premises of the Board, and in the presence of the superintendent or other officer of the Board make experiment of the illuminating power of the gas by means of the experimental meter and other apparatus provided under this Act; and the Board 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 Board did not, when so tested as aforesaid, equal the illuminating power by this Act prescribed, or that the Board 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 Board shall forfeit to the consumers signing the applica-

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tion such sum not exceeding twenty pounds as the sheriff shall determine.

Cost of experiment to be paid according to the event.

47. 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, shall be ascertained by the sheriff, and in the event of any penalty being imposed on the Board shall be paid, together with such penalty, by the Board, but in the event of no penalty being imposed such costs shall be awarded to be paid by the person complaining to the Board, and shall be paid or levied accordingly.

Power to lay pipes against buildings.

48. The Board, with the consent of the owner or occupier of any building, may lay any pipe or other apparatus into, through, or against such building, for the purpose of lighting it, and may, with the like consent, provide and set up on or against any such building any apparatus necessary for securing to such building a proper 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, or discontinue and remove any such pipe or apparatus.

Power to require consumption by meter.

49. Every consumer of gas supplied by the Board shall, on being required by the Board, consume the gas by meter, the meter to be provided by the Board free of expense to the consumer.

Power to remove meters and fittings.

50. The Board, after twenty-four hour notice in writing under the hand of the superintendent of the gasworks, or some other officer of the Board, to the occupier, or if there is no occupier, then to the owner or lessee of any building or lands in which any pipe, meter, or fitting belonging to the Board is laid or fixed, and through or in which the supply of gas is from any cause other than the default of the Board discontinued, may enter such building or lands between the hours of nine in the morning and four in the afternoon, or at any other time with the authority in writing of a justice of the peace, for the purpose of removing and may remove every such pipe, meter, and fitting, 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 business in Scotland, or if such person or his usual place of abode or business in Scotland is not known to the Board after diligent inquiry, then by being affixed on some conspicuous part of such building or lands.

Fraudulently injuring meters, &c.

51. If any person wilfully, fraudulently, or by culpable negligence injures, or suffers to be injured, any pipe, meter, or fitting belonging to the Board, or fraudulently alters the index to any meter, or

fraudulently prevents any such index from duly registering the quantity of gas supplied, he shall (without prejudice to any other right or remedy for the protection of the Board or the punishment of the offender) for every such offence be liable, on summary conviction, to a penalty not exceeding five pounds, and the Board may in addition thereto recover in any court of competent jurisdiction the amount of any damages sustained by them, and the Board 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, notwithstanding any contract previously existing; and the existence of artificial means for causing such alteration or prevention when such meter is under the custody or control of the consumer shall be primâ facie evidence that the same has been fraudulently caused by the consumer using such meter.

For preventing frauds and waste of gas.

52. If and whenever any person supplied with gas under this Act wilfully does or causes 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 prevention of waste, misuse, or undue consumption of gas, the Board may cut off or stop any pipe by or through which gas is supplied to him, and may cease to supply him with gas as 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 damage sustained by them by reason thereof, and the remedies of the Corporation under this enactment shall be in addition to their other remedies in this behalf.

Obligations on Board as to supply.

53. The Board shall, on the request in writing of the owner or occupier of any building or part of a building within fifty feet of which any main of the Board is laid, furnish to such owner or occupier a supply of gas for such building or part of a building, on the following conditions; namely,

First, that the owner or occupier making such request do, if required by the Board, give to them at his own expense reasonable security for payment for the gas to be supplied:

Second, that such owner or occupier do pay the cost of and the expenses of laying all necessary pipes for such supply beyond the line of street or road where the main of the Board is placed:

Third, that such owner or occupier do, if required by the Board, pay in advance the estimated amount of such cost and expenses:

And any dispute as to any matter arising under the present section shall be settled by arbitration in manner provided by the Lands

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Clauses Consolidation (Scotland) Act, 1845, respecting matters thereby directed to be settled by arbitration.

Price of gas.

54. The price charged by the Board for gas consumed by meter shall not exceed the rate of five shillings per thousand cubic feet.

Incoming tenant not liable for arrears.

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

Recovery of sums due.

56. If any person fails to pay any gas rent, rate, damages, costs, expenses, or other sum due to or recoverable by the Board under this Act or any Act wholly or in part incorporated with this Act, the Board may recover the same by proceedings in any court of competent jurisdiction, and may also discontinue the supply of gas.

Application of lighting part of Act of 1865.

57. Sections 289 to 303 inclusive of the Greenock Act of 1865 shall apply and have effect to and in relation to the Board, as if the Board alone had been in section 289 named and empowered, and all references in those sections to the Corporation jointly with the Board, either by the designation of the parties to the agreement or otherwise, shall be read and have effect as applying to the Board only, and all acts and things done, agreements made, and rights and liabilities acquired or accrued under those sections before the passing of this Act shall continue to operate and may be enforced in all respects as if this Act had not been passed, as against and in favour of the Board solely and in their sole name, with the substitution only in or in relation to the same of the Board solely.

Power to supply gas beyond limits.

58. Except as herein-after provided, the Board may by agreement supply gas to any persons, bodies, or corporation adjoining the limits of supply, on such terms and conditions as the Board and such persons, bodies, or corporation may from time to time agree; provided such supply can be given without unduly lessening the supply of gas to consumers within the limits of supply.

Not to light, &c. Port Glasgow and Gourock without consent of police authorities.

59. The Board shall not be entitled to supply gas for public or private purposes within the police boundaries of Port Glasgow and Gourock without the consent in writing of the police authorities of Port Glasgow and Gourock first had and obtained.

Power to borrow on mortgage.

60. The Board may, in addition to moneys they are otherwise authorised to borrow, borrow on mortgage for the purposes of this Act any sum not exceeding one hundred and thirty thousand pounds, and may make and grant mortgages and assignations of the works, lands, and heritages transferred to or held by the Board by

or under this Act, and of the rents, charges, and revenues to be levied and received by them for the supply of gas, and the sale of residual products, in security of the payment of the money so borrowed, and interest thereon; and if, after having borrowed the said sum or any part thereof, the Board pay off the same otherwise than by a sinking fund, or by the application of moneys received for lands and property sold by them, they may again borrow on the security aforesaid the amount so paid off, and so from time to time.

Form of mortgages, &c.

61. Every mortgage to be made for the purposes of the Greenock Improvement Act, 1865, may be in the form set forth in the fourth schedule to this Act, and every mortgage to be made for the purposes of this Act may be in the form set forth in the fifth schedule to this Act; and the interest warrants or coupons to be delivered with such mortgages, and the minutes of renewal and discharges of such mortgages, may be in the respective forms set forth in the sixth schedule to this Act.

Power to borrow on cash credit.

62. The Board, in the exercise of their borrowing powers under this Act, may 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 an officer to be appointed by the Board, according to the usage of bankers in Scotland, to the extent of the sum which they are by this Act authorised to borrow, or any part thereof, and may make and grant mortgages and assignations as aforesaid in security of the payment of the amount of such credit, or of the sums advanced from time to time on such cash account, with interest thereon.

Application of money borrowed.

63. All money borrowed by the Board under this Act shall be applied in payment, first, of the costs, charges, and expenses incurred by the Board and the Corporation preliminary to and of and incidental to the preparing, applying for, obtaining, and passing of this Act, or otherwise in relation thereto; second, in payment of the interest on the money borrowed for the construction of the new gasworks by this Act authorised, until the same are completed and available for the manufacture and supply of gas; and, third, in constructing those new gasworks, and in carrying this Act into execution, and not otherwise; but the Board shall not apply any money borrowed under this Act to the maintenance of works.

Creation of funded debt.

64. The Board from time to time, in lieu of continuing on bond or mortgage money borrowed or authorised to be borrowed under this Act, may resolve to fund the whole or any part thereof, under the denomination of the Greenock Corporation Gas Funded Debt, and thereupon may issue to any person or body paying to them any

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portion of the money funded a certificate of that person or body being the holder of such funded debt to the amount so paid, and every such certificate may be according to the form in the seventh schedule to this Act or to the like effect, and shall be under the seal of the Board; and the borrowing powers of the Board shall, to the extent of the money so from time to time converted into funded debt, be extinguished; provided that funded debt shall not be substituted for any bond or mortgage without the consent of the bondholder or mortgagee.

Register of holders of funded debt.

65. The Board shall from time to time cause the names of the persons and bodies interested in the funded debt, with the amount of their respective interests therein, to be entered in a book to be kept for that purpose, and to be called The Register of Holders of Greenock Corporation Gas Funded Debt, which book shall be accessible at all reasonable times to the holders of such debt and of mortgages or assignations granted by the Board under this Act.

Transfer of funded debt.

66. The interests of the several holders of such funded debt, or any part of such interests, may be transferred or transmitted in the same manner and subject to the same regulations and provisions, mutatis mutandis, as or according to which any mortgage or assignation granted by the Board may be transferred or transmitted under this Act and any Act incorporated therewith, and the Board shall cause an entry to be made in a book to be kept by the treasurer or clerk for that purpose of every such transfer or transmission, and for every such entry may demand a sum not exceeding two shillings and sixpence.

Annuity to be paid.

67. The several holders of such funded debt shall not be entitled to repayment of the capital thereof, but shall receive an annuity thereon at a rate to be from time to time fixed by the Board, and to be specified in the respective certificates issued to holders of the debt, which annuity shall be payable at the times in the several certificates stated.

Security of holders of funded debt.

68. The several holders of such funded debt shall be creditors of the Board for the payment of such annuity, and shall be deemed to hold by virtue of this Act a mortgage or assignation of the lands, property, and works vested in the Board by this Act, and to be acquired or constructed by them, and of the rents, charges, and revenues to be levied and received by them under this Act for the supply of gas and the sale of residual products, in security of such payment, which mortgage and assignation shall rank pari passu with the other mortgages and assignations made and granted under this Act, and shall confer the like powers and privileges.

Board not bound to register partial transfer.

69. The Board shall not be bound to enter in the register of transfers kept by them, or their treasurer or clerk, under the provisions of this Act or the Acts incorporated therewith, any transfer having reference to any mortgage granted or to be granted under the authority of this Act, unless the whole of the principal sum and interest secured by such mortgage be transferred by such transfer, nor unless such transfers or official extracts thereof be delivered to the Board for the purpose of being retained by them.

Transmission of mortgages in case of bankruptcy.

70. If any mortgage or security be transmitted in consequence of the bankruptcy of the person entitled thereto, there shall be produced to the treasurer or clerk official evidence of such bankruptcy, and of the vesting of the bankrupt estate in the trustee, official assignee, or other person to whom such estate shall be transferred.

Gas guarantee rate may be imposed.

71. It shall be lawful for the Board (in addition to the powers they already possess), and they are hereby authorised and required, from time to time, in the event of there being any deficiency of funds for payment of interest or sinking fund on money borrowed under this Act, to assess and levy on and from the occupiers of all lands and heritages situate within Greenock an annual assessment to be called the Gas Guarantee Rate, not exceeding sixpence in the pound on the real rent or yearly value of such lands and heritages: Provided always, that the said assessment shall not be levied on or in respect of any lands and heritages of less rental or yearly value than four pounds, nor on or in respect of any lands and heritages wholly exempted from payment of police assessment; and that the occupier of land used as arable, meadow, or pasture ground only, or as woodlands, market grounds, or nursery grounds, or of land covered with water, or used only as a canal or towing-path of a canal, or as the line of a railway constructed under Act of Parliament for public convenience, and the underground works of the Greenock Water Trust, shall be assessed in respect of the same in the proportion of one fourth part only of the net annual value thereof: Provided also, that the said assessment shall be levied and applied only for the purpose of paying interest or sinking fund on money borrowed under this Act, and the expenses connected with the levying and applying of such assessment.

Assessment of gas guarantee rate.

72. The gas guarantee rate shall be assessed for the period from the term of Whitsunday in each year to the term of Whitsunday in the year following, and shall be payable in the month of August in each year, or as soon thereafter as the same shall be demanded; provided that the said rate may be assessed for the whole of such period at any time during the year.

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Occupiers to be liable in assessments, subject to abatements in certain cases.

73. Every occupier of lands and heritages for any period between the term of Whitsunday immediately preceding and the term of Whitsunday immediately following the date of any assessment, the yearly rent or value of which is not less than four pounds, shall be liable in payment of the assessment imposed in respect thereof, but in the case of lands and heritages let for any portion of the year subsequent to the term of Whitsunday the occupier by whom the assessment is paid shall be entitled to an abatement of a proportionate part of such assessment corresponding to the period during which such lands and heritages were wholly unoccupied.

No fractional part of a pound under five shillings to be reckoned.

74. In levying and collecting the assessments under this Act any fractional part of a pound of yearly rent less than five shillings shall not be reckoned as part of the rateable rent, but any fractional part of a pound exceeding five shillings and less than ten shillings shall be reckoned as ten shillings of rateable rent, and any such fractional part exceeding ten shillings and less than fifteen shillings shall be reckoned as fifteen shillings of rateable rent, and any such fractional part exceeding fifteen shillings shall be reckoned as one pound of rateable rent, and all such fractional parts shall be assessed accordingly.

Appointment of surveyor, &c.

75. The Board may appoint the surveyor employed by the Board for the time being, or any other person they think fit, to be the surveyor for the purposes of this Act, and may appoint any person to be clerk, treasurer, collector, or any officer necessary for purposes of this Act.

Notice of assessment to be given.

76. The surveyor shall give notice to any person whom he intends to hold liable for payment of the assessment, stating the particulars and amount thereof, the place of payment, and the date at which such payment is required to be made; and if any person to whom such notice is given considers himself to be improperly or unduly assessed, he may, within fourteen days thereafter, lodge with the surveyor written objections signed by him, and the Board, or a committee named by the Board, shall proceed on such days and at such places as shall be fixed by them, and of which notice shall be given to such persons not less than forty-eight hours previously, to consider such objections, and shall dispose thereof summarily and without written pleadings.

Appeal to the sheriff.

77. Any person who has lodged objections as aforesaid, and who feels aggrieved by the determination of the Board or their committee, may appeal within ten days thereafter to the sheriff, and the sheriff shall thereupon summarily call before him the surveyor and such person, and shall without written pleadings inquire into and decide

all disputes and questions competently raised by such appeal, and may, if he sees cause, award expenses to either party.

Decisions not appealed from to be final.

78. It shall not be lawful for any person to object to or resist payment of any assessment of which he has received notice as aforesaid, except by lodging objections with the surveyor, and after the determination of the Board or their committee thereon, appealing to the sheriff in manner in this Act provided; and the determination of the Board or their committee, if not appealed from, or the decision of the sheriff on appeal, shall be final, and shall not be subject to suspension, reduction, advocation, or appeal, or to any other form of review or stay of execution.

Assessment roll to be prepared and certified by surveyor.

79. The surveyor shall from time to time make up and certify a roll or list of the persons to whom he gives notice as aforesaid, stating the particulars and amount of the assessment claimed from them respectively, and any modifications of such assessment made by the Board or by their committee, or by the sheriff as aforesaid; and the amount of the assessment shown in such roll or list shall form a charge against the collector, and copies of the entries therein, certified by the surveyor, shall be primâ facie evidence that such persons are respectively indebted in the amounts therein entered, and that the said amounts do not exceed the maximum rate fixed by or under the provisions of this Act, and that notice thereof has been duly given by the surveyor.

Second notice of assessment to be given to defaulters.

80. If any person to whom such notice is given by the surveyor does not pay the assessment due by him at the time and place stated therein, the collector, before taking any legal proceedings for the recovery thereof, shall give a new notice to such person requiring him to make payment thereof within fourteen days thereafter, and stating that in default of payment his goods will be liable to be seized.

Recovery of assessments.

81. The collector on the expiry of the time specified in such notice may in his own name, but on behalf and at the risk and expense of the Board, recover any arrears of assessment due by any person or by any number of persons, either according to the ordinary procedure before any competent court, or, if the person in default does not within the said period of fourteen days give notice in writing to the Board that he disputes the demand, by obtaining from the sheriff or the magistrates of Greenock a summary warrant to recover such arrears, with the addition of ten per centum thereon in lieu of costs, which warrant the sheriff or magistrates shall grant, on production of an extract from the roll or list made up by the surveyor of the entries therein relating to such person or persons, showing the amounts respectively due by him or them, and a certificate

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by the collector that he had given to each such person a notice requiring him to make payment of the amount due by him within fourteen days thereafter, that the said period had expired, and that the said amount was still truly due; and in virtue of such warrant the collector may cause any officer of court to enter into the premises of any person so in arrear, and poind, seize, remove, or secure any goods and effects therein belonging to or in the lawful possession of such person, or so much thereof as will fully satisfy the arrears due by him, with the addition of ten per centum thereon in lieu of costs, and after the lapse of four days, in the event of nonpayment of the said arrears and costs, may cause any officer of court or licensed auctioneer to sell and dispose of the said goods and effects by public auction on three days notice, and apply the price in payment of the said arrears and ten per centum thereon due by such person, and shall pay the balance to such person, and shall for a period of three months after the date of every sale preserve evidence of the amount of such proceeds and the disposal thereof.

Appeal against oppressive proceedings of collector.

82. The owner of any goods and effects which have been either poinded or sold in pursuance of this Act, and who feels aggrieved by any proceeding under such warrant, may present a petition to the sheriff or to the magistrates of Greenock who granted the warrant, and the sheriff or magistrates shall thereupon summarily call before him or them the party complained of and such petitioner, and without written pleadings shall inquire into and decide any dispute, question, or claim of damage raised by such petition, and may award expenses to either party; but, except to the effect and in the manner in this Act provided, it shall not be competent for any person to make, nor for any court of law to entertain, any complaint with respect to any warrant granted by the sheriff or the magistrates of Greenock in pursuance of the provisions of this Act, either on account of any mistake, informality, or misnomer, or on any account or pretence whatever, or with respect to any proceeding of the collector, or of any officer or licensed auctioneer in the execution of such warrant; and the decision of the sheriff or of the magistrates of Greenock on any such dispute, question, or claim shall be final, and not subject to suspension, reduction, advocation, or appeal, or to any other form of review or stay of execution.

Appointment of judicial factor.

83. In the event of any principal money borrowed on mortgage or assignation, or any interest thereon, or any annuity of the funded debt created by the Board under this Act, not being paid within one month after such payment is due, and demand thereof made in writing, any mortgagee holding a mortgage in arrear to the amount of three thousand pounds, or any holder of funded debt

holding an annuity or annuities in arrear to the amount of three hundred pounds, or several mortgagees holding mortgages in arrear to the amount of three thousand pounds in the aggregate, or several holders of funded debt holding annuities in arrear to the amount of three hundred pounds in the aggregate, may render his or their security effectual by the appointment from time to time of a judicial factor, and the application for such appointment shall be made by summary petition to the Court of Session, or in the time of vacation to the Lord Ordinary on the Bills, which appointment shall be made accordingly, unless before such application is advised the amount of such mortgage or annuity, mortgages or annuities, as the case may be, with interest and expenses, is paid, or it appears to the satisfaction of the Court or Lord Ordinary that consignation thereof should under the circumstances be accepted in lieu of payment, and such consignation be made accordingly, and the interlocutor making such appointment shall not be subject to review or appeal.

Powers and duties of judicial factor, and continuance of factory.

84. The judicial factor appointed under this Act, on finding security in common form, shall exercise all the powers conferred by this Act on the Board for and in relation to the assessing, levying, and recovering of the gas guarantee rate, and the rents and charges authorised by this Act and the Acts incorporated therewith, and managing, carrying on, and maintaining of the works and property of the Board under this Act, and the appointing of officers for the purposes of this Act, and the Board shall hand over to him all rate books and other books and documents necessary for that purpose, and after defraying the expenses of such application, management, carrying on, and maintenance, the judicial factor shall from time to time apply and pay over the balance of the sums received by him to the several parties entitled to payment thereout, and the judicial factory shall continue, not only until all arrears of interest on mortgages, and all arrears of annuities of funded debt due at the date of his appointment, and all interest due on any of those sums, and any interest or annuity becoming due during his continuance in office, with interest and expenses (including the expenses of the application for his appointment and of the execution of the purposes thereof), are paid, but also until any interest or annuity which, though not due, becomes current during his continuance in office, and a sufficient sum to meet expenses, are paid or are consigned in one of the chartered banks in Scotland, and on such payment or consignation the Board may apply for the recall of the appointment of the judicial factor to the Court of Session or Lord Ordinary as aforesaid, who may recall the same accordingly.

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Sinking fund.

85. The Board shall, for each of the first five years after the new gasworks by this Act authorised are completed and available for the manufacture and supply of gas, set apart as a sinking fund a sum not less than one per centum per annum on the amount borrowed under this Act, and for each of the five subsequent years a sum not less than one pound ten shillings per centum per annum, and for every subsequent year a sum not less than two pounds per centum per annum, which sinking fund shall from time to time be invested in such securities as the Board may determine, and shall, with the accumulations thereof, and with an annual amount equal to the interest on the several amounts paid off, be applied by the Board to the redemption of mortgages or annuities, and not otherwise.

Separate account.

86. The Board shall keep a separate account of receipts and payments, credits and liabilities, in respect of their gas undertaking (to be called The Greenock Gas Account), and shall distinguish therein capital and revenue.

Application of revenue.

87. The Board shall apply all moneys from time to time received by them in respect of their gas undertaking under this Act (not being money borrowed or received in any such sale as in the next section mentioned) in manner and order following, and not otherwise; (namely,)

First, in payment of the expenses of and incidental to the raising, levying, and recovering the rents, charges, and revenues, and the borrowing of moneys under this Act;

Secondly, in payment of the expenses of managing and maintaining the gasworks of the Board;

Thirdly, in payment of the annuities to holders of funded debt, and interest of money borrowed under this Act;

Fourthly, in payment of the sinking fund hereby directed to be set apart and invested;

Fifthly, in carrying the several powers and provisions of this Act into execution, including any extension and improvement of the gasworks and mains;

and shall carry any balance thereof to the credit of the Board, for their general purposes.

Sale of surplus land.

88. The Board may from time to time sell and dispose of such parts of the works, lands, and heritages transferred to them by this Act as may not be required for the purposes of their gas undertaking, and all money received by the Board for the works, lands, and heritages so sold shall be applied by them in paying off money borrowed by them under this Act, or in redeeming annuities, or in

purchasing other lands and property, and constructing works in connexion with their gas undertaking, or for other purposes in connexion therewith for which capital is properly applicable. A.D. 1871.

Recovery of penalties.

89. All penalties imposed under this Act may be recovered in the same manner as penalties imposed are recoverable under the Greenock Act of 1865.

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The SCHEDULES to which the foregoing Act refers.

THE FIRST SCHEDULE.

The Greenock Act of 1840.

3 & 4 Vict. c. 27. An Act for the further improvement of the town of Greenock, for better lighting and supplying the same with water, for regulating the police thereof, and for other purposes connected therewith.

THE SECOND SCHEDULE.

Lands occupied by existing Gasworks.

First. That piece of ground in the West parish of Greenock situate and lying between and in an area included within the following boundary; that is to say, A boundary commencing at a point formed by the junction of Laird Street and Crawfurd Street, proceeding thence along the north-west side of Laird Street for a distance of 101 feet or thereby, then turning north-westwards at right angles and proceeding in a straight line for a distance of 143 feet or thereby along the boundary of property belonging or reputed to belong to Mrs. Robertson and James Weir, then turning at right angles in a south-westerly direction and proceeding in a straight line for a distance of 99 feet or thereby until it joins the line of the north-east side of West Blackhall Street, then turning and proceeding north-westwards along the north-east side of said West Blackhall Street for a distance of 219 feet or thereby, then turning at right angles and proceeding north-eastwards in a straight line for a distance of 97 feet or thereby, then turning at right angles and proceeding in a straight line in a south-easterly direction for a distance of 6 feet or thereby, then turning at right angles and proceeding in a north-easterly direction in a straight line for a distance of 102 feet or thereby until it joins the line of the south-west side of Crawfurd Street, then turning and proceeding along the south-west side of Crawfurd Street for a distance of 357 feet or thereby until it reaches the junction of that street with Laird Street, the point at which this description began.

Second. That piece of ground in the same parish occupied by a gasholder and other erections situated and lying between and in an area bounded as

follows: Commencing at a point formed by the junction of Clarence Street and Laird Street, and proceeding along the north-west side of Laird Street for a distance of 140 feet or thereby until it reaches the point at which this street joins Kirk Street, then turning and proceeding along the north-east side of Kirk Street for a distance of 167 feet or thereby until it reaches the point at which this street joins Roslin Street, then turning and proceeding along the south-east side of Roslin Street for a distance of 138 feet or thereby until it reaches the point at which this street joins Clarence Street, then turning and proceeding along the south-west side of Clarence Street for a distance of 141 feet or thereby until it reaches the junction of that street with Laird Street, the point at which this description began.

THE THIRD SCHEDULE.

Embankment or Sea Wall inclosing Lands on which additional Gasworks may be erected.

An embankment or sea wall situate in the East parish of Greenock, commencing on the west side of the street, 50 feet or thereby wide, leading northwards from the Port Glasgow Road along the western boundary of the shipbuilding yard now or formerly belonging or reputed to belong to Messrs. Lawrence, Hill, & Co. at a point 578 feet or thereby northwards of the north side of the Port Glasgow Road, where that road is joined by the west side of the said street, proceeding thence diagonally across the said street in an easterly direction for a distance of 37 feet or thereby, thence diagonally in a north-easterly direction for a distance of 32 feet or thereby till it joins the east side of the said street, thence proceeding diagonally across and beyond the said street in a north-westerly direction for a distance of 100 feet or thereby, thence in a north-easterly direction for a distance of 32 feet or thereby, to a point on a line drawn in continuation of the west side of that street 690 feet or thereby northwards of the north side of the Port Glasgow Road, where the road is joined by the west side of the said street, from that point proceeding in a northerly direction, and crossing the eastern end of the Island of Inchgreen in a straight line drawn in continuation of the west side of the said street for a distance of 400 feet or thereby to a point there in the bed or shore of the river or Firth of Clyde between high and low water mark, thence in a westerly and south-westerly direction between high and low water mark on the northern side of the said Island of Inchgreen for a distance of 950 feet or thereby to a point there in the bed or shore of the river or Firth of Clyde between high and low water mark off the western end of the said Island of Inchgreen, proceeding thence along the bed or shore of the river or Firth of Clyde southward of the said Island of Inchgreen in a south-south-easterly direction for a distance of 192 feet or thereby, thence in a south-easterly direction for a distance of 559 feet or thereby, thence in a direction east by north for a distance of 202 feet or thereby, thence in a south-easterly direction for a distance of 81 feet or thereby,

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and terminating at the point in the west side of the said street before described as the point of the commencement of the embankment, which embankment will be situate in the bed or shore of the river or Firth of Clyde between high and low water mark, and will surround the said Island of Inchgreen except where it crosses the eastern end of the said island as aforesaid.

THE FOURTH SCHEDULE.

Greenock Police.

Mortgage No. £

By virtue of "The Greenock Police Improvement Act, 1865," and "The Greenock Police, Improvement, and Gas Act, 1871," the Board of Police of Greenock, in consideration of the sum of
pounds sterling paid to them by ,
do hereby bind themselves to pay to the said ,
executors, administrators, or assigns, the principal sum of
pounds, at the principal office of the Board, on the day
of eighteen hundred and , with a fifth
part more of liquidate penalty in case of failure, together with interest on the said principal sum at the rate of per centum per annum, payable half-yearly (as per coupons or interest warrants delivered herewith), or, in the option of the said or foresaids, the said principal sum shall thereafter, in virtue hereof, remain as a loan to the said Board until the expiry of a further term of years to be afterwards agreed on, or the said principal sum shall be payable at the dates and subject to the provisions contained in the said Acts, in the same manner as if the said sum had been advanced on the day of payment above specified without any period being fixed for the repayment thereof.

In witness whereof these presents, written (so far as not printed) by
, are
sealed with the common seal of the said Board of Police, and subscribed by us, ,
two of the members of the Board, at Greenock, the day of
eighteen hundred and , before these witnesses,

} Members of the Board.

All transfers must be registered at the Board's office within thirty days after their date if executed within the United Kingdom, or otherwise within thirty days after their arrival in the United Kingdom.

THE FIFTH SCHEDULE.

Greenock Police.

Mortgage No.

£

By virtue of "The Greenock Police, Improvement, and Gas Act, 1871," the Board of Police of Greenock, in consideration of the sum of pounds sterling paid to them by , do hereby bind themselves to pay to the said , executors, administrators, or assigns, the principal sum of pounds, at the principal office of the Board, on the day of eighteen hundred and , with a fifth part more of liquidate penalty in case of failure, together with interest on the said principal sum at the rate of per centum per annum, payable half-yearly (as per coupons or interest warrants delivered herewith), or, in the option of the said or foresaids, the said principal sum shall thereafter, in virtue hereof, remain as a loan to the said Board until the expiry of a further term of years to be afterwards agreed on, or the said principal sum shall be payable at the dates and subject to the provisions contained in the said Act, in the same manner as if the said sum had been advanced on the day of payment above specified without any period being fixed for the repayment thereof.

In witness whereof these presents, written (so far as not printed) by , are sealed with the common seal of the said Board of Police, and subscribed by us, , two of the members of the Board, at Greenock, the day of eighteen hundred and , before these witnesses,

} Members of the Board.

All transfers must be registered at the Board's office within thirty days after their date if executed within the United Kingdom, or otherwise within thirty days after their arrival in the United Kingdom.

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THE SIXTH SCHEDULE.

Form of Interest Warrant.

Greenock Police,

Mortgage No. Dated 18 .

Interest Warrant

For pounds shillings
and pence. £

Less income tax

£

Treasurer.

Member of the Board of Police.

Payable on 15th May 18 at the

Form of Minute of Renewal, No. 1.

18 . It has been mutually stipulated and agreed upon that the repayment of the principal sum contained in the within mortgage shall be postponed, and the same shall not be due and exigible until the day of eighteen hundred and , and that interest shall become due on the said principal sum to the date last mentioned at the rate of per centum per annum, and shall be paid half-yearly on presentation of the respective coupons or interest warrants, in number, issued herewith.

Signature of bondholder

Member of Board.

Member of Board.

Form of Minute of Renewal, No. 2.

18 . It has been mutually stipulated and agreed upon that the repayment of the principal sum contained in the within mortgage shall be postponed, and the same shall not be due and exigible until the day of eighteen hundred and , and that interest shall become due on the said principal sum to the date last mentioned at the rate of per centum per annum, and shall be paid half-yearly on presentation of the respective coupons or interest warrants, in number, issued herewith.

Signature of bondholder

Member of Board.

Member of Board.

FORM OF MINUTE OF RENEWAL, No. 3.

18 . It has been mutually stipulated and agreed upon that the repayment of the principal sum contained in the within mortgage shall be postponed, and the same shall not be due and exigible until the day of eighteen hundred and , and that interest shall become due on the said principal sum to the date last mentioned at the rate of per centum per annum, and shall be paid half-yearly on presentation of the respective coupons or interest warrants, in number, issued herewith.

Signature of bondholder

Member of Board.

Member of Board.

FORM OF DISCHARGE.

Received from the Board of Police of Greenock the within sum of pounds sterling, which sum, with all interest due thereon, is hereby discharged.

Dated at the day of 18 .

THE SEVENTH SCHEDULE.

FORM OF CERTIFICATE OF FUNDED DEBT.

No.

This is to certify, that *A.B.* [*name and designation*] is the holder of pounds of the Greenock Gas Funded Debt created by and under the provisions of the Greenock Police, Improvement, and Gas Act, 1871, and is entitled to receive an annuity on that sum at the rate of per centum per annum.

Dated this day of 18 .

(L.S.)

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