CHAP. xxxv.

An Act for vesting in the Corporation of Paisley the supply of Gas to that town and the suburbs thereof; and for other purposes. [20th June 1870.] A.D. 1870.

WHEREAS an Act was passed in the fourth year of the reign of King George the Fourth, chapter seventy-two, intituled "An Act for lighting the town and burgh of Paisley and suburbs and places adjacent with gas, and for other purposes relating thereto;" and another Act was passed in the second year of the reign of King William the Fourth, chapter eleven, intituled "An Act to amend an Act for lighting the town and burgh of Paisley and suburbs and places adjacent with gas, and to enable the company thereby incorporated to increase their capital stock, and for other purposes relating thereto;" and another Act was passed in the eighth and ninth years of the reign of Her present Majesty, chapter eighteen, intituled "An Act for the better lighting the town and suburbs of Paisley with gas" (herein-after called the Act of 1845), by which last-mentioned Act the power of lighting the said town and suburbs with gas was vested in a board of commissioners, consisting of certain persons to be appointed by the proprietors of shares in the Paisley Gaslight Company, incorporated by the first-recited Act (herein-after called "the company"), and certain other persons, to be appointed by the magistrates and town council of Paisley; and the whole gasworks belonging to the company were transferred to and vested in the said board of commissioners, with the powers necessary for supplying the said town and suburbs with gas; and that board were required to pay to the company, out of the profits to arise from the gasworks, an annual dividend at the rate of six pounds eight shillings per centum on the sum of forty thousand pounds, being the amount of the paid-up stock of the company (consisting of six thousand four hundred shares on each of which five pounds had been paid up, and of three thousand two hundred shares on each of which only two pounds ten shillings had been paid up), or on so much thereof as should remain unredeemed, which dividend should

4 G. 4. c. lxxii.

2 W. 4. c. xi.

8 & 9 Vict. c. xviii.

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be paid by the company to the proprietors of shares in the company in proportion to the amount of shares respectively held by them; and the commissioners were, with a view ultimately to redeem the stock of the company, so that the gasworks might be held exclusively for the public benefit, authorised to redeem such stock at the rate of eight pounds for each full share of five pounds by paying over to the company from time to time sums not less than ten thousand pounds sterling; and the commissioners were also authorised to acquire by purchase, for the public behoof, shares in the company, at a price not exceeding the said sum of eight pounds per share:

And whereas the commissioners were by the Act of 1845 required, before paying any dividend to the company, to set aside in each year, out of the profits to arise from the gasworks, a reasonable sum of money not to exceed ten per centum upon the amount of the net profits thereof, until the sum so set aside should, with the interest accrued thereon, amount to five thousand pounds, as a fund to meet contingencies:

And whereas the commissioners have, since the passing of the Act of 1845, set aside the said contingent fund, and have paid the company the dividends secured to them, and have purchased for the public behoof one thousand three hundred and ninety-one shares of the company upon which five pounds have been paid up, and six hundred and fifty-one shares upon which two pounds ten shillings have been paid up, and have maintained and managed the gasworks, and supplied the town and suburbs of Paisley with gas, while they have also improved the gasworks and increased the value thereof:

And whereas the demand for gas in the town and district supplied by the commissioners continues to increase, and it is necessary that the works and means of supply should from time to time be improved and extended, and that additional moneys should be raised from time to time for that purpose:

And whereas the company having now no special interest in the management of the works and supply of gas to the said district (excepting so far as respects their security for payment of the dividends and redemption of shares provided to them by the Act of 1845, which may be otherwise amply secured to them), it has become unnecessary and inexpedient that they should continue to appoint any of the commissioners for supplying the said district; and it would be of advantage to the public that such supply should now be placed in the hands of the magistrates and town council of Paisley, and that they should be authorised to borrow the moneys necessary for the purposes of such supply, and for the redemption of annuities to be substituted for the shares of the company, and to impose a guarantee

rate on property within the parliamentary and municipal boundaries of the town and burgh of Paisley, as a security for the payment of such annuities, and should be given such other powers and authorities as may be necessary for executing the purposes of the Act of 1845 and of this Act:

And whereas these objects 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; (that is to say,)

Short title.

1. This Act may be cited for all purposes as "The Paisley Corporation Gas Act, 1870."

Commencement of Act.

2. This Act shall commence and take effect on and from the day next following the third Thursday of July in the year one thousand eight hundred and seventy, and shall be carried into execution by the magistrates and town council of the burgh of Paisley.

Interpretation of terms.

3. In this Act the following words and expressions have the several meanings hereby assigned to them respectively; (that is to say,)

"The Act of 1845" means the Act (local) passed in the eighth and ninth years of the reign of Her present Majesty, chapter eighteen, intituled "An Act for the better lighting the town and suburbs of Paisley with gas:"

"The Corporation" means the magistrates and town council of the burgh of Paisley, as authorised to act and acting in execution of this Act:

"The company" means the Paisley Gaslight Company:

"Persons" includes companies and corporations:

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

"Annuities" means Paisley corporation gas annuities created by and payable under this Act:

"Annuitant" or "annuitants" means any person or persons entitled to and holding Paisley corporation gas annuities created by and payable under this Act:

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

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"Sheriff" means the sheriff of the county of Renfrew, or any of his substitutes:

"Magistrates" means the provost and bailies of the burgh of Paisley, or any one of them sitting as judge in the burgh court of Paisley:

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

"Clerk" includes secretary, and "secretary" includes clerk:

"Board of commissioners" means the commissioners appointed by the Act of 1845, and acting in execution of that Act previously to the commencement of this Act.

Part of 10 & 11 Vict. c. 16. incorporated.

4. The clauses of "The Commissioners Clauses Act, 1847," with respect to the mortgages to be executed by the commissioners, excepting section 84 of that Act, are, so far as not otherwise provided by or inconsistent with this Act, hereby incorporated with this Act; and the expression "the commissioners" in those clauses, as incorporated with this Act, means the Corporation.

Corporation to stand in the place of gas commissioners.

5. On and after the commencement of this Act, the Corporation shall be and are hereby substituted for and in place of the board of commissioners established by the Act of 1845, and shall carry that Act, as amended by this Act, and this Act into execution; and the Act of 1845, in so far as respects the appointment, style, and number of the board of gaslight commissioners for Paisley, is, on and after the commencement of this Act, repealed; and wherever that board of commissioners or those commissioners are in other respects mentioned or referred to in the Act of 1845 the Corporation shall be understood to be mentioned or referred to therein; and wherever the treasurer or clerk or any other officer of that board of commissioners is mentioned or referred to in that Act the treasurer or clerk or such other officer (as the case may be) appointed for the purposes of this Act shall be held to be thereby intended and referred to; and all the undertaking and works, apparatus, lands, buildings, and other heritages, property, funds, debts, and effects vested in the said board of commissioners by the Act of 1845, and all moneys in their hands or due to them for gas rents and residual products, and all gas in the gasholders, mains and pipes, of the said board of commissioners, and all stores in their hands, and all moneys, Government and other securities, and other property, rights, claims, debts, and effects, belonging or owing to them at the date of the commencement of this Act, including the contingent fund set aside under the provisions of the Act of 1845, and the securities in which the same may be invested, shall become and be vested in and belong

to the Corporation, who, subject to the provisions of this Act, shall, to all purposes and effects, be held to stand in the place of the said board of commissioners, and to have all the powers, rights, and authorities, and be subject to all the obligations and liabilities, which were by the Act of 1845 conferred or imposed upon the board of gaslight commissioners for Paisley.

Portions of 8 & 9 Vict. c. xviii. to be repealed.

6. On the commencement of this Act, sections 2 to 25, both inclusive, 31 to 49, both inclusive, 51 to 63, both inclusive, 66 to 71, both inclusive, 75 and 119 of the Act of 1845, shall, as and from the date of such commencement, be held to be repealed and superseded by the provisions of this Act.

Powers of Corporation.

7. The Corporation shall have the management, control, and superintendence of the gasworks vested in and belonging to them, and all affairs and business incident thereto; and, among other things,—

They may maintain, improve, extend, and renew the gasworks:

They may manufacture, purchase, hire, supply, sell, let, lay down, place and maintain, alter and remove, mains, pipes, gas fittings, meters, pillars, lamp posts, lamps, burners, and other apparatus connected with gasworks and the supply of gas:

They may manufacture, supply, and sell gas for public and private use, and may light with gas all or any of the streets or other places, and all buildings, and may break up streets and other places within the town of Paisley and the suburbs thereof and the places adjacent, lying and situate within the town and parishes of Paisley and the Abbey parish of Paisley, and so much of the town and parish of Renfrew as lies within the limits of the parliamentary burgh of Paisley:

They may utilize, sell, and dispose of coke and other residual products, and may carry on such operations and business as are for the time being usually carried on by gas companies:

They may appoint, suspend, and remove officers and servants at their discretion:

They may enter into contracts for the execution of works and all matters incident thereto:

They may purchase lands authorised to be taken, and sell such parts thereof as may not be required for their purposes:

They may, subject to the provisions of this Act, fix the rates, rents, and sums to be taken for gas to be supplied by them:

They may exercise all other powers necessary for carrying out the purposes of this Act:

Provided always, that as far as possible the charge for the supply of gas shall be uniform to all persons under the same circumstances

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and requiring the same extent of supply, without prejudice to the power herein-after contained to supply gas for the lighting of public buildings and lamps at a rate or sum under that charged to other consumers, and to enter into contracts with the lighting authority for providing such supply of gas to them as is herein-after provided.

Notices to Corporation.

8. Any summons, notice, or writ to be served on the Corporation shall be served by being given personally to the clerk, or being left at his office, or delivered to some inmate at his place of abode, or in case there shall be no clerk at the time, then by being given personally to any member of the Corporation.

Notices by the Corporation.

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

Corporation may appoint gas committees.

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

Committee to keep minutes, &c.

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

contrary be proved; and all such books shall at all seasonable times be open to the inspection of any member of the Corporation.

Quorum and proceedings of committees.

12. Every such committee may meet from time to time, and may adjourn from place to place, as they think proper, for carrying into effect the purposes of their appointment; and at all meetings of any committee the convener or sub-convener, or in their absence any other member to be appointed by the members present, shall be chairman; and all questions shall be determined by a majority of the votes of the members present, and in case of an equal division of votes the chairman shall have a casting vote, in addition to his vote as a member of such committee; and every committee appointed as aforesaid shall report their proceedings at every general meeting of the Corporation.

Appointment of sub-committees.

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

Ordinary and special meetings.

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

Debts and liabilities to be discharged by Corporation.

15. All mortgages, bonds, securities for money, conveyances, contracts, agreements, and obligations granted, made, or entered into by the board of commissioners by virtue of the Act of 1845, and all liabilities arising out of the same or out of the said Act, and all other debts and liabilities incurred or owing by the board of commissioners, shall be payable by and shall be enforceable against and recoverable from the Corporation, and shall be chargeable and charged upon the lands, heritages, property, and works vested in the Corporation by this Act, and the rents, charges, and revenues to be levied and received by them for the supply of gas and sale of residual products under the provisions of this Act, to the same extent as they would have been charged and chargeable upon the said lands, heritages, property, and works, rents, charges, and revenues, if the same had not been vested in the Corporation, and this Act had not been passed, and shall remain in full force and effect, and be and continue valid and available in all courts of law

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and equity, until the same be fully satisfied, paid, performed, and discharged.

Debts, conveyances, &c. in favour of commissioners transferred to Corporation.

16. All debts and moneys due to the board of commissioners at the date of the commencement of this Act shall be paid to the Corporation; and all deeds, conveyances, grants, assignments, leases, purchases, sales, covenants, agreements, contracts, and securities executed, made, or entered into with the board of commissioners, and which are in force at the date of the commencement of this Act, shall be as valid and of as full force and effect in favour of or against the Corporation as the same would have been in favour of or against the board of commissioners if this Act had not been passed.

Corporation to pay annual burdens affecting undertaking.

17. All annual or other periodical payments or burdens that may from and after the commencement of this Act be payable for or leviable from the lands, heritages, works, and property vested in the Corporation by this Act shall be paid by the Corporation.

Actions not to abate.

18. No action, suit, prosecution, or other proceeding whatsoever commenced either by or against the board of commissioners previous to the commencement of this Act shall abate or be discontinued or be prejudicially affected by the passing of this Act, but all such actions, suits, prosecutions, and other proceedings shall continue and take effect either in favour of or against the Corporation, in such and the like manner as the same would have continued and taken effect in relation to the board of commissioners if this Act had not been passed; and all penalties by reason of any offence against the provisions of the Acts relating to the board of commissioners previous to the commencement of this Act may be sued for, and all offences which may have been committed before such commencement against the provisions of such Acts or any of them may be prosecuted, in such or the like manner, to all intents and purposes, as the same might have been sued for and prosecuted respectively if this Act had not been passed, the Corporation being in reference to the matters in this enactment mentioned in all respects substituted for and in the place of the board of commissioners.

Proceedings under former Acts saved.

19. From and after the commencement of this Act, everything before that time done or suffered under the recited Acts shall be as valid as if the vesting in the Corporation by this Act authorised had not been made; and such vesting shall accordingly be subject and without prejudice to anything so done or suffered, and to all rights, liabilities, claims, and demands which, if the said vesting had not

been made, would be incident to or consequent on any and everything done or suffered under the said Acts or any of them; and with respect to all such rights, liabilities, claims, and demands, the Corporation shall, to all intents and purposes, represent the board of commissioners, provided that the generality of the provisions in this enactment shall not be confined or restricted by any special provision contained in this Act.

Annuities to shareholders of Paisley Gaslight Company.

20. In lieu of the dividend which the board of commissioners are by the Act of 1845 required to pay to the Paisley Gaslight Company, the Corporation shall pay to the several holders of shares in the company at the commencement of this Act (other than the shares purchased by the board of commissioners for the public behoof as aforesaid) annuities at the rate of six pounds eight shillings per centum upon the amount paid up on each share of the company held by such shareholders respectively; and all the shares of the company shall, from and after the commencement of this Act, be held to be extinguished, excepting so far as they entitle the holders thereof to payment of any dividend which shall have become due under the Act of 1845 previously to the commencement of this Act.

Annuities to vest in shareholders of company.

21. The annuities shall be called "Paisley Corporation Gas Annuities," and shall vest in and belong to the several persons who at the date of the commencement of this Act are shareholders of the company, and shall rank pari passu with each other.

Date of payment of annuities.

22. The annuities shall be computed from the date of the commencement of this Act, and shall be payable half-yearly in equal moieties on the third Thursday of January and the third Thursday of July in each year, at the office at Paisley of the treasurer, and the first payment shall be made on the third Thursday of January in the year one thousand eight hundred and seventy-one, for the half year preceding, and thereafter half yearly on the days above mentioned in each year; and the Corporation may issue to the annuitants warrants for the payment of the said annuities at such reasonable time before they become due as to the Corporation may seem proper, and the delivery to the Corporation or treasurer, or to any person on their behalf, of any such annuity warrant, duly signed by the annuitant, and stamped as a receipt, shall be a valid and sufficient discharge to the Corporation for the amount of annuity in respect of which such warrant was issued.

Annuities to represent shares in company.

23. The annuities shall in all respects be substituted for and represent shares in the capital of the company; and the several persons in whom any annuities become vested under this Act shall

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be possessed thereof respectively upon the same trusts, and subject to the same powers, provisions, charges, and liabilities, as those upon and to which their respective shares in the capital of the company are on the date at which the said annuities become so vested as aforesaid held and subject; and the annuities shall be conveyed or affected by any deed, will, or other instrument disposing of or affecting such shares.

Annuity certificates to be granted.

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

Provision in case of loss of title to shares.

25. If any transfer of or other title to a share in the capital of the company be lost or destroyed, then on proof thereof the Corporation shall issue to the person entitled to the transfer or other title so lost or destroyed a certificate for the annuity substituted for that share; and in case the Corporation shall not be satisfied with the proof offered by such person he may appeal to the sheriff, who shall decide summarily as to the proof requisite in the circumstances of each case.

Number of annuities for which certificates to be issued.

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

Register of annuities.

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

Certificates to be renewed if lost, &c.

28. If any certificate be lost, worn out, or damaged, a new certificate shall be granted and issued by the Corporation, on production to the treasurer of evidence of the right of the annuitant requiring such new certificate; and if in any case the Corporation shall not

be satisfied with the evidence offered by the annuitant he may appeal to the sheriff, who shall decide summarily what evidence is requisite, and such decision shall be final; and for every such new certificate the Corporation may demand any sum not exceeding one shilling.

Certificates for altered numbers of annuities.

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

Certificates to be evidence.

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

Annuitants address book to be kept.

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

Annuities to be personal estate.

32. 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.

33. Every annuitant may sell or transfer all or any of his annuities, and every such transfer shall be by deed duly stamped, in

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which the consideration shall be truly stated, and such deed may be in the form of the second schedule to this Act, or to the like effect.

Transfers of annuities to be registered.

34. 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 Paisley Corporation Gas Annuities," and shall enter every such transfer therein, and shall endorse such entry on the transfer (such endorsement to be signed by the treasurer or clerk), and shall, on demand, deliver a new certificate to the transferee; and for every such entry of a transfer, with such endorsement and certificate, the Corporation may demand any sum not exceeding one shilling; and on the request of any transferee an endorsement of the transfer to him shall be made on the certificate transferred, instead of a new certificate being granted, and such endorsement, being signed by the treasurer or clerk, shall be considered in every respect the same as a new certificate; and for every such endorsement the Corporation may demand any sum not exceeding one shilling; and until such transfer be so delivered to the Corporation the transferee shall not be entitled to receive any part of the annuities transferred.

Closing of transfer books.

35. The Corporation may close the register of transfers of annuities for any period not exceeding fourteen days before the third Thursday in January and the third Thursday in July in each year, and any transfer made during the time when such register is closed shall, as between the Corporation and the transferee, but not otherwise, be held as made after that time.

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

36. 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 transmitted.

Contents of declaration in all cases.

37. 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 they shall enter the name of the person entitled under such transmission in the register of Paisley corporation gas annuities; and for every such

entry the Corporation may demand any sum not exceeding one shilling.

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

38. If the transmission be by virtue of the marriage of a female annuitant, the declaration shall contain a copy of the register of such marriage or other particulars of the celebration or effecting thereof, and shall declare the identity of the wife with the holder of the annuity; and if the transmission be by virtue of any will or testamentary instrument, or by intestacy, the confirmation or testament testamentar or testament dative, or the probate or letters of administration, or an official copy or extract thereof, shall, with the declaration, be produced to the treasurer or clerk; and upon such production in either of those cases the treasurer or clerk shall make an entry of the declaration in the register of transfers of Paisley corporation gas annuities.

Corporation not bound to regard trusts.

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

Certificate to be demanded before annuity recoverable.

40. The Corporation shall not be bound to pay any annuity until the party entitled thereto has demanded, as by this Act provided, a certificate for such annuity.

Annuities recoverable by suit.

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

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

42. The annuitants shall be creditors of the Corporation for payment of the annuities respectively herein-before provided to be paid to them, and shall be deemed to hold by virtue of this Act in security of such payment a mortgage and assignation of the whole lands, property, and works vested in the Corporation by this Act, and hereafter to be acquired or constructed by them for the purposes of this Act, and of the rents, charges, and revenues to be levied and received by them from such lands, property, and works, and from the supply of gas and the sale of residual products, which mortgage and assignation shall rank pari passu with the other

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mortgages and assignations to be made and granted under the provisions of this Act, and shall confer the like powers and privileges.

Annuitants may require the Corporation to redeem their annuities.

43. Any annuitant may, by giving at least twelve months notice in writing to the Corporation previously to the third Thursday of January or the third Thursday of July of any year, require the Corporation to redeem, on such third Thursday of January or third Thursday of July, as the case may be, all or any of the annuities belonging to him, by paying to such annuitant twenty-five years purchase of the annuity or annuities which he desires so to be redeemed, which notice may be in the form set out in the third schedule to this Act, and shall be given by leaving the same at the office of the clerk, and the Corporation shall redeem such annuity or annuities accordingly; and if the Corporation shall not, on the day on which by such notice they are required to redeem any annuity or annuities, make payment to such annuitant of the redemption money for such annuity or annuities, with interest thereon until payment at the rate of five per centum per annum from the last previous half-yearly term of payment of such annuity or annuities, the annuitant may sue for and recover the same from the Corporation in any court of competent jurisdiction; and the expense of granting any discharge which the Corporation may require from any annuitant for the payment of any redemption money shall be borne by the Corporation.

Corporation may redeem annuities under certain conditions.

44. The Corporation may from time to time, on the third Thursday of January or the third Thursday of July in any year, redeem any portion of the annuities, subject to the following provisions:—

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

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

In redeeming any portion of the annuities the Corporation shall redeem the same proportional part of every annuity or portion thereof at the time remaining unredeemed:

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

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

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

Corporation may re-issue redeemed annuities.

45. When any annuity or portion of any annuity has been redeemed by the Corporation, on the requisition of the annuitant, the Corporation may, if they think fit, re-issue the annuity or portion of annuity so redeemed to any person or persons willing to accept the same, on payment to the Corporation of a sum equal to twenty-five years purchase of the amount of such annuity or portion of annuity, as the case may be; and upon such re-issue the person or persons accepting such annuity or portion of annuity shall be held to be an annuitant, and to have all the rights, powers, and privileges which the person or persons from whom the annuity or portion of annuity was so redeemed possessed in respect thereof previously to the redemption of such annuity or portion of annuity.

Power to redeem annuities by agreement.

46. The Corporation may, from time to time, by agreement with any annuitant, redeem all or any of his annuities at any price not exceeding twenty-five years purchase of his annuities so to be redeemed.

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Annuitant to deliver up certificate of annuity redeemed.

47. On redemption of any annuity, or of any portion of an annuity, the annuitant shall deliver up to the Corporation the certificate of such annuity or portion of annuity, and shall give the Corporation a discharge for the redemption money, and the Corporation shall issue to the annuitant a new certificate for any portion which may remain unredeemed of such annuity; and upon any annuity or portion of annuity being redeemed, an entry of the redemption thereof shall be made in the register of Paisley corporation gas annuities, and the annuity or portion of annuity so redeemed shall, unless it shall be re-issued as herein-before provided, be extinguished.

Dividends for last year preceding commencement of Act.

48. The dividends on the amount of the respective shares of the company for the year ending on the third Thursday in July in the year one thousand eight hundred and seventy shall be paid by the Corporation to the company, in so far as the same shall not have been paid to them by the board of commissioners, and such dividends shall be distributed and paid by the company among the shareholders according to their several rights and interests.

Company to subsist for the purpose of executing this Act, and directors to continue in office.

49. From and after the commencement of this Act, the company shall subsist only for the purposes of paying and distributing the dividends for the year preceding the date of commencement of this Act, and of winding up their affairs, and of otherwise carrying into execution the provisions of this Act which relate to the company; and the directors of the company who are in office at the commencement of this Act, and the survivors and survivor of them, shall for these purposes continue without re-election to hold the office of directors, and shall have full power and authority to take all necessary proceedings.

Dissolution of company, and repeal of their Acts.

50. On the purposes herein-before specified being fulfilled in relation to the company, and all debts and liabilities of the company being fully paid and satisfied, the directors of the company shall grant a certificate to that effect under the common seal of the company, and shall, at the expense of the Corporation, publish such certificate in the Edinburgh Gazette, whereupon the company shall be dissolved, and the several Acts herein-before recited which relate thereto shall be repealed so far as regards the existence of the company.

Gas guarantee rate may be imposed.

51. It shall be lawful for the Corporation, and they are hereby authorised and required, from time to time, in the event of there being any deficiency of funds for payment of the Paisley corporation gas annuities, to assess and levy, on and from the occupiers of all lands and heritages situate within the parliamentary and municipal

boundaries of the town or burgh of Paisley, an annual assessment, to be called the "gas guarantee rate," not exceeding fourpence in the pound on the real rent or yearly value of such lands and heritages: Provided always, that the said rate shall not be assessed or levied on or from any railway company or canal company for or in respect of the line of railway or canal belonging to such company, or on or from any person in respect of gas or water pipes, but such rates shall be assessed and levied on and from such companies and persons in respect of all stations, depôts, and buildings occupied by them respectively; provided also, that the said rate shall not be assessed or levied upon or from the occupier of any garden not attached to or occupied with a dwelling house, or of any arable, meadow, or pasture land within the said limits, in respect of such garden or land; provided also, that no such rate shall be assessed or levied in respect of any church, chapel, or other building exclusively used for public worship, nor in respect of any building exclusively used for the gratuitous education of the poor; provided also, that the said assessment shall be levied and applied only for the purpose of paying the Paisley corporation gas annuities, and any interest which may be due thereon, and the expenses connected with the levying and applying of such assessment.

Assessment of gas guarantee rate.

52. The gas guarantee rate shall be assessed for the period from the twenty-eighth day of May in each year to the twenty-eighth day of May in the year following, and shall be payable immediately after being assessed or so soon thereafter as the same shall be demanded; provided always, that the said rate may be assessed for the whole of such period at any time during the year.

Surveyors to be appointed.

53. The Corporation may, if they think fit, annually appoint one or more surveyors, who shall be sworn by the provost or acting chief magistrate to administer their office faithfully, according to their judgment and knowledge; and such surveyors shall, when required, survey the lands and heritages in respect of which the said rates are authorised to be levied; and a certificate, signed by the surveyor making such survey, shall be deemed sufficient primâ facie evidence of the full annual value of the said lands and heritages so surveyed by him; or the Corporation may estimate and fix the annual value of the said lands and heritages, so far as may be, by the valuation made under the provisions of the public Act, seventeenth and eighteenth Victoria, chapter ninety-one, for the valuation of lands and heritages in Scotland, or of any Act for amending that Act; and the valuation so made and adjusted shall be final and binding on all parties, and shall not be subject to review or alteration in any court.

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Unoccupied premises may be included in rates.

54. When any premises in respect of which any person may be liable to be assessed to the gas guarantee rate, under the provisions of this Act, shall, at the time of assessing any such rate, be unoccupied, then and in every such case it shall be lawful for the Corporation to include such premises, describing them in the column in the said rate appropriated to the name of occupier as being "unoccupied;" and if any person shall afterwards occupy such premises during any part of the period for which such rate may have been assessed, it shall be lawful for the Corporation to insert the name of such occupier, and to levy from him such part of the said rate as shall be proportionate to the time during which such person shall occupy such premises, and every such person shall thereupon be deemed to all intents and purposes to be properly rated; and such rate may be levied and recovered from the person so rated in the same manner as from other persons assessed under the provisions of this Act: Provided always, that any such person whose name shall be so inserted in such rate may appeal against the same to the Corporation or to the sheriff.

Form of rate.

55. Every such rate shall be fairly transcribed in a book to be kept for that purpose, and may be in the form of the fourth schedule to this Act annexed, or to the like effect; and every such rate shall contain an account of every particular set forth at the head of the respective columns, so far as the same can be ascertained; and notice shall be given to every person rated of the rate charged upon him, and that he may appeal to the Corporation or to the sheriff against the same within fourteen days after such notice.

Rate to be open to inspection of ratepayers.

56. The statement of the proposed rate, and the rate immediately after the same is assessed, shall be open to the inspection of any person interested or liable to pay such rate, at all reasonable times; and any such person may take copies or extracts from such statement or rate, without paying anything for the same; and any person having the custody of such statement or rate who refuses or does not permit any person so interested or rated as aforesaid to take copies or extracts from such statement or rate, shall for every such offence be liable to a penalty not exceeding five pounds.

Rates may be amended.

57. The Corporation may from time to time amend any such rate assessed by virtue of this Act, by inserting therein the name of any person claiming and entitled to have his name therein as occupier, or by inserting therein the name of any person who ought to have been rated, or by striking out the name of any person who ought not to have been rated, or by raising or reducing the sum at which any person has been rated, if it appear to them that such

person has been erroneously rated, or by making such other amendments therein as will make such rate conformable to this Act; and no such amendment shall be held to make void the rate: Provided always, that every person aggrieved by any such alteration shall have the same right of appeal therefrom as he would have had if his name had been originally inserted in such rate, and no such alteration had been made; and as respects such person the rate shall be considered to have been assessed at the time when he received notice of such alteration; and every person whose rate is altered shall be entitled to seven days notice of such alteration before the rate shall be payable by him.

Public rates to be open to inspection of the Corporation.

58. The Corporation, or any person by them authorised, may, from time to time, inspect all or any of the public or parochial rates and assessments in any parish or other district within the parliamentary and municipal boundaries of the town and burgh of Paisley, and the books in which are contained all the assessments by which the same are made, and may take copies thereof or extracts therefrom respectively; and any person having the custody of such rates or assessments who does not suffer the Corporation or any person authorised by them to inspect the same at reasonable times, or to take copies thereof or extracts therefrom, shall be liable to a penalty not exceeding five pounds for every such offence.

Corporation may arrange for assessment and collection of rates.

59. It shall be lawful for the Corporation from time to time to agree with any officers having the charge and collection of any other rates or assessments within the limits of the Act of 1845 for the assessment and collection of the rates authorised to be made and levied by this Act, in such manner and form as the Corporation and such officers respectively shall mutually determine, with the view to the collection thereof in the most satisfactory and economical manner.

Appeal to Corporation on ground of inequality.

60. If any person shall think himself aggrieved by any rate imposed or other charge made by the Corporation under the authority of this Act, on the ground of inequality, unfairness, or incorrectness in the valuation of any rateable property included therein, or on any other ground, he may appeal to the Corporation or to the sheriff within fourteen days from the date of the notice of such rate or other charge; and the Corporation or sheriff are hereby authorised and empowered, if they shall think such person aggrieved, to give such relief in the premises as they shall deem reasonable.

Rate books to be evidence.

61. In any proceeding to levy or recover or consequent on the levying or recovering of any rate under the provisions of this Act, the books of rates of the Corporation, and all entries made therein

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in manner by this Act directed, by the production thereof alone, and without any evidence that the requirements of this Act have been given or complied with, shall be received as evidence of such rate, and of the amount thereof.

Recovery of arrears of rates.

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

Power to enforce warrant for recovery of arrears.

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

Power to borrow on mortgage.

64. The Corporation may borrow any sums of money which may be required for the redemption of the Paisley corporation gas

annuities, and may also borrow any money not exceeding the sum of fifteen thousand pounds, and may make and grant mortgages of the rents, charges, and revenues (except the gas guarantee rate) accruing to them from the lands, property, and works vested in the Corporation by this Act, and hereafter to be acquired or constructed by them for the purposes of this Act, and from the sale of gas and 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 Corporation pay off the same otherwise than from a sinking fund, they may again borrow on the security aforesaid the amount so paid off, and so from time to time.

Form and execution of mortgages.

65. Every mortgage to be granted by the Corporation shall be by deed duly stamped, in which the consideration shall be truly stated, in the form contained in the fifth schedule to this Act, or to the like effect, and may be partly printed and partly in writing, and shall be under the seal of the Corporation, and signed by two members of the Corporation and the treasurer; provided that no person so signing shall, by his subscription of any such mortgage, be or be held to have rendered himself individually or personally liable for the payment of any money so borrowed, or any interest thereon, or of any sums whatsoever in respect thereof.

Mortgages may be accompanied with interest warrants.

66. It shall be lawful for the Corporation to issue, along with any such mortgage, and during the period of any postponement of the term of payment thereof, interest warrants, in the form contained in the sixth schedule to this Act, or to the like effect, signed by the treasurer, for the periodical payment of the interest to become due on the principal sums thereby secured during the period for which such mortgage is intended to subsist; and the delivery to the Corporation, or the treasurer, or to any person on their behalf, of any such interest warrant, duly stamped as a receipt, shall be a valid and sufficient discharge to the Corporation for the interest in respect of which the same was issued.

Mortgages to be personal estate.

67. 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 rents, charges, and revenues authorised to be received 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.

68. 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

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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 seventh schedule to this Act, or to the like effect, and such discharge, when signed by the person entitled to such mortgage, and duly stamped, shall be valid and effectual to all intents and purposes.

Transmission of mortgages in case of bankruptcy.

69. If any mortgage 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.

Power to borrow on cash credit.

70. The Corporation, 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, according to the usage of bankers in Scotland, in the name of an officer to be appointed by the Corporation, to the extent of the sum which they are by this Act authorised to borrow 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.

71. All money borrowed by the Corporation under this Act for the redemption of annuities, and all funds in the hands of the board of commissioners at the date of the commencement of this Act (after paying out of such last-mentioned funds all moneys then due by the board of commissioners on revenue account), and also the said contingent fund, shall be applied by the Corporation in the payment of debts and liabilities of the board of commissioners chargeable against capital, and the redemption of the Paisley corporation gas annuities, and to payment of mortgages granted to raise money for the purpose of such redemption, and to no other purposes; and all other moneys borrowed by the Corporation under this Act shall be applied in carrying the Act of 1845, as amended by this Act, and this Act into execution, and to no other purposes; provided that the Corporation shall not apply any money borrowed under this Act to the management or maintenance of the works vested in or constructed by them.

As to appointment of judicial factor.

72. In the event of any principal money borrowed on mortgage, or any interest thereon, or the redemption money of any annuity which has been required to be redeemed, or any of the Paisley corporation gas annuities, not being paid within one month after such payment is due and demand thereof made in writing, any

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

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

73. The judicial factor appointed under this Act, on finding security in common form, shall exercise all the powers conferred by this Act on the Corporation for and in relation to the assessing, levying, and recovering of the gas guarantee rate, and the rents and charges authorised by this Act and the Acts incorporated herewith, and the managing, carrying on, and maintaining of the works and property of the Corporation under this Act; and the Corporation shall hand over to him all rate books and other books and documents necessary for that purpose; and after defraying the expenses of such application, management, carrying on, and maintenance, the judicial factor shall from time to time apply and pay over the balance of the sums received by him to the several parties entitled to payment thereout; and the judicial factory shall continue not only until all arrears of interest on mortgages, and all arrears of Paisley corporation gas annuities, due at the date of his appointment, and all interest due on any of those sums, and any interest or annuity becoming due during his continuance in office, with interest and expenses (including the expenses of the application for his appointment and of the execution of the purposes thereof), are paid, but also

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

Quality of gas.

74. All the gas supplied by the Corporation shall be at least of such quality as to produce from a union jet burner capable of consuming five cubic feet of gas per hour under a pressure equal to a column of water five tenths of an inch in height a light equal in intensity to the light produced by twenty-five 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.

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

Provision for testing quality of gas.

76. 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 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 provided under this Act, 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 such sum not exceeding twenty pounds as the sheriff shall determine.

Cost of experiment to be paid

77. 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 Corporation shall be paid, together with such penalty, by the Corporation, but in the event of no penalty being imposed such costs shall be awarded to be paid to the Corporation by the person complaining, and shall be paid or levied accordingly. according to the event.

Obligations on Corporation as to supply.

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

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

Secondly, that such 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 Corporation is placed:

Thirdly, that such occupier do, if required by the Corporation, 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, upon the application of either party, by the sheriff, whose decision thereon shall be final, and not subject to review in any court or by any process whatsoever.

Corporation to supply gas to public buildings and lamps.

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

Price of gas.

80. The price charged by the Corporation for gas consumed by meter shall not exceed the rate of four shillings and twopence per thousand cubic feet.

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Incoming occupier not liable for arrears.

81. 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.

Recovery of sums due.

82. If any person fails to pay any gas rent, rate, damages, costs, expenses, or other sum due to or recoverable by the Corporation under this Act or any of the recited Acts, the Corporation may recover the same by proceedings in any court of competent jurisdiction, and may also discontinue the supply of gas to such person; and the remedies of the Corporation under this enactment shall be in addition to their other remedies in that behalf.

Accounts to be kept and published.

83. The Corporation shall cause books to be provided and kept, and true and regular accounts to be entered therein of all sums of money received and paid by them for the purposes of this Act; and they shall cause such accounts to be balanced in each year as at the twenty-eighth day of May; and they shall annually apply to the sheriff, who shall appoint two auditors, who shall be the auditors of such accounts for one year; and if any vacancy occur, by the death of any auditor or otherwise, in the course of such year, the sheriff shall supply such vacancy by appointment as aforesaid; and an abstract of the accounts, certified as correct by the treasurer and two members of the Corporation and the auditors, shall annually be published within two months after the said twenty-eighth day of May in two newspapers usually circulating in Paisley.

Application of penalties.

84. All penalties and forfeitures exigible under the Act of 1845 or this Act, after deducting the costs incurred in relation thereto, so far as not recovered from the offender, shall from and after the commencement of this Act be paid over to the treasurer of the Paisley Infirmary for the benefit of that institution.

Application of revenue.

85. The Corporation shall apply all moneys from time to time received by them under the powers of this Act (not being money borrowed or money for the application of which provision is hereinbefore made) in manner and order following, and not otherwise; (namely,)

First, in payment of the costs, charges, and expenses preliminary and incidental to the preparing, applying for, obtaining, and passing of this Act, or otherwise in relation thereto, and of the expenses of and incidental to the raising, levying, and recovering the rates, 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 Corporation:

Thirdly, in payment of the Paisley corporation gas annuities, and interest of money borrowed under this Act:

Fourthly, in setting apart annually any sum which the Corporation shall think fit, but not less than five hundred pounds in any one year, as a sinking fund, to be applied to the redemption of Paisley corporation gas annuities, or of mortgages:

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

Lastly, towards the cost of improving existing streets, opening up new streets, erecting, improving, and maintaining municipal and other public buildings, baths, and washing houses, making sewers, and otherwise improving the town or burgh of Paisley:

And to no other purposes whatsoever.

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SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

Form of Annuity Certificate.

No.

This is to certify, that *A.B.* [*name and designation*] is the holder of pounds of the Paisley corporation gas annuities created by "The Paisley Corporation Gas Act, 1870," and is entitled to receive from the Corporation of Paisley an annuity of pounds, payable in equal moieties half-yearly on the third Thursday of January and the third Thursday of July, beginning the first payment thereof on the for the half year preceding, and thereafter half-yearly on the said days in each year; which annuity is secured on the lands, property, and works vested in the Corporation by the said Act, and which have been or may be acquired or constructed by them for the purposes of manufacturing and supplying gas, and on the rents, charges, and revenue from the supply of gas and the sale of residual products, and on the gas guarantee rate 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.)

(L.S.)

THE SECOND SCHEDULE.

Form of Transfer of Annuity.

I, *A.B.* [*name and designation*], in consideration of the sum of pounds [*or other consideration, as the case may be*] paid to me by *C.D.* [*name and designation*], do hereby transfer to the said *C.D.* and his executors, administrators, or assignees, the annuity of pounds, No. [*as the case may be*] of the Paisley corporation gas annuities, created by "The Paisley Corporation Gas Act, 1870," now standing in my name in the books of the Corporation, with the rights and privileges and subject to the conditions and provisions specified in the said Act; and I, the said *C.D.*, do hereby agree to hold the said annuity, subject to the same conditions and provisions. In witness whereof [*insert testing clause, according to the form of the law of Scotland, or the form of attestation used in England.*]

THE THIRD SCHEDULE.

NOTICE BY ANNUITANT THAT HE REQUIRES THE CORPORATION TO REDEEM HIS ANNUITIES.

To the Magistrates and Town Council of the Burgh of Paisley.

Take notice, that I, , of , require you to redeem on [*state date on which redemption is required*], in manner provided by the Paisley Corporation Gas Act, 1870, the following Paisley corporation gas annuity [*or* annuities] belonging to

Name of Annuitant.	Register Number.	Number of Annuities.	Total Amount of Annuities to be redeemed.

Dated this day of

[Signature of annuitant or of his authorised agent.]

THE FOURTH SCHEDULE.

FORM OF RATE.

An assessment to the gas guarantee rate for the town and burgh of Paisley, for the year from the twenty-eighth day of May one thousand eight hundred and to the twenty-eighth day of May one thousand eight hundred and , at the rate of in the pound.

Number in the Rate.	Name of Person rated.	Name of the Owner of the Property rated.	Description and situation of Property.	Full Rent or Annual value.	Rate at in the Pound.

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THE FIFTH SCHEDULE.

Form of Mortgage.

Paisley Corporation Gas.

Mortgage No.

By virtue of "The Paisley Corporation Gas Act, 1870," we, the magistrates and town council of the burgh of Paisley (herein-after called the Corporation), in consideration of the principal sum of [*specify amount*] paid by [*name and designation of mortgagee*] to the treasurer, for the purposes of the said Act, do hereby grant and assign to the said [*name of mortgagee*], and his executors, administrators, and assignees (*or as the case may be*), such proportion of the several rents, charges, and revenues (except the gas guarantee rate) accruing to the Corporation from the lands, property, and works vested in them under the authority of the said Act, and which have been or may be constructed and acquired by them for the purposes of that Act, and from the sale of gas and of residual products, as the said sum of [*specify amount*] doth or shall bear to the whole sum which is or shall be borrowed upon the credit of the said rents, charges, and revenues, to hold to the said mortgagee and his foresaids until the said principal sum and the whole interest due thereon shall be fully paid and satisfied; and it is hereby stipulated that the said principal sum shall be repayable on the [*date*], or shall thereafter, in virtue hereof, remain as a loan to the Corporation until the expiration of such further term of years, and at such rate of interest, as shall be specified in a minute or minutes to be endorsed hereon, and signed by the said mortgagee or his foresaids and by the treasurer aforesaid, and which minutes are hereby declared and shall be held to be valid and binding, though they may be neither holograph of the said mortgagee or his foresaids or of the said treasurer, nor tested; and for and in respect of interest on the said principal sum to the said date of repayment first above mentioned (being at the rate of [*specify rate*] per centum per annum), the Corporation shall pay the several sums contained in the [*state number*] interest warrants bearing the number and date hereof and delivered herewith, and that at the several times mentioned in such warrants, upon delivery of the same respectively, and such delivery shall be a sufficient receipt and discharge to the Corporation for the contents of such warrants; declaring that the said mortgagee and his foresaids shall not be entitled to make, and that the Corporation shall not be bound to recognise or register, any partial assignation of these presents, or of the sums of money, principal or interest, herein contained, and that the Corporation shall not be liable for any expenses that may be incurred by the said mortgagee or his foresaids for or in relation to the preparation, revision, adjustment, or execution of this mortgage, or of any discharge, renunciation, release, assignation, or minute of postponement or renewal thereof.

In witness whereof [*testing clause, according to the law of Scotland.*]

(Signed by two members of the Corporation
and the treasurer.)

(L.S.)

THE SIXTH SCHEDULE.

Form of Interest Warrant.

Paisley Corporation Gas.

Mortgage No. . Dated 18 .

Interest Warrant.

For pounds shillings and pence.

	£	:	:
Less income tax : .			
	£	:	:

Payable on 18 ,
at the

£

Treasurer.

THE SEVENTH SCHEDULE.

Form of Discharge.

Received from the treasurer acting under the provisions of "The Paisley Corporation Gas Act, 1870," the sum of pounds, 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 .

LONDON : Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1870.