CHAPTER xlix.

An Act to authorise the construction of a Quay at the Harbour of Perth and a Bridge over the River Tay and other works and also new Gasworks to make provision for the regulation of the office of Town Clerk and for other purposes. [3rd June 1897.]

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WHEREAS the lord provost magistrates and council of the city and royal burgh of Perth (herein-after called "the Corporation") are the Commissioners of the burgh of Perth acting in and for that burgh under the Burgh Police (Scotland) Act 1892 (herein-after called "the Burgh Commissioners") and as such are the Perth Gas Commissioners (herein-after called "the Gas Commissioners") incorporated by the Perth Gas Act 1871 (herein-after called "the Act of 1871") for carrying that Act into execution:

55 & 56 Vict. c. 55.

34 & 35 Vict. c. lxxviii.

And whereas by an Act of the nineteenth and twentieth years of the reign of Her present Majesty intituled "An Act to provide "for the arrangement of the financial affairs of the city of Perth for "the maintenance of the port and harbour and for other purposes "therewith connected" (herein-after called "the Act of 1856") all heritable and movable estate and property rights and privileges vested in the commissioners for the improvement of the port and harbour of Perth and navigation of the River Tay acting under the Acts recited in the Act of 1856 and thereby repealed together with the rates and duties authorised by the Act of 1856 were vested in the lord provost and other magistrates and town councillors of the city of Perth for the time for the purposes of the Act of 1856 and it was thereby enacted that the powers and functions of such commissioners should cease and determine and by the Perth Corporation Act 1891 (herein-after called "the Act of 1891") the Corporation were authorised from time to time to raise the sum of seventy thousand pounds in the whole by the creation and issue of

19 & 20 Vict. c. cxxxviii.

54 & 55 Vict. c. xxxii.

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redeemable debenture stock for the purpose of redeeming and paying off bonds of annuity remaining unredeemed at the passing of that Act granted by them to the persons in right of the debts contracted and incurred by the Corporation and their predecessors in office and by the said commissioners and for the purpose of providing for the expense to be incurred by the Corporation in connexion with the creation and issue of debenture stock under that Act:

And whereas the existing accommodation at the harbour of Perth is inconvenient and insufficient and it is expedient that the Corporation should be empowered to make and maintain the quay (Work No. 1) and other relative works by this Act authorised and to borrow money for the purposes thereof and that the other powers of this Act in relation to their harbour should be conferred on the Corporation:

56 & 57 Vict. c. lxxv.

And whereas by the Perth Improvement Act 1893 powers were conferred on the Burgh Commissioners to make and maintain certain new streets and street improvements in that Act described and such works are now approaching completion:

And whereas the existing bridge across the River Tay known as Perth Bridge is the only bridge across the river in the city of Perth available for vehicular traffic and is narrow and insufficient for the purposes of such traffic and in consequence of the line of tramway now laid down thereon its insufficiency is greatly increased:

And whereas the construction of the new bridge across the river (Work No. 2) with the road of access thereto (Work No. 3) on the east side of the river and of the road (Work No. 4) all herein-after described would be of local and public advantage and it is expedient that the Burgh Commissioners should be empowered to make and maintain the same:

And whereas the sewage from the general prison at Perth at present flows into the stream known as the Town's Lade or otherwise called the Craigie Burn which is an open stream flowing into the harbour and it is expedient in order to abate the nuisance to the public caused thereby to enable the Burgh Commissioners to make and maintain the covered culvert or pipe (Work No. 5) herein-after described to intercept the said sewage at the point of discharge thereof into the stream and to convey the same and the waters of the stream from such point direct into the river instead of into the harbour as at present:

And whereas it is expedient to authorise the Burgh Commissioners by agreement to acquire and hold lands for the purposes of a depôt for the erection thereon of workshops stables and other buildings

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and the storage and deposit thereon of stone manure and other materials articles and things:

And whereas it is expedient to enable the Burgh Commissioners to borrow or raise the necessary moneys for the purposes of the Works No. 2 No. 3 No. 4 and No. 5 herein-before mentioned and the acquisition of lands therefor and of the other lands to be acquired by them by agreement under the powers of this Act:

And whereas by the Act of 1871 the undertakings of the Perth Gas Light Company and the Perth New Gas Light Company were transferred to and vested in the Gas Commissioners and powers were conferred on them inter alia to manufacture and store gas and to sell and supply gas within the limits of that Act and by the Perth Water and Gas Act 1888 (herein-after called "the Act of 1888") the Gas Commissioners were authorised inter alia to erect and maintain a gasholder or gasholders and other works for the storage and distribution of gas and residual products arising in the manufacture of gas and to acquire lands for the purpose:

51 & 52 Vict. c. xix.

And whereas since the passing of the Act of 1888 several new streets have been formed and numerous houses and manufactories and works have been erected in the city and the existing works and apparatus of the Gas Commissioners are defective and insufficient for the increasing demand for gas and it is expedient that the Gas Commissioners be authorised to erect additional works for affording an increased supply of gas and to acquire lands for that purpose and that further powers should be conferred upon them as in this Act provided:

And whereas it is further expedient that the Gas Commissioners be empowered to raise additional money for the purposes of this Act relating to their gas undertaking and for the general purposes thereof:

And whereas it is expedient to make provision respecting the tenure of office of town clerk for the city and his appointment and for the regulation of the office:

And whereas it is expedient that further powers be conferred upon the Corporation and the Burgh Commissioners and the Gas Commissioners as herein-after provided:

And whereas plans and sections showing the lines situations and levels of the several works herein-after described and authorised by this Act and books of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands proposed to be taken for the purposes or under the powers of this Act were duly deposited with the principal sheriff clerk of the county of Perth in his office at Perth and are herein-after

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respectively referred to as the deposited plans sections and books of reference:

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

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

PART I.—Preliminary.

Short title.

1. This Act may be cited as the Perth Harbour City Improvements and Gas Act 1897.

Division of Act into parts.

2. This Act is divided into parts as follows:—

Part I.—Preliminary.
Part II.—Lands.
Part III.—Harbour.
Part IV.—New bridge roads and culvert or pipe.
Part V.—Gas.
Part VI.—Financial.
Part VII.—Regulation of office of town clerk.
Part VIII.—Recreation ground.
Part IX.—Miscellaneous.

Incorporation of Acts.

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

The Lands Clauses Acts;

The clauses of the Harbours Docks and Piers Clauses Act 1847 incorporated with the Act of 1856;

The provisions of the Railways Clauses Consolidation (Scotland) Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof and with respect to the crossing of roads or other interference therewith; and

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

And sections 5 6 7 9 to 34 and 36 to 46 of the Gasworks Clauses Act 1871 shall except in so far as otherwise expressly provided by the Act of 1871 or this Act apply to the gas undertaking of the Gas Commissioners:

Provided that the provisions of the Railways Clauses Consolidation (Scotland) Act 1845 incorporated with this Act shall be read so as to apply only to the quay (Work No. 1) and the covered culvert or pipe (Work No. 5) by this Act authorised and the works immediately connected therewith.

Interpretation.

4. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated with this Act have the same respective meanings unless varied by this section or unless there be something in the subject or context repugnant to such construction Provided that in the Acts wholly or partially incorporated with this Act the following words and expressions have for the purposes of this Act the meanings hereby assigned to them (that is to say):—

"The promoters of the undertaking" "the undertakers" and "the company" respectively mean the Corporation the Burgh Commissioners and the Gas Commissioners as the case may be;

"The railway" means the works by this Act authorised or any of them and "the centre of the railway" means the boundaries of those works respectively:

And in this Act—

"The city" and "the burgh" mean the city and burgh of Perth as defined by the Representation of the People (Scotland) Act 1832;

"The Corporation" means the lord provost magistrates and town council of the city and royal burgh of Perth;

"The Burgh Commissioners" means the lord provost magistrates and town council as the Commissioners of the Burgh under the Burgh Police (Scotland) Act 1892;

"The Gas Commissioners" means the Perth Gas Commissioners incorporated by the Act of 1871;

"The town clerk" means the town clerk of the city and royal burgh of Perth for the time being;

"The clerk" and "the treasurer" mean the clerk and the treasurer respectively for the time being of the Burgh Commissioners and the Gas Commissioners;

"The harbour" means the harbour as defined by the Act of 1856;

"The gas undertaking" means the undertaking of the Gas Commissioners by the Act of 1871 the Act of 1888 and this Act authorised;

"The Police Act" means the Burgh Police (Scotland) Act 1892 and any Act amending the same.

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PART II.—Lands.

Lands for quay.

5. Subject to the provisions of this Act the Corporation may enter upon take and use such of the lands shown on the deposited plans and described in the deposited books of reference relating to the quay (Work No. 1) by this Act authorised as may be required for the purposes of that work or for any purposes connected therewith.

Lands for bridge roads &c.

6. Subject to the provisions of this Act the Burgh Commissioners may enter upon take and use such of the lands shown on the deposited plans and described in the deposited books of reference relating to the bridge (Work No. 2) the road of access (Work No. 3) the road (Work No. 4) and the covered culvert or pipe (Work No. 5) by this Act authorised as may be required for the purposes of those works or for any purposes connected therewith respectively.

Additional lands by agreement for harbour purposes.

7. The Corporation may from time to time for the purposes of the harbour purchase by agreement and hold any lands not exceeding at one time three acres in addition to lands which they are authorised to take by compulsion Provided that such additional lands shall not be built over except for purposes connected with the harbour and that nothing in this Act shall exempt the Corporation from any action or proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any land so purchased and held.

Additional lands by agreement for other works.

8. The Burgh Commissioners in addition to the lands houses and property which they are by this Act authorised to take compulsorily may from time to time by agreement purchase or otherwise acquire for the purposes of or in connexion with the Works No. 2 No. 3 No. 4 and No. 5 by this Act authorised any lands houses or other property and any interest right of user power or privilege in over or affecting any lands houses or other property which they think expedient for any of those purposes and may also by agreement purchase or otherwise acquire and hold and use the piece of ground described in the First Schedule to this Act for the purposes of a depôt or depôts for the erection thereon of workshops stables and other buildings and the storage and deposit thereon of stone manure and other materials articles and things Provided that nothing in this Act shall exempt the Burgh Commissioners from any action or proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any land so purchased and held.

Power to take servitudes &c. by agreement.

9. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Corporation

and the Burgh Commissioners any servitude right or privilege (not being a servitude right or privilege of water in which other parties than the grantors have an interest) required for the purposes of this Act or any of them in over or affecting any such lands and the provisions of the said Acts with respect to lands and ground annuals or feu duties so far as the same are applicable in this behalf shall extend and apply to such grants and to such servitudes rights and privileges as aforesaid respectively.

Power to take lands for new gasworks.

10. Subject to the provisions of this Act the Gas Commissioners may enter upon take and use the lands described in the Second Schedule to this Act and delineated on the deposited plans and described in the deposited books of reference relating to the gas undertaking.

Additional lands by agreement for gas purposes.

11. The Gas Commissioners may for the purposes of the gas undertaking purchase take and hold (by agreement but not otherwise) in addition to the lands now held by them and the lands described in the Second Schedule to this Act any lands and property not exceeding in the whole four acres which the Gas Commissioners may from time to time require for the purposes of the gas undertaking and works but the Gas Commissioners shall not create or permit a nuisance on any such lands and no lands shall be used by the Gas Commissioners for the purpose of manufacturing gas or residual products except the lands described in Schedule C to the Act of 1871 and in the Second Schedule to this Act.

Omission or misstatement in plans or books of reference may be corrected.

12. If there be any omission misstatement or erroneous description of any lands or the buildings thereon or of the owners lessees or occupiers of any lands or buildings shown on the deposited plans or specified in the deposited books of reference the Corporation or the Burgh Commissioners or the Gas Commissioners may after giving ten days' notice to the owners lessees and occupiers of the lands or buildings in question apply to the sheriff for the correction thereof and if it appear to the sheriff that such omission misstatement or erroneous description arose from accident or mistake he shall certify the same accordingly and shall in such certificate state the particulars of the omission and in what respect any such matter is misstated or erroneously described and the decision of the sheriff in such matter shall be final.

Certificates to be deposited.

13. The certificate of the sheriff shall be deposited in the office at Perth of the principal sheriff clerk of the county of Perth and a duplicate thereof shall be deposited with the clerk of the parish council in which the lands or buildings to which such certificate relates are situate in respect to which or to the owners lessees or occupiers

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whereof the omission misstatement or erroneous description occurred and such certificate and duplicate shall be kept by such sheriff clerk and clerk of the parish council respectively along with the other documents to which they relate and thereupon the deposited plans and books of reference shall be deemed to be corrected in accordance with the certificate and the Corporation or the Burgh Commissioners or the Gas Commissioners as the case may be may enter on purchase take hold and use for the purposes of this Act any lands in accordance with such certificate as if such omission misstatement or erroneous description had not been made.

Restriction on taking houses of labouring class.

14. Neither the Corporation nor the Burgh Commissioners nor the Gas Commissioners shall under the powers of this Act purchase or acquire ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Secretary for Scotland ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

For the purposes of this section the expression "labouring class" means and includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

Limiting time for exercise of compulsory powers of purchase.

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

PART III.—Harbour.

Power to make quay.

16. Subject to the provisions of this Act the Corporation may make and maintain in and according to the lines and levels shown on the deposited plans and sections in that behalf the quay herein-after described (that is to say):—

A quay (Work No. 1) on the west bank of the River Tay opposite to the harbour of Perth and on the foreshore of the river commencing at the south end of the existing Friarton Pier or Quay and proceeding thence in a northerly direction for a distance of one thousand and sixty-five feet or thereabouts thence in an easterly direction for a distance of one hundred and thirty-five feet or thereabouts and thence in a southerly

direction for a distance of one hundred and seventy feet or thereabouts along the foreshore of the river to and terminating at the north end of the quay forming the existing harbour of Perth.

Power to make subsidiary works.

17. Subject to the provisions of this Act the Corporation may make and maintain all necessary and convenient roads approaches accesses walls wharves warehouses sheds buildings piers platforms jetties landing stages mooring buoys mooring posts cranes shears and other machinery appliances works and conveniences for or in connexion with the quay before described and for the embarking landing and transporting of passengers animals goods merchandise materials and things thereat thereon or therefrom.

Limits of deviation.

18. In constructing the quay by this Act authorised the Corporation may deviate laterally from the lines thereof as shown on the deposited plans to any extent not exceeding the limits of deviation shown on those plans and they may deviate vertically from the levels of the said quay as shown on the deposited sections to any extent not exceeding three feet upwards and ten feet downwards Provided that no deviation either lateral or vertical below high-water mark shall be made without the consent in writing of the Board of Trade.

Lights on works.

19. The Corporation shall on or near the works below high-water mark hereby authorised during the whole time of their construction exhibit and keep burning at their own expense every night from sunset to sunrise such lights (if any) as the Board of Trade from time to time require or approve If the Corporation fail to comply in any respect with the provisions of the present section they shall for each night in which they so fail be liable to a penalty not exceeding twenty pounds.

Corporation to exhibit lights.

20. The Corporation shall at the outer extremity of their harbour works exhibit and keep burning from sunset to sunrise such lights (if any) as the Commissioners of Northern Lighthouses shall from time to time direct If the Corporation fail to comply with the provisions of the present section they shall for each night in which they so fail be liable to a penalty not exceeding twenty pounds.

Period for completing quay.

21. On the expiration of seven years after the passing of this Act the powers by this Act given to the Corporation for constructing the quay hereby authorised shall cease except as to so much thereof as shall then be completed.

Abatement of works

22. If any work constructed by the Corporation on in over through or across tidal lands or tidal waters is abandoned or

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abandoned or decayed.

suffered to fall into decay the Board of Trade may abate and remove the same or any part thereof and restore the site thereof to its former condition at the expense of the Corporation and the amount of such expense shall be a debt due from the Corporation to the Crown and be recoverable accordingly with costs or the same may be recovered with costs as a penalty is recoverable from the Corporation.

Survey of work by Board of Trade.

23. If at any time the Board of Trade deems it expedient for the purposes of this Act to order a survey and examination of a work constructed by the Corporation on in over through or across tidal lands or tidal waters or of the intended site of any such work the Corporation shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Corporation to the Crown and be recoverable accordingly with costs or the same may be recovered with costs as a penalty is recoverable from the Corporation.

Power of dredging.

24. The Corporation may with the consent of the Board of Trade but not otherwise from time to time dredge scour deepen cleanse alter and improve the harbour and the bed shore and banks of the River Tay within the limits of the harbour and for those purposes may purchase hire provide and maintain all necessary dredging and other machines engines tugs vessels lighters plant or other appliances necessary or expedient.

Quay to form part of the harbour.

25. The quay by this Act authorised and all works and conveniences on or connected therewith shall for all purposes form part of the harbour.

Byelaws respecting harbour.

26. In addition to the powers of making byelaws contained in the Harbours Docks and Piers Clauses Act 1847 the Corporation may subject to the provisions of this Act make such byelaws as they shall think fit for all or any of the following purposes (that is to say):—

For the protection of the quays and wharves of the harbour and of the buildings accommodations machinery and appliances thereon and for regulating the user thereof and the conduct of persons frequenting or using the same;

For regulating the ballasting of and removal of ballast from vessels in the harbour:

And the byelaws to be so made by the Corporation shall be confirmed and shall be published in the manner prescribed by the Harbours Docks and Piers Clauses Act 1847 and shall be observed under penalties not exceeding the sum of ten pounds for each offence besides such damages as the case may infer.

PART IV.—New Bridge Roads and Culvert or Pipe.

Power to make bridge and other works.

27. Subject to the provisions of this Act the Burgh Commissioners may make and maintain in the lines and according to the levels shown on the deposited plans and sections the bridge roads and culvert or pipe herein-after described (that is to say) :—

(1) A bridge over the River Tay (Work No. 2) to be wholly situate in the royal burgh of Perth commencing on the west side of the said river in the Middle Church parish of Perth and in the West Church parish of Perth at the centre of Tay Street opposite to and in line with South Street at its junction with Tay Street and terminating on the east side of the said river in the parish of Kinnoull at a point one hundred and fifty yards or thereabouts measured in a south-westerly direction from the south side of the entrance gateway to Kinnoull Parish Church:

(2) A road of access to the said intended bridge (Work No. 3) on the east side of the said river to be wholly situate in the parish of Kinnoull in the royal burgh of Perth commencing at the termination of the intended bridge before described and terminating by a junction with the public road called or known as the Dundee Road:

(3) A road (Work No. 4) to be wholly situate in the East Church parish of Perth and partly in the royal burgh of Perth commencing by a junction with the road leading to the harbour of Perth called or known as the Harbour Road and extending in a southerly direction to and terminating at a point two hundred and ten yards or thereabouts measured in a southerly or south-easterly direction from the north-east corner of the row of buildings situate on the south or south-west bank of the River Tay at Friarton which row of buildings is situate forty yards or thereabouts measured in a southerly or south-westerly direction from the south end of Friarton Pier or Quay:

(4) A covered culvert or pipe (Work No. 5) being a diversion of the Town's Lade otherwise called the Craigie Burn to be wholly situate in the East Church parish of Perth and royal burgh of Perth commencing by a junction with the said Lade or Burn where it passes underneath and on the west side of the harbour branch railway of the Caledonian Railway Company and terminating in the River Tay at or about low-water mark:

Provided that a sufficient navigable depth shall be maintained to the satisfaction of the Board of Trade under the high arches of the bridge by this Act authorised.

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Power to make subsidiary works.

28. The Burgh Commissioners may from time to time make and maintain all necessary fenders jetties and other works for the protection of the piers and abutments of the bridge herein-before described and embankments abutments approaches gates sluices locks channels walls piers roads carriageways footways stairs subways sewers drains and other works and conveniences in connexion with the bridge and roads and culvert and pipe respectively herein-before described and may deepen dredge scour cleanse alter and improve from time to time the bed shore and banks of the River Tay at adjoining or near to and above and below the proposed bridge or the site thereof.

Lateral and vertical deviations.

29. In the construction of the bridge and roads and culvert or pipe herein-before described or any of them the Burgh Commissioners may deviate laterally from the respective lines thereof shown on the deposited plans to any extent within the limits of deviation shown thereon and vertically from the levels shown on the deposited sections to any extent not exceeding in the case of the proposed bridge three feet and in the case of the proposed roads and culvert or pipe three feet upwards and five feet downwards Provided that no deviation either lateral or vertical below high-water mark shall be made without the consent in writing of the Board of Trade.

Power to alter roads &c. temporarily.

30. For the purposes of and during the execution of the several works herein-before described the Burgh Commissioners from time to time may cross stop up alter divert or otherwise interfere with temporarily any roads streets highways railways tramways bridges wynds closes vennels passages entries courts places thoroughfares footpaths pavements and ways and the said River Tay and all rivers streams foreshores culverts pipes sewers drains watercourses gas water and other mains and pipes and telegraphic or telephonic and other wires tubes mains works or apparatus in any of the lands shown on the deposited plans and specified in the deposited books of reference and which they from time to time find it expedient for any of those purposes so to interfere with providing in every case a proper temporary substitute before interrupting the traffic on any such roads streets and others as aforesaid or the flow of water gas sewage or electricity and making full compensation to all persons injuriously affected by anything done under the provisions of this section Provided always that the Burgh Commissioners shall not divert alter or stop up temporarily or otherwise any telegraph or telegraphic apparatus belonging to the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878 Provided also that nothing in this section shall extend

to or authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Acts 1882 to 1890 to which the provisions of section 15 of the former Act apply.

Power to make minor works connected with new streets &c.

31. Subject to the provisions of this Act and within the limits shown on the deposited plans the Burgh Commissioners in connexion with the several works by this Act authorised or any of them and for the purposes thereof may make and maintain junctions and communications with any existing roads streets closes or thoroughfares which may be intersected or interfered with by any of the said several works or be contiguous thereto and for the purpose of such junctions or communications may alter the line or level of any existing road street close or thoroughfare and may remove alter divert stop up enclose use or appropriate all or any part of any road street highway bridge wynd close vennel passage entry court place thoroughfare sewer drain gas water or other main or pipe telegraph telephone or other wire main pipe work or apparatus within the limits aforesaid the Burgh Commissioners first providing a proper substitute before interrupting the flow of sewage in any such sewer or drain or the passage or flow of gas or water in any such gas or water main or pipe and making compensation to all persons injuriously affected by the exercise of the powers of this section Provided that the Burgh Commissioners shall not remove alter use appropriate or in any manner interfere with any telegraph telephone or other wire pipe or apparatus belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878 Provided further that nothing in this section shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Acts 1882 to 1890 to which the provisions of section 15 of the former Act apply.

Burgh Commissioners may form carriageways and footways &c.

32. The Burgh Commissioners may cause such parts of the bridge and roads authorised by this Act to be laid out and formed for carriageways and such parts thereof for foot passengers as they may think fit and may construct erect and provide thereon or thereunder or connected therewith respectively such vaults cellars arches sewers drains and other works and conveniences as they may think proper.

Power to alter steps doors &c.

33. If in consequence of the execution of any of the works by this Act authorised any alteration of the levels of any of the streets closes or thoroughfares in the burgh or of any steps doors or

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entrances in any house or building or of any pavement adjoining thereto or of any sewer drain or culvert belonging to any house or building shall be rendered necessary such work or alteration shall be made by and at the expense of the Burgh Commissioners.

Power to take down buildings and lay out lands of new.

34. The Burgh Commissioners may subject to the provisions of this Act as to the making and executing of the new roads and culvert or pipe by this Act authorised lay out of new the lands and property acquired by them under the authority of this Act in such way and manner as they may deem best and may divert into the culvert or pipe being Work No. 5 by this Act authorised the waters and sewage of and presently flowing in the Town's Lade otherwise called the Craigie Burn and stop up and fill in the portion of the said Lade or Burn from the point of commencement of the said culvert or pipe herein-before described to the point where the said Lade or Burn at present discharges itself into the harbour of Perth and appropriate the solum thereof so far as the same is bounded on both sides by lands belonging to them and may sell feu out or grant leases or otherwise dispose of the ground or buildings or any part or portion thereof and grant conveyances dispositions in feu contracts of ground annual leases or other deeds or conveyances of the same for such prices feu duties ground annuals rents or other considerations as the Burgh Commissioners shall think reasonable and subject to such stipulations and conditions for the enjoyment thereof and as to the nature of the buildings which are to be erected and built thereon as the Burgh Commissioners shall determine and prescribe and generally they may subject to the conditions and provisions of this Act deal with the lands houses and property acquired by them under this Act as absolute proprietors thereof.

Ownership of new streets &c.

35. The bridge and roads and culvert or pipe authorised to be constructed by this Act shall after such construction be and become vested in the Burgh Commissioners.

Application of sections 19 20 22 and 23 of this Act.

36. The sections of this Act the marginal notes of which are as follows namely:—

"Lights on works";

"Corporation to exhibit lights";

"Abatement of works abandoned or decayed";

"Survey of work by Board of Trade";

shall so far as applicable apply mutatis mutandis to the works authorised in this part of this Act.

Period for completion of works.

37. The bridge and roads and culvert or pipe authorised by this Act shall be completed within seven years from the passing of this Act and on the expiration of that period the powers by this Act granted to the Burgh Commissioners for executing those works or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed Provided that the cesser of those powers shall not prevent the Burgh Commissioners from executing from time to time thereafter any works in immediate connexion with so much of those works as is then completed.

Burgh Commissioners to dispose of lands not wanted.

38. Subject to the provisions of this Act the Burgh Commissioners shall before the expiry of the period of twenty years from the passing of this Act which period shall be the prescribed period for the purposes of section 120 of the Lands Clauses Consolidation (Scotland) Act 1845 sell and dispose of all lands acquired by them under the powers of this Act and which shall not be required for any of the purposes of this Act.

For the protection of the Caledonian Railway Company.

39. The following provisions shall unless otherwise agreed between the Burgh Commissioners and the Caledonian Railway Company (herein-after called "the Caledonian Company") apply for the protection of the Caledonian Company (that is to say):—

(1) The bridge (Work No. 2) by this Act authorised shall be so constructed and maintained by the Burgh Commissioners as not to cause any damage or injury to the bridge carrying the Perth and Dundee Railway of the Caledonian Company over the River Tay at Perth and so far as regards the safety of such railway bridge the said Work No. 2 shall be constructed under the supervision and to the reasonable satisfaction of the engineer of the Caledonian Company and according to plans and sections previously submitted to him:

(2) The culvert or pipe (Work No. 5) by this Act authorised shall be constructed of brick stone or iron or any of those materials combined and if carried under the harbour branch railway of the Caledonian Company it shall be so carried at such point within the limits of deviation relating thereto shown on the deposited plans as shall be determined by the engineer of the Caledonian Company and so that no part of the said culvert or pipe or any works in connexion therewith where passing under the said railway or through the property of the Caledonian Company shall be less than five feet below the rail level of the said railway:

(3) The Burgh Commissioners shall not enter upon take use or interfere with the said harbour branch railway or any work or

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land belonging to the Caledonian Company further or otherwise than may be necessary for constructing maintaining and effecting repairs to the said culvert or pipe or works connected therewith and shall only acquire such a servitude under the said railway and through or in the land or property of the Caledonian Company as may be required for constructing maintaining and repairing the said culvert or pipe or works connected therewith:

(4) The said culvert or pipe and works connected therewith if carried under the said railway shall be constructed of sufficient stability and strength to support the said railway and without interfering with the surface or permanent way of the said railway and shall be constructed under the superintendence and to the reasonable satisfaction of the engineer of the Caledonian Company and according to plans and sections previously submitted to such engineer and shall thereafter be maintained and repaired by and at the expense of the Burgh Commissioners:

(5) All the works and operations of the Burgh Commissioners in connexion with the construction maintenance and repair of the said culvert or pipe shall be executed and completed in such manner as not to injure the said railway works and property of the Caledonian Company or to cause any interruption to or interference with the passage or conduct of traffic on the said railway during the construction of such works or repairs:

(6) If any such injury interruption or interference shall at any time arise owing to the works or operations of the Burgh Commissioners or by reason of the failure or bursting of the said culvert or pipe or works connected therewith the Burgh Commissioners shall make good or remove such injury interruption or interference at their own expense or failing their doing so the Caledonian Company may do the same and the Burgh Commissioners shall repay to the Caledonian Company all costs and expenses loss or damage incurred or sustained by the Caledonian Company in respect thereof:

(7) The Caledonian Company may reconstruct alter widen or enlarge the said railway over the said culvert or pipe or works connected therewith without being liable to the Burgh Commissioners or any other person for any damage to or interference with the said culvert or pipe or works connected therewith which may be occasioned thereby unless such damage or interference shall arise from the default of the

Caledonian Company or their agents workmen or servants and the Burgh Commissioners shall repay to the Caledonian Company any additional expense incurred by that company in any such re-construction alteration widening or enlargement by reason of the said culvert or pipe or works connected therewith Provided that all such operations shall be executed by the Caledonian Company so as to cause no unnecessary damage to or interference with the said culvert or pipe or works connected therewith:

(8) If any difference shall arise between the Burgh Commissioners and the Caledonian Company or between their respective engineers as to any plans or sections or as to the mode of executing any works or as to any costs or expenses loss or damage referred to in this section the same shall be determined by an engineer or other fit person to be agreed upon or in default of agreement to be appointed by the Board of Trade on the application of either the Burgh Commissioners or the Caledonian Company and the costs of any such reference shall be borne and paid as such referee shall direct.

For the protection of the Rodney Lodge Estate.

40. For the protection of John Rollo of Rodney Lodge and his successors in the said house and lands (who are herein-after in this section called "the owner") the following provisions shall have effect subject to any alterations thereof which may hereafter be agreed upon between the Burgh Commissioners and the owner (that is to say):—

(1) Notwithstanding anything in this Act contained the Burgh Commissioners shall not in the construction of Work No. 2 and Work No. 3 where passing through the grounds of Rodney Lodge deviate from the respective centre lines and levels thereof as delineated on the deposited plans and sections to a greater extent than ten feet laterally and two feet vertically without the consent in writing of the owner:

(2) The Burgh Commissioners shall not without the consent in writing of the owner enter upon take use or interfere with under the powers of this Act temporarily or permanently any greater portion of his lands than may be required for the bridge (Work No. 2) and the road of access (Work No. 3) and such road shall not including footpaths exceed the width of forty-five feet in addition to the necessary slopes of the embankment and shall during construction be fenced off to his reasonable satisfaction from his adjoining lands on either side:

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(3) Work No. 3 shall if required by the owner be constructed so that for a distance from the Dundee Road of two hundred and twenty feet there shall be a retaining wall on either side with screen walls seven feet in height above the roadway similar in construction to the wall bounding the northern portion of the owner's lands Where the roadway is constructed upon embankment with slopes the owner shall be entitled to the user of the said slopes so as to get access to the roadway:

(4) The Burgh Commissioners shall if required by the owner provide an access through the embankment to his lands on either side thereof not less than fifteen feet in height and fourteen feet in width at a point to be fixed by him as the levels will admit of:

(5) The powers conferred on the Corporation and the Burgh Commissioners respectively by the sections of this Act the marginal notes whereof are "Power of dredging" "Power to make subsidiary works" "Power to alter roads &c. temporarily" "Power to make minor works connected with new streets &c." shall not be exerciseable by them on or in respect of the lands river bank or river walls of the owner and if through any dredging or other operations of the Corporation or the Burgh Commissioners any damage is caused to his lands river bank or river walls such damage shall be made good and compensation therefor shall be paid to the owner by the Corporation or the Burgh Commissioners as the case may be:

(6) If any difference arises between the Corporation or the Burgh Commissioners and the owner with respect to anything in the preceding sub-sections of this section contained such difference shall unless the parties otherwise agree be determined by an arbiter to be appointed on the application of either party by the Board of Trade and the costs of such determination shall be in the discretion of the arbiter:

(7) The Burgh Commissioners shall within twelve and not before four months from the date of the passing of this Act serve upon the owner a notice to treat under the Lands Clauses Consolidation (Scotland) Act 1845 In assessing any compensation the arbiter shall take into consideration any damage arising from loss of amenity:

(8) The Burgh Commissioners shall free and relieve the owner of any payments which shall become payable by him to his brother and sister under the trust disposition and settlement of

his father the late Honourable John Rollo on account of or arising from the cesser of his interest by the transfer to the Burgh Commissioners of any portion of the lands of the owner.

Byelaws respecting bridge.

41. The Burgh Commissioners may from time to time make such byelaws as they may think proper for all or any of the purposes following (that is to say):—

For the protection of the bridge from injury;

For prescribing or limiting the kind of traffic which shall be allowed to pass over the bridge;

For prescribing the weights and limiting the maximum weight of engines locomotives vehicles carts waggons and loads which shall and may be allowed to pass over the bridge;

For regulating the traffic over the bridge:

And the Burgh Commissioners may impose such penalties not exceeding five pounds for every breach or non-observance of such byelaws as they shall think fit Provided that such byelaws be not repugnant to the law of Scotland or the provisions of this Act and be reduced into writing and have affixed thereto the signatures of two of the Burgh Commissioners and their clerk and be confirmed and published in the same manner as byelaws made under the Police Act are thereby directed to be confirmed and published.

PART V.—Gas.

Power to make new gasworks.

42. Subject to the provisions of this Act the Gas Commissioners may upon the lands or any part thereof which are described in the Second Schedule to this Act erect make maintain alter improve enlarge extend and renew and discontinue gasworks retorts gasholders receivers purifiers roads railways drains sewers mains pipes meters machinery and other apparatus works and conveniences for the manufacture conversion utilisation storage and supply of gas and residual products obtained in the manufacture of gas and matters producible therefrom and make store and supply gas and manufacture store sell supply and deal in coke tar pitch lime ammoniacal liquor oil and all other products or residuum of any materials employed in or arising or resulting from the manufacture of gas.

New gasworks &c. to form part of existing undertaking.

43. Subject to the provisions of this Act the gasworks to be constructed by the Gas Commissioners under the powers of this Act and the lands to be acquired for gas purposes under the authority of this Act shall for all purposes be and be deemed to be part of the undertaking of the Gas Commissioners.

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Power as to supply of gas for special purposes and as to fittings &c.

44. The Gas Commissioners may supply and sell gas for public and private lighting including domestic trading cooking heating and motive power purposes and may manufacture purchase provide sell let for hire and supply fittings stoves for cooking or heating engines machinery and other apparatus appliances and things for lighting for motive power for the warming and ventilating of houses and buildings for the cooking of food and for all other purposes for which gas can or may be used and may provide all materials and do all works necessary or proper in that behalf Any such letting for hire may be for such rent or remuneration in money and on such terms with respect to the repair of fittings and other articles let for hire and for securing the safety and return to the Gas Commissioners of such fittings and other articles and otherwise as may be agreed upon between the Gas Commissioners and the persons to or from whom the same are sold let or supplied.

Quality of gas.

45. For the purposes of the Gasworks Clauses Act 1871 the prescribed number of candles shall be twenty and sections 61 of the Act of 1871 and 29 of the Act of 1888 are hereby amended accordingly.

PART VI.—Financial.

Power to Corporation to borrow.

46. The Corporation may from time to time borrow on mortgage or otherwise any sums required for constructing the quay authorised by this Act and the purchase of lands and other property and rights in connexion therewith not exceeding in the whole seven thousand pounds and may make and grant mortgages or other securities of the several rates and duties granted and leviable and of the assessment authorised to be imposed by the Corporation under the provisions of the Act of 1856 and the Act of 1891 in security of the money so borrowed and interest thereon and if after having borrowed the said sums or any part thereof the Corporation pay off the same or any part thereof otherwise than by means of the sinking fund herein-after mentioned or by the sale of lands it shall be lawful for the Corporation again to borrow the amount so paid off upon the same securities as those upon which the moneys so paid off were secured and so from time to time.

Form of mortgage.

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

Manner in which mortgages to be signed and executed.

48. Every mortgage or other deed to be made granted or executed by the Corporation under this Act shall be in writing and shall be signed by at least three members of the Corporation and the city chamberlain Provided always that no member of the Corporation or the city chamberlain shall by his subscription of any mortgage or deed be or be held to have rendered himself individually or personally liable for any obligation or for the payment of any money borrowed or any interest thereon or of any sums whatsoever in respect thereof.

Transfer of mortgages.

49. Any person entitled to any such mortgage may transfer his right and interest therein to any other person and every such transfer shall be by separate deed or be indorsed on the mortgage and shall be duly stamped wherein the consideration shall be truly stated and may be in the form contained in the Fourth Schedule to this Act or to the like effect.

Transmission of mortgages in case of bankruptcy.

50. If any such mortgage be transmitted by reason of the bankruptcy of the person entitled thereto there shall be produced to the town clerk evidence of such bankruptcy and of the vesting of the bankrupt estate in the trustee official assignee or other person to whom such estate shall be transferred.

Mortgages to be personal estate.

51. All mortgages and all moneys advanced and lent to the Corporation under this Act shall be movable or personal estate and transmissible as such and shall not be of the nature of heritable or real estate.

Discharge of mortgages.

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

Corporation not bound to regard trusts as regards mortgages.

53. The Corporation shall not be bound to see to the execution of any trust whether expressed implied or constructive to which any such mortgage or the money principal or interest thereby secured may be subject and the receipt of the person in whose name any such mortgage stands in the books of the Corporation or if the same stand in more than one name the receipt of any one of them unless notice to the contrary has been received by the Corporation from any other of them shall be a sufficient discharge to the Corporation for any money payable in respect thereof notwithstanding any

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trust to which the same or the money thereby secured may then be subject and the Corporation shall not be bound to see to the application of the money paid upon such receipt.

Application of money borrowed by the Corporation.

54. All money borrowed by the Corporation under the authority of this Act shall be applied to the purposes of this Act for which such money was borrowed and to no other purpose whatsoever Provided that no money borrowed by the Corporation as aforesaid shall be applied to any purpose for which capital is not properly applicable.

Corporation sinking fund.

55. The Corporation shall annually after the expiration of one year from the date of borrowing set apart as a sinking fund such sums as with the accumulations thereof by way of compound interest at a rate of three per centum per annum shall be from time to time calculated to be sufficient to pay off within ten years all money borrowed for paying the costs charges and expenses of this Act payable by the Corporation and within fifty years all the other money borrowed by them under this Act from the respective dates of borrowing and such sinking fund shall be applied together with the accumulated interest thereof from time to time in repayment of money borrowed by them and shall be applied to no other purpose whatsoever Provided that whenever any mortgage granted under the authority of this Act shall have been paid off or redeemed out of such sinking fund the Corporation shall thenceforward in each year until the whole of such borrowed moneys shall have been paid off and redeemed pay into the sinking fund and accumulate a further sum equal to the interest which would have been payable on such mortgage or mortgages if the same had not been paid off or redeemed.

Investment of Corporation sinking fund.

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

Estimate and assessment as regards harbour.

57. Section 29 of the Act of 1891 is hereby repealed The estimate provided by section 30 of the Act of 1856 to be made and recorded shall be an estimate of the sum of money which when added to the surplus revenues mentioned in that section shall be sufficient for the payment of any annuities unconverted and unredeemed and the dividends and interest on any debenture stock

and moneys for the time being created and issued or borrowed by the Corporation in respect of the harbour and the amounts by the Act of 1891 and this Act directed to be set apart as sinking funds and the assessment by section 31 of the Act of 1856 authorised shall be an assessment sufficient to raise and provide the amount of such estimate (together with a reasonable sum to cover the expenses of collection) but not exceeding fourpence in the pound upon the annual value of all lands and heritages within the burgh and shall be recoverable in the same way and manner in all respects as assessments are authorised to be recovered by the Police Act and sections 353 to 357 of that Act shall apply to the recovery of the said assessment as if they were incorporated in this Act and subject to the provisions of this section sections 30 31 33 and 34 of the Act of 1856 shall continue to have effect as if the same were re-enacted in this Act.

Power to Burgh Commissioners to borrow.

58. The Burgh Commissioners in addition to any money which they may have borrowed independently of this Act may from time to time borrow at interest on the credit and security of the burgh general assessment and the general improvement rate leviable by them under the Police Act or either of them or partly of the said burgh general assessment and partly of the said general improvement rate as they may resolve and also to such extent as they may resolve on the credit and security of the rate or assessment authorised to be levied by them as the burgh local authority by and under the Roads and Bridges (Scotland) Act 1878 and Act amending the same such sums of money not exceeding in the whole the sum of twenty thousand pounds as shall be necessary for the construction of the bridge and roads and culvert or pipe by this Act authorised and if after having borrowed the said sums or any part thereof the Burgh Commissioners pay off the same otherwise than by means of the sinking fund herein-after provided they may again borrow the amount so paid off and so from time to time:

Provided as regards all money to be borrowed by the Burgh Commissioners under the authority of this Act that the said burgh general assessment shall not in any year be liable therefor or be appropriated or applied in payment of the interest or in repayment of the capital thereof further than to the extent of fourpence of the two shillings in the pound to which the annual assessment is limited by the Police Act.

Bonds for borrowed money.

59. All bonds to be granted by the Burgh Commissioners for money to be borrowed by them under the authority of this Act may be in the form contained in the Police Act and shall be executed

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and completed as in that Act provided and the Burgh Commissioners may grant bonds accordingly for the moneys so to be borrowed by them and may assign the said burgh general assessment and general improvement rate and the said rate or assessment leviable by them as the burgh local authority under the Roads and Bridges (Scotland) Act 1878 respectively in security for the money to be so borrowed and of the interest thereof and all such bonds may be assigned in manner and according to the form provided in the Police Act and sections three hundred and seventy-five three hundred and seventy-six three hundred and seventy-seven and three hundred and seventy-eight of the Police Act shall be and are hereby made applicable to the moneys to be borrowed by the Burgh Commissioners and to the bonds and assignations to be executed by them under the authority of this Act in the same manner as if such money and such bonds and assignations had been borrowed or executed under the authority of the Police Act Provided always that all bonds to be granted by the Burgh Commissioners for money to be borrowed by them under the authority of this Act shall specify that such money was borrowed by virtue and under the authority of this Act.

Present bonds and securities by Burgh Commissioners not to be prejudiced.

60. Nothing herein contained shall prejudice or affect any bonds or securities which may have been granted by the Burgh Commissioners for money borrowed by them previous to the passing of this Act but the same shall as to the rates funds and property comprised therein respectively have priority over all money borrowed under this Act.

Application of money borrowed.

61. All money borrowed by the Burgh Commissioners under the authority of this Act shall be applied to the purposes of this Act for which such money was borrowed and to no other purpose whatsoever Provided that no money borrowed by the Burgh Commissioners as aforesaid shall be applied to any purpose for which capital is not properly applicable.

Act not to restrict borrowing powers of Burgh Commissioners.

62. Nothing in this Act shall restrict any of the powers of the Burgh Commissioners under the Police Act or otherwise for borrowing money.

Rates to include interest and sinking fund.

63. The Burgh Commissioners shall subject to the provisions of this Act annually include in and as part of the burgh general assessment and the general improvement rate authorised to be assessed and charged by them by or under the Police Act or either of them and the rate or assessment leviable by them as the burgh local authority by and under the Roads and Bridges (Scotland) Act 1878 and the Acts amending the same such sums as shall be

necessary for paying the interest of any money borrowed by them under the authority of this Act and also the sums to be set apart annually as a sinking fund as herein-after in this Act provided.

Burgh Commissioners' sinking fund.

64. The Burgh Commissioners shall from and out of the assessment and rate on the security of which they are authorised to borrow under the authority of this Act annually after the expiration of one year from the date of borrowing set apart as a sinking fund such sums as with the accumulations thereof by way of compound interest at a rate of three per centum per annum shall be from time to time calculated to be sufficient to pay off within ten years all money borrowed for paying the costs charges and expenses of this Act payable by the Burgh Commissioners and within fifty years all the other money borrowed by them under this Act from the respective dates of borrowing and such sinking fund shall be applied together with the accumulated interest thereof from time to time in repayment of money borrowed by them under the authority of this Act and for no other purpose whatsoever Provided that whenever any mortgage granted under the authority of this Act shall have been paid off or redeemed out of such sinking fund the Burgh Commissioners shall thenceforward in each year until the whole of such borrowed moneys shall have been paid off and redeemed pay into the sinking fund and accumulate a further sum equal to the interest which would have been payable on such mortgage or mortgages if the same had not been paid off or redeemed.

Investment of Burgh Commissioners' sinking fund.

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

Sinking fund may be adjusted in certain events.

66. If the Burgh Commissioners out of the proceeds of the sale or disposition of lands or out of other moneys received by them on capital account other than borrowed moneys repay any principal moneys borrowed by them under the powers of this Act the payments to the sinking fund established under the provisions of this Act for the repayment of such principal moneys may be reduced to such extent and upon such terms as may be from time to time approved by the Secretary for Scotland.

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Power to Gas Commissioners to borrow additional money:

67. In addition to any money which the Gas Commissioners have borrowed or are authorised to borrow under the Act of 1871 and the Act of 1888 the Gas Commissioners may from time to time under the authority of this Act borrow on mortgage any sums they think requisite for the purposes of the Act of 1871 the Act of 1888 and the gas purposes of this Act and of the gas undertaking not exceeding in the whole the sum of fifty thousand pounds and may make and grant mortgages of and over the several rates and charges leviable by them under the provisions of the Act of 1871 the Act of 1888 and this Act in security of the payment of the money so borrowed and interest thereon and if after having borrowed the sums of money by this section authorised or any part thereof the Gas Commissioners pay off the same or any part thereof otherwise than by means of the sinking fund herein-after mentioned it shall be lawful for them again to borrow the amount so paid off and so from time to time.

And to borrow on cash account.

68. The Gas Commissioners may accept and take from any bank or banking company credit on a cash account to be opened and kept with such bank or banking company in the name of the Gas Commissioners according to the usage of bankers in Scotland to the extent of the aggregate amount of the several sums which the Gas Commissioners are by this Act authorised to borrow or any part thereof and may make and grant mortgages of and over the several rates and charges leviable by them under the provisions of the Act of 1871 the Act of 1888 and this Act in security of the payment of the amount of such credit or of the sums advanced from time to time on such cash account with interest thereon Provided always that the whole principal sums due and owing by the Gas Commissioners on such cash account and for money borrowed by them on mortgage as aforesaid shall not when taken together exceed the aggregate amount of the several sums by the Act of 1871 the Act of 1888 and the last preceding section of this Act authorised to be borrowed and not discharged by means of the sinking fund.

Provisions as to mortgages &c. in Act of 1871 to be applicable to this Act.

69. Sections seventy-five and seventy-nine of the Act of 1871 shall be and are hereby made applicable to the money to be borrowed or raised by the Gas Commissioners and to the mortgages drafts or orders and discharges to be granted in respect thereof under the authority of this Act in the same manner as if such money and such mortgages drafts or orders and discharges had been borrowed or raised or granted under the authority of the Act of 1871.

Provisions as to judicial factor &c.

70. Sections seventy-six seventy-seven and seventy-eight of the Act of 1871 shall be and are hereby made applicable to the money to

be borrowed or raised and to the mortgages to be granted by the Gas Commissioners under the authority of this Act in the same manner as if the money to be borrowed or raised by them under the authority of this Act had been borrowed or raised under the authority of the Act of 1871.

Application of money borrowed or raised by Gas Commissioners.

71. The several sums to be borrowed or raised by the Gas Commissioners on mortgage or on cash credit or cash account under the authority of this Act shall be applied only for the purposes of the Act of 1871 the Act of 1888 and this Act and of the gas undertaking Provided that the several sums so borrowed by the Gas Commissioners under the authority of this Act shall not be applied to any purpose to which capital is not properly applicable or to any of the purposes to which the rates and charges by the Act of 1871 the Act of 1888 and this Act authorised to be levied by them are by this Act specially made applicable excepting temporary advances for payment of the annuities as provided by the Act of 1871.

Priority of existing mortgages and securities.

72. All mortgages and securities granted by the Gas Commissioners in pursuance of the powers of the Acts of 1871 and 1888 before the passing of this Act and which shall be subsisting at the time of the passing of this Act shall during the continuance of such mortgages and securities have priority over any mortgages or securities to be granted by the Gas Commissioners under this Act.

Annual estimate to include interest on money borrowed &c.

73. In the estimate provided by section sixty-five of the Act of 1871 to be laid before the Gas Commissioners at their annual general meeting of the sums required to meet for such year the outgoings and charges mentioned in that section the Gas Commissioners shall include the interest on the money that may be borrowed by them under the authority of this Act and the moneys by this Act provided to be set apart as a sinking fund as herein-after provided and any additional charges and expenses to be incurred in carrying out the purposes of this Act by the Gas Commissioners and the rates by the Act of 1871 and this Act authorised shall respectively be assessed and levied to such an amount as will be sufficient to meet the same in addition to the purposes mentioned in the said section of the Act of 1871 and the amount so levied shall be applied in payment thereof.

Application of gas revenue.

74. Section 72 of the Act of 1871 and section 45 of the Act of 1888 are hereby repealed and the rates and charges levied or leviable under the authority of the Act of 1871 the Act of 1888 and this Act or any of them and the other revenues of the Gas Commissioners shall be applied in manner following (that is to say):—

(Firstly) In defraying the expenses of management and maintenance of the gas undertaking including the annual costs

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charges and expenses of providing and supplying gas and the payment of any annual burdens or payments in respect of the gas undertaking:

(Secondly) In payment of the annuities to the annuitants and of the interest of money borrowed under the authority of the Act of 1871:

(Thirdly) In payment of the interest of money borrowed for gas purposes under the authority of the Act of 1888:

(Fourthly) In payment of the interest of money borrowed for gas purposes under the authority of this Act:

(Lastly) In payment of the sums by the Act of 1871 the Act of 1888 and this Act required to be annually set apart and appropriated for the purpose of the sinking fund in respect of the gas undertaking and of the sum by this Act required to be set apart annually for the contingency and depreciation of works fund.

Gas Commissioners' sinking fund.

75. The Gas Commissioners shall in addition to the sums provided to be set apart annually as a sinking fund by section 82 of the Act of 1871 and section 47 of the Act of 1888 set apart or pay over annually to the sinking fund by the Act of 1871 provided after the expiry of two years from the passing of this Act the sum of five hundred pounds and such sinking fund and the income arising therefrom shall from time to time be invested in Government or heritable securities or by way of deposit in any bank in Scotland incorporated by Royal Charter or under the provisions of any Act of Parliament and shall be applied at such time as the Gas Commissioners shall see fit towards the payment of the money borrowed under the authority of this Act as well as of the Act of 1871 and the Act of 1888 and the redemption of the annuities mentioned in the said section and to no other purpose whatever Provided that whenever the Gas Commissioners pay off any principal money borrowed or redeem any such annuity out of the said sinking fund they shall thenceforth until the whole of the borrowed money and annuities are paid off and redeemed pay annually into such sinking fund and accumulate a further sum equal to the annual interest of the borrowed money so paid off and to the annuity or annuities so redeemed Provided also that whenever and so long as the yearly income arising from the said sinking fund shall be equal to the annual interest of the money borrowed and then outstanding and the annuities then payable the Gas Commissioners may in lieu of investing such yearly income as aforesaid apply the same in payment of such interest and annuities and may during such periods discontinue the payments to such sinking fund of the yearly sums by the

Act of 1871 the Act of 1888 and this Act required to be paid thereto. A.D. 1897.

Annual return to Secretary for Scotland with respect to sinking funds.

76. The city chamberlain the treasurer to the Burgh Commissioners and the treasurer to the Gas Commissioners shall respectively within two months after the expiration of each financial year during which any sum is by this Act required to be set apart for a sinking fund by the Corporation the Burgh Commissioners and the Gas Commissioners respectively transmit to the Secretary for Scotland a return in such form as may be prescribed by the Secretary for Scotland and verified by statutory declaration if so required by him showing the amount which has been so set apart in respect of that year and also showing the purposes to which any portion of such sinking funds and the interest or income thereof has been applied during the same period and the total amounts remaining to the credit of such funds at the end of the same period and in the event of any wilful default in making such return the city chamberlain or such treasurer so making default shall be liable to a penalty not exceeding twenty pounds which shall be recoverable by the Secretary for Scotland as a debt to the Crown is recoverable If it appear to the Secretary for Scotland by any such return or otherwise that the Corporation or the Burgh Commissioners or the Gas Commissioners have failed to set apart the sums required by this Act to be set apart by those bodies respectively for the respective sinking funds or have applied any portion of the moneys set apart for those funds or any interest or income thereof to any purposes other than those authorised by this Act the Secretary for Scotland may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart as part of the sinking fund to which the same is applicable and such order shall be enforceable by decree of either division of the inner house of the court of session in Scotland pronounced in a summary application presented for that purpose.

Protection of lenders from inquiry.

77. Any person lending or paying money under this Act to the Corporation the Burgh Commissioners or the Gas Commissioners shall not be bound to inquire as to the observance by them of any provisions of this Act or be bound to see to the application or be answerable for any loss or non-application of such money or of any part thereof.

Contingency and depreciation of works fund.

78. Section 83 of the Act of 1871 is hereby repealed and it shall be lawful for the Gas Commissioners and they are hereby required annually to set apart and invest in such way and manner as they may deem expedient the sum of five hundred pounds as a contingency

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and depreciation of works fund and such fund shall from time to time be applied by them in payment of the cost and expense of any extensions of their works and of any extraordinary repairs thereon and of enlarging or increasing and renewing the number of their mains and pipes and of extending their works mains and pipes from time to time and in meeting any extraordinary contingencies which may arise in respect of their gasworks or gas undertaking.

Burgh Commissioners may contribute towards cost of bridge.

79. In the event of the Burgh Commissioners making use of the bridge by this Act authorised for the purpose of laying along or across the same any water main or pipe for the supply of water from their water undertaking they may from time to time contribute from and out of the funds and revenues of their waterworks undertaking and any moneys which they have already borrowed or been authorised to borrow in respect of that undertaking such sum or sums of money not exceeding in the whole the sum of one thousand five hundred pounds as they may think fit towards the cost of and in connexion with the construction of the said bridge and may pay and apply such sum or sums of money accordingly.

Gas Commissioners may contribute towards cost of bridge and road.

80. In the event of the Gas Commissioners making use of the bridge by this Act authorised for the purpose of laying along or across the same any gas main or pipe for the supply of gas they may (in respect of the saving to be effected by such use of the bridge) from time to time contribute from and out of the funds and revenues of their gas undertaking and any moneys which they have already borrowed or been authorised to borrow or are by this Act authorised to borrow in respect of that undertaking such sum or sums of money not exceeding in the whole the sum of one thousand five hundred pounds as they may think fit towards the cost of and in connexion with the construction of the said bridge and may pay such sum or sums of money to the Burgh Commissioners to be applied and expended in or in connexion with the construction of the said bridge And the Gas Commissioners in respect the road (Work No. 4) by this Act authorised forms an access to the lands to be acquired for the gasworks authorised by this Act may in like manner out of the same funds contribute the sum of one thousand pounds towards the cost of making the said road and may pay the same sum to the Burgh Commissioners to be by them applied and expended in the construction of such road.

PART VII.—REGULATION OF OFFICE OF TOWN CLERK.

Regulation of office of town clerk.

81. The following provisions shall apply to the office of town clerk of the city and shall take effect from and after the day on

which William MacLeish the present town clerk of the city ceases to hold that office herein-after called "the appointed day":—

(1) Every person appointed to the office of town clerk after the appointed day shall hold office during the pleasure of the Corporation or during such period as may be fixed in any agreement made or to be made between the Corporation and such person and upon such terms and conditions as the Corporation may from time to time determine and shall be paid for his personal services and in respect of the duties devolving upon him under this Act or under any resolution of the Corporation a salary to be fixed by the Corporation and such salary may from time to time be raised or reduced by and at the pleasure of the Corporation No person appointed to the office of town clerk shall be removed from office except by the votes of not less than two-thirds of those members of the Corporation who shall be present at a meeting of the Corporation specially called for the purpose by a circular addressed to the members of the Corporation not less than seven nor more than fourteen days before the date of such meeting All fees and emoluments pertaining to the office of town clerk or claimable in respect of the duties which any town clerk may perform shall be charged collected and accounted for as herein-after provided:

(2) The Corporation may require the town clerk to act as law agent parliamentary solicitor clerk and secretary of the Corporation or in any one or more of such capacities in relation to all or such parts of the business of the Corporation and of all or any trusts boards or commissions now existing or which may hereafter be created in connexion with the Corporation or in which the Corporation may be interested as they think proper from time to time to entrust to such town clerk or the Corporation may appoint other persons to act in any of such capacities or to perform all or any part of such business All fees and emoluments payable for the services of the town clerk as the case may be as such law agent parliamentary solicitor clerk or secretary or payable in respect of the services of any deputy or assistant town clerks and other persons employed on the establishment and staff of the town clerk's office shall be charged collected accounted for and applied as herein-after provided:

(3) No person appointed to the office of town clerk shall undertake or discharge any other business or duties and every person so appointed shall devote his whole time to the service of the Corporation:

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(4) The town clerk shall subject to such regulations as the Corporation may from time to time make have the management direction and control of the town clerk's department and the staff thereof and may from time to time appoint and suspend and subject to the approval of the Corporation dismiss any person employed in the said department The town clerk may also subject to the approval of the Corporation appoint such number of deputy or assistant town clerks as the Corporation may from time to time determine The salaries to be paid to the deputy or assistant town clerks clerks and other persons employed in the said department shall be fixed by the Corporation:

(5) The city chamberlain or other person to be appointed by the Corporation shall be treasurer of a fund to be called "The Town Clerk's Fee Fund" which shall be under the control and management of the Corporation and all fees and emoluments pertaining to the office of town clerk and all the fees and emoluments referred to in sub-section 2 of this section and also all costs charges and disbursements recoverable from third parties and recovered (the right of recovering such costs charges and disbursements in proceedings between the Corporation and third parties being in no respect prejudiced by this Act) shall be charged and collected by the town clerk or other person to be appointed by the Corporation for that purpose and shall be paid over to such treasurer all at such times and in such manner as the Corporation may from time to time determine and shall be placed to the credit of the said fee fund Provided always that it shall not be necessary unless the Corporation otherwise resolve to make out accounts for or recover any fees or emoluments which may be payable by the Corporation:

(6) The city chamberlain or other such person shall apply the moneys of the said fee fund in paying the salaries of the town clerk the deputy or assistant town clerks and the other persons employed on the establishment or staff of the department and also any retiring allowances and all disbursements and payments made or incurred in connexion with and for the proper equipment of the department and if the same be insufficient the Corporation shall allocate the deficiency against all or any of their several funds and assessments as they think proper but if there be any surplus of the said fee fund in any year after satisfying the said purposes and the other purposes of this section such surplus shall be placed to the credit of such of the funds departments and assessments of the Corporation as they think proper.

Power to agree for retirement with present town clerk.

82. The Corporation may at any time after the passing of this Act enter into an agreement with the aforesaid William MacLeish for his retirement from the office of town clerk and any other office or appointment held by him under the Corporation at such date and in consideration of such retiring allowance and subject to such conditions as may be agreed Such retiring allowance shall form a first charge on the said fee fund subject to the provision herein-before contained as to the liability of the funds and assessments of the Corporation for any deficiency in the fee fund.

Provision for retirement of future town clerks.

83. The Corporation may if they think fit on the retirement hereafter of any town clerk other than the said William MacLeish and of any deputy or assistant town clerk grant to such person a retiring allowance of such amount and payable during his life or for such shorter period as the Corporation may determine The Corporation may at any time commute any retiring allowance into a capital sum to be paid out of the fee fund or other funds and assessments of the Corporation of such amount as shall be fixed by the manager for the time being of the Scottish Widows Fund and Life Assurance Society whom failing by an actuary to be named by the sheriff on the application of the Corporation as the value of an annuity equal in amount to such retiring allowance having regard to the age of the person so entitled and the period for which such retiring allowance has been granted Provided that retiring allowances shall not at any one time be paid to more than two persons who have held the office of town clerk.

Saving clause.

84. Nothing in this Act shall in any way extend or prejudicially affect or impair the rights and interests of the Corporation or of the said William MacLeish in or in relation to the office of town clerk or any other office or appointment held by him under the Corporation while the said William MacLeish shall continue in office.

PART VIII.—Recreation Ground.

Power to convert ground into a bowling green &c.

85.—(1.) The Corporation may convert the unused ground belonging to them annexed to the public swimming baths situate in the Dunkeld Road in the East Church parish of Perth (herein-after called "the Recreation Ground") into a bowling-green tennis-court quoiting-ground skating or curling-pond or for use for other purposes of recreation and may from time to time make vary or alter byelaws for regulating the management and use of the same.

Charges.

(2.) The Corporation may fix levy and collect such charges for admission to the recreation ground or for the playing of any game

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thereon or for admission to any buildings that may be erected thereon as they may deem proper and may apply the moneys so received by them in respect of such charges towards the expenses incurred in maintaining the recreation ground.

Officers.

(3.) The Corporation may appoint officers for securing the observance of any byelaws made under this section.

PART IX.—MISCELLANEOUS.

As to height of buildings in existing streets or courts.

86. No dwelling-house or other house or erection of any kind shall be built in any existing street or court within the burgh which shall exceed in height from the level of the pavement to the roof of the highest habitable room one and a quarter times the width of such street or court measuring from the front wall of the buildings or intended buildings on each side thereof.

Trial of offences against byelaws before the sheriff.

87. All contraventions of or offences against any byelaw made or to be made by the Corporation or the Burgh Commissioners under the provisions of this Act shall be tried before the sheriff of the county of Perth and all fines and penalties imposed in respect of such contraventions or offences may be recovered and applied in the same way as penalties for police offences under the Police Act.

Works below high-water mark not to be commenced without consent of Board of Trade.

88. The Corporation or the Burgh Commissioners as the case may be shall not under the powers of this Act construct on the shore of the sea or of any creek bay arm of the sea or navigable river communicating therewith where and so far up the same as the tide flows and reflows any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of such approval being signified as last aforesaid and where any such work may have been constructed the Corporation or the Burgh Commissioners as the case may be shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consents or approvals If any such work be commenced or completed contrary to the provisions of this Act the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the costs and charges of the Corporation or the Burgh Commissioners as the case may be and the amount of such costs and charges shall be a debt due from the Corporation or the Burgh Commissioners as the case may be to the Crown and shall be recoverable accordingly with costs.

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Provision for Merchant Shipping Acts and general Acts.

89. Nothing in this Act contained shall exempt the harbour or the Corporation from the provisions of the Merchant Shipping Act 1894 or any general Acts relating to harbours or docks or dues on shipping or on goods carried in ships now in force or which shall be passed during the present or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the harbour rates or duties by the Act of 1856 or this Act authorised.

Saving rights of the Crown.

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

Saving rights of the Crown in salmon fishings.

91. It shall not be lawful for the Corporation to construct any work on any land over which a right of salmon fishing belongs to Her Majesty without the previous consent in writing of the Commissioners of Woods and such consent may be given on payment of such compensation as may be agreed upon for any injury which the works by this Act authorised may be reasonably expected to occasion to any such right of salmon fishing as in this section mentioned And in case the amount of such compensation as aforesaid shall not be agreed upon the same shall be settled by two referees one being appointed by the said Commissioners and one being appointed by the Corporation or by an umpire to be appointed by the said referees.

Compensation for injury to salmon fishings.

92. The Corporation shall make compensation for the damage or injury (if any) which may be sustained by Her Majesty or Her tenants in respect of any right of salmon fishing through the exercise of the powers of this Act although the works causing such injury or damage may be constructed elsewhere than on any land over which a right of salmon fishing belongs to Her Majesty The amount of such compensation shall failing agreement be settled by arbitration as aforesaid.

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Protection of salmon fishings of the Crown within limits of the harbour.

93. Nothing in this Act contained shall authorise the Corporation to exercise any authority or to do any act so as to affect in any manner the salmon fishings of the Crown within the limits of the harbour nor shall the Corporation have power to levy any rates or duties in respect of the landing and embarking of persons while engaged in carrying on such fishings or in respect of boats or other appliances which may be used in the working of such salmon fishings nor shall any rates be leviable from any Crown lessee of salmon fishings in respect of any matter or thing whatever connected with the exercise of such fishings.

Saving rights of the Crown in the foreshore.

94. Nothing contained in this Act shall authorise the Corporation or the Burgh Commissioners to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any right in respect thereof belonging to the Queen's most Excellent Majesty in right of Her Crown and under the management of the Board of Trade without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give) neither shall anything in this Act contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty.

Saving rights of the Crown under Crown Lands Act.

95. Nothing contained in this Act or to be done under the authority thereof shall in any manner affect the title to any of the subjects or any rights powers or authorities mentioned in or reserved by sections twenty-one and twenty-two of the Crown Lands Act 1866 and belonging to or exerciseable on behalf of Her Majesty.

Costs of Act.

96. The costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid to the extent of one-fourth thereof by the Corporation to the extent of another one-fourth thereof by the Burgh Commissioners and to the extent of the remaining one-half thereof by the Gas Commissioners out of the respective funds and revenues of the Corporation the Burgh Commissioners and the Gas Commissioners respectively and the moneys which they respectively are authorised to borrow or raise under the authority of this Act.

The SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

A piece of ground wholly situate in the East Church parish of Perth in the county of Perth containing one acre and three-quarters of an acre or thereabouts imperial measure and belonging or reputed to belong to Sir Robert Drummond Moncrieffe of Moncrieffe Baronet and extending along both sides of the Town's Lade otherwise called the Craigie Burn between the point of commencement of the intended culvert or pipe being Work No. 5 by this Act authorised and the land belonging or reputed to belong to the Corporation on the south side of the said piece of ground.

THE SECOND SCHEDULE.

Lands on which the Gas Commissioners may construct and maintain new gasworks and manufacture and store gas and manufacture and convert residual products :—

A piece of land wholly situate in the East Church parish of Perth in the county of Perth containing four acres one rood thirty-six poles or thereabouts imperial measure (portion of that part of the farm of Nether Friarton belonging or reputed to belong to the Commissioners of the Burgh of Perth numbered 461 on the Ordnance Survey Map (Scale $\frac{1}{2500}$ Sheet xcviii 9 Edition of 1884) of the said East Church parish of Perth) bounded as follows on the north-west by an imaginary straight line drawn in a south-westerly direction for a distance of one hundred and twenty-five yards or thereabouts from a point on the south-west side of the public road or path along the south-west bank of the River Tay three hundred and fifty-three yards or thereabouts measured in a south-easterly direction from the north-east corner of the row of buildings on the south or south-west bank of the River Tay at Friarton which row of buildings is situate forty yards or thereabouts measured in a southerly or south-westerly direction from the south end of the Friarton Pier or Quay on the south-west by an imaginary straight line extending in a south-easterly direction at right angles to the said north-western boundary for a distance of one hundred and seventy-three yards or thereabouts from the south-western termination

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of such north-western boundary on the south-east by an imaginary straight line drawn in a north-easterly direction for a distance of one hundred and thirty-eight yards or thereabouts from the south-eastern termination of the south-western boundary till it joins the aforesaid public road or path at a point one hundred and seventy-four yards or thereabouts measured in a south-easterly direction from the said point where the north-western boundary commences and on the north-east by the public road or path aforesaid.

THE THIRD SCHEDULE.

FORM OF MORTGAGE.

Perth Corporation Mortgage No. £

By virtue of the Perth Harbour City Improvements and Gas Act 1897 we the lord provost magistrates and town council of the city and royal burgh of Perth (herein-after called "the Corporation") in consideration of the sum of [*insert the sum in words*] instantly advanced and paid to us for the harbour purposes of the said Act by C.D. of E. do hereby bind and oblige ourselves to pay the said sum of [*state the sum*] to the said C.D. his executors or assignees at the term of [*insert term of payment*] and also the interest thereof at the rate of [*insert the rate of interest*] per centum per annum from the date hereof at the terms of Whitsunday and Martinmas in each year till the said sum is paid and for the further security of the said C.D. we do hereby assign to him his executors or assignees such proportion of the moneys to be raised by us from the rates and duties leviable by us under the Act of the nineteenth and twentieth years of the reign of Her present Majesty intituled "An Act to provide for the arrangement of the "financial affairs of the city of Perth for the maintenance of the Port and "Harbour and for other purposes therewith connected" as shall be equivalent to the said sum now paid to us and the interest thereon as aforesaid from the date hereof to the term of payment And we consent to the registration hereof for preservation and execution In witness whereof [*insert testing clause in common form*].

A.B.
C.D.
E.F.
G.H. City Chamberlain.

L.S.

K.L. Witness.
M.N. Witness.

THE FOURTH SCHEDULE.

FORM OF TRANSFER OF MORTGAGE.

I C.D. within designed do transfer this mortgage with all right title or interest which I have under the same to E.F. his [*or* her *or* their *as the case may be*] executors and assignees In witness whereof [*insert testing clause in common form*].

C.D.

K.L. Witness.
M.N. Witness.

THE FIFTH SCHEDULE.

FORM OF DISCHARGE.

Received from the city chamberlain to the Corporation of the city and royal burgh of Perth acting on their behalf the sum of
being the principal sum contained in the within mortgage (all interest due thereon having been previously paid) and the said mortgage is now delivered up as paid.

Dated this day of one thousand eight hundred and .

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