ANNO VICESIMO OCTAVO & VICESIMO NONO

VICTORIÆ REGINÆ.

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Cap. ccliv.

An Act for regulating the Police, lighting, draining, and Improvement of the Burgh of *Port-Glasgow;* for supplying with Water the said Burgh and Places adjacent; and for other Purposes. [5th *July* 1865.]

WHEREAS an Act was passed in the Fifteenth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for extending the Duty of Two Pennies* Scots, *or One Sixth Part of a Penny Sterling, payable on every Pint of Ale or Beer vended or sold in the Village of* Port-Glasgow *and the Privileges thereof over the Town of* Newark; *for supplying the Inhabitants of* Port-Glasgow *and* Newark *with Fresh Water; for paving, cleansing, lighting, and watching the Streets of the said Two Towns; for erecting public Markets therein; for repairing and keeping in repair the Breast and East and West Quays of the Harbour of* Port-Glasgow; *and other Purposes therein mentioned;* and another Act was passed in the Forty-third Year of the Reign of His Majesty King *George* the Third, intituled *An Act for explaining, amending, and enlarging the Powers of an Act passed in the Fifteenth Year of the Reign of His Majesty King* George

15 G. 3. c. lx.

43 G. 3. c. cxxi.

The Port-Glasgow Police Act, 1865.

George *the Third, so far as relates to supplying the Inhabitants of* Port-Glasgow *and* Newark *with Water; for paving, cleansing, lighting and watching the said Towns; and for repairing and keeping in repair the Harbour of* Port-Glasgow; *and for erecting a new Court House and Prison, and other necessary public Buildings in the said Towns;* and which Acts are herein-after called the recited Acts: And whereas it is expedient that the recited Acts should be repealed, and that Provisions should be made for regulating the Police of the Burgh of *Port-Glasgow*, and for paving, lighting, cleansing, draining, and improving the same, and that, for these Purposes the Enactments of "The General Police and Improvement (*Scotland*) Act, 1862," or some of them, should be adopted, and incorporated with this Act: And whereas the Population and Trade of the said Burgh and Suburbs have greatly increased and are still increasing, and a considerable Portion of the Trade of the said Burgh is carried on within the District on the West of the existing Limits thereof, and it is expedient that the Limits of the said Burgh for Municipal and Police Purposes should be extended so as to include the said District: And whereas the Magistrates of the said Burgh consist of a Provost and Two Bailies, and it is expedient and would tend to the better and more speedy Administration of Justice if the Number of Magistrates were increased: And whereas the Supply of Water introduced under the recited Acts is insufficient; and it would be attended with great public Advantage and Convenience if an additional Reservoir and other Works were constructed, and an additional Supply of Water were introduced into the said Burgh and Suburbs and Places adjacent; but these Objects cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

25 & 26 Vict. c. 101.

Short Title.

1. This Act may be cited for all Purposes as "The *Port-Glasgow* Police Act, 1865."

Interpretation of Terms.

2. The following Expressions in this Act shall have the several Meanings hereby assigned to them:

"The Commissioners" shall mean the Provost, Magistrates, and Town Council of the Burgh of *Port-Glasgow* for the Time being acting as Commissioners in and for the said Burgh under "The General Police and Improvement (*Scotland*) Act, 1862," and this Act:

"The Burgh" shall mean the Burgh of *Port-Glasgow* within the existing and extended Limits thereof as herein-after described and defined:

"The

"The General Police Act" shall mean "The General Police and Improvement (*Scotland*) Act, 1862:"

The several Words and Expressions specified and interpreted in Clause Third of "The General Police and Improvement (*Scotland*) Act, 1862," shall, when used in this Act, have the Meanings respectively assigned to the said Words and Expressions in the said Clause.

Recited Acts repealed, and this Act to take effect.

3. From and after the passing of this Act, the recited Acts shall be and are hereby repealed, subject to the Provisions of this Act, and this Act shall commence and take effect.

Extension of Limits of Burgh of Port-Glasgow.

4. From and after the passing of this Act, the Limits and Boundaries of the Burgh of *Port-Glasgow* shall extend to and include the existing Limits and Boundaries of the said Burgh as described and defined in the Public Act, Second and Third *William* the Fourth, Chapter Sixty-five, and also the whole Lands and Property situate in the District to the Westward of the said existing Boundaries comprehended within a straight Line drawn from the Waterfall on the *Devol's Burn* to a Boundary Stone to be placed at a Point distant Four hundred and forty-one Lineal Yards to the Eastward of the Eastmost Corner of *Bogstone* Farmhouse and a straight Line drawn from the said Boundary Stone down the Centre of the Street on the East Side of the Feu belonging to *Laurence Hill*, occupied as a Shipbuilding Yard, to Low-water Mark in the River *Clyde* to the Eastward of *Inchgreen Island*, thence Eastward along the Shore to the Point where the said *Devol's Burn* enters the Firth of *Clyde* at Low-water Mark, which District is all in the County of *Renfrew*, and the said existing and extended Limits and Boundaries shall for all Municipal and Police Purposes be the Limits and Boundaries of the said Burgh.

Persons qualified in respect of Property in extended Limits to be registered, and to vote in Election of Town Council.

5. Every Person who is duly qualified under the Provisions of the Public Act, Second and Third *William* the Fourth, Chapter Sixty-five, in respect of Lands, Houses, or Premises situate in the Districts included within the extended Limits and Boundaries before described, shall be entitled to be entered and shall be entered in the Lists and Registers of Voters to be made out and completed for the Burgh under the Provisions of the Public Act, Nineteenth and Twentieth *Victoria*, Chapter Fifty-eight, and shall be entitled to vote in the Election of Town Councillors of the Burgh under the Provisions of the Public Act, Third and Fourth *William* the Fourth, Chapter Seventy-seven, in the same Manner and to the same Effect as if such Lands, Houses, and Premises had been situate within the existing Limits and Boundaries of the said Burgh, and shall, so far as regards Municipal and Police Purposes, have the same Franchises, Rights, and

and Privileges as belong or are competent to any Person qualified as aforesaid in respect of Lands, Houses, or Premises situate within the said existing Limits and Boundaries; provided that nothing in this Act contained shall take away, alter, or affect in any way the Limits of the Burgh or of the County of *Renfrew* with respect to the Right of voting for Members of Parliament as existing at the Date of the passing of this Act.

District within extended Limits to form Part of Burgh.

6. From and after the passing of this Act, the District herein-before described, and the Lands and Property situate within the extended Limits and Boundaries herein-before described and defined, shall, for all Municipal and Police Purposes, and subject to the Provisions of this Act, belong to and form Part of the Burgh of *Port-Glasgow* as regards all such Purposes and all Rates and Assessments leviable under and in virtue of the General Police Act and this Act.

25 & 26 Vict. c. 101. incorporated.

7. Subject to the Provisions of this Act, "The General Police and Improvement (*Scotland*) Act, 1862," with the Exception of Clauses Four to Twenty, both inclusive, and Twenty-three to Fifty-six, both inclusive, shall be and is hereby incorporated with this Act, and shall from and after the passing of this Act be held to be adopted in the Burgh, and shall apply and extend to and be in force within the existing and extended Limits and Boundaries of the Burgh as herein-before described and defined; and in construing the said Act as incorporated with this Act the Word "Burgh" shall mean the Burgh of *Port-Glasgow* within the said existing and extended Limits and Boundaries; provided that the Provisions of the General Police Act shall not extend or apply to Farm Steadings, or to Houses occupied in connexion with Agricultural or Garden Lands, within the extended Territory herein-before described.

8 & 9 Vict. c. 19. and 23 & 24 Vict. c. 106. incorporated.

8. "The Lands Clauses Consolidation (*Scotland*) Act, 1855," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," are incorporated with this Act.

10 & 11 Vict. c. 17. incorporated.

9. "The Waterworks Clauses Act, 1847," with the Exception of Clause Seventy, and the Clauses with respect to the Amount of Profit to be received by the Undertakers when the Waterworks are carried on for their Benefit, and "The Waterworks Clauses Act, 1863," are incorporated with this Act, and shall be applicable to the Waterworks by this Act authorized to be constructed, and the Works connected therewith, and also to the existing Waterworks constructed in the Burgh, and the Works connected therewith, in the same Manner as if the said existing Waterworks had been constructed under the Authority of this Act; and in construing the said Act as incorporated with this

this Act the Expression "the Undertaking" shall mean and include the said existing Waterworks and the Waterworks by this Act authorized to be constructed, and the Works connected therewith respectively.

10 & 11 Vict. c. 15. incorporated.

10. The Gasworks Clauses Act, 1847," with the Exception of the Clauses with respect to the Amount of Profit to be received by the Undertakers when the Gasworks are carried on for their Benefit, is incorporated with this Act, and shall be applicable to the existing Gasworks in the Burgh by this Act transferred to and vested in the Commissioners; and in construing the said Act as incorporated with this Act the Expression "the Special Act" shall mean this Act, the Expression "the Undertaking" shall mean the said existing Gasworks, and the Expression "the Undertakers" shall mean the Commissioners.

Magistrates and Council to be Commissioners under this Act.

11. The Provost, Magistrates, and Town Council of the Burgh of *Port-Glasgow* for the Time being shall be the Commissioners for carrying into effect within the Burgh the Provisions and Purposes of this Act and of the General Police Act and the other Acts incorporated with this Act.

Property held under recited Acts transferred to Commissioners.

12. All Lands, Houses, Buildings, Heritages, Property, Funds, and Effects belonging to, vested in, or held by the Bailies of *Port-Glasgow* and Trustees acting under the recited Acts shall be and are hereby transferred to and vested in the Commissioners, subject, except as by this Act otherwise expressly provided, to the Contracts, Debts, and Liabilities affecting the same, and to the Provisions of the General Police Act and this Act.

Actions not to abate.

13. All Actions, Arbitrations, and Proceedings to which the Bailies and Trustees under the recited Acts were Parties at the Date of the passing of this Act may be proceeded with, by or against the Commissioners, without intimating such Actions, Arbitrations, or Proceedings, or making them formally Parties thereto; and all Penalties incurred under the recited Acts may be sued for, and all Offences which may have been committed against the Provisions of the recited Acts may be prosecuted, in the same Manner as such Penalties and Offences might have been sued for and prosecuted if this Act had not been passed.

Saving Rights and Liabilities.

14. Notwithstanding the Repeal of the recited Acts, and except only as by this Act otherwise expressly provided, everything before the passing of this Act done or suffered under the recited Acts shall be as valid as if the same were not repealed, and the Repeal thereof and this Act respectively shall accordingly be subject and without

Prejudice to everything so done or suffered, and to all Rights, Liabilities, Claims and Demands, both present and future, which if the recited Acts were not repealed and this Act were not passed would be incident to or consequent on any and everything so done or suffered; and with respect to all such Rights, Liabilities, Claims, or Demands which affect or should or might affect the Bailies and Trustees under the recited Acts, the Commissioners shall represent the said Bailies and Trustees, and may enforce, and shall, except as otherwise expressly provided by this Act, be liable in respect of such Rights, Liabilities, Claims or Demands, in the same Manner and to the same Extent as the said Bailies and Trustees could have enforced or would have been liable in respect of such Rights, Liabilities, Claims, or Demands if this Act had not been passed; provided that the Generality of this Enactment shall not be restricted by any of the other Clauses and Provisions of this Act.

An additional Bailie to be elected by the Town Council.

15. The Magistrates of *Port-Glasgow* shall consist of a Provost and Three Bailies; and the Town Councillors of the Burgh shall, at their Annual Meeting for the Election of Magistrates and Office Bearers in the Month of *November* in the Year Eighteen hundred and sixty-five, and in every succeeding Year, elect One of their Number to be an additional Bailie, in the same Manner as the Two Bailies are at present elected; and such additional Bailie shall be a Magistrate of the Burgh, and shall be entitled to try and dispose of all Causes and Charges competent to be tried and prosecuted in the Burgh Police Court, and shall have all the Powers, Jurisdiction, Authorities, Rights and Privileges, competent by Law to the other Two Bailies of the Burgh, or to the Bailies of any other Burgh, in the same Manner as if such additional Bailie had been appointed or elected under the Provisions of the Public Act, Second and Third *William* the Fourth, Chapter Seventy-seven; and any Vacancy in the Office of such additional Bailie shall be filled up in the same Manner as is provided in the said Act with respect to the filling up of Vacancies in the Office of Bailie.

Power to take Lands and construct Waterworks.

16. And whereas a Plan and Sections describing the Lines, Situation, and Levels of the Works to be made and maintained under the Authority of this Act, and the Lands and other Property to be taken for the Purposes thereof, with a Book of Reference to such Plan containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of such Lands and other Property, have been deposited with the Principal Sheriff Clerk of the County of *Renfrew*: It shall be lawful for the Commissioners, with the Powers and subject to the Provisions contained in and conferred by this Act and the Acts incorporated herewith, to enter upon, take, and use, for the Purposes of their Undertaking, the Lands, Springs, and Streams described

described on the said Plan and in the said Book of Reference, or such of them or such Parts thereof as they may deem necessary, and to make and maintain the Reservoir, Filtering Ponds, Conduits, and other Works herein-after described; (that is to say,)

First, a Reservoir situate on the Farms of *Leperstone*, *Cloak*, *East Kilbride*, and *Auchenbothie*, or some of them, and near to and to the South-westward of the Dwelling House and Steading on the said Farm of *Leperstone*:

Second, a Diversion of One of the upper Sources of the Stream called the *Finlayston Burn*, at a Point near to and to the South-east of the Dwelling House and Steading on the said Farm of *Leperstone*:

Third, filtering Ponds and Tanks, with Overflows, Sluices, and Drains, and other necessary Works, situate on the Farm of *Park-hill*, near to and to the Westward of the Dwelling House and Steading on the said Farm:

Fourth, a Conduit or Line of Main Pipes commencing at or near the North End of the Reservoir first above described, and terminating at the Filtering Ponds and Tanks third above described:

Fifth, a Conduit or Line of Main Pipes commencing at the Filtering Ponds and Tanks third above described, and terminating at or near the Court-house or Town Buildings in the Burgh:

All which Works are or will be situate in the Parishes of *Kilmalcolm*, *Erskine*, and *Port-Glasgow* in the County of *Renfrew*, and all necessary Embankments, Dams, Weirs, Sluices, Drains, Overflow Channels, Tunnels, Roads of Access, Diversions of Streams and Roads, and other Works and Conveniences in connexion with the said intended Reservoir, Filtering Ponds, and Conduits, and all Pipes, Drains, Cuts, and other Works necessary for collecting and diverting the Water of the said *Finlayston Burn* and the Springs and Water in the Lands described on the said Plan and in the said Book of Reference, and conveying the same into the said intended Reservoir, Filtering Ponds, and Conduits, or some of them, or into any other Works of the Commissioners.

Powers of Deviation.

17. It shall be lawful for the Commissioners to make lateral Deviations from the Lines of the Works by this Act authorized to be constructed to the Extent marked on the said Plan, and to make vertical Deviations from the Levels of the said Works as defined on the said Sections to any Extent not exceeding Three Feet in the Case of the said intended Reservoir, and to any Extent not exceeding Five Feet in the Case of the other Works.

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Power to take and supply Water.

18. It shall be lawful for the Commissioners to take and use the Water of the said *Finlayston Burn*, and the Springs, Feeders, Tributaries, and Affluents thereof, and the Springs and Water in the Lands described on the said Plan and in the said Book of Reference, and to impound, store, and convey the said Water in the said Reservoir, Filtering Ponds, Conduits, Main Pipes, and other Works by the recited Acts and this Act authorized to be made and maintained, and by means thereof and of the existing Works and Pipes of the Commissioners to supply Water to the Burgh and Suburbs thereof and Places and Districts adjacent thereto, and the Shipping in the Harbour of *Port-Glasgow*.

Power to take Lands by Agreement.

19. In addition to the Lands to be taken as aforesaid, it shall be lawful for the Commissioners to purchase, by Agreement, or take on Lease for such Term as may be agreed on, Lands not exceeding in the whole Three Acres, for the Purpose of forming Depôts, Pipe Yards, and other Buildings and Conveniences in connexion with their Undertaking, and it shall be lawful for any Person to sell and convey Lands to the Commissioners for such Purposes, and to contract in reference thereto.

Powers for compulsory Purchases limited.

20. The compulsory Powers of taking Lands conferred by this Act and the Acts incorporated herewith shall not be exercised after the Expiration of Three Years from the passing of this Act.

Period for Execution of Works.

21. After the Expiration of Five Years from the passing of this Act, the Powers by this Act and the Acts incorporated herewith conferred on the Commissioners for executing the Works by this Act authorized to be made shall cease to be exercised, except as to so much thereof as shall then be completed.

Provision for discharging Water from Reservoir into Streams.

22. In order to secure the Owners and Occupiers of Lands, Mills, Manufactories, or other Works on the lower Course of the said *Finlayston Burn* and on the *Gryfe Water* against the Flow thereof being reduced by the Works authorized by this Act below the Minimum to which they fall in their natural State, the Commissioners shall cause to be discharged from the said intended Reservoir into the Channels of the said *Finlayston Burn* and of the Stream which flows to the *Gryfe* past the Farm Steadings of *East and West Auchinbothie*, continuously during the Day and Night, such a Quantity of Water as shall, with the intermediate Drainage, Affluents, and Feeders of the said Streams, be from Time to Time necessary and sufficient to produce a Flow of Water in the said *Finlayston Burn* at the Point where it passes under a Statute Labour Road about Three hundred Yards to the East of the Farm Steading of *Auchindoors*, and

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in the said Stream which flows to the *Gryfe* at a Point One hundred Yards lower down the said Stream than the South End of the said intended Reservoir, not less than the minimum Flow at the said Points respectively at any Time within the Period of Twelve Months next ensuing after the passing of this Act, or within such Part of the said Period as the Commissioners may in their Option select, but before any of the Water of the said Streams has been taken or diverted for the Purposes of this Act; and such minimum Flow of Water shall be ascertained, and the necessary Gauges and Works for discharging the said Quantity of Water from the said Reservoir shall be fixed and erected, by and under the Superintendence and to the Satisfaction of an Engineer to be named by the Sheriff of the County of *Renfrew* or his Substitute at *Greenock*, on an Application made to him by the Commissioners or any Owners of Lands on the lower Course of the said Streams; and it shall be lawful for the said Sheriff or Sheriff Substitute, on a similar Application, from Time to Time to order the said Gauge or Works to be repaired or renewed, and such other Proceedings to be taken, by and at the Expense of the Commissioners, as may be necessary for carrying this Enactment into effect: Provided that the Commissioners shall not be bound to make up or supply any Deficiency in the Flow of Water in the said Streams in so far as such Deficiency shall be caused by any Works, Operations, or other artificial Means situate, used, or applied lower down the said Streams than the Works authorized by this Act, and which are not in existence at the passing of this Act, or any Deficiency caused by Frost, unusual Drought, or other unavoidable Cause or Accident, or during necessary Repairs of the said Reservoir or Works connected therewith.

Provision for discharging Compensation Water from Reservoir into Streams on Lands of East Kilbride.

23. And whereas it is intended, under the Powers of this Act, to interfere with and intercept certain Streams and Waters on the Lands of *East Kilbride* in the Parish of *Kilmalcolm:* Therefore, from and after the Period of such Interference and Interception, the Commissioners shall cause to be discharged from the Reservoir to be constructed under this Act, into the Channels of the said Streams and Waters, continuously during the Day and Night, such a Quantity of Compensation Water as shall be fixed by *James Morris Gale*, Civil Engineer in *Glasgow*, and failing him by any other Engineer to be agreed upon by the Parties, or, in case of Difference, to be appointed by the Sheriff, and the necessary Gauges and Works for discharging the said Quantity of Water from the said Reservoir shall be fixed and erected, at the Expense of the Commissioners, by and under the Superintendence and to the Satisfaction of the said *James Morris Gale* or other Engineer to be agreed on or appointed as aforesaid, and shall be maintained by the Commissioners in all Time coming; and it shall be lawful for the Sheriff of the County of *Renfrew*, or his

his Substitute at *Greenock*, on an Application made to him by the Owners or Occupiers of the said Lands of *East Kilbride*, from Time to Time to order the said Gauges or Works to be repaired or renewed, and such other Proceedings to be taken by and at the Expense of the Commissioners as may be necessary for carrying this Enactment into effect.

Providing for Expense of Waterworks.

24. The Expense of constructing the Waterworks by this Act authorized, and of acquiring the Lands and other Property to be taken or used for the Purposes thereof, shall be defrayed by the Commissioners from and out of the Rates or Assessments by the General Police Act and this Act authorized to be levied, or from and out of Money to be borrowed on the Security of such Rates or Assessments under the Authority of the General Police Act and this Act.

Supply of Water within the Burgh and to Shipping in the Harbour.

25. The Enactments of the General Police Act with respect to Water shall be held to have been adopted in the Burgh, and the Commissioners shall supply Water for domestic and ordinary Purposes within the Burgh, and may contract to supply Water to public Baths and Wash-houses, Works, Manufactories, or other Premises within the Burgh, as respectively provided by the General Police Act, and to Ships and Vessels in the Harbour of *Port-Glasgow*.

Supply of Water to the Estate of Broadfield.

26. Whereas the Main Pipes to be laid by the Commissioners under the Authority of this Act will pass through the Estate of *Broadfield* now belonging to Mrs. *Lillias May Somerville*: The Owners of such Houses or Premises erected or to be erected on the said Estate as are at such a Height that the same can be supplied with Water from the said Main Pipes shall be entitled to obtain a Supply of Water for domestic and ordinary Purposes by connecting Service Pipes with the said Main Pipes, the Expense of such Service Pipes and of connecting the same with the said Main Pipes being defrayed by such Owners; and the Commissioners shall supply Water for domestic and ordinary Purposes to the Owners or Occupiers of such Houses and Premises on the same Terms and Conditions as Water for domestic and ordinary Purposes is for the Time being supplied within the Burgh, and on Payment by such Owners or Occupiers of such Rates for and in respect of the said Supply as may from Time to Time be fixed by the Commissioners, not exceeding One Shilling in the Pound on the gross yearly Value of such Houses or Premises; and such Rates may be sued for, levied, and recovered in the same Manner as Rates leviable within the Burgh may be sued for, levied, and recovered, under the Provisions of the General Police Act, or of "The Waterworks Clauses Act, 1847:" Provided that no Rates or other Charges shall be exigible by the Commissioners from the said Owners

Owners or Occupiers until such Service Pipes are connected with the Main Pipes, and a Supply of Water for domestic and ordinary Purposes is obtained by them as aforesaid.

Supply of Water beyond the Limits of the Burgh.

27. If the Supply of Water to be obtained under the Provisions of this Act shall be more than is required for the Purposes before mentioned, the Commissioners may supply Water to Dwelling Houses, Works, Manufactories, or other Premises situate in Places and Districts adjacent to the Burgh, but beyond the existing and extended Limits thereof as herein-before described and defined, on such Terms and Conditions and for Payment of such Rates as may be agreed on by and between the Commissioners and the Owners or Occupiers of such Dwelling Houses, Works, Manufactories, or other Premises respectively; and the Rates payable for and in respect of such Supply may be sued for, levied, and recovered in the same Manner as Rates leviable within the Burgh may be sued for, levied, and recovered under the Provisions of the General Police Act, or of "The Waterworks Clauses Act, 1847."

Construction and Use of Cisterns, &c.

28. Every Cistern or other Receptacle for Water, and every Closet, Soilpan, private Bath, and other Apparatus which shall be supplied with Water by the Commissioners, shall be so constructed and used as effectually to prevent the Waste, Misuse, or undue Consumption of Water, and the Flow or Return of foul Air or other noisome or impure Matter into the Mains or Pipes of the Commissioners, or into any Pipes connected or communicating therewith; and, notwithstanding anything contained in "The Waterworks Clauses Act, 1847," or the General Police Act or this Act, the Commissioners shall not be bound to supply Water into any Cistern or other Receptacle for Water, Closet, Soil Pan, private Bath, or other Apparatus which shall not be so constructed and used.

Gasworks transferred to the Commissioners.

29. And whereas in the Year Eighteen hundred and sixty-three various Sums amounting in the whole to Two thousand one hundred and sixty Pounds were subscribed as Loans by Owners of Property and other Persons interested in the Burgh, for the Purpose of extending and improving the Gasworks belonging to the said Magistrates and Council, on the Condition that the said Sums were to be held to be primary Debts on the said Gasworks and the Revenues arising therefrom; and the said Sums were accordingly expended by the said Magistrates and Council in the Extension and Improvement of the said Gasworks; and it is expedient that the same should now be transferred to the Commissioners, subject to the said Debts: The said Gasworks, and the whole Lands, Houses, Property, Apparatus, Machinery, Pipes, and Effects belonging to or connected therewith, are hereby transferred to and vested in the Commissioners, subject to

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and under the Burden of the Payment of the said Debts, amounting to Two thousand one hundred and sixty Pounds, or so much thereof as may remain unpaid at the Date of the passing of this Act, and Interest thereon at the Rate of Five Pounds *per Centum per Annum* until Payment; and the said Debts and Interest are hereby constituted primary and preferential Debts on the said Gasworks and Lands and Property connected therewith, and whole Rates and Revenues arising therefrom.

Power to manufacture and supply Gas.

30. It shall be lawful for the Commissioners to supply Gas for the Purpose of lighting the Streets and public Places in the Burgh and the Districts and Places adjacent within Five Miles of the Town Buildings in the Burgh (except as herein-after provided), and to supply Gas to the Inhabitants, Houses, Buildings, and Premises within the said Limits, and from Time to Time to maintain, improve, or alter the said Gasworks, and to purchase and procure all such Materials, and to do all such Acts, as the Commissioners shall consider necessary for these Purposes, and to manufacture, sell, and dispose of the Coke and other Substances, Products, and Refuse or Residuum arising or to be obtained from the Materials used in making Gas, and also to manufacture and sell Gas Fittings, Tubes, Meters, Pipes, and all other Articles and Things in any way connected with Gasworks or with the Supply of Gas to the Consumers thereof, in such Manner as the Commissioners may think proper; provided that nothing herein contained shall entitle the Commissioners to light the Streets and public Places within the Limits for Police Purposes of the Town of *Greenock*, or to supply Gas to the Inhabitants, Houses, Buildings, and Premises within the said Limits, as the same at present stand, or may be extended in the present or any future Session of Parliament.

Gas Pipes may be put on Buildings.

31. Subject to the Provisions contained in this Act and the Acts incorporated herewith, the Commissioners may lay any Pipe, Branch, or other necessary Apparatus, with the Consent of the Owner and Occupier of any Building, for the Purpose of lighting the same or any adjoining Building, and may, with the like Consent, provide and set up any Apparatus necessary for securing to any Building a proper and sufficient Supply of Gas, and for measuring and ascertaining the Extent of such Supply.

Gas to be consumed by Meter.

32. Every private Consumer of Gas supplied by the Commissioners shall, on Requisition in Writing by the Commissioners, consume Gas by Meter to be provided by the Commissioners, if the Consumer shall not think fit to provide the same at his own Expense; and every such Meter, whether the same is provided by the Consumer

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or the Commissioners, shall be at all Times subject to the Inspection and Approval of the Officers and Servants of the Commissioners.

Commissioners to fix Rates for Gas.

33. The Commissioners may from Time to Time fix the Rates to be charged and levied by them for or in respect of the Supply of Gas under this Act, and the Use of Meters and other Apparatus connected with such Supply; provided that the Rates to be charged by the Commissioners for Gas supplied by Meter shall not exceed Five Shillings *per* Thousand Cubic Feet.

Recovery of Gas Rates.

34. The Commissioners may sue for, levy, and recover any Gas Rate or other Charge exigible by them for or in respect of the Supply of Gas and the Use of any Meter, in the Manner provided by "The Gasworks Clauses Act, 1847."

Commissioners may borrow Money for Gas Department.

35. It shall be lawful for the Commissioners from Time to Time to borrow such Sum or Sums of Money as they may deem necessary for the Purpose of paying off the said Debts on the said Gasworks, or for improving and extending the same, and to assign the Rates leviable for or in respect of the Supply of Gas in Security of the Repayment of the Money so to be borrowed, and the Interest thereon; and the Bonds to be granted therefor may be in the Form and signed in the Manner provided by the General Police Act with respect to Money to be borrowed under the Authority of that Act.

Application of Gas Rates.

36. All Rates or Monies to be received by the Commissioners for or in respect of the Supply of Gas, or for other Products or Materials manufactured or sold by them, shall be applied by the Commissioners, first, in paying the Interest of the said Debts on the said Gasworks, and of any Money to be borrowed by the Commissioners for the Purposes of the Gas Department, and, secondly, in paying all the Expenses and Disbursements which shall be chargeable against the Gas Department.

Application of surplus Monies.

37. Any Surplus of the Rates or Monies to be received by the Commissioners for or in respect of the Supply of Gas, or for other Products or Materials manufactured or sold by them, which may remain at the End of any Year after the whole Expenditure chargeable against the Gas Department in such Year has been paid or provided for, shall be applied towards Payment of the Principal of the said Debts on the said Gasworks, and of any other Money which may be borrowed by the Commissioners for the Purposes of the Gas Department; and after such Debts and borrowed Money shall have been paid off such Surplus in any Year shall be applied towards Payment of the Expenditure on the Gas Department in the Year following, so that the Gas Rates may be proportionally diminished.

Quality of Gas.

38. All the Gas supplied by the Commissioners shall be of such Quality as to produce from an Argand Burner having Fifteen Holes and a Seven-inch Chimney, and consuming Five Cubic Feet of Gas *per* Hour, a Light equal in Intensity to the Light produced by Fourteen Sperm Candles of Six in the Pound burning One hundred and twenty Grains *per* Hour.

Commissioners to erect a Meter to test Gas.

39. The Commissioners shall, within Twelve Months after the passing of this Act, cause to be erected in some Part of their Works, fit for testing all the Gas made by the Commissioners, an Experimental Meter furnished with an Argand Fifteen-hole Burner and a Seven-inch Chimney, or other approved Burner and Chimney capable of consuming Five Cubic Feet of Gas *per* Hour, with other necessary Apparatus, so situated or arranged as to test the illuminating Power of all the Gas supplied to the Consumers.

As to testing the Quality of Gas.

40. It shall be lawful for the Sheriff of the County of *Renfrew* or his Substitute at *Greenock*, on the Application of any Consumers of the Gas of the Commissioners, not being less than Five in Number, by Order in Writing to appoint some competent Person to proceed to the Works of the Commissioners, and the Person so appointed, on giving Six Hours previous Notice in Writing to the Commissioners, may, at any reasonable Hour in the Daytime, on producing the said Order, enter on the Premises of the Commissioners, and, in the Presence of the Superintendent or other Officer of the Commissioners, make Experiment of the illuminating Power of the Gas by means of the Experimental Meter and other Apparatus before mentioned; and the Commissioners and their Officers shall afford all reasonable Facilities and Assistance for the making of such Experiment; and if it shall be proved to the Satisfaction of the said Sheriff or Sheriff Substitute, after hearing the Parties, that the illuminating Power of the Gas supplied by the Commissioners did not, when so tested as aforesaid, equal the illuminating Power by this Act prescribed, or that the Commissioners or their Officers refused to afford such reasonable Facilities as aforesaid, or hindered or prevented the making of such Experiment, in any such Case the Commissioners shall, unless reasonable Cause be shown to the said Sheriff or Sheriff Substitute for the Deficiency of the illuminating Power, forfeit such Penalty not exceeding Twenty Pounds as the said Sheriff or Sheriff Substitute shall determine, under the Circumstances of the Case; and One Half of such Penalty shall be awarded to the Consumers making the said Application, and the other Half thereof to the Poor of the Parish of *Port-Glasgow*.

Costs of Experiments by whom to be paid.

41. The Costs of and attending such Experiment, including the Remuneration to be paid to the Person making the same, and the Costs of the Proceedings before the said Sheriff or Sheriff Substitute, shall

shall be ascertained by him, and in the event of any Penalty being imposed on the Commissioners shall be paid, together with such Penalty, by the Commissioners; but in the event of the Gas being found when tested to be of not less illuminating Power than is by this Act prescribed, or in the event of no Penalty being imposed, such Costs shall be awarded to be paid by such Consumers, as the Case may be, to the Commissioners, and shall be paid or levied accordingly.

Penalties not cumulative.

42. Penalties imposed on the Commissioners for one and the same Offence by several Acts of Parliament shall not be cumulative, and for this Purpose this Act and the Acts incorporated herewith shall be deemed several Acts.

Commissioners may contract with Statute Labour Road Trustees for Assumption of Roads within the Burgh.

43. It shall be lawful for the Commissioners and the Trustees of any Statute Labour Roads to contract for the Relinquishment by such Trustees, and the Assumption by the Commissioners as a public Street, of the Portion of any Statute Labour Road which is situate within the Burgh, on such Terms and Conditions, and in consideration of such single or annual Payments by either of the Parties to the other, out of the Funds belonging to them or under their Control respectively, or in consideration of such Relief or Exemption of the Inhabitants and Ratepayers within the Burgh from the Assessments leviable by such Trustees in respect of the Roads under their Management, as may be mutually agreed on; and from and after the Date of such Contract or such other Date as may be specified therein it shall be lawful for the Commissioners to maintain, manage, keep in repair, and improve the Portions of Roads so assumed by them as public Streets, and to apply such Part of the Funds under their Control under the General Police Act and this Act as may be necessary for these Purposes: Provided that no Person qualified as a Trustee of such Statute Labour Roads by virtue of holding the Office of Provost, Bailie, or Treasurer, or other Municipal Office in the Burgh, or who shall be a Commissioner thereof under this Act and the General Police Act, shall be entitled to vote or act at any Meeting in relation to the Relinquishment or Assumption of such Roads or any Portion thereof.

Saving Obligations to maintain Turnpike and Statute Labour Roads.

44. Nothing in this Act contained shall free or relieve the Trustees of any Turnpike Roads or Statute Labour Roads within the Burgh from any existing Obligation to maintain and keep in repair any such Road or any Portion thereof, or shall imply any Obligation on the Commissioners to maintain and keep in repair any such Road or any Portion thereof, unless and until such Road or Portion of Road shall be assumed by the Commissioners under the Provisions of this Act.

45. And

As to Settlement of Debts of the Burgh.

45. And whereas in the Year Eighteen hundred and fifteen and subsequent Years the said Bailies and Trustees acting under the recited Acts, in the Exercise of the Powers thereby conferred on them, borrowed the Sum of Six thousand Pounds on the Security of the Rates and Assessments by the recited Acts authorized to be levied, and various other Sums, amounting in all to Nineteen thousand eight hundred and twenty Pounds, were at different Times subscribed as Loans for the Purposes of the recited Acts by Persons resident in and connected with the Burgh, making together the Sum of Twenty-five thousand eight hundred and twenty Pounds: And whereas no Part of the said Sum has been paid, nor has any Interest been paid thereon since the Second Day of *June* Eighteen hundred and sixty-two: And whereas the Revenues of the Burgh are inadequate to pay the Interest on the said Sum of Twenty-five thousand eight hundred and twenty Pounds, and there are no Funds or Property available for the Payment in full of the Principal Sum and Arrears of Interest thereon, and the Creditors in right of the said Sum of Six thousand Pounds, have agreed to accept of the Principal of their respective Debts without Interest, and the postponed Creditors in right of the said Sum of Nineteen thousand eight hundred and twenty Pounds have agreed to accept of a Composition of Seven Shillings in the Pound on the Principal of their respective Debts: Be it enacted, That all the Creditors in right of the said Sum of Six thousand Pounds shall be bound to accept of the Principal of their respective Debts in full Payment of the Amount thereof, and of all Interest due and to become due thereon, and all the Creditors in right of the said Sum of Nineteen thousand eight hundred and twenty Pounds shall be bound to accept of the said Composition of Seven Shillings in the Pound on the Amount of the Principal of their respective Debts in full Payment of the said Debts, and of all Interest due and to become due thereon; and on the Commissioners paying the said Principal Sums and the said Composition respectively, and Interest thereon at such Rate as may be agreed on, not exceeding Five Pounds *per Centum per Annum*, from and after the Lapse of Twelve Months from the Date of the passing of this Act until Payment, the said Debts and all Interest thereon shall be discharged and extinguished, and all Lands, Houses, Buildings, and other Heritages and Property belonging to, vested in, or held by the said Magistrates and Council or the Commissioners, and the Rates, Assessments, and Revenues levied and received by them or either of them, shall be freed and disburdened of the said Debts, and of all Diligence that has followed or might have followed thereon, and of all Claims and Demands of the said Creditors in respect of the said Debts or Diligence; and the Word "Creditors" in this Section shall mean and include all Persons, Companies, Corporations, and public Bodies holding or having Right to

to Debts, Securities, or Claims on, against, or affecting the said Bailies and Trustees under the recited Acts, or the Burgh or the Property or Revenues thereof.

Power to Commissioners to sell Part of their Property.

46. It shall be lawful for the Commissioners to sell by public Auction at such Times, in such Lots, for such Prices, and on such Terms and Conditions as they may deem expedient, the Houses, Buildings, and other Property specified in the Schedule to this Act annexed, and to sign, grant, and deliver Articles of Roup, Dispositions, Conveyances, and all other Deeds and Writings necessary for carrying such Sales into effect; and the net Proceeds of such Sales shall be applied by the Commissioners in or towards Payment of the Principal Sum of the said Debt of Six thousand Pounds, and the Composition on the said Debt of Nineteen thousand eight hundred and twenty Pounds, and any Interest payable thereon.

Application of Surplus of Proceeds of Sales.

47. If any Surplus of the net Proceeds of such Sales shall remain after paying the said Principal Sum and Composition and Interest thereon, such Surplus shall be applied by the Commissioners in paying off any Money borrowed under the Provisions of the General Police Act and this Act; and if such net Proceeds shall not be sufficient to pay the said Principal Sum and Composition and Interest thereon the Balance remaining due to the said Creditors shall be paid by the Commissioners from and out of any other Funds or Monies raised or received by them under the Authority of the General Police Act and this Act.

Limiting Assessments within the extended Boundaries.

48. It shall not be lawful for the Commissioners to levy on and from the Owners or Occupiers of any Houses or Premises situate in the Territory beyond and to the West of the existing Boundary of the Burgh, and within the extended Boundaries before described, any Assessment under the Authority of this Act exceeding Ninepence in the Pound on the gross yearly Value of such Houses or Premises, exclusive of the Proportion of the said Assessments which shall be leviable on such Houses or Premises in respect of the Supply of Water; provided that in the event of the Commissioners at any Time levying on the Owners or Occupiers of Houses or Premises within the Boundaries of the Burgh as they at present exist any Assessments less than the maximum Assessments leviable under the Authority of this Act, a proportional Deduction shall be made from the Assessments leviable on the Owners or Occupiers of Houses or Premises situate in the aforesaid Territory.

Exemption of unfeued Lands from Assessments.

49. Whereas by the recited Acts all Orchards, Gardens, and other Grounds situated within the Limits of these Acts, whereon no Houses or Buildings were erected, were exempted and freed from the

Rates and Assessments thereby authorized in all Time coming: Therefore the Rates and Assessments, Expenses, Costs, and Charges by this Act, and by "The General Police and Improvement (*Scotland*) Act, 1862," authorized or provided for, shall not extend to or be imposed on or in respect of any Lands or Heritages situated beyond the Limits specified and defined in the recited Acts, and not yet feued out by the Proprietors thereof respectively, which Lands and Heritages and the Owners and Occupiers thereof shall be exempted from the said Rates and Assessments, Expenses, Costs, and Charges, until such Lands and Heritages shall be feued out; and all Lands and Heritages situated within the Limits specified and defined in the recited Acts which are unfeued shall be liable to the said Rates and Assessments, Expenses, Costs, and Charges, only upon the nearest aggregate Sum of Pounds Sterling to One Sixth of the annual Value thereof as entered in the Valuation Roll until such Lands and Heritages shall be feued out: Provided always, that this Exemption shall continue in force only so long as such Lands and Heritages shall remain unfeued or not leased for Building Purposes.

Saving Rights of Minister of Port-Glasgow.

50. Nothing in this Act contained shall extend or be construed to extend to take away, prejudice, or diminish any Right which now belongs to and is enjoyed by the Minister of the Parish of *Port-Glasgow*, or which may lawfully belong to and be enjoyed by his Successors in Office, in regard to Payment of his or their Stipend amounting to Two hundred and fifty Pounds *per Annum*, from and out of the Rates and Assessments to be levied by the Commissioners under the Authority of the General Police Act and this Act, and all such Rights are hereby saved and reserved entire.

Saving Rights of Parochial Boards and Road Trustees.

51. Nothing in this Act contained shall extend or be construed to extend to take away, prejudice, or diminish any Right which now belongs to and is enjoyed by the Parochial Boards of the Parish of *Greenock* or Three united Parishes of *Greenock* and the Parish of *Kilmalcolm*, or shall affect either of the said Parishes as Parishes, or shall take away, prejudice, or diminish any Right which now belongs to and is enjoyed by the Trustees under the Acts relating to the Statute Labour of the County of *Renfrew*.

Saving Rights of Corporation of Glasgow, and Heirs of Robert Hamilton and Lord Belhaven.

52. Nothing in this Act contained shall extend or be construed to extend to take away, abridge, or diminish any of the Rights of Property or Superiority, or other Rights, Privileges, Powers, or Jurisdictions in or relating to the Burgh, which now belong to and are enjoyed by the Magistrates and Town Council of *Glasgow*, or the Bailie of the River *Clyde*, or Sir *Michael Robert Shaw Stewart* Baronet, of *Greenock*, *Blackhall*, and *Newark*, or his Heirs, or the

Heirs

Heirs and Successors of *Robert Hamilton* of *Wishaw* and *William* Lord *Belhaven*.

53. The Expenses of applying for and obtaining this Act and incidental thereto shall be paid by the Commissioners from and out of the Monies raised and received by them under the Authority of the General Police Act and this Act. Expenses of Act.

SCHEDULE referred to in this Act.

PROPERTY TO BE SOLD.

First. The Dry Dock or Graving Dock situate in the Burgh of Port-Glasgow, covering an Area of Eighteen hundred and sixty-six Square Yards or thereby, Imperial Standard Measure, with the Canal or Entry thereto, and the whole Pertinents and Appurtenances of whatsoever Description thereto belonging.

Second. The triangular Area or Piece of Ground immediately adjoining the Dry Dock or Graving Dock, and situate to the South-east thereof, containing Eight thousand eight hundred and ninety-one Square Yards or thereby, Imperial Standard Measure, bounded as follows; videlicet, by the Dry Dock or Graving Dock and Part of the Head of the East Quay on the West and North-west, partly by Bay Street, partly by the Workshop belonging to John McMurtrie, Merchant, and partly by the House or Houses situate at or near the Head of the Dry Dock belonging to James Marks and the Heirs of George Walker, on the South and South-west, and by the East Harbour or Wet Dock belonging to the Port-Glasgow Harbour Trustees on the East and North-east, with the whole Warehouses, Stores, Buildings, and other Erections on the said Area of Ground.

Third. The Area or Piece of Ground situate in King Street, containing Four hundred and eighty-one and a half Square Yards or thereby, Imperial Standard Measure, with the whole Buildings thereon, at present used and occupied as a Town Hall and Burgh School.

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