



CHAPTER CXXXV.

An Act to confer further powers on the lord provost magistrates and town council of the city and royal burgh of Aberdeen in connection with their electricity undertaking and for other purposes. A.D. 1907.

[21st August 1907.]

WHEREAS by the Aberdeen Municipality Extension Act 1871 and the Aberdeen Corporation Act 1891 the lord provost magistrates and town council of the city and royal burgh of Aberdeen (in this Act referred to as "the Corporation" and "the city" respectively) are authorised to supply gas not only in the city but also in the parishes of Old Machar Newhills Dyce and Peterculter (formerly Banchory-Devenick and Peterculter) in the county of Aberdeen and in the parish of Nigg in the county of Kincardine :

And whereas by the Aberdeen Electric Lighting Order 1890 and the Aberdeen Corporation Act 1891 the Corporation were authorised to supply and do supply electrical energy in the city and it is expedient that the Corporation should be authorised to supply with electrical energy the parishes outside the city which they are now authorised to supply with gas :

And whereas the Deeside and District Electric Supply Company Limited (in this Act referred to as "the company") were by the Cults and District Electric Lighting Order 1905 authorised to supply and do supply electrical energy in a portion of the said parish of Peterculter :

And whereas the company have agreed to sell and the Corporation have agreed to purchase the undertaking of the company and it is expedient that the agreement for that purpose as set

A.D. 1907. — forth in the Second Schedule to this Act should be confirmed and that the undertaking of the company should be transferred to and vested in the Corporation as by this Act provided :

And whereas it is expedient that the further powers in this Act mentioned in connection with the electricity undertaking of the Corporation should be conferred upon them :

And whereas plans of the lands to be acquired for the purposes of this Act and also a book of reference to those plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of those lands were duly deposited with the principal sheriff clerk of the county of Aberdeen and such plans and book of reference are hereinafter respectively referred to as the deposited plans and book of reference :

And whereas the purposes aforesaid 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 King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows :—

Short title and citations.

1. This Act may be cited as the Aberdeen Corporation Electricity Act 1907 and this Act and any other Act or Order relating to the Corporation passed during the present session of Parliament and the Aberdeen City Acts 1862 to 1904 may be cited together as the Aberdeen City Acts 1862 to 1907.

Incorporation of Acts.

2. The Lands Clauses Acts and the provisions of the schedule to the Electric Lighting (Clauses) Act 1899 (except sections 5 and 84 thereof) so far as they are applicable for the purposes of and are not varied by or inconsistent with this Act are hereby incorporated with and form part of this Act.

Interpretation.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction.

Further interpretation.

4. The following words and expressions in this Act have the meanings hereby assigned to them (that is to say) :—

“The city” means the city and royal burgh of Aberdeen ;

“The Corporation” means the lord provost magistrates and town council of the city; A.D. 1907.

“The company” means the Deeside and District Electric Supply Company Limited;

“The sheriff” means the sheriff of Aberdeen Kincardine and Banff;

“The Order of 1890” means the Aberdeen Electric Lighting Order 1890;

“The date of the transfer” means (notwithstanding anything in the agreement set forth in the Second Schedule to this Act) the first day of January one thousand nine hundred and eight;

“The undertaking of the company” includes—

(A) The ground belonging to the company at Cults with the whole buildings including engineer’s cottage erected thereon;

(B) The engines boilers dynamos and all other machinery and plant whether heritable or movable within the said buildings or upon the said grounds;

(C) The cables wires lines posts standards mains and all other machinery appliances equipment and plant belonging to the company laid down within the area of supply defined in the Cults and District Electric Lighting Order 1905;

(D) The whole furniture fittings tools and furnishings belonging to the company within the said buildings or upon the said ground; and

(E) The goodwill of the company’s undertaking; all freed and discharged of and from all mortgages bonds debts claims demands and liabilities whatsoever affecting or which might affect or relate to the undertaking or any part thereof or to the company except—

All book debts due to the company reserve or renewal funds bank and cash balances belonging to the company at the date of transfer.

5. Subject to the provisions of this Act the Order of 1890 shall be read and have effect as if the parishes of Old Machar Newhills Dyce and Peterculter (formerly Banchory-Devenick and Peterculter) in the county of Aberdeen and the parish of Nigg

Extension of
area of sup-
ply.

A.D. 1907. _____ in the county of Kincardine had been included in the area of supply of the Corporation as described in the First Schedule to that Order.

Lands for transforming stations.

6. Subject to the provisions of this Act the Corporation may enter upon take hold and use the lands and property shown on the deposited plans and described in the deposited book of reference and in the First Schedule to this Act or any of them or any part or parts thereof and may thereon erect maintain work and use stations or works for transforming storing using transmitting conveying and distributing electrical energy with all necessary and convenient buildings engines dynamos batteries accumulators storage works motors machinery roads approaches appliances and apparatus and may transform store use transmit convey and distribute electrical energy.

Purchase of Deeside and District Electric Supply Company's undertaking.

7.—(1) Subject to the provisions of this Act the agreement made between the Corporation and the company dated the twenty-eighth and thirtieth days of March one thousand nine hundred and seven as set forth in the Second Schedule to this Act is hereby confirmed and made binding on the Corporation and the company and the company shall sell to the Corporation and the Corporation shall purchase the undertaking of the company in accordance with the provisions of that agreement.

(2) On payment by the Corporation to the company of the purchase price of or consideration for the undertaking of the company the undertaking of the company with their rights powers privileges and obligations shall by virtue of this Act become and shall thenceforth be transferred to and vested in the Corporation free from all charges debts and liabilities upon or affecting the same other than feu duty.

(3) The production of a King's Printer's copy of this Act duly stamped together with a receipt for the purchase money purporting to be signed by three directors of the company or by the manager of a chartered or other bank in the city shall (unless it be proved that the purchase money has not been paid) be conclusive evidence in all courts and proceedings of the transfer to and vesting in the Corporation of the undertaking of the company.

Receipt for purchase money.

8. The receipt in writing of three directors of the company for any money paid to them by the Corporation shall effectually discharge the Corporation from the sum which in such receipt

shall be acknowledged to have been received and from being bound to see to the application thereof and from being answerable or accountable for the loss misapplication or non-application thereof. Provided that if from any cause the Corporation are unable to obtain such receipt from the company they may pay the money into some chartered or other bank in the city or into one of the branches of such bank for the benefit of the persons interested pending the final disposition thereof by a court of competent jurisdiction and a receipt shall be given to the Corporation by the manager of the said bank for the money which shall have the same effect as the receipt of three directors of the company. A.D. 1907.

9. The company shall bear and pay all outgoings of every kind and shall be entitled to all receipts from their undertaking up to the date of the transfer and as from that date all outgoings shall be borne and paid by the Corporation. Provided that nothing in this Act contained shall entitle the company to retain for their own benefit so much of any charges rates or rents or other payments paid or payable in advance as shall be attributable to any period after the date of the transfer but such charges rates rents or other payments shall be apportioned and so much thereof as is attributable to any period after the date of the transfer shall be paid over by the company to the Corporation. Company to pay outgoings and be entitled to receipts until transfer.

10. Until the date of the transfer the company shall carry on and manage the undertaking of the company as theretofore in the ordinary course of business but the company shall not without the previous consent of the Corporation under the hand of the town clerk of the city undertake any renewal or capital expenditure or make or enter into any contract agreement or obligation except such as are necessary for completing and carrying into effect obligations existing at the said date and also such as shall in the ordinary course of the maintenance of the works be necessary for the proper conduct of the undertaking of the company and the due performance of their statutory obligations but such consent shall not be unreasonably withheld and in case of difference such difference shall be determined by an arbiter to be nominated by the sheriff on the application of either party. Exercise of company's powers until transfer.

11. All charges debts and liabilities upon or affecting the undertaking of the company or due from or payable by the Liabilities to be defrayed by company

A.D. 1907.
Actions not
to be preju-
diced.

company which at the date of the transfer shall remain undischarged unpaid or unsatisfied shall be discharged paid or satisfied by the company and if at the date of the transfer any action arbitration or proceeding or any cause of action arbitration or proceeding is pending or existing against or in favour of the company the same shall not abate or be discontinued or in anywise prejudicially affected by reason of the transfer or of anything in this Act but the same may be continued prosecuted and enforced by against or in favour of the company as and when it might have been continued prosecuted and enforced by against or in favour of the company if this Act had not been passed.

Contracts
with com-
pany to be
binding on
Corporation.

12. Subject to the provisions of this Act all agreements conveyances contracts deeds and other instruments entered into or made with or by the company and in force at the date of the transfer shall be as binding and of as full force and effect in every respect against or in favour of the Corporation and may be enforced as fully and effectually as if instead of the company the Corporation had been a party thereto.

Books &c. to
remain evi-
dence.

13. All books and documents which if the undertaking of the company had not been transferred to the Corporation would have been evidence in respect of any matter for or against the company shall be admitted in evidence in respect of the same or the like matter for or against the Corporation.

Copy of Act
to be regis-
tered.

14. The Corporation shall forward to the Registrar of Joint Stock Companies a printed copy of this Act and it shall be recorded by him and if such copy is not forwarded within three months from the date of the transfer the Corporation shall incur a penalty of not exceeding two pounds for every day after the expiration of those three months during which the copy is omitted to be forwarded and every penalty shall be recovered summarily There shall be paid to the said registrar by the Corporation on such copy being recorded the like fee as is for the time being payable under the Companies Act 1862 on registration of any document other than a memorandum of association.

Company's
undertaking
to form part

15.—(1) On and after the date of the transfer the undertaking of the company shall subject to the provisions of this Act form part of the electricity undertaking of the Corporation and the Cults

and District Electric Lighting Order 1905 shall on that date be repealed unless the undertaking of the company shall have been previously purchased by the county council of Aberdeen. A.D. 1907.

(2) On the completion of such purchase the Corporation shall not compete with the said county council by supplying electricity within the area described in the said Order. of Corpora-
tion's elec-
tricity under-
taking.

16. Subject to the provisions of this Act the provisions of the schedule to the Electric Lighting (Clauses) Act 1899 as incorporated with this Act shall on and after the passing of this Act extend and apply to that portion of the area of supply of the Corporation which is situate beyond the city. Application
of Electric
Lighting
(Clauses)
Act 1899.

17. The maximum prices which may be charged by the Corporation as mentioned in section 32 of the schedule to the Electric Lighting (Clauses) Act 1899 in that portion of the area of supply beyond the city shall be those set forth in the Third Schedule to this Act. Provided always that the prices to be charged to ordinary consumers or for public lighting respectively in the area of supply of the Corporation beyond the city shall not exceed those for the time being charged by the Corporation in like circumstances to ordinary consumers or for public lighting respectively within the city. Maximum
prices.

18. The following provisions shall have effect with respect to the purchase of that portion of the electricity undertaking of the Corporation which is situate beyond the city (that is to say):— Purchase by
local authori-
ties.

(1) In this section the local authority of the county of Aberdeen and the local authority of the county of Kincardine are respectively referred to as "the purchasing local authority" and "the area of supply of the company" means the area of supply defined in the Cults and District Electric Lighting Order 1905:

(2)—(A) The purchasing local authority may at any time after the passing of this Act and before the eleventh day of November one thousand nine hundred and twelve by notice in writing require the corporation to sell and thereupon the Corporation shall sell to the purchasing local authority that portion of the electricity undertaking of the Corporation which is situate beyond the city and within the jurisdiction of the purchasing local authority upon such terms as may be agreed upon or as failing agreement shall be determined by arbitration:

A.D. 1907.

- (b) The purchasing local authority of the county of Aberdeen shall be entitled to purchase on the terms in this subsection provided if they so desire not only the whole of such portion of the undertaking but any one or more of the following parts thereof (namely):—
- (a) The part within the area of supply of the company ;
 - (b) The part within the parish of Peterculter including the area of supply of the company ;
 - (c) The part within the parishes of Newhills Old Machar and Dyce :
- (c) If the purchasing local authority of the county of Aberdeen purchase that portion of the undertaking within the area of supply of the company only the Corporation shall be entitled to lay down maintain renew alter and enlarge mains through the area of supply of the company for the purpose of supplying electrical energy to the parish of Peterculter so far as situate beyond the area of supply of the company :
- (3) The Board of Trade may determine any question which arises with reference to the purchase which is not to be determined by arbitration and in default of agreement as to the date on which the purchase is to take effect may fix that date :
- (4) From the date on which the purchase takes effect that portion of the electricity undertaking of the Corporation within the jurisdiction of the purchasing local authority shall vest in the purchasing local authority freed from all debts mortgages or other similar obligations of the Corporation or attaching to their electricity undertaking and the powers of the Corporation under the Electric Lighting Acts 1882 and 1888 or this Act in relation to the supply of electricity within that portion of the area of supply which is situate beyond the city and within the jurisdiction of the purchasing local authority shall absolutely cease and determine and shall vest in the purchasing local authority and

that authority shall subject to the provisions of this Act be the undertakers for the purposes of this Act: A.D. 1907.

Provided always that if the purchasing local authority of the county of Aberdeen purchase a part or parts only of the undertaking of the Corporation situate beyond the city the provisions of this subsection shall apply only to the part or parts so purchased:

- (5) The power of the purchasing local authority to purchase under this section shall be in addition to and not in derogation of the power of the local authority to purchase under section 2 of the Electric Lighting Act 1888:
- (6) Neither the Corporation nor the company shall previous to the date of the transfer of the undertaking of the company construct any works or incur any expense within any part of the parish of Peterculter without the previous consent in writing of the county council of Aberdeen.

19. Nothing in this Act contained shall interfere with prejudice or take away any power conferred upon the Corporation under the Aberdeen Suburban Tramways Order 1902 to supply electricity to the Aberdeen Suburban Tramways Company outside the city. As to supply of electrical energy to Aberdeen Suburban Tramways Company.

20. The portions of roads or streets throughout which the Corporation are to lay down in the area of supply beyond the city suitable and sufficient distributing mains for the purposes of general supply within a period of two years from the passing of this Act as mentioned in section 21 of the schedule to the Electric Lighting (Clauses) Act 1899 are those mentioned in the Fourth Schedule to this Act. Compulsory works.

21. Notwithstanding anything contained in the Electric Lighting Acts 1882 and 1888 or the schedule to the Electric Lighting (Clauses) Act 1899 the Corporation shall not be bound to fill up or publish a separate annual statement of accounts of that portion of their electricity undertaking situate beyond the city but the expenditure on and revenue from that portion of the undertaking shall without being separately shown be included in the accounts of the electricity undertaking of the Corporation authorised by the Order of 1890. Accounts.

A.D. 1907.
As to supply of electricity where consumer has separate supply.

22. Notwithstanding anything contained in the Electric Lighting Acts 1882 and 1888 a person shall not be entitled to demand or continue to receive from the Corporation a supply of electrical energy for any premises having a separate supply (that is to say a supply from an installation other than that of the Corporation) unless such person shall have previously agreed with the Corporation to pay to them such minimum annual sum as will give them a reasonable return on the capital expenditure and will cover other standing charges incurred by the Corporation in order to meet the possible maximum demand for those premises. In case the Corporation and the person demanding such supply of electrical energy shall fail to agree on the amount of the minimum annual sum to be paid by such person the amount of such minimum annual sum shall be fixed by an electrical engineer to be appointed as arbiter by the Board of Trade.

Corporation may refuse to supply electrical energy in certain cases.

23. The Corporation may refuse to supply electrical energy to any person whose payments for the supply of electrical energy are for the time being in arrear whether any such payments be due to the Corporation in respect of a supply to the premises in respect of which such supply is demanded or in respect of other premises.

Consumers of electrical energy to give notice before removing.

24. At least twenty-four hours' notice in writing shall be given to the Corporation by every consumer of electrical energy before he shall quit any premises supplied with electrical energy by meter by the Corporation and in default of such notice the consumer so quitting shall be liable to pay to the Corporation the money accruing due in respect of such supply up to the next usual period for ascertaining the register of the meter on such premises or the date from which any subsequent occupier of the premises shall require the Corporation to supply electrical energy to such premises whichever shall first occur. Notice of the effect of this enactment shall be endorsed upon every demand note for charges for electrical energy payable to the Corporation.

Power to supply electric fittings motors &c.

25.—(1) The Corporation may provide let for hire and fix set up alter repair and remove but shall not manufacture lamps meters electric lines fuses switches fittings lamp-holders motors and other apparatus and things for lighting and motive power and for all other purposes for which electrical energy can or may be used or which may otherwise be necessary or proper for the supply distribution consumption or use of electrical energy and

may provide all materials and do all works necessary or proper in that behalf and may require and take such remuneration in money or such rents and charges for and make such terms and conditions with respect to the letting fixing setting up altering repairing or removing of such lamps meters electric lines fuses switches fittings lamp-holders motors and other apparatus and things as aforesaid and for securing (both as regards the consumer and third parties) their safety and return to the Corporation as the Corporation may think fit or as may be agreed upon between them and the person to or for whom the same are supplied let fixed set up altered repaired or removed : A.D. 1907.

Provided as follows :—

(A) It shall not be lawful for the Corporation to expend money (except through a contractor) upon the provision of the labour and materials required for the wiring for and fixing of electric light fittings upon the premises of their consumers or prospective consumers or upon the provision of lamps fuses switches fittings lamp-holders and other apparatus and things for lighting purposes but nothing in this subsection shall prevent the Corporation completing the service line between their supply mains and their own apparatus upon the premises of any such consumer :

(B) The Corporation shall so adjust the rents and charges to be made by them for electric light fittings and the wiring in connection therewith as to meet any expenditure by them under the powers of this section in connection therewith (including interest upon any moneys borrowed for those purposes and all sums applied either by way of instalments or by way of payments to sinking fund for repayment of moneys so borrowed).

(2) No lamp meter electric line fuse switch fitting lamp-holder motor apparatus or thing let for hire by the Corporation under the provisions of this Act shall be subject to distress or to the landlord's remedy for rent nor to be taken in execution under any process of law or equity or any proceeding in bankruptcy against the person or persons in whose possession the same may be Provided that such lamp meter electric line fuse switch fitting lamp-holder motor apparatus or thing is marked or

A.D. 1907. impressed with a sufficient mark or brand indicating the Corporation as the actual owners thereof.

(3) Every sum charged by the Corporation to a consumer in respect of the wiring and fitting of the premises of such consumer for lighting purposes and the supplying of electric light fittings shall be clearly stated on every demand note by the Corporation for payment for electrical energy supplied to such consumer distinct from the charge for such energy.

(4) The total sums received and expended by the Corporation in connection with the purposes in this section mentioned in each year (including the amount required for interest on and all sums applied either by way of instalments or by way of payments to sinking fund for repayment of any moneys borrowed for such purposes) shall be separately shown in the published accounts of the electricity undertaking of the Corporation for such year.

Discounts.

26. The Corporation may if they think fit allow discounts to large consumers of electrical energy not exceeding in any case fifteen per centum Provided that such discounts shall be alike in terms and amount under like circumstances to all consumers Provided also that notice of the effect of this enactment shall be endorsed on every demand note for charges for electrical energy.

Power to lay electric apparatus in streets or roads not repairable by local authority.

27. The Corporation may upon the application of the owner or occupier of any premises abutting on or being erected in any street or road not repairable by the local authority supply such premises with electrical energy and may in accordance with and subject to the provisions of the Order of 1890 so far as such provisions are applicable lay down take up alter relay or renew in across or along such street or road such electric mains cables and apparatus as may be requisite or proper for furnishing such supply in the same way and to the same extent as if such street or road had been specified in the Third Schedule to the said Order but doing as little damage as may be in the execution of the powers hereby granted and making compensation for any damage which may be done in the exercise of such powers.

Overhead wires.

28. The consent of the local authority to the placing of electric lines above ground in that portion of the area of supply which is beyond the city under section 14 of the Electric Lighting Act 1882 shall not be unreasonably withheld and if any

question arises whether that consent is unreasonably withheld or not that question shall be decided by the Board of Trade. A.D. 1907.

29. The Corporation may contract with any local authority company or person authorised by Act of Parliament or Provisional Order confirmed by Parliament to supply electricity within any area adjoining the area of supply of the Corporation for electrical energy as extended by this Act or as such area may be altered by the provisions of the section of this Act of which the marginal note is "Purchase by local authorities" (but only with the consent in writing of the local authority of the district within which the supply is to be given and of any company or person supplying electrical energy under parliamentary powers in that district) for the supply to them respectively of electrical energy in bulk upon such terms and conditions and for such periods not exceeding in any case seven years from the making of the contract as shall be agreed upon.

Corporation may contract with local authority &c. for supply in bulk.

30. If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Corporation after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to the sheriff for the correction thereof and if it appears to such sheriff that the omission misstatement or wrong description arose from mistake he shall certify the same accordingly and he shall in his certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described and such certificate shall be deposited with the principal sheriff clerk of the county of Aberdeen and a duplicate thereof shall also be deposited with the clerk to the parish council of the parish in which the lands affected thereby are respectively situate and such certificate and duplicate respectively shall be kept by such sheriff clerk and clerks to the parish councils respectively with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and the Corporation may enter upon take and use the lands and execute the works in accordance with such certificate.

Correction of errors &c. in deposited plans and book of reference.

31.—(1) The Corporation shall not 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

Restriction on taking houses of labouring class.

A.D. 1907. — 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.

(2) If the Corporation acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions of this section they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Secretary for Scotland by action in the court of session and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the court may if it think fit reduce such penalty.

(3) For the purposes of this section the expression "house" means any house or part of a house occupied as a separate dwelling and the expression "labouring class" means 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 of such persons who may be residing with them.

Persons under disability may grant servitudes &c.

32. Persons empowered by the Lands Clauses Acts to sell and convey or discharge lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Corporation any servitude right or privilege (not being a servitude right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges feu duties or ground annuals 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.

Period for compulsory purchase of lands.

33. The powers of the Corporation for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Costs of Act.

34. 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 out of moneys to be borrowed under this Act Any money borrowed for the payment of such costs charges and expenses shall be repaid within a period not exceeding five years from the passing of this Act.

The SCHEDULES referred to in the foregoing Act. . . A.D. 1907.

THE FIRST SCHEDULE.

Referred to in the section of this Act of which the marginal note is "Lands for transforming stations."

(1) A piece of ground at Bucksburn in the parish of Newhills and county of Aberdeen containing an area of one acre or thereabouts and comprehended within the following boundary Commencing on the south-east side of the road leading from the Aberdeen and Inverurie Road to Bucksburn House at a point ten yards or thereabouts south from the junction of these two roads proceeding thence south-westwards along the first-mentioned road for a distance of two hundred and ninety-one feet or thereabouts thence south-eastwards in a straight line for a distance of one hundred and fifty feet or thereabouts thence north-eastwards in a straight line for a distance of two hundred and ninety-one feet or thereabouts and thence north-westwards in a straight line for a distance of one hundred and fifty feet to the point of commencement.

(2) A piece of ground at Milltimber in the parish of Peterculter and county of Aberdeen containing an area of one acre or thereabouts and comprehended within the following boundary Commencing on the north side of the road leading from the North Deeside Road to the East Lodge of Culter House at a point two hundred and fifty yards or thereabouts west from the junction of these roads proceeding thence westwards along the first-mentioned road for a distance of two hundred and eighteen feet or thereabouts thence in a straight line northwards for a distance of two hundred feet or thereabouts thence in a straight line eastwards for a distance of two hundred and eighteen feet or thereabouts and thence in a straight line southwards for a distance of two hundred feet to the point of commencement.

A.D. 1907.

THE SECOND SCHEDULE.

Referred to in the section of this Act of which the marginal note is "Purchase of Deeside and District Electric Supply Company's undertaking."

Stamp.



AGREEMENT between the LORD PROVOST MAGISTRATES AND TOWN COUNCIL OF THE CITY AND ROYAL BURGH OF ABERDEEN (hereinafter called "the Corporation") of the first part and the DEESIDE AND DISTRICT ELECTRIC SUPPLY COMPANY LIMITED (hereinafter called "the company") of the second part.

WHEREAS the company are the owners of the undertaking known by the name of the Cults Electricity Supply Station in the parish of Peterculter and county of Aberdeen established in the year eighteen hundred and ninety-five for the purpose of supplying electrical energy to the inhabitants of Cults and district:

And whereas the company were by the Cults and District Electric Lighting Order 1905 authorised to supply electrical energy within the area of supply defined by the said Order:

And whereas the Corporation made application to the Secretary for Scotland for a Provisional Order to empower them inter alia to supply electrical energy within the area of supply of the Corporation as extended and defined by the said Provisional Order including therein the company's said area of supply and if the Corporation so required to purchase the company's undertaking for such price and on and subject to such terms and conditions as might be determined in the manner set forth in the said Provisional Order:

And whereas the company objected to the Corporation obtaining power to supply electrical energy within the said area of supply of the company and to the Corporation obtaining power to purchase the company's undertaking in the manner set forth in the said Provisional Order and presented a petition to the Secretary for Scotland praying that the said Provisional Order should not be granted:

And whereas the chairmen under the Private Legislation Procedure (Scotland) Act 1899 directed that the Corporation's application so far as it related to electricity should not proceed by way of Provisional Order:

And whereas the Corporation are now promoting a Bill for the objects hereinbefore referred to:

And whereas the Corporation and the company have now agreed that the Corporation shall purchase from the company and the company shall sell to the Corporation the whole undertaking of the company

belonging to and vested in them under the said Cults and District Electric Lighting Order upon the terms and conditions hereinafter set forth: A.D. 1907.

Therefore the parties hereto have agreed and hereby agree as follows (namely):—

First Subject to the provisions hereinafter specified the company shall sell to the Corporation and the Corporation shall purchase from the company at the price of nine thousand five hundred pounds sterling the undertaking belonging to and vested in the company under the said Cults and District Electric Lighting Order including (A) the ground belonging to the company at Cults with the whole buildings including engineer's cottage erected thereon (B) the engines boilers dynamos and all other machinery and plant whether heritable or movable within the said buildings or upon the said ground (C) the cables wires lines posts standards mains and all other machinery appliances equipment and plant belonging to the company laid down within the area of supply defined in the company's said Order (D) the whole furniture fittings tools and furnishings belonging to the company within the said buildings or upon the said ground and (E) the goodwill of the company's undertaking all freed and discharged of and from all mortgages bonds debts claims demands and liabilities whatsoever affecting or which might affect or relate to the undertaking or any part thereof or to the company Declaring as it is hereby expressly provided and declared that all book debts due to the company reserve or renewal funds bank and cash balances belonging to the company at the date of transfer hereinafter mentioned shall continue to belong to the company and the Corporation in respect of this agreement shall have no right to the same.

Second Subject to the provisions of the Bill now being promoted by the Corporation the Corporation shall take over the rights powers and obligations conferred or incumbent upon the company under (A) the company's said Order (B) the company's agreements with the county council of the county of Aberdeen and the Aberdeen District Committee of the said county council and (C) the company's agreement with the Great North of Scotland Railway Company and the Corporation shall as at and from the date of transfer hereinafter mentioned free and relieve the company of all obligations and claims competent against the company by virtue of the said Order and the said agreements.

Third The price of nine thousand five hundred pounds sterling shall be paid by the Corporation to the company on the first day of October nineteen hundred and seven which is hereby declared to be the date of the transfer of the undertaking by the company to the Corporation and the date of the Corporation's entry to the whole subjects hereby agreed to be sold Should the price not be paid on said date the Corporation shall be bound to pay to the company

A.D. 1907. — interest on the said price at the rate of five per centum per annum until payment is made.

Fourth The price of nine thousand five hundred pounds sterling shall be held to cover compensation to the company and also to the directors officials and servants of the company as well as all costs and expenses which the company have incurred or may incur in connection with the said Provisional Order of the Corporation or in carrying out the transfer of the undertaking to the Corporation except the expense of this agreement and the conveyance aftermentioned which shall be treated in the ordinary way as between buyer and seller And it is further agreed that the Corporation shall free and relieve the company of the proportion of the annual feu duty rates and assessments applicable to the period subsequent to the date of transfer as also of the porportion of the premiums on all policies of insurance effected by the company in relation to the undertaking applicable to the periods of the policies unexpired at the date of transfer and the Corporation shall also free and relieve the company of all claims at the instance of the grantees under the two existing bonds and dispositions in security for six hundred pounds sterling each bearing interest at four and a half per centum per annum in respect of such grantees agreeing to accept repayment of the sums lent by them sooner than provided for by their agreements with the company.

Fifth The company shall grant in favour of the Corporation a conveyance of the ground buildings heritable machinery and plant belonging to the company containing all usual and necessary clauses with and under the burdens and conditions set forth in the title deeds of the subjects including the feu duty but freed from all other incumbrances and also any other conveyance transfer or deed that may be necessary for carrying into effect the sale and transfer of the undertaking After the sale and transfer have been effected the whole books of account and other papers and documents relating to the business of the company as carried on by the company at Cults shall be handed over to the Corporation.

Sixth Until payment of the price and the transfer of the undertaking the company shall carry on and manage the undertaking in the ordinary and regular course of business for their own benefit and shall have right to all charges for electrical energy supplied during the period preceding the date of transfer and shall be liable for all accounts incurred by the company during that period but in the event of the company finding it necessary to undertake any renewal or capital expenditure on the undertaking in connection with the maintenance and management of the undertaking at any time prior to the date of transfer such expenditure may be incurred by the company with the approval of the Corporation and such expenditure shall be paid by the Corporation to the company in addition to the agreed-on

price of nine thousand five hundred pounds sterling at the date of transfer with interest as aforesaid during the not payment and in the event of the Corporation withholding their consent to such expenditure when asked by the company and of the company being of opinion that consent is being unreasonably withheld the question at issue shall be referred to the arbiter to be named under article ninth hereof who shall decide between the Corporation and the company whether such proposed expenditure is reasonable and if so to what extent.

Seventh From and after the date of transfer the company shall exist only for the purpose of carrying on business outside the area of supply of the Corporation as extended and defined in the said Bill In the event of any action arbitration or other proceedings or any cause of action either by or against the company existing prior to the date of transfer in relation to the undertaking to be transferred the same shall not abate or be discontinued or in any way prejudicially affected by the said transfer but the same may be continued prosecuted and enforced by against or in favour of the company as and when it might have been continued prosecuted and enforced by against or in favour of them if the said transfer had not been made.

Eighth This agreement shall be subject to the approval of Parliament and to such alteration as Parliament may think fit to make thereon and shall be scheduled to and confirmed by the said Bill and is conditional on the passing of the said Bill into an Act provided that in the event of any alteration being made on the said agreement which in the opinion of Charles Scott Dickson K.C. whom failing of James Avon Clyde K.C. is material it shall be competent to either the Corporation or the company to withdraw from the same.

Ninth If any disputes or differences shall arise between the parties hereto in regard to any matter touching the effect or meaning of these presents or as to the respective obligations of the parties or the fulfilment thereof or as to any capital expenditure between the date hereof and the date of transfer or as to the adjustment of the conveyance to be granted by the company in favour of the Corporation the same shall be referred to an arbiter to be mutually agreed upon by the parties and failing such agreement to an arbiter to be appointed by the sheriff of Aberdeen Kincardine and Banff on the application of both or either of the parties hereto.

In witness whereof these presents printed on this and the two preceding pages of paper to be afterwards stamped are subscribed by the parties. in duplicate as follows (viz.) Are subscribed for and on behalf of the company by Edward Joseph Bonnor Lowdon and James Laing two of the directors and by Messieurs F. J. Scott & Morrison the secretaries (the signature of the firm having been adhibited by Archibald Cameron Morrison one of the partners) all of the said

A.D. 1907. — company and sealed with the common seal of the said company all at Aberdeen on the twenty-eighth day of March nineteen hundred and seven before these witnesses John Carmichael Richards clerk and Henry Alexander Richards law apprentice both in the employment of the said Messieurs F. J. Scott & Morrison and are in terms of the Aberdeen Municipality Extension Act 1871 subscribed on behalf of the town council by Sir Alexander Lyon the Lord Provost William Kendall-Burnett the senior baillie and William Gordon the town clerk all of the said city and royal burgh of Aberdeen and sealed with the common seal of the town council of the said burgh all at Aberdeen on the thirtieth day of March nineteen hundred and seven before these witnesses George Thomson and James Munro both assistants in the town clerk's office Aberdeen.

ALEXANDER LYON Lord Provost.

W. KENDALL-BURNETT Senior Baillie.

W. GORDON Town Clerk.

GEO. THOMSON Witness.

JAMES MUNRO Witness.

E. J. B. LOWDON Director.

J. LAING Director.

F. J. SCOTT AND MORRISON Secretaries.

JOHN C. RICHARDS Witness.

HENRY A. RICHARDS Witness.

Seal of
the Town
Council.

Seal
of the
Company.

THE THIRD SCHEDULE.

Referred to in the section of this Act of which the marginal note is "Maximum prices."

Maximum Prices.

In this schedule—

The expression "unit" shall mean the energy contained in a current of one thousand ampères flowing under an electro-motive force of one volt during one hour.

SECTION 1.

Where the Corporation charge any consumer by the actual amount of energy supplied to him they shall be entitled to charge him at the following rates per quarter For any amount up to twenty units thirteen shillings and fourpence and for each unit over twenty units eightpence.

SECTION 2.

A.D. 1907.

Where the Corporation charge any consumer by the electrical quantity contained in the supply given to him they shall be entitled to charge him according to the rates set forth in section 1 of this schedule the amount of energy supplied to him being taken to be the product of that electrical quantity and the declared pressure at the consumer's terminals that is to say such a constant pressure at those terminals as may be declared by the Corporation under the Board of Trade regulations.

THE FOURTH SCHEDULE.

Referred to in the section of this Act of which the marginal note is "Compulsory works."

List of portions of roads or streets throughout which the undertakers are to lay down suitable and sufficient distributing mains for the purposes of general supply within two years from the passing of this Act:—

- (A) The Aberdeen and Inverurie Road between the point where the lands (1) described in the First Schedule to this Act abut on that road and the city boundary at Scatterburn:
- (B) The Oldmeldrum Road between the junction of that road with the Aberdeen and Inverurie Road and Stoneywood Church:
- (C) The North Deeside Road from the unnamed road leading to Dalmuinzie House to the Oldfold Road.

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