



ANNO TRICESIMO PRIMO & TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

Cap. xciv.

An Act to authorize and incorporate Commissioners to supply with Gas the Town of *Dundee* and Districts and Places adjacent, and to transfer to them the Gasworks of the *Dundee* Gaslight Company and the *Dundee* New Gaslight Company; and for other Purposes. [13th July 1868.]

WHEREAS in the Session of Parliament held in the Eleventh Year of His late Majesty King *George* the Fourth an Act was passed, intituled *An Act for incorporating the Dundee Gaslight Company, and for the better lighting the Town of Dundee by Gas*, whereby a Company was incorporated by the Name of "the *Dundee* Gaslight Company," with Power to raise Money, and construct Works, and supply Gas: And whereas by "The *Dundee* Gaslight Company's Amendment Act, 1867," the said Company was authorized to raise a further Sum of Money: And whereas in the Session of Parliament held in the Ninth Year of Her present Majesty Queen *Victoria* an Act was passed, intituled *An Act for the better supplying with Gas the Royal Burgh of Dundee, Suburbs thereof, and Places adjacent, in the County of Forfar*, whereby another Company was incorporated by the Name of "the

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c. xxxvi.

30 & 31 Vict.
c. cvii.

9 & 10 Vict.
c. 1.

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30 & 31 Vict. c. cviii. *Dundee* New Gaslight Company," with Power to raise Money, and construct Works, and supply Gas: And whereas by "The *Dundee* New Gaslight Company (Additional Capital) Act, 1867," the said Company was authorized to raise a further Sum of Money: And whereas the said Companies under their respective Acts of Incorporation have established Works for the Manufacture of Gas, and have supplied Gas therefrom to the Royal Burgh of *Dundee* and Places adjacent and Inhabitants thereof: And whereas an Agreement has been entered into between the said Companies and the Magistrates and Town Council of *Dundee* for the Sale and Purchase of the Gasworks and Property of the said Two Companies, on the Terms and Conditions which appear in the Agreement set forth in Schedule (A.) to this Act annexed: And whereas it is expedient that the said Agreement should, subject to the Provisions of this Act, be confirmed, and that Commissioners should be appointed to supply Gas to the said Burgh and Places adjacent and Inhabitants thereof, and to execute and carry into effect the other Purposes of this Act: And whereas these Purposes cannot be attained 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:

Short Title.

1. This Act may for all Purposes be cited as "The *Dundee* Gas Act, 1868."

8 & 9 Vict. c. 19. incorporated.

2. Clauses 24 to 34, both inclusive, of "The Lands Clauses Consolidation (*Scotland*) Act, 1845," shall be incorporated with this Act.

10 & 11 Vict. c. 16. incorporated.

3. "The Commissioners Clauses Act, 1847," with the Exception of the Clauses and Provisions with respect to the following Matters, (that is to say)

With respect to the Qualification of Commissioners;

With respect to the Election and Rotation of the Commissioners, where the Commissioners are to be elected by the Ratepayers or other like Class of Electors;

And also with the Exception of Clauses 40, 41, 42, 43, 45 to 47, both inclusive, 84, 86, 87, 92, 93, and 94,

shall (except where expressly varied by this Act) be incorporated with this Act.

10 & 11 Vict. c. 15. incorporated.

4. "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, shall

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shall (except where expressly varied by this Act) be incorporated with and form Part of this Act.

5. The several Words and Expressions to which by the Acts wholly or partially incorporated with this Act shall in this Act have the same respective Meanings, unless there be something in the Subject or Context repugnant to such Construction: Provided always, that in the Acts wholly or partially incorporated with this Act, and also in this Act, the Expression "the Special Act" shall mean this Act, the Expression "the Undertakers" shall mean the Commissioners hereby incorporated, the Expressions "the Undertaking" and "the Undertakings" shall mean the Gasworks, Business of the respective Companies, Property, heritable and moveable, Plant, Pipes, Meters, and other Assets of the respective Companies, to be purchased and vested in the Commissioners under the Provisions of this Act, and the Word "Street" shall mean and include Street, Highway, Quay, Wharf, Bridleway, Footway, Carriageway, Side Pavement, Turnpike or other Road, Thoroughfare, Lane, Passage, Square, Court, or Place within the Limits of this Act.

Same Meanings to Words in incorporated Acts as in this Act.

6. The following Words and Expressions of this Act shall have the several Meanings hereby assigned to them; (that is to say,)

Interpretation of Terms.

"Burgh" and "Town of *Dundee*" shall severally mean the Burgh of *Dundee* within the Limits thereof, as fixed and defined by the Public Act, Second and Third *William* the Fourth, Chapter Sixty-five:

"Commissioners" shall mean the Commissioners incorporated by this Act:

"Lands and Heritages" shall have the same Meaning as is assigned to that Expression in the Public Act, Seventeenth and Eighteenth *Victoria*, Chapter Ninety-one, intituled *An Act for the Valuation of Lands and Heritages in Scotland*:

17 & 18 Vict. c. 91.

"Police Act" shall mean the Public Act, Thirteenth and Fourteenth *Victoria*, Chapter Thirty-three, or any other Public or Local Police Act in force within the Burgh for the Time being:

"Provost" shall mean the Provost of the Royal Burgh of *Dundee*:

"Town Council" shall mean the Magistrates and Town Council of *Dundee*:

"The Companies" shall mean the *Dundee* Gaslight Company and the *Dundee* New Gaslight Company:

"Shareholder" or "Shareholders" shall mean Shareholder or Shareholders, or Holder or Holders of Stock, of the *Dundee* Gaslight Company, or the *Dundee* New Gaslight Company, respectively, and shall include Persons, Companies, and Corporations:

"Persons"

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“Persons” shall include Companies and Corporations :

“Annuity” or “Annuities” shall mean the Annuities payable under this Act, or any of such Annuities :

“Annuitant” or “Annuitants” shall mean any Person or Persons entitled to and holding Annuities payable under this Act :

“Sheriff” shall mean the Sheriff of the County of *Forfar* or any of his Substitutes, unless otherwise herein provided for :

“Treasurer” shall mean the Treasurer for the Time being of the Commissioners.

Appointment
of Commis-
sioners.

7. This Act shall be carried into execution by Commissioners, and, subject to the Provisions herein-after contained, the following Persons shall be the Commissioners; (that is to say,) the Provost and the First Bailie of the Royal Burgh of *Dundee*, the Dean of Guild of said Burgh, and the Convener of the Nine incorporated Trades of *Dundee*, all for the Time being, together with Five Persons to be elected by the Town Council out of their own Number, Four Persons to be elected by the Guildry Incorporation of *Dundee* from the Members thereof, Two Persons to be elected by the said Nine incorporated Trades from the Members thereof, One Person to be elected by the Three united Trades of *Dundee* from the Members thereof, and Five Persons to be elected by the Chamber of Commerce of *Dundee* from its Members, all in the Manner and at the Times after mentioned; and the Commissioners shall be called “the *Dundee* Gas Commissioners,” and by that Name may sue and be sued, and be a Body Corporate, with perpetual Succession and a Common Seal, with Power to purchase, take, hold, and dispose of Lands and other Property for the Purposes but subject to the Restrictions of this Act.

Election of
elective Com-
missioners.

8. For the Purpose of electing Persons to be Commissioners under this Act, the Town Council, the Guildry Incorporation, the Nine incorporated Trades, the Three united Trades, and the Chamber of Commerce shall respectively meet at their usual Places of Meeting on a convenient Day within One Month after the passing of this Act, and at such Meeting they shall respectively elect the Commissioners to be appointed by them, and the Persons so elected shall continue in Office until the Second *Tuesday* in *November* One thousand eight hundred and sixty-nine inclusive; and in like Manner the Town Council, within Eight Days after their annual Election of Magistrates in the Year One thousand eight hundred and sixty-nine, and within Eight Days after the said annual Election in each Year thereafter, and the other Bodies above mentioned respectively on the Second *Tuesday* of *November* One thousand eight hundred and sixty-nine, or within Four Days previously, and on the Second *Tuesday* of *November*, or within Four Days previously, in each succeeding

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succeeding Year, but subject to the Provisions of this Act, shall respectively meet and elect the Persons to be severally appointed by them to act as Commissioners for the Year ensuing each *Second Tuesday of November*.

9. The First and every subsequent Meeting of the Guildry Incorporation, Nine incorporated Trades, Three united Trades, and Chamber of Commerce for the Purpose of electing Commissioners shall be convened by Advertisement made by each of said Bodies respectively at least Eight Days previously in a Newspaper published in *Dundee*, and at every such Meeting the Persons present shall elect by Ballot the Number of Commissioners which the said Bodies are respectively entitled to elect to be Commissioners under the Provisions of this Act.

How Meetings to be convened and Mode of Election.

10. All or any of the Persons who were elected by the Town Council, the Guildry Incorporation, Nine incorporated Trades, Three united Trades, and Chamber of Commerce respectively, and who acted during any preceding Year, shall, if qualified in Terms of this Act, be eligible for Re-election: Provided also, that if any Person who having been elected One of the Commissioners by any One of the said Bodies shall cease to be a Member of the Body by whom he was elected, he shall become disqualified from acting as One of the Commissioners under this Act, and his Office as such shall become vacant.

Commissioners may be re-elected.

11. In case of the Death, Resignation, Disqualification, or Non-acceptance of any One or more of the Commissioners elected as aforesaid, it shall be lawful to and for the Town Council, the Guildry Incorporation, Nine incorporated Trades, Three united Trades, or Chamber of Commerce, by whom such Person or Persons were elected, to meet and supply such Vacancy or Vacancies by electing One or more Commissioners in the Place and Stead of the Person or Persons so dying, resigning, becoming disqualified, or not accepting, who shall continue in Office only so long as the Person or Persons in whose Place he or they are elected would have continued.

Vacancies in Office of Commissioners.

12. In the event of any of the Persons by this Act authorized to elect Commissioners failing to make such Election, or in the event of any Person elected by them failing or refusing to act or becoming disqualified, the other Commissioners appointed or elected under the Provisions of this Act shall and they are hereby required to proceed with the Execution of this Act and carry the same into effect, and no Proceeding of the Commissioners shall be invalidated or be illegal in consequence of the Non-election of any Commissioner, or of any Commissioner failing to act or becoming disqualified.

If any Persons fail to elect Commissioners, Act to be executed by other Commissioners.

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First Meeting of Commissioners.

13. The First Meeting of the Commissioners shall be called by the Provost, and the same shall be held within the Council Chamber in *Dundee* within Six Weeks after the passing of this Act upon such Day and at such Hour as he may fix; and the Commissioners shall hold an Annual General Meeting in *Dundee* on the Second *Tuesday* of *June* in the Year One thousand eight hundred and sixty-nine, and in each Year thereafter.

Provost to be Chairman.

14. At all Meetings of the Commissioners the Provost, when present, shall be Chairman, and he shall, when present, be also Chairman of all Committees of which he is a Member.

Place of Meeting.

15. All Meetings of the Commissioners, after the first, may be held within the Council Chamber in *Dundee*, or within such other Place as the Commissioners may from Time to Time appoint.

Meetings to be called by Clerk.

16. The Clerk shall have Power to call Meetings of the Commissioners at such Times as may be necessary for any of the Purposes of this Act or connected therewith; and any Five of the Commissioners may at any Time require the Clerk to call a Special Meeting of the Commissioners for any of the Purposes of this Act or connected therewith.

Notice of Meetings to be given.

17. The Clerk shall give Notice of each Meeting to the Commissioners in such Way and Manner as the Commissioners may from Time to Time direct.

Meetings may be adjourned.

18. The Commissioners present at the First Meeting, or at any subsequent Meeting, or at any adjourned Meeting, may from Time to Time adjourn any such Meeting to the same or any other Place within *Dundee*; and if at any Meeting of the Commissioners there be not a Quorum present within One Half Hour after the Time appointed for such Meeting, the Commissioners present, or the major Part of them, or any One Commissioner if only One be present, or the Clerk if no Commissioner be present, may adjourn such Meeting to be held on another Day at the same or any other Place within *Dundee*.

Auditor to be appointed.

19. In the Month of *January* of the Year One thousand eight hundred and sixty-nine, and of every Year thereafter, the Sheriff shall, on the Application of the Commissioners, or of any Three Annuitants or Ratepayers or Consumers, appoint for the financial Year then current an Auditor (being a Person well skilled in Accounts, and not being One of the Commissioners or holding Office under them,) to audit and docket the Accounts of the Commissioners; and such Auditor shall be allowed such reasonable Remuneration for his Time, Trouble, and Responsibility as, in case of Difference, shall

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shall be fixed by the Sheriff; and in case the Office of such Auditor shall, before such Accounts have been audited by him, become vacant by Death or from any other Cause, the Sheriff, on the Application of the Commissioners, or of any Three Annuitants or Ratepayers or Consumers, shall from Time to Time appoint an Auditor to supply such Vacancy; and the whole Books, Accounts, Vouchers, and Documents of the Commissioners shall be laid before the Auditor for the Purposes of such Audit.

20. Subject to the Provisions of this Act, the Agreement, dated the Eighth of *March* One thousand eight hundred and sixty-seven, entered into between the Magistrates and Town Council of *Dundee*, acting for the Community of the Burgh, on the First Part, and the *Dundee* Gaslight Company and the *Dundee* New Gaslight Company on the Second and Third Parts, set forth in the Schedule (A.) to this Act, is hereby ratified and confirmed, it being hereby declared that the Commissioners appointed by this Act shall be in all respects in the Room and Place of the Magistrates and Town Council, and that the Sum of Forty thousand Pounds which the Commissioners are by this Act authorized to borrow shall be deemed the whole Amount of the Sums referred to in Article Five of the said Agreement as borrowed or to be borrowed.

Agreement
with Gas
Companies
confirmed.

21. Whereas *James Matthew*, Cashier of the *Dundee* Gaslight Company, and *John Dick*, Secretary of the *Dundee* New Gaslight Company, by Letter addressed to the Magistrates and Town Council of *Dundee*, dated the Eleventh of *June* One thousand eight hundred and sixty-seven, engaged on behalf of the said Companies that any Changes in the Clauses in the Companies Bills then pending in Parliament relating to the Quality and Price of Gas which had been made after the Eighth Day of *March* One thousand eight hundred and sixty-seven, when the Agreement for the Sale of the Companies Undertakings hereby confirmed was entered into, should not affect the Ascertainment of the Price or Annuities to be paid by the Magistrates and Town Council for the Undertakings: It is hereby provided that the said Letter shall be binding on the said Companies respectively.

Letter bind-
ing on Com-
panies.

22. On the Eleventh Day of *November* One thousand eight hundred and sixty-eight the Commissioners shall pay off and relieve the *Dundee* New Gaslight Company from Liability for Payment of the Mortgage Debts of the said Company as specified and contained in the Schedule (B.) to this Act, and shall deliver to the said Company, or place upon record, Discharges of such Mortgage Debts to the Satisfaction of the Sheriff, who, when so satisfied, shall, on the Application of the Commissioners, grant a Certificate that the said

Commis-
sioners to
pay Mort-
gage Debts
of *Dundee*
New Gas-
light Com-
pany, and
Undertak-
ings of Com-
panies to
vest in Com-
missioners.

Mortgage

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Mortgage Debts have been paid and discharged, and thereupon the Undertakings of the *Dundee* Gaslight Company and of the *Dundee* New Gaslight Company shall vest and become vested in and transferred to the Commissioners, subject to Payment of the preferable Annuities after mentioned, and the Burdens, Debts, and Obligations of the said Companies respectively, other than those attaching to Revenue as after specified: Provided always, that from the Transfer made by this Act of the said Undertakings there is hereby excepted the undivided Revenue or Profit or other Monies of the Companies respectively, whether the same be lying in the Hands of their Bankers or elsewhere, as well as all Sums owing by Customers or others for Gas supplied, or for secondary Products, or other Means of ordinary Income, and all Debts on current Accounts, up to the Date of Transfer, and also all Meters and Pipes in Store, all Stores of Coal and other Materials, and the Stock of secondary Products, and the Gas within the Gasholders and Pipes manufactured and ready for being used, that may belong to the said Companies respectively at the Time when the Commissioners obtain Possession of the Undertakings of the Companies under the Provisions of this Act: Provided further, and it is hereby enacted, that within Six Months after the Annuities to be paid to the Shareholders of the Companies as the Consideration for said Undertakings have been fixed in manner herein-after provided, the Commissioners under this Act shall produce to the Commissioners of Inland Revenue a Copy of this Act printed by Her Majesty's Printers, and duly stamped with an *ad valorem* Stamp Duty of the same Amount as would have been payable in respect of a Conveyance of said Undertakings; and if the Commissioners under this Act shall not within the said Period of Six Months produce to the said Commissioners of Inland Revenue such Copy of this Act, duly stamped as aforesaid, the said *ad valorem* Stamp Duty shall be recoverable from the Commissioners under this Act, with full Costs of Suit, and all Costs and Charges attending the same.

Commis-
sioners to
take Stores.

23. The Companies respectively shall sell, and the Commissioners shall purchase, the said Stores of Coal and other Materials, Stock of secondary Products, Meters and Pipes in Store, and Gas within the Gasholders and Pipes, at such Prices as may be agreed on, or fixed according to a Valuation to be made by such Person or Persons of Skill as may be mutually agreed on, and, failing Agreement or Valuation, as may be determined by Arbitration in the Manner herein-after prescribed for fixing the Annuities to be paid as after mentioned, and such Price shall be paid to the Companies respectively by the Commissioners on Delivery of the said Stores and other Articles: Provided that, although the Value of the Gas in the said Gasholders and Pipes may not have been ascertained at the Time

of

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of vesting as aforesaid, the Commissioners may use the same, paying for the said Gas on the Value thereof being ascertained as herein provided.

24. The Companies shall respectively pay all Debts due by them as on the Eleventh Day of *November* One thousand eight hundred and sixty-eight for Materials purchased and delivered, and for Repairs or Furnishings made and Work done, also all Wages to Servants, and all other ordinary Debts attaching to Revenue at and prior to that Date.

Companies to pay Debts affecting Revenue.

25. After the Mortgage Debts of the *Dundee* New Gaslight Company set forth in the Schedule (B.) to this Act shall have been paid and discharged, and a Certificate to that Effect shall have been granted by the Sheriff in manner foresaid, this Act shall, as respects the Lands and Heritages to become vested in the Commissioners as aforesaid, be equivalent to a general Conveyance thereof by the Companies respectively according to the Law of *Scotland*; and thereupon, in order to the Completion of a Feudal Title to the said Lands and Heritages in the Commissioners, it shall be lawful for the Commissioners to expedite notarial Instruments which shall specially set forth this Act and the said Certificate, and to record such notarial Instruments in the Manner and to the Effect prescribed by "The Titles to Land (*Scotland*) Act, 1858," and "The Titles to Land (*Scotland*) Act, 1860," with reference to Lands conveyed by general Disposition or Conveyance, and such notarial Instruments shall contain Provisions constituting the Annuities real and preferable Burdens upon the Lands and Heritages foresaid.

Act equivalent to general Conveyance of Lands.

26. The Commissioners shall make Payment to the Shareholders or Annuitants of perpetual Annuities on the Amount of the respective Share Capital or Capital Stock of the respective Companies as at the Eleventh Day of *November* One thousand eight hundred and sixty-eight as herein-after provided, as the Consideration for the Undertakings of the Companies to be transferred to and vested in the Commissioners under the Powers of this Act.

Compensation to Companies.

27. The Amounts of the Annuities to be paid to the Shareholders of the Companies respectively shall be fixed by Agreement between the Commissioners and the Companies respectively, or, failing Agreement as to both or either of the Companies, shall, as respects the Companies or the Company with whom no such Agreement is made, be fixed by Arbitration under the Provisions of "The Lands Clauses Consolidation (*Scotland*) Act, 1845," with respect to the Settlement of Cases of disputed Compensation by Arbitration.

Mode of fixing Annuities.

28. Notwithstanding anything in this Act contained to the contrary, the Arbiters or Oversman in fixing the Amount of the

Special Provision in regard to Annuities,

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Annuities shall estimate the Value as in a compulsory Sale, or as in a voluntary Sale, as to the Arbiters or Oversman shall appear just.

Annuity Debentures to be granted.

29. The Commissioners shall at their own Expense grant and issue to every Shareholder of the Companies respectively, or to his Executors, Administrators, or Assignees, on Delivery to the Commissioners of the Certificate, or on Production of other Evidence of the Share or Stock or Interest held by him in the Capital of the Companies, or either of them, Debentures in the Form of the Schedule (C.) to this Act for the Amount of the Annuities to which such Shareholder is entitled under the Provisions of this Act, and the Agreement or Arbitration herein-before mentioned.

Debentures to be numbered and renewed.

30. The said Debentures shall be numbered in arithmetical Progression, beginning with Number One, and every Debenture shall be distinguished by its appropriate Number; and the said Debentures shall be renewed by the Commissioners when lost, worn out, or damaged, on Production to them, or their Clerk or Treasurer, of Evidence of the Right of the Annuitant requiring such Renewal; and if in any Case the Commissioners shall not be satisfied with the Evidence offered by any Annuitant, he may appeal to the Sheriff, who shall decide summarily what Evidence is requisite, and whose Decision shall be final; and for every such renewed Debenture the Commissioners may demand, in addition to the Amount of the proper Stamp Duty thereon denoted, any Sum not exceeding Two Shillings and Sixpence.

Register of Annuities.

31. The Annuities shall be called "the *Dundee Gas Annuities*," and the Commissioners shall keep a Book called "the Register of *Dundee Gas Annuities*," and shall enter therein from Time to Time in alphabetical Order the Names and Designations of the several Annuitants respectively entitled to the Annuities, and the respective Amounts of their Annuities.

Annuities Personal Estate.

32. The Annuities shall be Moveable or Personal Estate, and transmissible as such, and shall not be of the Nature of Heritable or Real Estate.

Annuities may be transferred.

33. Every Annuitant may sell and transfer all or any of his Annuities, and every such Transfer shall be by Deed, duly stamped, in which the Consideration shall be truly stated, and such Deed may be in the Form of the Schedule (D.) to this Act, or to the like Effect.

Transfer of Annuities to be registered.

34. Every such Transfer, when duly executed, shall be delivered to the Commissioners, and be kept by them, and they shall keep a Book called "the Register of Transfer of the *Dundee Gas Annuities*," and shall enter every such Transfer therein, and shall endorse such Entry on the Transfer (such Endorsement to be signed by the Treasurer), and shall on Demand deliver a new Debenture to
the

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the Transferee, and for every such Entry of a Transfer with such Endorsement and Debenture the Commissioners may demand any Sum not exceeding Two Shillings and Sixpence; and on the Request of any Transferee an Endorsement of the Transfer to him shall be made on the Debenture transferred instead of a new Debenture being granted, and such Endorsement being signed by the Treasurer shall be considered in every respect the same as a new Debenture, and until such Transfer be so delivered to the Commissioners the Transferee shall not be entitled to receive any Part of the Annuities transferred.

35. The Commissioners may close the Register of Transfers of Annuities for any Period not exceeding Fourteen Days before the Eleventh Day of *November* and the Fifteenth Day of *May* in each Year, and any Transfer made during the Time when such Register is closed shall, as between the Commissioners and the Transferee, but not otherwise, be held as made after that Time.

Closing of
Transfer
Books.

36. If the Right to any Annuity becomes transmitted in consequence of the Death or Bankruptcy or Insolvency of any Annuitant, or in consequence of the Marriage of a Female Annuitant, or by any lawful Means other than by a Transfer according to the Provisions of this Act, such Transmission shall be authenticated by a Declaration in Writing as herein-after provided; and until the Transmission be so authenticated no Person claiming by virtue thereof shall be entitled to receive any Part of the Annuity transmitted.

Transmis-
sion of An-
nuities by
other Means
than Trans-
fer to be au-
thenticated
by a Decla-
ration.

37. Every such Declaration shall state the Manner in which, and the Party to whom, the Annuity is transmitted, and shall be made and signed by some credible Person before a Justice of the Peace or Sheriff of any County or City, and such Declaration shall be left with the Commissioners, and thereupon they shall enter the Name of the Person entitled under such Transmission in the Register of Annuities, and for every such Entry the Commissioners may demand any Sum not exceeding One Shilling.

Contents of
Declaration
in all Cases.

38. If the Transmission be by virtue of the Marriage of a Female Annuitant, the Declaration shall contain a Copy of the Register of such Marriage or other Particulars of the Celebration or effecting thereof, and shall declare the Identity of the Wife with the Holder of the Annuity; and if the Transmission be by virtue of any Will or Testamentary Instrument or by Intestacy, the Confirmation or Testament testamentar or Testament dative, or the Probate or Letters of Administration, or an official Copy or Extract thereof, shall with the Declaration be produced to the Treasurer, and upon such

Contents of
Declaration
in Cases of
Transmis-
sion by Mar-
riage or Will.

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such Production in either of those Cases the Treasurer shall make an Entry of the Declaration in the Register of Transfers of Annuities,

Commis-
sioners not
bound to
regard
Trusts.

39. The Commissioners shall not be bound to see to the Execution of any Trust, whether express, implied, or constructive, to which any Annuity may be subject, and the Receipt of the Person in whose Name any Annuity stands in the Register of Annuities shall from Time to Time be a sufficient Discharge to the Commissioners for any Money payable in respect of such Annuity, notwithstanding any Trust to which the same may then be subject, and whether or not the Commissioners have had Notice of such Trusts, and the Commissioners shall not be bound to see to the Application of the Money paid upon such Receipt.

Commence-
ment and
Payment of
Annuities.

40. The Annuities shall be computed from the Eleventh Day of *November* One thousand eight hundred and sixty-eight, and shall be paid at the Office of the Treasurer in the Burgh of *Dundee* in net Money, clear of all Deductions whatsoever (except Income or Property Tax, or other Tax in the Nature thereof legally chargeable thereon), and shall be payable half-yearly by equal Proportions on the Fifteenth Day of *May* and Eleventh Day of *November* in every Year, and the First Payment thereof shall be made on the Fifteenth Day of *May* One thousand eight hundred and sixty-nine for the Half Year preceding that Date.

Power to re-
deem An-
nuities by
Agreement.

41. The Commissioners may from Time to Time by Agreement with any Annuitant redeem all or any of his Annuities, and when any Annuity is so redeemed an Entry of the Redemption thereof shall be made in the Register of *Dundee* Gas Annuities, and thereupon the redeemed Annuity shall be wholly extinguished.

Payment to
be made to
Companies
until Rate of
Annuities
has been
fixed.

42. In order to provide for the Contingency of the Amount of the Annuities payable to the Shareholders of the Companies, or either of them, not being fixed as aforesaid previous to the Fifteenth Day of *May* One thousand eight hundred and sixty-nine, when the First half-yearly Payment thereof would become due under the Provisions of this Act, the Commissioners shall in that Event be bound on that Date, and on each subsequent half-yearly Term of Payment of the Annuities that may occur previous to the final Determination of the Amount thereof as aforesaid, to pay to the Directors of the respective Companies such Sum as shall be equal to the Amount of the Dividends declared or to be declared by the Companies respectively for the financial Year of each Company, ending in One thousand eight hundred and sixty-eight, upon the Share Capital or Capital Stock of the respective Companies as Payment *ad interim* of the Annuities which would have been due and payable at the said
half-

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half-yearly Terms of Payment respectively if the Amount thereof had been fixed, subject to the Provision after expressed; and it shall be lawful for the said Directors to divide the Sums so paid to them, or such Part thereof as they shall think expedient, among the Shareholders who would have been entitled to the said Annuities if the Amounts thereof had then been fixed; provided that in case the Arbiters or Oversman shall fix Annuities of less or greater Amount than those which shall have been paid *ad interim* to the Shareholders of the respective Companies, or either of them, such Deficiency or Excess shall be taken into account in the First Payment to the Annuitants under the Award of such Arbiters or Oversman, and Allowance made therefor.

43. If the Sums to be paid *ad interim* on account of Annuities, or if any Annuity or any Part of an Annuity being payable, be not paid on Demand thereof in Writing made by the Companies or either of them, or by any Annuitant or his Agent, to the Commissioners, the Companies or either of them, or the Annuitant, may sue for and recover the same from the Commissioners, with Interest at the Rate of Five Pounds *per Centum per Annum* till paid, and full Costs of Suit, in any Court of competent Jurisdiction.

Annuities recoverable by Suit.

44. All the Costs, Charges, and Expenses of and incident to the said Agreement and Arbitration between the Companies or either of them and the Magistrates and Town Council and the Commissioners, whether incurred or expended by the Companies or either of them, or by the Magistrates and Town Council and Commissioners, shall be paid by the Commissioners.

Costs of Arbitration to be paid by the Commissioners.

45. On and after the Eleventh of *November* One thousand eight hundred and sixty-eight, all Mortgages, Bonds, Securities for Money, Conveyances, Contracts, Agreements, and Obligations previously granted, made, or entered into by the said Companies or either of them under or by virtue of the recited Acts in favour of or with any Person or Persons whomsoever in relation to the Undertakings of the Companies, and all Liabilities arising out of the same, or out of the recited Acts relating thereto, and all Debts owing by the said Companies, except Debts against Revenue, shall be enforceable against and recoverable from the Commissioners, and shall be chargeable and charged upon the said Undertakings to be vested in the Commissioners in virtue of this Act, and upon the Monies to be received by the Commissioners under this Act, and shall remain in full Force and Effect, and be and continue valid in Law, and available in all Courts of Law and Equity, until the same be fully satisfied, paid, performed, and discharged.

Debts and Liabilities of Companies to be discharged by the Commissioners.

The Dundee Gas Act, 1868.

Actions not
to abate.

46. No Action, Suit, Prosecution, or other Proceeding whatsoever commenced either by or against the said *Dundee* Gaslight Company, or the said *Dundee* New Gaslight Company, previous to such Transference, in relation to the Undertakings to be vested in the Commissioners as aforesaid, shall abate or be discontinued or be prejudicially affected thereby, but all such Actions, Suits, Prosecutions, and other Proceedings shall continue and take effect, either in favour of or against the Commissioners, in such and the like Manner as the same would have continued and taken effect in relation to such Companies respectively if such Transference had not been made; and all Penalties by reason of any Offence against the Provisions of the recited Acts relating to the said Companies respectively, or either of them, previous to such Transference, may be sued for, and all Offences which may have been committed before such Transference against the Provisions of such Acts or any of them may be prosecuted, in such or the like Manner to all Intents and Purposes as the same might have been sued for and prosecuted respectively if such Transference had not been made.

Proceedings
under recited
Acts saved.

47. Immediately upon the Undertakings of the said Companies becoming vested in the Commissioners under the Provisions of this Act, everything before that Time done or suffered under the recited Acts in relation to the said Undertakings shall be as valid as if the same had not been transferred to the Commissioners; and such Transfer shall accordingly be subject and without Prejudice to anything so done or suffered, and to all Rights, Liabilities, Claims, and Demands which if the said Transfer had not been made would be incident to or consequent on any and every thing done or suffered under the said Acts or any of them; and with respect to all such Rights, Liabilities, Claims, and Demands, the Commissioners shall to all Intents and Purposes represent the said Companies.

Companies
to furnish
Statements
of their
Debts.

48. The said Companies shall respectively within Six Weeks after the passing of this Act furnish to the Commissioners a Statement of all their Mortgage and other Debts and Liabilities which may not have been comprehended in the Schedule (B.) to this Act, so far as known to the Companies respectively, and the Commissioners shall on or before the Eleventh Day of *November* One thousand eight hundred and sixty-eight pay off or otherwise free and relieve the Companies respectively of the same, and shall procure and deliver or put on record Discharges thereof in favour of the Companies respectively, and the Payment of the Annuities shall not be affected by any of such Debts or Liabilities.

Companies
to be pre-
ferential
Creditors for
Annuities.

49. The Annuitants shall be Creditors of the Commissioners for Payment of the Annuities respectively herein-before directed to be paid

The Dundee Gas Act, 1868.

paid to them, and of the Interest thereon and Expenses incident thereto, and the said Annuities, and the Interest on the Monies authorized to be borrowed by this Act, are hereby constituted primary and preferential Burdens and Liens on the Undertakings to be vested in the Commissioners as aforesaid, and on any other Works and Property from Time to Time vested in or belonging to the Commissioners, and the Rates and Charges and Revenue arising from the Sale by the Commissioners of Gas and secondary Products, and the other Revenues of the Commissioners.

50. From and after the Date when the Commissioners shall become vested with the Undertakings of the respective Companies under the Provisions of this Act, the *Dundee* Gaslight Company and the *Dundee* New Gaslight Company respectively shall cease to manufacture, sell, and supply Gas, as well as all other Articles which they are authorized to sell under the recited Acts.

Companies to cease to manufacture and sell Gas.

51. From and after the Date of the Certificate to be granted by the Sheriff in manner herein provided, the Companies respectively shall subsist only for the Purpose of fixing and ascertaining by Agreement or Arbitration the Amounts of the Annuities as hereinbefore provided, and of recovering and enforcing Payment of Arrears of Calls on Shares and Stock in their Capital, and the Rates, Rents, Charges, Penalties, and other Revenues due or owing to the Companies previous to the Date of the Certificate, and ascertaining and recovering the Prices of the Stores, Stock of Products, and Gas on hand at that Date, and other Effects and Funds reserved to the Companies respectively under the Provisions of this Act, and paying all Debts attaching to Revenue which may be due by the Companies respectively at that Date, and distributing their Funds and Effects, after deducting such Debts and all necessary Expenses, among their respective Shareholders, and obtaining from the Commissioners Discharges of the Mortgage and other Debts and Obligations due by the Companies respectively which under the Provisions of this Act are to be paid by the Commissioners, and receiving and, if necessary, enforcing Payment of the Sums to be paid to the Companies *ad interim* on account of the Annuities from Time to Time as the same become due, and distributing the same when received among the Shareholders respectively according to their several Rights and Interests, subject to all necessary Expenses, and for winding up the Affairs of the Companies, and carrying into effect the Purposes of this Act, so far as relating to the Companies respectively; and the Directors of the respective Companies who are in Office at the Date of the Certificate to be granted by the Sheriff in manner herein provided, and the Survivors and Survivor of them, shall continue without Re-election to hold the Office of Directors, and shall have full

Purposes for which Companies to continue incorporated.

The Dundee Gas Act, 1868.

full Power and Authority to take all necessary Proceedings for carrying into effect the several Purposes herein-before mentioned.

Dissolution
of Com-
panies.

52. Upon the Purposes before specified, for which the Companies are provided to subsist, being fulfilled, the Directors of the Companies respectively may grant a Certificate to that effect under their respective Common Seals, which Certificate shall be published once in the *Edinburgh Gazette*, and thereupon such Company shall *ipso facto* be dissolved, and the several Acts herein-before recited which relate thereto shall be repealed, so far as regards such Company.

Limits of
Act.

53. The Limits of this Act for the Supply of Gas by the Commissioners shall comprise and include the Town of *Dundee*, and also the Suburbs thereof and Places adjacent thereto within Seven hundred Yards beyond the Boundaries of the said Town, all in the County of *Forfar*.

Power to
manufacture
and supply
Gas.

54. It shall be lawful for the Commissioners and they are hereby required to make and to supply Gas for the Purpose of lighting the Streets and public Places within the Limits of this Act, and to supply Gas to the Inhabitants, Houses, Buildings, Works, and Premises within the said Limits, and from Time to Time to maintain, restore, improve, or alter the 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 in such Manner as the Commissioners may think proper: Provided that nothing in this Act shall prevent the Commissioners from being liable to any legal Proceedings for Nuisance to which they may be liable in consequence of the Exercise by them of the Powers aforesaid.

Gas Pipes
may be put
on Buildings.

55. Subject to the Provisions contained in this Act and the Acts wholly or partially 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

56. Every Consumer of Gas supplied by the Commissioners shall, on Requisition in Writing by the Commissioners, consume Gas by Meter; and every such Meter, whether the same is provided by the Consumer

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

57. Before any Person shall connect or disconnect any Meter through which any of the Gas of the Commissioners is intended to be or has been registered, he shall give not less than Twenty-four Hours Notice in Writing to the Commissioners of his Intention to do so, and any Person offending against this Enactment shall be liable to a Penalty not exceeding Forty Shillings.

Notice to Commissioners of putting up or removing Meters.

58. Every Consumer of Gas of the Commissioners shall at all Times, at his own Expense, keep all Meters belonging to him whereby any Gas of the Commissioners is registered in proper Order for correctly registering such Gas, in default whereof the Commissioners may cease to supply Gas through such Meters; and the Commissioners shall at all reasonable Times have Access to and be at liberty to take off, remove, test, inspect, and replace any Meter belonging to a Consumer, such taking off, Removal, testing, inspecting, and replacing to be done at the Expense of the Commissioners if the Meter be found in proper Order, but otherwise at the Expense of the Consumer.

Repair of Meters.

59. The Commissioners may let for Hire any Meter for ascertaining the Quantity of Gas consumed or supplied, and any Fittings thereto, for such Remuneration in Money, and on such Terms with respect to the Repair of such Meter and Fittings, and for securing the Safety and Return to the Commissioners of such Meter, as may be agreed upon between the Hirer and the Commissioners, and such Remuneration shall be recoverable in the same Manner as the Rents or Sums due to the Commissioners for Gas, and such Meters and Fittings shall not be subject to Distress for Rent of the Premises where the same may be used, nor to be taken in Execution under any Process of a Court of Law, or any Proceedings in Bankruptcy against the Persons in whose Possession the same may be.

Power to Commissioners to let Meters.

60. The Register of the Meter shall be *primâ facie* Evidence of the Quantity of Gas consumed by any Customer of the Commissioners, and in respect of which any Rent is charged and sought to be recovered by the Commissioners.

Register of Gas Meter to be primâ facie Evidence.

61. It shall be lawful for the Commissioners, after Twenty-four Hours Notice in Writing under the Hand of the Manager of their Works, or some other one of their Officers, to the Occupier, or, if unoccupied, then to the Owner or Lessee, or the Person in charge or reputed to be in charge of any Land, House, or Building in which

Power to remove Meters and Fittings.

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any Pipes, Mains, Meters, or Fittings belonging to the Commissioners are laid or fixed, and through or in which the Supply of Gas shall from any Cause other than the Neglect or Default of the Commissioners be discontinued, to enter such Land, House, or Building between the Hours of Nine in the Morning and Four in the Afternoon for the Purpose of removing and to remove such Pipes, Meters, or Fittings, repairing all Damages caused by such Entry or Removal; and every such Notice shall be served by being delivered to the Person for whom it is intended, or left at his usual or last known Place of Abode, or if such Person or his Address be not known to the Commissioners after due Inquiry, then by being affixed on some conspicuous Part of such Land, House, or Building.

Fraudulently
injuring
Meters, &c.

62. Every Person who shall wilfully, fraudulently, or by culpable Negligence injure or suffer to be injured any Meter or Fittings belonging to the Commissioners, or shall fraudulently alter or prevent the Index to any Meter from duly registering the Quantity of Gas supplied, shall (without Prejudice to any other Right or Remedy for the Protection of the Commissioners or the Punishment of the Offender) for every such Offence forfeit and pay to the Commissioners a Sum not exceeding Five Pounds, and the Commissioners may in addition thereto recover the Amount of any Damages by them sustained, and the Commissioners may also discontinue the Supply of Gas to the Person so offending until the Injury is remedied and the Amount of the Damages are paid, and notwithstanding any Contract previously existing.

For prevent-
ing Frauds
and Waste of
Gas.

63. If and whenever any Person supplied with Gas by the Commissioners wilfully does or causes or suffers to be done anything in contravention of any of the Provisions of this Act, or wilfully fails to do anything which under this Act ought to be done for the Prevention of the Waste, Misuse, or undue Consumption of the Gas of the Commissioners, the Commissioners may cut off or stop any Pipe by or through which Gas is supplied to him, and cease to supply him with Gas so long as the Cause of Injury remains or is not remedied, and also may recover in any Court of competent Jurisdiction from every Person so offending the Amount of all Loss, Damage, or Injury which the Commissioners may sustain by reason of any such Thing or Failure; and the Remedies of the Commissioners under this Enactment shall be in addition to their other Remedies in that Behalf.

Quality of
Gas.

64. All the Gas supplied by the Commissioners shall be at least 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

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produced by Eighteen Sperm Candles of Six in the Pound burning One hundred and twenty Grains *per Hour*.

65. The Commissioners shall within Six Months after the passing of this Act provide in some convenient Part of their Works an experimental Meter, furnished with an Argand Fifteen-hole Burner and a Seven-inch Chimney, or other approved Burner, capable of consuming Five Cubic Feet of Gas *per Hour*, with other necessary Apparatus for testing the illuminating Power of the Gas, and so situate and arranged as to test all the Gas supplied by the Commissioners, and shall at all Times thereafter keep and maintain such experimental Meter and Apparatus in good Repair and working Order.

Commissioners to maintain Apparatus to test illuminating Power of Gas.

66. The Town Council, the Local Board of Health, or any Five Consumers of Gas, may by Order in Writing appoint some competent Person, not being a Member or Officer or Servant of the Council, Local Board of Health, or said Consumers, to proceed to the Works of the Commissioners, and the Person so appointed 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 making such Experiment; and if it shall be proved to the Satisfaction of the Sheriff of the County of *Forfar*, or the Sheriff Substitute at *Dundee*, 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 forfeit such Sum not exceeding Twenty Pounds as such Sheriff or Sheriff Substitute shall determine.

Provision for testing Quality of Gas.

67. The Costs of and attending such Experiment, including the Remuneration to be paid to the Person making the same, and the Costs of the Proceedings before the Sheriff or Sheriff Substitute, shall be ascertained by such Sheriff or Sheriff Substitute, 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 no Penalty being imposed such Costs shall be awarded to be paid by the Person complaining to the Commissioners, and shall be paid or levied accordingly.

Costs of Experiment to be paid according to the Event.

68. The Payment of Twenty Pounds annually for the Benefit of the Common Good of the Burgh which by the first-recited Act the

Payments by Companies to the Town Council to
Dundee

The Dundee Gas Act, 1868.

be continued
by Commis-
sioners.

Dundee Gaslight Company are required to make to the Magistrates and Town Council of *Dundee* in respect of the Permission granted to the Company to open the Soil and Pavement, and to lay Pipes therein, and the Payment of Fifty Pounds annually for the like Purpose which by the third-recited Act the *Dundee* New Gaslight Company are required to make to the said Magistrates and Town Council in respect of the like Permission, shall be paid by the Commissioners from and after the Eleventh of *November* One thousand eight hundred and sixty-eight, and the Obligations by the Companies for Payment of the said Sums shall cease and be discharged in all Time thereafter.

Commis-
sioners to fix
Rates for
Gas.

69. The Commissioners shall within One Month after the Date of the Certificate to be granted by the Sheriff in manner herein provided, and also at their Annual General Meeting, cause their Treasurer to lay before them an Estimate by him of the Sums to be derived for the ensuing Year from the Sale of Gas, secondary Products, and other Materials or Articles, and from the letting of Meters, and also an Estimate of the Sums required to meet for such Year the Annuities, Interest on borrowed Money, Expenses of Management, Maintenance of Works, Repairs, Materials, Wages, Taxes, and other Outgoings and Charges, and the Payment of the Sum required to be annually set apart for the Sinking Fund as herein-after provided; and at said Meeting, or at an Adjournment thereof, the Commissioners shall fix the Sums to be charged by them for Gas and other Products and Articles manufactured and sold or let by them for the Year then ensuing, so that the Revenue shall as nearly as possible meet the Expenditure for each Year: Provided always, that if in any Year the Revenue received exceeds the Amount required for the Purposes aforesaid, the Commissioners shall make such Reductions in the Sums to be charged by them in the following Year for the like Articles, or One or more of them, or carry such Surplus to the Sinking Fund herein-after provided, as they shall think proper.

Guarantee
Rate.

70. It shall be lawful for the Commissioners and they are hereby required from Time to Time to fix, impose, and levy such a Rate, to be termed "the Gas Contingent Guarantee Rate," as shall be necessary to meet any Deficiency in the Monies required to pay the Annuities and Interest thereon, if any, (including the Sums which may be payable to the Companies *ad interim* as herein-before provided,) the Interest of Money borrowed and to be borrowed, and other annual Expenditure, under the Provisions and for the Purposes of this Act.

Assessment
and Levy of
Rate.

71. The Gas Contingent Guarantee Rate shall be imposed and levied by the Commissioners on and from the Occupiers of all
Lands

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Lands and Heritages within the Burgh according to the Valuation Roll in force therein for the Time being, and in the same Manner as the Assessment for general Purposes of Police may be imposed and levied within the Burgh under the Provisions of the Police Act; and all the Powers, Enactments, and Provisions contained in the Police Act with respect to the levying, Payment, and Recovery of the Assessments thereby authorized to be levied on and from the Occupiers or the Owners of Lands and Heritages, and with respect to the Exceptions and Exemptions from such Assessment, shall be and are hereby made applicable to the levying, Payment, and Recovery of the Rate by this Act authorized to be raised, and the Exceptions and Exemptions therefrom, in the same Manner as if said Rate had been authorized to be levied under the Authority of the Police Act.

72. Where any Person fails to pay any Gas Rent or any Rate or any Sum whatever due under this Act to the Commissioners, they may recover the same, with Costs, by Proceedings in any Court of competent Jurisdiction, and their Remedies under this Enactment shall be in addition to their other Remedies for the Recovery thereof.

Recovery of Sums owing to Commissioners.

73. The Rates and Charges levied under the Authority of this Act, and the other Revenues of the Commissioners, shall be applied in manner following; (that is to say,)

Application of Revenue.

First, in defraying the Expenses of Management and Maintenance of the Undertaking, including the annual Costs, Charges, and Expenses of providing and supplying Gas, and the Payment of any Feu Duties or Ground Annuals exigible in respect of any Lands or Property forming Part of the Undertaking:

Second, in Payment of the Annuities to the Annuitants (including the Sums which may be payable to the Companies *ad interim* as herein-before provided), and of the Interest of Money borrowed under the Authority of this Act:

Lastly, in Payment of the Sum required to be annually set apart and appropriated for the Purpose of the Sinking Fund as herein-after provided.

74. It shall be lawful for the Commissioners to borrow on Mortgage any Sums not exceeding Forty thousand Pounds, and to make and grant Mortgages of the Property and Works forming their Undertaking, and of the several Rates and Charges leviabie by them under the Provisions of this Act, in Security of the Payment of the Money so borrowed, and Interest thereon; and if, after having borrowed the said Sums, or any Part thereof, the Commissioners pay off the same, except by means of the said Sinking Fund, it shall

Power to borrow on Mortgage.

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The Dundee Gas Act, 1868.

be lawful for them again to borrow the Amount so paid off, and so from Time to Time.

Form of Mortgage.

75. Every Mortgage to be granted by the Commissioners shall be by Deed, duly stamped, in which the Consideration shall be duly stated, and may be in the Form of the Schedule (E.) to this Act annexed, or to the like Effect.

Mortgages may be accompanied with Interest Warrants.

76. It shall be lawful for the Commissioners to issue along with any such Mortgage, and during the Period of any Postponement of the Term of Payment thereof, Interest Warrants in the Form of the Schedule (F.) to this Act annexed, or to the like Effect, signed by the Treasurer, for the periodical Payment of the Interest to become due on the Principal Sums thereby secured during the Period for which such Mortgage is intended to subsist; and the Delivery to the Commissioners or their Treasurer, or to any Person on their Behalf, of any such Interest Warrant, duly stamped as a Receipt, shall be a valid and sufficient Discharge to the Commissioners for the Interest in respect of which the same was issued.

Commissioners may borrow on Credit of a Cash Account.

77. It shall be lawful for the Commissioners to accept and take from any Bank or Banking Company Credit on a Cash Account to be opened and kept with such Bank or Banking Company in the Name of the Commissioners, according to the Usage of Bankers in *Scotland*, to the Extent of the Sum which the Commissioners are herein-before authorized to borrow, or any Part thereof, and to make and grant Mortgages of the Property and Works forming their Undertaking, and of the several Rates and Charges leviable by them under this Act, in Security of the Payment of the Amount of such Credit, or of the Sums advanced from Time to Time on such Cash Account, with Interest thereon: Provided always, that the whole Principal Sums due and owing by the Commissioners on such Cash Account, and for Money borrowed by them on Mortgage as afore-said, shall not, when taken together, exceed the Sum by this Act authorized to be borrowed.

Manner in which Mortgages and Orders on Bank Account to be signed and executed.

78. Every Mortgage to be granted by the Commissioners may be partly in Writing and partly printed, and shall, besides being under the Common Seal of the Commissioners, be signed by at least Two of the Commissioners and the Treasurer; and all Drafts or Orders on the Cash Account before mentioned shall be signed by any Two of the Commissioners authorized so to do, and shall be countersigned by the Treasurer: Provided always, that no Commissioner or Treasurer shall by his Subscription of any such Mortgage, Draft, or Order, be or be held to have rendered himself individually or personally liable for the Payment of any Money so borrowed, drawn,

or

The Dundee Gas Act, 1868.

or received, or any Interest thereon, or of any Sums whatsoever in respect thereof.

79. In the event of any Annuity or Part of an Annuity, or of any Principal Money borrowed by the Commissioners as aforesaid, or any Interest thereon, not being paid within Two Months after the same shall have become due, and after Twenty-one Days previous Demand thereof in Writing containing Notice of the Intention to make the Application after mentioned, and which Twenty-one Days may form Part of the said Two Months, it shall be lawful for any Annuitant or Mortgagee having an Annuity or Interest on a Mortgage respectively in arrear to the Amount of Two hundred Pounds, or for any Mortgagee with Principal or Principal and Interest in arrear to the Amount of Five thousand Pounds, or for several Annuitants or Mortgagees having Annuities or Interest respectively in arrear to the Amount of Two hundred Pounds in the aggregate, or for several Mortgagees with Principal or Principal and Interest in arrear to the Amount of Five thousand Pounds in the aggregate, to render their Security effectual by the Appointment of a Judicial Factor; and the Application for such Appointment may be made from Time to Time when such Arrears arise, and shall be made by summary Petition to the Court of Session in either Division thereof, or in Time of Vacation to the Lord Ordinary on the Bills, who are hereby respectively authorized and required, on such Application being made by any Annuitant or Annuitants, or Mortgagee or Mortgagees, holding the Sums in arrear before specified, to appoint from Time to Time some Person as Judicial Factor to the Effect and with the Powers herein-after mentioned, unless previously to such Application being advised the Sums due, with Interest and Expenses, shall have been paid to the Petitioner or Petitioners; and the Interlocutor making such Appointment shall not be subject to Review or Appeal, but without Prejudice to the legal Rights of Recovery competent to such Annuitant or Annuitants, or Mortgagee or Mortgagees.

Arrears may be enforced by Appointment of Judicial Factor.

80. The Judicial Factor so appointed, on finding Security in common Form, shall have and exercise all the Powers conferred by this Act upon the Commissioners for and in relation to fixing, imposing, levying, and recovering the several Rates and Charges by this Act authorized to be made and levied, and managing and maintaining the Undertaking, Works, and Property of the Commissioners; and the Commissioners shall deliver to him all Rate Books and other Books and Documents necessary for that Purpose; and after defraying the Expense of such Application, Management, and Maintenance the said Judicial Factor shall from Time to Time apply and pay over the Balance of the Sums received by him to the several Parties

Powers and Duties of Judicial Factor.

The Dundee Gas Act, 1868.

Parties entitled to Payment out of the Rates and Revenues, according to their respective Rights and Priorities as herein-before provided; and such Judicial Factor shall continue not only until all Arrears of Annuities and Arrears of Interest or of Principal and Interest of Mortgages due at the Date of the Appointment of such Judicial Factor, and all Interest due on any of the said Sums, and any Annuities or Interest which shall have become due during his Continuance in Office, with Interest and Expenses, including the Expenses of the Application for such Appointment, and of carrying the Purposes thereof into execution, and for obtaining the Judicial Factor's Discharge, shall have been paid, but also until any Half Year's Annuities or Interest which, although not due, may become current during his Continuance in Office, and a sufficient Sum to meet Expenses shall have been paid or consigned in One of the Banks in *Scotland* incorporated by Act of Parliament or Royal Charter; and upon Payment as aforesaid of such Annuities, Interest, and Expenses, it shall be lawful for the Commissioners to apply to the Court of Session in either Division thereof, or, in Time of Vacation, to the Lord Ordinary on the Bills, for the Recall of the Appointment of the Judicial Factor, who may recall such Appointment accordingly.

Mortgages
to be Per-
sonal Estate.

81. All Mortgages to be granted by the Commissioners under the Authority of this Act, and all Money to be advanced and lent on the Security of the Rates and Charges leviable by them, shall be Moveable or Personal Estate, and transmissible as such, and shall not be of the Nature of Heritable or Real Estate.

Discharge of
Mortgages.

82. Any Person entitled to any Mortgage granted by the Commissioners under the Authority of this Act may discharge the same, and his Right and Interest therein, in favour of the Commissioners; and every such Discharge may be written, or partly written and partly printed, on the Mortgage, and may be according to the Form contained in the Schedule (G.) to this Act, or to the like Effect; and such Discharge, when signed by the Person entitled to such Mortgage, and duly stamped, shall be valid and effectual to all Intents and Purposes.

Providing for
regular Pay-
ment of An-
nuities.

83. With a view to the regular Payment of the Annuities, under the Provisions of this Act, as the same fall due, the Commissioners shall from Time to Time apply such Part of the Money borrowed under the Authority of this Act as may be required to pay the said Annuities, but it shall be incumbent on the Commissioners to replace the Sums so applied out of the Rates and Charges to be imposed and levied under the Powers of this Act.

Application
of Money
borrowed.

84. The several Sums borrowed by the Commissioners under the Authority of this Act shall be applied in the Payment of the Mortgage

The Dundee Gas Act, 1868.

gage and other Debts of the said respective Companies, and in carrying the other Purposes of this Act into execution, and to no other Purpose whatsoever.

85. It shall be lawful for the Commissioners and they are hereby required to set apart annually the Sum of One thousand Pounds as a Sinking Fund, to be applied in paying off the Principal Sums borrowed under the Authority of this Act, and in redeeming the foresaid Annuities: Provided always, that the said Sinking Fund shall be from Time to Time applied towards the Payment of Money borrowed, and the Redemption of said Annuities, and to no other Purposes whatever.

Sinking
Fund.

86. All Penalties and Forfeitures exigible under this Act, and the Acts wholly or partially incorporated herewith, shall be payable to the Commissioners, and shall, when recovered, be applied by them to the Purposes of this Act.

Application
of Penalties.

87. All Costs, Charges, and Expenses of and incident to the preparing for, obtaining, and passing this Act, or otherwise in any way in relation thereto, whether incurred by the Town Council or by the Companies, or either of them, shall be paid by the Commissioners out of the Monies to be borrowed and received under the Authority of this Act.

Expenses of
Act.

The Dundee Gas Act, 1868.

SCHEDULES referred to in the foregoing Act.

SCHEDULE (A.)

AGREEMENT between the Magistrates and Town Council of Dundee on the First Part, the Dundee Gaslight Company, incorporated by the Act 11th George IV., Cap. 36, on the Second Part, and the Dundee New Gaslight Company, incorporated by the Act 9 Vict., Cap. 50, on the Third Part.

First.—The Companies shall hand over and convey to the Magistrates and Town Council of Dundee all and whole the whole of their respective Heritable Properties, Works, Apparatus, Pipes, and in general their whole Plant and Assets as at the Date of the Entry of the Magistrates and Town Council of Dundee to the same, which it is declared shall be on the Eleventh Day of November in the Year One thousand eight hundred and sixty-eight as after mentioned.

Second.—That the Magistrates and Town Council shall pay to the said Companies respectively Annuities on the Amount of their Share Capital as existing at the Date of their said Entry, the Amount of such Annuities being fixed by Agreement between the said Parties, or, in case of the Parties not agreeing, the Amount of such Annuities shall be fixed by Arbitration under "The Lands Clauses Consolidation (Scotland) Act, 1845," such Annuities being payable half-yearly at the Terms of Whitsunday and Martinmas in each Year, with Interest thereon from the Dates of Payment until paid at and after the Rate of Five per Cent.

Third.—That the said Magistrates and Town Council shall undertake all the Mortgage and other Debts and Liabilities of the said Companies, and shall free and relieve the Companies of the same, and shall procure Discharges thereof in their Favour.

Fourth.—That the Companies shall be paid the Value of the Stores on hand, and be entitled to all the Revenue Balances and Arrears due and current in respect of Supplies of Gas and Sales of secondary Products and others due and outstanding as at the Date of the said Entry, the Companies relieving the Magistrates and Town Council of all Debts in respect of such Revenue.

Fifth.—That the said Annuities and the Interest of the Sums borrowed and to be borrowed shall form a preferable Burden and Lien upon the said Property, Plant, and the Revenues arising from the Sales of Gas, secondary Products, and others.

Sixth.—That the Commissioners shall yearly on _____ Day of _____ make up an Estimate of the Revenues to be derived from the Sale of Gas, secondary Products, and others required to meet the said Annuities, Interest, Expenses of Management, Maintenance of Works, and Repairs or Extensions, and they shall fix the Price of Gas and other Products for the ensuing Year at such a Rate as shall as nearly as possible meet the said annual Payments, and any Surplus shall be laid aside in a Sinking Fund to meet future annual Payments,

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Payments, or towards the Reduction of the Price of Gas. That in case in any Year there shall be a Deficiency in the Income to meet the said annual Payments and Disbursements foresaid, then a Rate, which shall be termed "the Gas Contingent Guarantee Rate," shall be imposed and levied on all Classes of Property in Dundee subject to the Rates for Police Purposes; and in case of Deficiency arising in any One Year, it shall be incumbent on the Commissioners to fix the Price of Gas for the ensuing Year at such a Rate as shall, as far as possible, prevent the Necessity of imposing the said Guarantee Rate.

Seventh.—That a Bill shall be introduced into Parliament carrying out the said Objects in the next Session of Parliament, and shall be promoted by both Parties, the Expenses thereof being borne by the Town Council of Dundee, and repaid to them by said Commissioners on the Act being obtained.

Eighth.—That in case any Difference shall arise between the said Parties as to the true Intent and Meaning of these Presents, or as to the Terms of the said Act to be applied for, then the same shall be referred to the Decision of James Robert Hope Scott, Barrister-at-Law, whom failing, Lloyd, Esquire, Barrister-at-Law.

Ninth.—That the Amalgamation Bill shall be withdrawn, and all Opposition to the Money Bills shall be withdrawn, and such Bills shall be promoted by both Parties.

Tenth.—That all the Costs and Charges of every kind of carrying out the Transaction and Expenses connected therewith, including those to be incurred to the Agents of the said Companies, shall be borne by the said Magistrates and Town Council.

Eleventh.—It is understood in all this Transaction that the carrying of it out depends in obtaining of the necessary Authority from Parliament. It is not intended that the Transaction is to be for the Profit or the Loss of the Common Good of the Burgh, the real Buyer being the Town Council in their Character of Commissioners for the special Object of the Supply of Gas to the Community of the best Quality at the lowest possible Price, without the Intermixture of the Common Good of the Burgh either for Profit or for Loss. The Price of Gas is to be fixed Year by Year on an Estimate of what is to be needed for the Year; and if the Result be that the Income is in excess of what is needed for the Object of the Special Commission, then the Excess is to go not to the Common Good, but towards the Provision for the Supply of Gas in future Years; and if the Result is that the Income is not equal to the Expenditure, the Deficiency is to be made up by Increase in the future Charges, so that one Year with another the Prices charged for Gas are to be the Amount needed by the Public Commissioners for the Supply, and neither more nor less.

Twelfth.—The several Parties are in good Faith to do their respective Parts for carrying out the Agreement and obtaining the Parliamentary Authority; and all the Clauses of the Bill, as among the Parties hereto, are to be agreed upon and adjusted by the Referee before the First Reading of the Bill; but if the Parties fail in obtaining the proposed legislative Authority, then the Transaction comes to an End, and the only Liability of the Town Council is for the Expense to be incurred in attempting to obtain the Act of Parliament, and these must in that Case be borne by the Common Good.

In witness whereof these Presents written on stamped Paper by John Macdonald, Clerk to Christopher Kerr, Town Clerk of Dundee, are subscribed by Charles Parker, Provost, William Hay and William Foggie, Bailies,
Thomas

The Dundee Gas Act, 1868.

Thomas Buchan, James Stewart, Charles Scott, and William Brownlee, Councillors, on behalf of the Magistrates and Town Council of Dundee; Patrick Hunter Thoms and William Harris, Two of the Directors of the Dundee Gaslight Company, on behalf of the Dundee Gaslight Company; and Peter Hean, Chairman of the Directors of the Dundee New Gaslight Company, on behalf of the Dundee New Gaslight Company; all at London on the Eighth Day of March in the Year One thousand eight hundred and sixty-seven before these Witnesses, the said Christopher Kerr and John Shiell, Solicitor in Dundee, declaring that the Word "Nine" occurring in the Eighth Line was deleted, and the Word "Eight" substituted therefor, by the said John Shiell before Subscription. (Signed) Charles Parker, Provost; William Hay, Bailie; William Foggie, Bailie; Thomas Buchan, Councillor; James Stewart, Councillor; Charles Scott, Councillor; W. Brownlee, Councillor; P. H. Thoms, William Harris, Peter Hean; Chris. Kerr, Witness; John Shiell, Witness.

SCHEDULE (B.)

LIST OF MORTGAGES OF THE DUNDEE NEW GASLIGHT COMPANY.

Mortgage No.		£	s.	d.
3.	Mrs. Catherine Pattie or Farquharson, Executrix dative qua Relict of the late William Farquharson, Dundee -	600	0	0
6.	David Guillan, Ferry Port on Craig, Fife -	700	0	0
9.	Miss Margaret Russell, Bingartree, Leslie, Fife -	1500	0	0
10.	Miss Mary Renny Middleton, The Manse, Lauder -	1000	0	0
12.	Trustees of the late David Halkett -	1000	0	0
14.	Alexander Reid, Broadhaugh House, West Newport -	400	0	0
15.	Trustees of Miss Hannah Baxter -	100	0	0
17.	Trustees of the late Thomas Shepherd -	1500	0	0
18.	Ditto Andrew Bennie -	500	0	0
19.	Ditto William Blackadder -	300	0	0
20.	Trustees of Miss Margaret Baird -	700	0	0
21.	Trustees of Mrs. Charles Watt -	200	0	0
22.	Trustees of the late William Blackadder -	350	0	0
23.	Mrs. Jean Cochrane or Crighton, Broughty Ferry -	400	0	0
24.	Mrs. Elizabeth Low or Dewar, Dundee -	500	0	0
26.	Trustees of the late William Blackadder -	300	0	0
27.	Miss Elizabeth Soutar, Dundee -	500	0	0
28.	John Adamson and Spouse, Exchange Street, Dundee -	500	0	0
29.	William Blair, Woodbank, Charleston, near Glamis -	800	0	0
		<u>£11,850</u>	<u>0</u>	<u>0</u>

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SCHEDULE (C.)

FORM OF ANNUITY DEBENTURE.

No.

This is to certify that *A.B. [Name and Designation]* is entitled to receive from the Commissioners appointed under "The Dundee Gas Act, 1868," an Annuity of _____ Pounds, payable by equal half-yearly Portions, on the Fifteenth Day of May and Eleventh Day of November in each Year, beginning the First Payment thereof on the Fifteenth Day of May One thousand eight hundred and sixty-nine for the Half Year preceding, and so forth thereafter, and which Annuity is preferably secured on the Property and Works vested in and to be acquired or constructed by the said Commissioners, and on the several Rates and Revenues to be levied and received by them.

Dated this _____ Day of _____ One thousand eight hundred and _____

[Signed by Two Commissioners and the Treasurer.]

SCHEDULE (D.)

FORM OF TRANSFER OF ANNUITY DEBENTURE.

I, *A.B. [Name and Designation]*, in consideration of the Sum of _____ Pounds [or other Consideration, as the Case may be,] paid to me by *C.D. [Name and Designation]*, do hereby transfer to the said *C.D.*, and his Executors, Administrators, or Assignees, the Annuity of _____

Pounds, No. [as the Case may be] of "The Dundee Gas Annuities," created under and by virtue of "The Dundee Gas Act, 1868," now standing in my Name in the Books of the Commissioners appointed under the said Act, with the Rights and Privileges, and subject to the Conditions and Provisions, specified in the said Act. And I, the said *C.D.*, do hereby agree to hold the said Annuity, subject to the same Conditions and Provisions. In witness whereof [insert Testing Clause according to the Form of the Law of Scotland, if executed in Scotland; and if executed in England or elsewhere, the Form of Attestation used in England].

The Dundee Gas Act, 1868.

SCHEDULE (E.)

FORM OF MORTGAGE.

DUNDEE GAS.

MORTGAGE No.

£

By virtue of "The Dundee Gas Act, 1868," we, "The Dundee Gas Commissioners," incorporated under the said Act, in consideration of the Principal Sum of [*specify Amount*] paid by [*Name and Designation of Mortgagee*] to the Treasurer to the said Commissioners for the Purposes of the said Act, do hereby grant and assign to the said [*Name of Mortgagee*], and his Executors, Administrators, and Assignees, [*or as the Case may be,*] the Property and Works vested in the said Commissioners, and the Rates and Charges to be levied by them under the Authority of the said Act, to hold to the said Mortgagee and his Foresaids until the said Principal Sum and the whole Interest due thereon shall be fully paid and satisfied; and it is hereby stipulated that the said Principal Sum shall be repayable on the [*Date*], or shall thereafter in virtue hereof remain as a Loan to the said Commissioners until the Expiration of such further Term of Years, and at such Rate of Interest, as shall be specified in a Minute or Minutes to be endorsed hereon, and signed by the said Mortgagee or his Foresaids, and by the Treasurer to the said Commissioners, and which Minute or Minutes are hereby declared and shall be held to be valid and binding, though they may be neither Holograph of the said Mortgagee or his Foresaids, or of the said Treasurer, nor tested; and for and in respect of Interest on the said Principal Sum to the said Date of Repayment first above mentioned (being at the Rate of [*specify Rate*] per Centum per Annum), the said Commissioners shall pay the several Sums contained in the [*state Number*] Interest Warrants bearing the Number and Date hereof and delivered herewith, and that at the several Times mentioned in such Warrants, upon Delivery of the same respectively, and such Delivery shall be a sufficient Receipt and Discharge to the said Commissioners for the Contents of such Warrants; declaring that the said Mortgagee and his Foresaids shall not be entitled to make, and that the said Commissioners shall not be bound to recognize or register, any partial Assignment of these Presents, or of the Sums of Money, Principal or Interest, herein contained, and that the said Commissioners shall not be liable for any Expenses that may be incurred by the said Mortgagee or his Foresaids for or in relation to the Preparation, Revision, Adjustment, or Execution of this Mortgage, or of any Discharge, Renunciation, Release, Assignment, or Minute of Postponement or Renewal thereof.

In witness thereof [*Testing Clause according to Law of Scotland*].

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The Dundee Gas Act, 1868.

SCHEDULE (F.)

FORM OF INTEREST WARRANT.

DUNDEE GAS.

MORTGAGE NO.	Dated	18			
<i>Interest Warrant.</i>					
For	Pounds	Shillings and	Pence	£	: : : : _____
		Less Income Tax			£ : :
Payable on		18			
		at the			Treasurer.

SCHEDULE (G.)

FORM OF DISCHARGE.

Received from the Treasurer to the Dundee Gas Commissioners, acting on their Behalf, the Sum of _____ being the Principal Sum contained in the within Mortgage (all Interest due thereon having been previously paid), and the said Mortgage is now delivered up as paid.

Dated this _____ Day of _____ Eighteen hundred
and _____

LONDON :

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1868.

THE UNIVERSITY OF CHICAGO

PHYSICS DEPARTMENT

PHYSICS 350

LECTURE 10

STATISTICAL MECHANICS

ENTROPY

Entropy is a measure of the number of microstates consistent with the macrostate.

For a system with Ω microstates, the entropy is given by $S = k_B \ln \Omega$.

The Boltzmann constant k_B is defined as $k_B = R/N_A$.

For a system with N particles, the entropy is given by $S = N k_B \ln \Omega/N$.

The entropy of a system is a state function.

The entropy of a system is a measure of the disorder or randomness of the system. It is a state function, and its value depends only on the state of the system, not on the path taken to reach that state.

The entropy of a system is a measure of the number of microstates consistent with the macrostate.

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The entropy of a system is a measure of the number of microstates consistent with the macrostate. It is a state function, and its value depends only on the state of the system, not on the path taken to reach that state.