

CHAP. xciii.

An Act to authorise the Corporation of Arbroath to supply with Gas the town of Arbroath, and to transfer to and vest in them the undertaking of the Arbroath Gaslight Company; and for other purposes. [29th June 1871.] A.D. 1871.

WHEREAS for some years past the royal and parliamentary burgh of Arbroath, in the county of Forfar, has been lighted with gas by a company or association styled "The Arbroath Gaslight Company," established in or about the year 1825:

And whereas the demand for gas in the said burgh has greatly increased, and it would be of advantage to the public, and is expedient, that the supply and sale of gas within the said burgh should be placed in the hands of the magistrates and town council of Arbroath, and that the undertaking of the said Company should be acquired by the said magistrates and town council:

And whereas an agreement has been entered into between the said Company and the said magistrates and town council for the sale and transference of the gasworks and property of the said Company to the said magistrates and town council upon the terms and conditions which appear in the agreement set forth in Schedule A. to this Act:

And whereas it is expedient that the said agreement should be carried into effect, and that all necessary powers should be conferred upon the said magistrates and town council to enable them to carry into execution the objects and purposes of this Act:

And whereas these objects cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal,

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A.D. 1871.      and Commons, in this present Parliament assembled, and by the authority of the same, as follows ; (that is to say,)

Short title.      **1.** This Act may be cited for all purposes as "The Arbroath Corporation Gas Act, 1871."

Parts of 8 & 9 Vict. c. 19. and 23 & 24 Vict. c. 106. incorporated.      **2.** "The Lands Clauses Consolidation (Scotland) Act, 1845," and "The Lands Clauses Consolidation Acts (Amendment) Act, 1860," shall, except the provisions thereof with respect to the purchase and taking of lands otherwise than by agreement, be incorporated with and form part of this Act.

Parts of 10 & 11 Vict. c. 16. incorporated.      **3.** Clauses 69 to 74, both inclusive, of "The Commissioners Clauses Act, 1847," and the clauses of said Act with respect to the mortgages to be executed by the Commissioners, excepting section 84, and with respect to the making of byelaws, shall, so far as not otherwise provided by or inconsistent with this Act, be incorporated with this Act; and the expression "the Commissioners" in those clauses as incorporated with this Act shall mean the Corporation.

Parts of 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 (except where expressly varied by this Act) be incorporated with and form part of this Act, and shall be held applicable as well to the mains, pipes, and works of the Company vested in the Corporation by this Act as to the mains, pipes, and works to be hereafter laid down and constructed by the Corporation.

Same meanings to words in this Act as in incorporated Acts.      **5.** The several words and expressions to which, by the Acts wholly or partially incorporated with this Act, meanings are assigned, 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 expressions "the undertakers" and "the commissioners" shall mean the Corporation as defined by this Act; the expression "the undertaking" shall mean the gasworks, business, property heritable and moveable, plant, pipes, meters, and other assets of the Company vested in the Corporation under the provisions of this Act; and the word "street" shall mean and include street, highway, quay, wharf, bridge, railway crossing, bridleway, footway, carriageway, side pavement, turnpike, statute labour, or other road, thoroughfare, lane, passage, square, court, or place within the limits of this Act.



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

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Interpre-  
tation of  
terms.

“Burgh,” “parliamentary burgh,” and “town of Arbroath” shall severally mean the burgh of Aberbrothwick or Arbroath, within the limits thereof as fixed and defined by the Public Act second and third William the Fourth, chapter sixty-five:

“The Corporation” shall mean the magistrates and town council of the said burgh for the time being as authorised to act and acting in the execution of this Act:

“The Company” shall mean “The Arbroath Gaslight Company:”

“Persons” shall include companies and corporations:

“Shareholder” or “shareholders” shall mean any person or persons holding a share or shares of the stock of the Company:

“Annuity” or “annuities” shall mean Arbroath Corporation gas annuities created by and payable under this Act or any of them:

“Annuitant” or “annuitants” shall mean any person or persons entitled to and holding annuities payable under 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:”

“Police Act” shall mean “The General Police and Improvement (Scotland) Act, 1862,” or any other public or local Police Act in force within the town of Arbroath for the time being:

“Sheriff” shall mean the sheriff of the county of Forfar, or any of his substitutes:

“Treasurer” or “clerk” shall mean the treasurer or clerk respectively for the time being appointed for the purposes of this Act.

7. This Act shall be carried into execution by the Corporation, with all the powers and indemnities and according to the provisions and obligations contained herein, or in the Acts incorporated herewith.

Act to be  
carried into  
execution  
by Corpora-  
tion.

8. The Corporation may hold meetings at such times as they shall think fit, and at any time any two members of the Corporation may require the clerk to call a special meeting for the purposes of this Act, giving notice to him at the same time of the object of the meeting, and thereupon the clerk shall call such meeting, giving notice to the members of the Corporation of the purpose thereof,

Ordinary  
and special  
meetings.

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Corporation  
may appoint  
gas com-  
mittees.

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

Meetings of  
committees.

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

Minutes of  
proceedings.

11. The Corporation, and each committee so appointed by the Corporation, shall cause entries of all their proceedings to be duly made from time to time in books to be provided for the purpose, and every such entry shall be signed by the chairman of the meeting at which the proceedings took place, or by the chairman of the next following meeting, and such entry so signed, or a copy thereof certified by the clerk, shall be received as evidence in all courts, and before all judges, justices, and others, without proof of such meeting having been duly convened or held, or of the persons attending such meeting having been or being members of the Corporation or of such committee, or of the signature of the chairman, or of the fact of his having been chairman, all of which last-mentioned matters shall be presumed until the contrary be proved, and all such books shall at all reasonable times be open to the inspection of any member of the Corporation.



**12.** Every committee appointed by the Corporation may from time to time appoint sub-committees of their number, with such powers and under such instructions, directions, and limitations as to them shall appear expedient, and a majority of the members of such sub-committees shall form a quorum thereof. A.D. 1871.  
Appointment of sub-committees.

**13.** No person shall be disqualified from being, continuing, or acting as a member of the Corporation by reason of his being concerned in any contract entered into with the Corporation for the supply of gas, or of his being a mortgagee of the Corporation, or an annuitant. Contract for supply of gas not to disqualify member of Corporation.

**14.** No person liable under this Act in payment of rates or other consideration in respect of a supply of gas shall on that account, or on account of being a member of the Corporation, be disqualified from acting as a justice of peace or sheriff, or exercising any judicial or other function in the carrying out of this Act. Payment of rates not to disqualify any judge.

**15.** The magistrates and town council of the burgh shall not be liable in any other capacity than as the Corporation acting in the execution of this Act for the annuities herein-after provided to be paid for the undertaking of the Company, or for any other obligations, debts, or liabilities imposed upon the Corporation by this Act, or for any acts done, or losses, costs, or damages that may be incurred by the Corporation under the provisions of this Act, and neither the magistrates and town council of the burgh, nor any lands, goods, or other property of or held by them, excepting the undertaking vested in the Corporation under this Act, and the rates, charges, and assessments leviable by them under the same, shall be liable for such annuities, or for the fulfilment of any such obligations, debts, or liabilities, or of any contract, obligation, or undertaking they may enter into under this Act, or for any losses, costs, or damages that may be incurred by them under the provisions thereof. Gas undertaking and gas rates, &c., only liable for annuities, &c.

**16.** Neither any member of the Corporation, nor the clerk or treasurer thereof, shall be personally liable by being parties to or making, signing, or executing any contract, mortgage, instrument, or other writing on behalf of the Corporation, or otherwise lawfully executing any of the powers given to the Corporation under this Act. Members of the Corporation not to be personally liable.

**17.** Every demand or notice or other such document requiring authentication by the Corporation may be signed by the clerk or treasurer, and may be in writing or print, or partly in writing and partly in print. Notices by Corporation.



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Notices to  
Corporation.

**18.** Any summons, notice, or writ to be served on the Corporation shall be served by being given personally to the clerk, or being left at his office, or in case there shall be no clerk at the time, then by being given personally to the provost or acting chief magistrate of the burgh for the time being.

Agreement  
confirmed.

**19.** Subject to the provisions of this Act, the agreement dated the twenty-ninth and thirtieth days of September one thousand eight hundred and seventy, entered into between the magistrates and town council of Arbroath on the first part, and James Muir, Robert Miln, Robert Wardlaw Bruce, Thomas Forbes, Alexander Hutton, John Suttie, Andrew Binny, and Robert Ireland, the committee of management or directors of the Company, as specially authorised by the shareholders of the Company to enter thereinto, on the second part, which agreement is set forth in Schedule A. to this Act, is hereby ratified and confirmed.

Undertaking  
of Company  
to vest in  
Corporation.

**20.** On and after the passing of this Act, the undertaking of the Company and their whole works, lands, buildings, mains, pipes, stores, machinery, meters, and apparatus, and the whole other property or estate, heritable and moveable, real and personal, funds, debts, and effects, belonging to the Company, including the Company's reserve and premium funds, and all moneys in the hands of or due to the Company, and moneys received or to be received by them for gas rents and residual products or otherwise, since the balance of the Company's books on the thirtieth day of June one thousand eight hundred and seventy, and all moneys earned and to be earned, due or to become due, from and after that date, shall become and be vested in and belong to the Corporation, subject to payment of the mortgage or bond debt of the Company as herein-after mentioned, and of the annuities and others herein-after specified.

Annuities  
to share-  
holders of  
Company.

**21.** The Corporation shall pay for the undertaking of the Company perpetual annuities, at the rate of seven per centum per annum on the paid-up capital stock of the Company, that is to say, in respect of the capital of the Company, amounting to twenty thousand pounds, the Corporation shall pay perpetual annuities amounting in the aggregate to one thousand four hundred pounds per annum, and each person entitled on the fifteenth day of May one thousand eight hundred and seventy-one to any share or shares of the said capital shall be entitled to a proportion of the said aggregate amount of annuities of one thousand four hundred pounds corresponding to the proportion which the share or shares to which he is then entitled shall bear to the whole of the said capital, and all such perpetual



annuities shall be payable at two terms in the year, Whitsunday and Martinmas, by equal portions, commencing the first term's payment at the term of Martinmas, or eleventh day of November, one thousand eight hundred and seventy-one, for the half year preceding, and the next term's payment at the term of Whitsunday, or fifteenth day of May, one thousand eight hundred and seventy-two, and so forth, half-yearly and termly in time coming: Provided that if any such day of payment shall be a Sunday, such payment shall be made on the following day. A.D. 1871.

**22.** The said annuities shall be called "The Arbroath Corporation Gas Annuities," and shall vest in and belong to the several persons who on the fifteenth day of May one thousand eight hundred and seventy-one shall be shareholders in the Company, according to their respective rights and interests in the share capital of the Company, as herein-before provided, and shall be subject to the following provisions; videlicet, Annuities to vest in shareholders of Company.

(A.) On or before the first day of December one thousand eight hundred and seventy-one, the Corporation shall at their own expense grant and issue to every shareholder of the Company, or to his executors, administrators, or assignees, on delivery to the Corporation of the certificate, or on production of other evidence of the share, or stock, or interest held by him in the capital of the Company, an annuity certificate or annuity certificates, in the form of the Schedule B. to this Act, for the amount of the annuities to which such shareholder is entitled under the provisions of this Act.

(B.) The certificates issued by the Corporation to any person entitled thereto shall be so many, and each of them for such sum, but not exceeding in the aggregate the whole amount of his annuities, as he by notice in writing to the Corporation shall require: Provided that if or so far as any person does not require any particular number of certificates to be issued to him, the Corporation shall issue to such person one or more certificates, as they shall think fit; and provided also, that no certificate shall be for a less amount than twenty-eight shillings, or for any sum not being a multiple of fourteen shillings.

(C.) The Corporation shall keep a book, called "The Register of the Arbroath Corporation Gas Annuities," and shall enter therein from time to time, in alphabetical order, the names and designations of the several annuitants respectively

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entitled to the annuities, and the respective amounts of their annuities.

- (D.) The annuities shall be moveable or personal estate, and transmissible as such, and shall not be of the nature of heritable or real estate.
- (E.) Every annuitant may sell or 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 C. to this Act, or to the like effect: Provided always, that no transfer shall be made of a less amount of annuities than twenty-eight shillings, or for any sum not being a multiple of fourteen shillings.
- (F.) Every such transfer, when duly executed, shall be delivered to the Corporation, and be kept by them, and they shall keep a book, called "The Register of Transfers of the Arbroath Corporation Gas Annuities," and shall enter every such transfer therein, and shall endorse such entry on the transfer (such endorsement to be signed by the treasurer or clerk), and shall on demand deliver a new certificate to the transferee, and for every such entry of a transfer with such endorsement and certificate the Corporation may demand any sum not exceeding two shillings and sixpence, and on the request of any transferee an endorsement of the transfer to him shall be made on the certificate transferred, instead of a new certificate being granted, and such endorsement being signed by the treasurer or clerk shall be considered in every respect the same as a new certificate, and until such transfer be so delivered to the Corporation the transferee shall not be entitled to receive any part of the annuities transferred.
- (G.) The Corporation may close the register of transfers of annuities for any period not exceeding fourteen days before the fifteenth day of May and eleventh day of November in each year, and any transfer made during the time when such register is closed shall, as between the Corporation and the transferee, but not otherwise, be held as made after that time.
- (H.) 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.

- (I.) 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 Corporation, and thereupon, but subject to the provisions after mentioned, they shall enter the name of the person entitled under such transmission in the register of annuities, and for every such entry the Corporation may demand any sum not exceeding one shilling.
- (J.) If the transmission be by virtue of the marriage of a female annuitant, the declaration shall contain a copy of the register of such marriage, or other particulars of the celebration or effecting thereof, and shall declare the identity of the wife with the holder of the annuity, and if the transmission be by virtue of any will or testamentary instrument, or by intestacy, the confirmation or testament testamentar or testament dative, or the probate, or letters of administration, or an official copy or extract thereof, shall with the declaration be produced to the treasurer or clerk, and upon such production, in either of those cases, the treasurer or clerk shall make an entry of the declaration in the register of transfers of annuities.
- (K.) The Corporation shall not be bound to see to the execution of any trust, whether express, implied, or constructive, to which any annuity may be subject, and the receipt of the person in whose name any annuity stands in the register of annuities, or the receipt of the person whose name shall stand first in the said register, whenever any annuity stands in the names of more persons than one, shall from time to time be a sufficient discharge to the Corporation for any money payable in respect of such annuity, notwithstanding any trust to which the same may then be subject, and whether or not the Corporation have had notice of such trusts, and the Corporation shall not be bound to see to the application of the money paid upon such receipt.
- (L.) The Corporation may from time to time, by agreement with any annuitant, purchase or 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

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annuities, and thereupon the redeemed annuity shall be wholly extinguished.

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

(N.) The annuitants shall be creditors of the Corporation for payment of the annuities respectively herein-before provided to be paid to them, and shall be deemed to hold by virtue of this Act, in security of such payment, a mortgage and assignation of the whole lands, property, and works vested in the Corporation by this Act, and hereafter to be acquired or constructed by them for the purposes of this Act, and of the rates, charges, and assessments, and other revenues to be levied and received by the Corporation under this Act, which mortgage and assignation shall rank *pari passu* with the other mortgages and assignations to be made and granted under the provisions of this Act, and shall confer the like powers and privileges.

Sums payable to Company in addition to annuities.

**23.** The Corporation shall make payment to the Company, or otherwise the Company shall be entitled to retention and payment out of the moneys due or to become due from the thirtieth day of June one thousand eight hundred and seventy until the passing of this Act, of the following sums; *videlicet*, the sum of two hundred pounds as at the fifth day of September one thousand eight hundred and seventy, and the further sum of one thousand pounds within one month after the passing of this Act, as the consideration or value agreed to be paid by the Corporation for the Company's premium and reserve funds, and also the sum of seven hundred pounds as at the eleventh day of November one thousand eight hundred and seventy for dividends or annuities for the half-year ending *Martinmas* one thousand eight hundred and seventy, and the like sum of seven hundred pounds as at the fifteenth day of May one thousand eight hundred and seventy-one for dividends or annuities for the half-year ending *Whitsunday* one thousand eight hundred and seventy-one, and likewise the whole expenses duly and necessarily incurred in the working and management of the Company from the thirtieth day of June one thousand eight hundred and seventy.

Corporation to pay Company's

**24.** The Corporation shall free and relieve the Company from liability for payment of the mortgage or bond debts or loans of the



Company, amounting to four thousand four hundred and fifty pounds; and of all interest due and to become due thereon from and after the thirtieth day of June one thousand eight hundred and seventy, and also of all other debts and liabilities of the Company, and on or before the thirty-first day of May one thousand eight hundred and seventy-two the Corporation shall pay off and deliver to the Company or place upon record discharges of such mortgage or bond debts or loans and other debts, or in case of any obstacle existing or arising to prevent any of the said debts from being so paid, and discharges thereof obtained, consignment of the amount of such debts in any of the chartered banks or banks established by Act of Parliament in Scotland at the sight and to the satisfaction of the sheriff, so as to secure the payment thereof, shall have the same effect as the delivery or recording of discharges therefor.

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mortgage  
debt.

**25.** On and after the passing of this Act all conveyances, contracts, agreements, and obligations previously granted, made, or entered into by the Company in favour of or with any person or persons whomsoever in relation to the undertaking of the Company, and all liabilities arising out of the same, and all debts owing by the Company, and all annual or periodical payments exigible from the Company, shall be enforceable against and recoverable from the Corporation, and shall be chargeable and charged upon the undertaking to be vested in the Corporation by virtue of this Act, and shall remain in full force and effect against the Corporation, 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, and with respect to all such rights, liabilities, claims, and demands the Corporation shall to all intents and purposes represent the Company.

Obligations,  
debts, and  
liabilities of  
Company to  
be dis-  
charged by  
Corporation.

**26.** No action, suit, prosecution, or other proceeding whatsoever commenced either by or against the Company previous to such transference in relation to the undertaking of the Company to be vested in the Corporation 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 Corporation in such and the like manner as the same would have continued and taken effect in relation to the Company if such transference had not been made.

Actions not  
to abate.

**27.** This Act shall, as respects the lands and heritages vested in the Corporation as aforesaid, be equivalent to a general conveyance thereof to the Corporation, according to the law of Scotland, by the Company, and by any person or persons in whose name or names as trustees or otherwise for the benefit of the Company, and partners

Act equivalent to  
general conveyance of  
lands.

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Company to  
cease to  
supply gas.  
Ultimate  
dissolution  
of Company.

**28.** From and after the passing of this Act the Company shall cease to manufacture, sell, and supply gas.

**29.** From and after the passing of this Act the Company shall subsist only for the purpose of securing the annuity certificates being granted to the respective shareholders of the Company for their respective annuities as herein-before provided, of obtaining from the Corporation discharges of the mortgage and other debts and obligations due by the Company, of retaining, receiving, and dividing amongst the shareholders the said sums of two hundred pounds and one thousand pounds in so far as not already divided, and of the foresaid half-yearly dividends or annuities due at Martinmas one thousand eight hundred and seventy, and Whitsunday one thousand eight hundred and seventy-one, in so far as not already paid, and for winding up the affairs of the Company and carrying into effect the purposes of this Act, so far as relating to the Company; and the directors of the Company who are in office at the commencement of this Act, and the survivors or survivor of them, shall for this purpose continue without re-election to hold the office of the directors of the Company, and shall have full power and authority to take all necessary proceedings; and on the fulfilment of the said purposes the Company shall be dissolved.

Powers of  
Corporation.

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



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

They may manufacture, supply, and sell gas for public and  
private use, and may light with gas all or any of the streets  
or other places and all buildings, and may break up streets  
and other places within the burgh of Arbroath ;

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

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

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

They may purchase lands by agreement and sell such parts  
thereof as may not be required for their purposes, but it shall  
not be lawful for the Corporation to hold lands for the pur-  
poses of this Act to a greater extent than five acres, in addition  
to the lands acquired from the Company under the powers of  
this Act : Provided always, that it shall not be lawful for the  
Corporation to manufacture gas, or the residual products  
arising from the manufacture of gas, excepting on the lands  
described in Schedule D. to this Act, on which the gasworks  
of the Company have been erected, nor to store gas (except  
on such lands) within three hundred yards of any dwelling-  
house without the consent of the owner, lessee, and occupier  
thereof ;

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

Provided always, that nothing in this Act shall prevent the Corpora-  
tion 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.

**31.** The limits of this Act for the supply of gas by the Corpo-  
ration shall comprise and include the town of Arbroath, and the  
suburbs thereof and places adjacent thereto, within the boundaries  
of the parliamentary burgh of Arbroath ; but it shall be lawful for  
the Corporation to sell and supply gas by special agreement at any  
place or places beyond the burgh, within the parishes of Arbroath,  
St. Vigeans, and Arbirlot, in the said county, and to lay pipes and  
do all other acts necessary for that purpose.

Limits of  
Act.



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Corporation  
to supply  
gas to public  
buildings  
and lamps.

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

Gas pipes  
may be put  
on buildings.

**33.** Subject to the provisions contained in this Act and the Acts wholly or partially incorporated herewith, the Corporation 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.

**34.** Every consumer of gas supplied by the Corporation shall consume gas by meter, and every such meter, whether the same is provided by the consumer or the Corporation, shall be at all times subject to the inspection and approval of the officers and servants of the Corporation.

Notice to  
Corporation  
of putting up  
or removing  
meters.

**35.** Before any person shall connect or disconnect any meter through which any of the gas of the Corporation is intended to be or has been registered, he shall give not less than twenty-four hours notice in writing to the Corporation of his intention to do so, and any person offending against this enactment shall be liable to a penalty not exceeding forty shillings.

Repair of  
meters.

**36.** Every consumer of gas of the Corporation shall at all times, at his own expense, keep all meters belonging to him whereby any gas of the Corporation is registered in proper order for correctly registering such gas, in default whereof the Corporation may cease to supply gas through such meters; and the Corporation 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 Corporation if the meter be found in proper order, but otherwise at the expense of the consumer. A.D. 1871.

**37.** The Corporation 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 Corporation of such meter, as may be agreed upon between the hirer and the Corporation, and such remuneration shall be recoverable in the same manner as the rents or sums due to the Corporation 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 person in whose possession the same may be. Power of Corporation to let meters.

**38.** The register of the meter shall be primâ facie evidence of the quantity of gas consumed by any consumer of the Corporation, and in respect of which any rent is charged and sought to be recovered by the Corporation. Register of gas meters to be primâ facie evidence.

**39.** It shall be lawful for the Corporation, after forty-eight 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 any pipes, mains, meters, or fittings belonging to the Corporation 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 Corporation, 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 Corporation after due inquiry, then by being affixed in some conspicuous part of such land, house, or building. Power to remove meters and fittings.

**40.** Every person who shall wilfully, fraudulently, or by culpable negligence injure, or suffer to be injured, any meter or fittings belonging to the Corporation, 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 Corporation or the punishment of the offender) Fraudulently injuring meters, &c.

A.D. 1871. — for every such offence forfeit and pay to the Corporation a sum not exceeding five pounds; and the Corporation may in addition thereto recover the amount of any damages by them sustained, and the Corporation may also discontinue the supply of gas to the person so offending until the injury is remedied and the amount of the damages is paid, and notwithstanding any contract previously existing.

For preventing frauds and waste of gas.

**41.** If and whenever any person supplied with gas by the Corporation 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 Corporation, the Corporation 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 Corporation may sustain by reason of any such thing or failure, and the remedies of the Corporation under this enactment shall be in addition to their other remedies in that behalf.

Quality of gas.

**42.** All the gas supplied by the Corporation shall be at least of such quality as to produce from a union jet burner capable of consuming five cubic feet of gas per hour under a pressure equal to a column of water five tenths of an inch in height a light equal in intensity to the light produced by twenty-five sperm candles of six in the pound, burning one hundred and twenty grains per hour.

Corporation to maintain apparatus to test illuminating power of gas.

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

Provision for testing quality of gas.

**44.** Any five consumers of gas may, by order in writing, appoint some competent person, not being one of themselves, to proceed to the works of the Corporation, and the person so appointed may, at any reasonable hour in the daytime, on producing the said order, enter on the premises of the Corporation, and, in the presence of the superintendent or other officer of the Corporation, make experiment of the illuminating power of the gas by means of the experimental photometer and other apparatus provided under this Act, and the



Corporation and their officers shall afford all reasonable facilities and assistance for making such experiment, and if it shall be proved to the satisfaction of the sheriff, after hearing the parties, that the illuminating power of the gas supplied by the Corporation did not when so tested as aforesaid equal the illuminating power by this Act prescribed, or that the Corporation or their officers refused to afford such reasonable facilities as aforesaid, or hindered or prevented the making of such experiment, in any such case the Corporation shall forfeit and pay to the consumers signing the appointment such sum not exceeding twenty pounds as the sheriff shall determine.

A.D. 1871.

45. The costs of and attending such experiment, including the remuneration to be paid to the person making the same, and the costs of the proceedings before the sheriff, shall be ascertained by the sheriff, and in the event of any penalty being imposed on the Corporation, shall be paid, together with such penalty, by the Corporation; but in the event of no penalty being imposed, such costs shall be awarded to be paid to the Corporation by the said consumers, and shall be paid or levied accordingly.

Cost of experiment to be paid according to the result.

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

Obligation on Corporation as to supply.

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

Secondly. That such occupier do pay the cost of and the expenses of laying all necessary pipes for such supply beyond the line of street or road where the main of the Corporation is placed;

Thirdly. That such occupier do, if required by the Corporation, pay in advance the estimated amount of such cost and expenses;

and any dispute as to any matter arising under the present section shall be settled, upon the application of either party, by the sheriff, whose decision thereof shall be final, and not subject to review in any court or by any process whatsoever.

47. For the purposes of this Act, and subject to the provision as to the application of surplus revenue or profits herein-after contained, the standard price for gas consumed by meter shall not exceed five shillings and tenpence per thousand cubic feet, being the rate presently charged by the Company.

Price of gas.



A.D. 1871.

Gas gua-  
rantee rate.

**48.** It shall be lawful for the Corporation, and they are hereby authorised and required from time to time in the event of there being any deficiency of funds for payment of the annuities, the interest of money borrowed or other annual expenditure under this Act, and to meet the sinking fund herein-after provided, to assess and levy on and from the occupiers of all lands and heritages situated within the parliamentary boundaries of Arbroath an annual assessment to be called the "Gas Guarantee Rate."

Assessment  
and levying  
of rate.

**49.** The gas guarantee rate shall be imposed and levied by the Corporation on and from the occupiers of all lands and heritages within the burgh according to the valuation roll in force therein for the time being, and in the same manner as and along with the police assessment, 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 authorised 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 assessments, shall be and are hereby made applicable to the levying, payment, and recovery of the rate by this Act authorised to be raised, and the exceptions and exemptions therefrom, in the same manner as if said rate had been authorised to be levied under the authority of the Police Act.

Incoming  
occupier not  
liable for  
arrears.

**50.** The Corporation shall not be entitled to require from the incoming occupier of any property the payment of arrears of gas rent, or of gas guarantee rate, left unpaid by any former occupier, unless the incoming occupier has undertaken with such former occupier to pay or exonerate him from the payment of such arrears.

Recovery of  
sums due.

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

Power to  
borrow on  
mortgage.

**52.** It shall be lawful for the Corporation to borrow on mortgage any sums not exceeding in all the sum of twenty thousand pounds, and to make and grant mortgages of the undertaking by this Act vested in them, and of the rents, rates, and revenue leviable and receivable 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 sum, or any part thereof, the Cor-



poration pay off the same otherwise than by a sinking fund, it shall be lawful for them again to borrow the amount so paid off, and so on from time to time. A.D. 1871.

**53.** Whereas by the trust disposition and settlement of the late David Duncan, Esquire, of Greenbank, Arbroath, dated the thirtieth of December one thousand eight hundred and sixty-four, certain funds are vested in the magistrates and town council of the burgh for charitable purposes, and the said magistrates and town council are thereby empowered to invest the said funds in the purchase of gas stock if deemed expedient: It shall be lawful for the said magistrates and town council to lend on mortgage to the Corporation for the purposes of this Act the whole or any part of the said funds, at a rate of interest not less than four and not exceeding five per centum per annum: Provided always, that the sum so lent shall not, together with any other moneys borrowed by the Corporation, exceed the sum which the Corporation at the time is authorised to borrow under the provisions of this Act.

Town council may lend for Gas Act purposes funds held by them in trust.

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

Form and execution of mortgage.

**55.** It shall be lawful for the Corporation to issue along with such mortgage, and during the period of any postponement of the term of payment thereof, interest warrants in the form of 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 Corporation or the treasurer, or to any person on their behalf, of any such interest warrant duly stamped as a receipt, shall be a valid and sufficient discharge to the Corporation for the interest in respect of which the same was issued.

Mortgage may be accompanied by interest warrants.

**56.** All mortgages to be granted by the Corporation under the authority of this Act, and all money to be advanced and lent on the security of the rates, charges, and revenues leviabie by them, shall be

Mortgages to be personal estate.

[Ch. xciii.]      *The Arbroath Corporation Gas* [34 & 35 VICT.]  
*Act, 1871.*

A.D. 1871.      moveable or personal estate, and transmissible as such, and shall not  
—      be of the nature of heritable or real estate.

Discharge on  
mortgages.

**57.** Any person entitled to any mortgage granted by the Corporation under the authority of this Act, may discharge the same, and his right and interest therein, in favour of the Corporation, and every such discharge 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, shall be valid and effectual to all intents and purposes.

Power to  
borrow on  
cash credit.

**58.** The Corporation, in the exercise of their borrowing powers under this Act, may take from any bank or banking company credit on a cash account, to be opened and kept with such bank or banking company, according to the usage of bankers in Scotland, in the name of an officer to be appointed by the Corporation, to the extent of the sum which they are by this Act authorised to borrow or any part thereof, and may make and grant mortgages of the property and works forming their undertaking, and of the several rates, charges, and revenues leviabie 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 Corporation on such cash account, and for money borrowed by them on mortgage, as aforesaid, shall not, when taken together, exceed the sum by this Act authorised to be borrowed.

Appointment  
of judicial  
factor.

**59.** In the event of any principal money borrowed on mortgage, or any interest thereon, or any of the Arbroath Corporation gas annuities not being paid within one month after such payment is due, and demand thereof made in writing, it shall be lawful for any mortgagee holding a mortgage in arrear to the amount of fifty pounds of interest, or to the amount of five hundred pounds of principal, or any annuitant holding an annuity or annuities in arrear to the amount of fifty pounds, or several mortgagees holding mortgages in arrear to the amount of one hundred pounds of interest, or to the amount of one thousand pounds of principal in the aggregate, or several annuitants holding annuities in arrear to the amount of two hundred pounds in the aggregate, to render their security effectual by the appointment, from time to time, of a judicial factor, and the application for such appointment shall be made by summary petition to the Court of Session, or in the time of vacation to the Lord Ordinary on the bills, which appointment shall be made accordingly, unless before such application is advised



A.D. 1871.

the amount of such interest, mortgage, or annuity, or mortgages or annuities, as the case may be, with interest and expenses, is paid, or it appears to the satisfaction of the court or Lord Ordinary that consignment thereof should, under the circumstances, be accepted in lieu of payment, and such consignment is made accordingly, 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.

**60.** The judicial factor appointed under this Act, on finding security in common form, shall have and exercise all the powers conferred by this Act on the Corporation for and in relation to the assessing, levying, and recovering of the gas guarantee rate, and the several rates and charges authorised by this Act, and managing, carrying on, and maintaining the works and property of the Corporation under this Act, and the Corporation shall deliver over to him all rate books and other books and documents necessary for that purpose, and after defraying the expenses of such application, management, carrying on, and maintenance, the judicial factor shall from time to time apply and pay over the balance of the sums received by him to the several parties entitled to payment thereof; and the judicial factor shall continue not only until all arrears of interest on mortgages and all arrears of annuities due at the date of his appointment, and all interest due on any of those sums, and any interest or annuity becoming due during his continuance in office, with interest and expenses, including the expenses of the application for his appointment, and of the execution of the purposes thereof, are paid, but also until any interest or annuity which, though not due, may become current during his continuance in office, and a sufficient sum to meet expenses, shall be paid or consigned in one of the chartered banks or banks established by Act of Parliament in Scotland, and on such payment or consignment the Corporation may apply for the recall of the appointment of the judicial factor to the Court of Session or Lord Ordinary as aforesaid, who may recall the same accordingly.

Power and duties of judicial factor.

**61.** The several sums borrowed by the Corporation under the authority of this Act shall be applied in the payment of the mortgage and other debts of the Company, and in carrying the other purposes of this Act into execution; but the Corporation shall not apply any of the money so borrowed to the maintenance of works acquired or to be constructed by them, or to the expenses of management, or to any other expenses properly payable out of revenue.

Application of money borrowed.



A.D. 1871.

Application  
of penalties.

Accounts to  
be kept and  
audited.

**62.** All penalties and forfeitures exigible under this Act, and the Acts wholly or partially incorporated herewith, shall, except where otherwise provided for, be payable to the Corporation, and shall when recovered be applied by them to the purposes of this Act.

**63.** The Corporation shall cause books to be provided and kept, and true and regular accounts to be entered therein of all sums of money received and paid by them for the purposes of this Act, and they shall cause such accounts to be balanced in each year as at the thirty-first day of May; and the Corporation shall and they are hereby authorised and required within one month after the passing of this Act, and some time during the month of May in the year one thousand eight hundred and seventy-two, and some time during the month of May in each and every year thereafter, to appoint a fit and proper person well skilled in accounts, and not being a member of the Corporation, to audit and docquet the accounts of the Corporation under this Act, and the Corporation shall allow to such auditor such reasonable sum for his trouble in making such audit, as they shall fix and determine, and the whole books, accounts, vouchers, and documents of the Corporation in relation to their gasworks undertaking shall be laid before the auditor for the purpose of such audit, and it shall be the duty of the auditor to ascertain the amount of the surplus revenue or profits of the Corporation in the management of the gasworks, if any, for the period of such audit, and to certify the same to the Corporation within one month after his appointment in the year one thousand eight hundred and seventy-one, and on or before the thirtieth day of June in the year one thousand eight hundred and seventy-two, and in each and every year thereafter, and an abstract of the accounts, and the amount of the surplus revenue or profits as ascertained and certified by the auditor, shall, within one month thereafter, be published in at least one newspaper usually circulating in Arbroath.

Sinking  
fund.

**64.** It shall be lawful for the Corporation, and they are hereby required after the eleventh day of November one thousand eight hundred and seventy-two, to set apart annually as a sinking fund the following sums, that is to say, during each of ten years a sum of two hundred pounds, and after the expiration of such ten years a sum of three hundred pounds yearly, and such sinking fund shall be from time to time applicable to the redemption of mortgages and annuities authorised by this Act, and to no other purposes whatever, and shall be lodged in any of the banks in Scotland incorporated by Act of Parliament or Royal Charter, or lent out at interest, at the discretion of the Corporation, until the same be applied for the purposes before specified.



**65.** The surplus revenue or profits of the Corporation in the management of the gasworks, as ascertained and certified by the auditor appointed under this Act, shall yearly, and each year when such surplus revenue or profits may be found to exist, be applied as follows, videlicet:—One half of the said surplus revenue or profits shall be paid to consumers of gas in the following year or two following years, by way of a rebate or discount in reduction of the price of gas consumed by them; and the remaining one half of the said surplus revenue or profits shall be paid to the magistrates and town council of Arbroath, and be applied by them for or towards such public purposes in the town of Arbroath as they shall from time to time determine.

A.D. 1871.  
Application  
of surplus  
revenue.

**66.** All costs, charges, and expenses preliminary and incidental to the preparing, applying for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid as follows, that is to say, the sum of two hundred and fifty pounds by the Company, and the remainder of such costs, charges, and expenses by the Corporation.

Expenses of  
Act.

A.D. 1871.

SCHEDULES referred to in the foregoing Act.

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SCHEDULE (A.)

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MINUTE OF AGREEMENT between James Muir, Esquire, Provost; George Shield, David Chapel, and William Salmond, Bailies, and remanent members of the Town Council of the Royal Burgh of Aberbrothock or Arbroath, as representing the community thereof, on the first part; and the said James Muir, banker in Arbroath; Robert Miln, of Viewfield, near Arbroath; Robert Wardlaw Bruce, M.D., residing in Arbroath; Thomas Forbes, merchant there; Alexander Hutton, banker there; John Suttie, merchant there; Andrew Binny, banker there; and Robert Ireland, residing at Letham, of Dunnichen; the Committee of Management or Directors of the Arbroath Gaslight Company, as specially authorised by the Shareholders of the said Company to enter into these presents, on the second part.

The said parties, considering that by Minute of Conference, dated the twenty-second day of August last, of meeting of joint committees appointed by the said first and second parties hereto respectively, the said second parties agreed to recommend to their shareholders to give over the gasworks, with their whole stock, plant, property, heritable and moveable, and assets of every description, and the committee of the said first parties resolved to recommend to them that the same be acquired by a public commission under a special Act of Parliament, on the following terms:—First. The transfer to take place as at thirtieth June eighteen hundred and seventy. Second. The price to be in the form of perpetual annuities of fourteen hundred pounds per annum, payable half-yearly at Whitsunday and Martinmas, the first half-year's annuity being payable at Martinmas next. Third. The amount at the credit of profit and loss account in the Gas Company's books at thirtieth June eighteen hundred and seventy, being one thousand five hundred and seventy-four pounds thirteen shillings and twopence, as appearing by the Company's balance-sheet, produced to the said meeting, and signed by the chairman of the Gas Company, as relative thereto, to belong to the shareholders of the said Company. Fourth. The shareholders to receive and accept the sum of twelve hundred pounds in full of the amounts at the credit of their reserve fund and premium share account, being respectively six hundred and thirty pounds and one thousand one hundred and eighty-seven pounds seven shillings, as appearing by the said



balance-sheet, two hundred pounds thereof to be paid at once, and the balance of one thousand pounds at thirtieth June eighteen hundred and seventy-one, or within one month from the passing of the Act of Parliament. Fifth. The Town Council, on behalf of the Gas Commission, to assume the Company's bonded debt, amounting to four thousand four hundred and fifty pounds, with interest thereon from the said thirtieth June eighteen hundred and seventy. Sixth. The Council, on behalf of the Gas Commission, to assume the Company's contracts and accounts or debts incurred for stores ordered previous to thirtieth June last, but for subsequent use. Seventh. All stock and materials in hand of every description, gas made since inspection in May, and receipts on account of secondary products, as well as the unpaid accounts, as appearing in the balance-sheet, to be handed over and belong to the commission, as part of the concern, and the Gas Company guaranteed that the unpaid accounts and claims on estates in respect of the same should realise the amount stated in the balance-sheet, videlicet, six hundred and fifty-seven pounds fourteen shillings and two-pence. Eighth. The works to be carried on by the Gas Company and its directors until the passing of the special Act of Parliament, but the Council to be entitled to appoint a committee to act along with the directors. Ninth. The Town Council and Gas Company to promote in next session of Parliament a Bill for vesting the works and property of the Company in a commission, in terms of the arrangement then agreed upon, and containing such other provisions as might be necessary for carrying out the object in view; the conduct of the said Bill to be entirely in the hands of the Council. Tenth. The Company to pay one half (but in any event not exceeding the sum of two hundred and fifty pounds) of the expenses of the Act of Parliament; the other half of the said expenses, or the amount of the same beyond the said two hundred and fifty pounds, as the case might be, being paid by the Town Council, on behalf of the commission. The expenses of the Bill to include the expenses of the Arbroath solicitors of the Company. Eleventh. In case of any difference as to the terms or clauses of the proposed Bill, the same should be adjusted by J. H. Lloyd, Esquire, barrister-at-law. And further, considering that the said provisional agreement has been submitted to the said first parties, and approved of by them, and that the same has also been submitted to the shareholders of the said Company, at a special general meeting, and approved of by them; and whereas it is proper and necessary for carrying out the said agreement that the said parties hereto should enter into these presents: Therefore they have agreed and do hereby mutually contract and agree as follows:

First. The said provisional agreement as contained in the foresaid joint minute, and as herein-before recited, is hereby ratified and confirmed, and the said parties hereto engage to implement and fulfil their respective parts of the same.

Second. It is hereby agreed that the provisions of the said Bill to be promoted by the said parties in next session of Parliament, relating to the rights and interests of the said Company under the foresaid agreement, shall (subject to any alterations that may be made thereon by the said J. H. Lloyd, Esquire, or by the Parliamentary Committees that may sit upon the said Bill) be in the terms or as nearly as may be in the terms set forth in the Appendix hereto,

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*Act, 1871.*

A.D. 1871. which is subscribed by the said parties hereto with reference to these presents, and is held to be a part thereof.

Third. As provided for by the said provisional agreement, the conduct of the said Bill shall be entirely in the hands of the said first parties, but if the second parties see fit they shall be entitled, at their own expense, to have the Bill revised by a London solicitor.

Fourth. In case any difference shall arise between the said parties as to the true intent and meaning of these presents, the same shall be referred to the decision of the said J. H. Lloyd, Esquire.

Fifth. This agreement is conditional on the authority of Parliament being obtained in the next session, failing which the same shall come to an end, and neither of the parties hereto nor the said Company shall incur any personal liability to one another or to the Company.

Lastly. Both parties agree to carry out the present agreement in good faith. In witness whereof these presents, consisting of this and the two preceding pages, together with the said Appendix hereto, contained on the seven following pages, all written on stamped paper by Alexander Clark, clerk to Messrs. Chapel and Inverwick, solicitors in Arbroath, are, along with a duplicate hereof, including the said Appendix, subscribed (under this declaration that the words "under this Act," interlined at the end of the twenty-fourth line, counting from the top of page fourth of the said Appendix, form part thereof, having been so interlined before signing) by the said parties hereto as follows, videlicet:—By the said James Muir, Robert Miln, Robert Ireland, Alexander Hutton, and Thomas Forbes, being five and a quorum of the said committee of management or directors of the Arbroath Gaslight Company, all at Arbroath, on the twenty-ninth day of September in the year eighteen hundred and seventy, before these witnesses, the said Alexander Clark, writer hereof, and William Shepherd, also clerk to the said Chapel and Inverwick; and by the said James Muir, provost, George Shield, David Chapel, and William Salmond, bailies, by Andrew Key, Dean of Guild, and by James Anderson Dickson, John Brown, Joseph Jack, John Bremnar, James Irvine, George Webster Wannan, Alexander Strachan, and Alexander David Anderson, all councillors of the said burgh of Aberbrothock or Arbroath, being thirteen and a quorum of the said magistrates and town council, all in council meeting assembled at Arbroath on the thirtieth day of said month of September, and year foresaid, before these witnesses, William Crammond Jack, and James Dear, both clerks to Messrs. J. and W. Macdonald, solicitors in Arbroath; (signed) Jas. Muir, Robert Miln, Robt. Ireland, Alex. Hutton, Thos. Forbes, Jas. Muir, provost, Geo. Shield, David Chapel, W. Salmond, Andrew Key, Jas. A. Dickson, John Brown, Joseph Jack, John Bremnar, James Irvine, G. W. Wannan, Alexr. Strachan, A. D. Anderson, Alex. Clark, witness, Wm. Shepherd, witness, W. C. Jack, witness, James Dear, witness.

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NOTE.—There is appended to the agreement the provisions of the intended Bill therein referred to, and which provisions with modifications are contained in the foregoing Act.

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SCHEDULE (B.)

A.D. 1871.

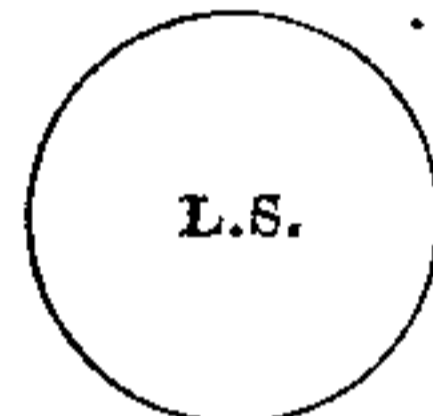
FORM OF ANNUITY CERTIFICATE.

No.

This is to certify, That *A.B. [name and designation]* is the holder of \_\_\_\_\_ pounds of The Arbroath Corporation Gas Annuities created by "The Arbroath Corporation Gas Act, 1871," and is entitled to receive from the Corporation of Arbroath an annuity of \_\_\_\_\_ pounds, payable on the fifteenth day of May and eleventh day of November in each year by equal portions, beginning the first payment thereof on the \_\_\_\_\_ for the half year preceding, and so forth thereafter; which annuity is preferably secured on the lands, property, and works vested in the Corporation by the said Act, and which have been or may be acquired or constructed by them, 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 members of the Corporation and the Treasurer.]



NOTE.—This annuity is transferable only in sums of not less than twenty-eight shillings, or some other multiple of fourteen shillings, and this certificate must be produced along with any transfer previous to the transfer being recorded in the books of the Corporation, and a new certificate issued to the transferee.

SCHEDULE (C.)

FORM OF TRANSFER OF ANNUITY.

I, *A.B. [name and designation]* in consideration of the sum of \_\_\_\_\_ pounds [or other consideration, as the case may be] paid to me by *C.D. [name and designation]* do hereby transfer to the said *C.D.* and his executors, administrators, or assignees, the annuity of \_\_\_\_\_ pounds, the certificate of which is numbered \_\_\_\_\_ [or an annuity of \_\_\_\_\_ pounds, being part of the annuity of \_\_\_\_\_ pounds, the certificate of which is numbered \_\_\_\_\_ as the case may be] of The Arbroath Corporation Gas Annuities created by "The Arbroath Corporation Gas Act, 1871," now

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A.D. 1871.      standing in my name in the books of the Corporation, with the rights and  
privileges and subject to the conditions and provisions specified in the said  
Act; and I, the said *C.D.*, do hereby agree to hold the said annuity hereby  
transferred, 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*].

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SCHEDULE (D.)

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All and whole that area of ground lying on the north side of Ponderlaw  
Street, within the burgh of Arbroath, parish of Saint Vigeans and county of  
Forfar, bounded by Ponderlaw Street on the south; partly by the lands of  
Abbeybank, and partly by the unfeued lands of Hays, on the east; partly by  
the said lands of Hays, and partly by Abbot Street, on the north; and partly  
by Stuart Street, and partly by the properties belonging or reputed to belong  
to Miss Airth, Alexander Anderson, Charles Levie, and William Anderson, on  
the west.

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SCHEDULE (E.)

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FORM OF MORTGAGE.

Arbroath Corporation Gas.

Mortgage No.      £

By virtue of "The Arbroath Corporation Gas Act, 1871," we, the  
Magistrates and Town Council of the Burgh of Arbroath (herein-after called  
"the Corporation"), in consideration of the principal sum of [*specify amount*]  
paid by [*name and designation of mortgagee*] to the treasurer for the purposes of  
the said Act, do hereby grant and assign to the said [*name of mortgagee*], and  
his executors, administrators, and assignees [*or as the case may be*], the property  
and works vested in the Corporation, and the several rates and revenues to be  
levied and received by the Corporation 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 satisfied and paid; and it is hereby  
stipulated that the said principal sum shall be repayable on the [*date*] or shall  
thereafter in virtue hereof remain as a loan to the Corporation until the expira-  
tion of such further term of years, and at such rate of interest, as shall be  
specified in a minute or minutes to be endorsed hereon, and signed by the said  
mortgagee or his foresaids, and by the treasurer aforesaid, and which minutes



are hereby declared and shall be held to be valid and binding, though they may be neither holograph of the said mortgagee or his foresaids, or of the said treasurer, nor tested; and for and in respect of interest on the said principal sum to the said date of repayment first above mentioned (being at the rate of [*specify rate*] per centum per annum), the Corporation shall pay the several sums contained in the [*state number*] interest warrants bearing the number and date hereof and delivered herewith, and that at the several times mentioned in such warrants upon delivery of the same respectively, and such delivery shall be a sufficient receipt and discharge to the Corporation for the contents of such warrants, declaring that the said mortgagee and his foresaids shall not be entitled to make, and that the Corporation shall not be bound to recognise or register, any partial assignation of these presents or of the sums of money, principal and interest, herein contained, and that the Corporation shall not be liable for any expenses that may be incurred by the said mortgagee or his foresaids for or in relation to the preparation, revision, adjustment, or execution of this mortgage, or of any discharge, renunciation, release, assignation, or minute of postponement or renewal thereof. In witness whereof [*testing clause according to the law of Scotland*].

A.D. 1871.

[*Signed by two members of the Corporation and by the Treasurer.*]

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SCHEDULE (F.)

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FORM OF INTEREST WARRANT.

Arbroath Corporation Gas.

Mortgage No.	, Dated	18 .
	Interest Warrant.	
For	pounds	shillings and
	pence.	
	Less Income Tax	£ -
		£
Payable on	18	
at the		

Treasurer.

[Ch. xciii.]      *The Arbroath Corporation Gas*      [34 & 35 VICT.]  
*Act, 1871.*

A.D. 1871.

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SCHEDULE (G.)

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FORM OF DISCHARGE.

Received from the Treasurer acting under the provisions of "The Arbroath Corporation Gas Act, 1871," the sum of                      pounds, being the principal sum contained in the within mortgage (all interest due thereon having been previously paid), and the said mortgage is now delivered up as paid.

Dated this                      day of                      eighteen  
hundred and                      .

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LONDON : Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,  
Printers to the Queen's most Excellent Majesty. 1871.