



CHAPTER xliii.

An Act to authorise the Dundee Gas Commissioners to construct further Works and to borrow additional Money ; and for other purposes. A.D. 1877.
[28th June 1877.]

WHEREAS the undertakings of the Dundee Gaslight Company and the Dundee New Gaslight Company, and the power of making and supplying gas to Dundee and suburbs and places adjacent, are vested in the Dundee Gas Commissioners (herein-after called "the Commissioners"), under "The Dundee Gas Act, 1868 :"
And whereas the limits of supply specified in the said Act were extended, additional works authorised, and further powers conferred upon the Commissioners by "The Dundee Gas Amendment Act, 1872 :"
31 & 32 Vict.
c. xciv.
35 & 36 Vict.
c. xvii.

And whereas since the passing of the said Acts (herein-after called "the recited Acts") much land within the limits of supply has been laid out for building purposes, and many new streets have been formed, and numerous houses, manufactories, and works have been erected, and the trade and population and demand for gas within the said limits have greatly increased and are still steadily increasing :

And whereas by the second-recited Act (section seven) the Commissioners were authorised from time to time to make and store gas and erect and maintain gasworks on the lands described in the schedule thereto annexed ; and it is expedient that the Commissioners should be also authorised to erect works and apparatus for the storage and distribution of gas upon certain additional lands acquired by them described in the schedule to this Act :

And whereas the powers of borrowing on mortgage conferred by the recited Acts have proved to be inadequate, and it is expedient that the Commissioners should be empowered to raise further money

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A.D. 1877. for the purposes of the recited Acts and this Act, and of their undertaking; and it is also expedient that the recited Acts should be amended, enlarged, and altered, and that further and other powers should be conferred on the Commissioners :

And whereas the objects aforesaid 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 be cited as "The Dundee Gas (Additional Powers) Act, 1877."

Construction of Acts.

2. The recited Acts as amended and this Act shall be construed as one Act, except so far as such construction would be inconsistent with or repugnant to the provisions of this Act.

Certain provisions of 34 & 35 Vict. c. 41. incorporated.

3. Sections 5, 6, 9, 10, 12 to 27 inclusive, and 36 to 46 inclusive, of "The Gasworks Clauses Act, 1871," shall apply to the gas undertaking of the Commissioners as if the same were hereby authorised, except in so far as otherwise expressly provided by the recited Acts or this Act.

Interpretation of terms.

4. The several words and expressions to which by the recited Acts 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.

Additional lands for storage and distribution of gas.

5. Notwithstanding anything in the recited Acts or either of them contained, the Commissioners may, subject to the provisions of this Act, hold the lands situate at or adjacent to Mid Street and Archibald's Lane, Lochee, in the burgh of Dundee, described in the schedule to this Act annexed, already purchased or acquired by them, for the purpose of and as sites for gas holders, gas apparatus, and houses for the storage and distribution of gas, and may, within the limits of the said lands, as described in the said schedule, erect, construct, and maintain thereon gas holders, gas apparatus, and houses for the storage and distribution of gas, and may store gas therein and distribute gas therefrom, and may make and maintain on the said lands all roads, ways, approaches, conducting pipes, appliances, and other conveniences necessary for the storage and distribution of gas.

Additional lands may be acquired

6. The Commissioners may acquire by agreement and hold for the purposes of their undertaking, in addition to the lands now held

by them, any lands not exceeding in the whole five acres; but no works for the manufacture of gas or for the manufacture or conversion of the residual products shall be constructed thereon without the authority of Parliament.

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by agree-
ment.

7. From and after the expiration of five years from the passing of this Act, as regards the limits defined in the first-recited Act, and from and after the expiration of ten years from the passing of this Act, as regards the district beyond the said limits embraced in the extended limits described in the second-recited Act, all gas supplied by the Commissioners to any consumer of gas shall be supplied at such pressure as to balance a column of water from midnight to sunset not less than six tenths of an inch, and from sunset to midnight not less than eight tenths of an inch in height, at the main, as near as may be to the junction therewith of the service pipe supplying such consumer; and any gas examiner appointed under "The Gasworks Clauses Act, 1871," may, subject to the terms of his appointment, from time to time test the pressure at which the gas is supplied, and may for that purpose open any street, road, passage, or place vested in or under the control of any local or road authority; and the provisions of "The Gasworks Clauses Act, 1871," with reference to testing of gas and to penalties shall, mutatis mutandis, apply to such testing of pressure, and two hours previous notice shall be given to the Commissioners of the time and place at which such testing shall be conducted.

Pressure of
gas.

8. If any person is required by the Commissioners to give to them security for the payment of the price or rent of a meter, the Commissioners shall pay interest after the rate of five pounds per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands.

Commis-
sioners to
pay interest
on money
deposited as
security for
gas meter,
&c.

9. Subject to the provisions of this Act, the Commissioners may extend and increase the mains and other apparatus of their works for the supply of gas within the limits of supply specified in the recited Acts, and may erect and maintain dwelling-houses and other accommodation upon any lands forming for the time part of their undertaking, but the said dwelling-houses and other accommodation shall not be to an extent more than equal to what may be necessary for officers and servants of the Commissioners.

Extension
of mains
and other
accommoda-
tion.

10. In addition to any money which the Commissioners have borrowed or are authorised to borrow under the recited Acts, the Commissioners may from time to time, under the authority of this Act, borrow all such sums as they think requisite for the purposes

Power to
borrow on
mortgage.

A.D. 1877. — of the recited Acts and this Act, and of their undertaking, not exceeding the sum of one hundred thousand pounds, on the security of the several rates and charges leviable by them under the provisions of the recited Acts and this Act; and if after having borrowed the said sums, or any part thereof, the Commissioners pay off the same except by means of the sinking fund after mentioned, it shall be lawful for them again to borrow the amount so paid off, and so from time to time.

Security for borrowed money.

11. The money authorised to be borrowed by this Act may be secured by mortgages, in terms of and as provided for in the recited Acts with regard to the money thereby authorised to be borrowed on mortgage; and all the powers, forms, and provisions of the recited Acts with regard to the borrowing of money thereby authorised, and with regard to the mortgages to be granted therefor, shall apply to the money by this Act authorised to be borrowed, and to the transfer and discharge of all mortgages granted therefor, but providing that the mortgages to be granted for the money hereby authorised to be borrowed shall declare that they are so granted by virtue or by and under the powers of this Act: Provided also, that all mortgages granted or to be granted by the Commissioners in pursuance of the recited Acts shall have priority over any mortgages to be granted in virtue of this Act: Provided further, that nothing contained in or done or suffered under this Act shall prejudice or affect the preference and priority of the perpetual annuities mentioned in the first-recited Act and conferred by that Act; and every judicial factor who may be appointed and acting under the provisions of sections seventy-nine and eighty of the first-recited Act shall apply and pay over the balance of the sums received by him as such judicial factor to the several parties entitled to payment out of the said rates and charges and other income of the Commissioners according to their respective rights and priorities.

Estimates and charges, and contingent guarantee rate.

12. The estimate to be made up under section sixty-nine of the first-recited Act, and the charges to be fixed by the Commissioners under that section, shall not only include and be sufficient, with the other revenues of the Commissioners, to defray the annual sums or expenditure specified in said section sixty-nine, and also in section nineteen of the second-recited Act, but likewise the interest of any money borrowed or raised under the provisions of this Act, and the payment to the sinking fund, and the expense of maintaining and managing the additional works hereby authorised, and all other annual expenditure arising out of or consequent on the works hereby authorised; and "The Gas Contingent Guarantee Rate,"

leviable by the Commissioners under section seventy of the first-recited Act, shall be sufficient to meet any deficiency in the moneys required to pay not only the aforesaid annual sums or expenditure, but also said interest, payment to sinking fund, expense, and other annual expenditure.

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13. The rates and charges levied or leviable under the authority of the recited Acts and this Act, or any of them, and the other revenues of the Commissioners, whether arising under the recited Acts, or either of them, or this Act, shall be applied in the following order of priority; that is to say (first), in defraying the expenses of the management and maintenance of the undertaking of the Commissioners under the recited Acts and this Act, 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; (secondly), in payment of the perpetual annuities by the first-recited Act required to be paid, and of the interest on any moneys borrowed under the authority of that Act; (thirdly), in payment of the interest of money borrowed under the authority of the second-recited Act; (fourthly), in payment of the interest of money borrowed under the authority of this Act; (fifthly), in payment of the sums by the recited Acts and this Act directed to be set apart as a sinking fund; and (lastly) in payment of such portion of the cost of enlarging or increasing and renewing the number of mains and pipes, and of extending the works, mains, and pipes, from time to time, as the Commissioners shall think it reasonable to charge against the revenue for the year, and of any other necessary annual expenditure.

Application of rates and charges.

14. The several sums borrowed by the Commissioners under the authority of this Act shall be applied in terms and for the purposes of the recited Acts and this Act only: Provided always, that no part thereof shall be applied to purposes for which the annual revenue of the Commissioners is applicable.

Application of borrowed money.

15. Any person lending or paying money under the recited Acts or this Act to the Commissioners shall not be bound or entitled to inquire as to the observance by the Commissioners of any provisions of the recited Acts or this Act, or be bound to see to the application or be answerable for any loss or non-application of such money, or of any part thereof.

Protection of lenders from inquiry.

16. The Commissioners shall, in addition to the sums provided to be set apart annually as a sinking fund by section eighty-five of the first-recited Act and section twenty-four of the second-recited

Sinking fund.

A D. 1877. Act, set apart or pay over annually to the sinking fund thereby provided, after the expiry of five years from the passing of this Act, the sum of one thousand five hundred pounds; and the said sinking fund shall be from time to time applicable to the redemption of mortgages granted under the powers conferred by this Act as well as by the recited Acts, or to the other purposes specified in said section eighty-five of the first-recited Act, as the Commissioners think proper, and to no other purposes whatever.

Expenses
of Act.

17. All costs, charges, and expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the Commissioners out of the moneys to be raised under the authority of this Act.

SCHEDULE referred to in the foregoing Act.

All and whole those lands adjacent to Mid Street and Archibald's Lane, Lochee, recently belonging or reputed to belong to John Laird, quarrier in Lochee, extending to one acre one rood three poles and nineteen yards, or thereabouts, and bounded as follows; viz., on the east, partly by the street or road commonly known as or called Archibald's Lane, Lochee, and partly by the property belonging or reputed to belong to Peter Russell; on the south, partly by Peebles Lane, Lochee, and partly by the Lochee Burn; on the south-west, north-west, and west, partly by the Lochee Burn, partly by the property belonging or reputed to belong to Christina Scott or Marshall, Lochee, and partly by the property belonging or reputed to belong to George Yeaman, Wellgate, Dundee; and on the north, by a street or road running eastwards in continuation of Reid's Lane, Lochee, to and crossing Archibald's Lane, commonly known as or called Mid Street; which said lands are situated within the united parishes of Liff, Logie, Benvie, and Invergowrie, and in that part of said united parishes recently designated as and now being the parish of St. Luke, all in the county of Forfar.