



## CHAPTER xix.

An Act for making provision for an additional supply of A.D. 1888.  
 Water to the City of Perth and the Suburbs thereof and  
 for the acquisition of Lands for the storage of Gas in the  
 said City and for other purposes. [16th May 1888.]

**W**HEREAS the Lord Provost, magistrates and council of the city and royal burgh of Perth are the Commissioners of Police acting in and for that burgh under the provisions of the General Police and Improvement (Scotland) Act 1862 (in this Act called "the Police Commissioners") and by the Perth Gas Act 1871 (in this Act referred to as "the Act of 1871") the Police Commissioners at the date of the passing thereof and their successors in office in all time coming were nominated and appointed Commissioners for carrying that Act into execution and were for the purposes of that Act incorporated under the name and style of "the Perth Gas Commissioners" (in this Act called "the Gas Commissioners"):

25 & 26 Vict.  
c. 101.

34 & 35 Vict.  
c. lxxviii.

40 & 41 Vict.  
c. clxi.

10 Geo. iv.  
c. ciii.

And whereas by the Perth Water Act 1877 (in this Act referred to as "the Act of 1877") the water undertaking in that Act called the existing waterworks with the whole powers rights and privileges in relation thereto belonging to the Commissioners in the same Act referred to as the existing Commissioners appointed by an Act passed in the tenth year of the reign of His Majesty King George the Fourth intituled "An Act for supplying the city of Perth and the suburbs and vicinity thereof with water" (in this Act referred to as "the Act of 1829") were vested in Commissioners incorporated by the Act of 1877 for the purposes of that Act subject to any mortgages charges incumbrances debts and liabilities to which such water undertaking or such waterworks with their appurtenances or the lands on which they were erected were or might be liable and provision was made for the purchase by and sale to such Commissioners of the undertaking of a company called "the Bridgend of Perth Water Company (Limited)" formed for the purpose of supplying with water the inhabitants of Bridgend of Perth and the



A.D. 1888. — suburbs of Perth on the east bank of the Tay and also for the purchase by the said Commissioners of the undertaking formerly belonging to the Right Honourable the Earl of Kinnoull for supplying with water his feuars on the Hill of Kinnoull adjoining the city of Perth and power was conferred on the said Commissioners to make and maintain the additional waterworks in the Act of 1877 described for the purpose of affording a further supply of water to the said city and the suburbs thereof:

And whereas in virtue of the Act of 1877 (section 127) the whole powers rights privileges and authority of every kind vested in the Commissioners thereby incorporated and whether conferred on them by that or any other Act of Parliament and standing unrepealed and the whole lands houses rents assessments claims demands rights properties and effects of every kind heritable or movable real or personal belonging to or vested in the said Commissioners were by resolution of the Police Commissioners transferred to and became vested in the Police Commissioners who completed the additional waterworks by the Act of 1877 authorised and have since and as part of their ordinary business managed the said water supply:

And whereas the city of Perth has considerably extended and the population trade and manufactures thereof have much increased since the additional works were authorised by the Act of 1877 and the present supply of water is inadequate and it is expedient that the Police Commissioners should be authorised to construct the waterworks herein-after described and for the purposes of and in connexion with their water undertaking to acquire the island in the River Tay known as Moncreiffe Island and the portion of ground situate at the tidal harbour of Perth with the rights privileges and pertinents thereto belonging herein-after mentioned:

And whereas it is also expedient that the Police Commissioners be empowered to raise further money for the purposes of the waterworks by this Act authorised and for the general purposes of their water undertaking:

And whereas it is further expedient that section 101 of the Act of 1877 should be repealed:

And whereas by the Act of 1871 the undertakings of the Perth Gaslight Company and the Perth New Gaslight Company were transferred to and vested in the Gas Commissioners and powers were conferred on them inter alia to manufacture and store gas and to sell and supply gas within the limits of that Act:

And whereas in consequence of the increasing demand for gas within the limits of supply it has been found necessary to provide other and additional accommodation for the storage of gas and

residual products arising in the manufacture of gas and it is expedient that the Gas Commissioners should be authorised to acquire lands for that purpose and for the purpose of laying down additional mains and pipes and thereon to erect works and apparatus and lay down mains and pipes accordingly :

And whereas it is expedient that the Gas Commissioners be empowered to raise further money for the purposes of this Act relating to their gas undertaking and for the general purposes thereof :

And whereas plans and sections of the additional waterworks by this Act authorised showing the lines situations and levels thereof and plans of the lands to be taken compulsorily under the powers of this Act and also books of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the principal sheriff clerk for the county of Perth in his office at Perth and are herein-after respectively referred to as the deposited plans sections and books of reference :

And whereas the purposes of this Act cannot be effected without the authority of Parliament :

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows :—

#### PART I.—PRELIMINARY.

1. This Act may be cited for all purposes as the Perth Water and Gas Act 1888. Short title.

2. This Act is divided into parts as follows :—

Part I.—Preliminary.

Part II.—Waterworks.

Part III.—Lands.

Part IV.—Gas.

Part V.—Financial.

Part VI.—Miscellaneous.

Division of  
Act into  
parts.

3. The Lands Clauses Consolidation (Scotland) Act 1845 the Lands Clauses Consolidation Acts Amendment Act 1860 the Waterworks Clauses Act 1847 except the provisions with respect to the communication pipes to be laid by the undertakers and with respect to the amount of profit to be received by the undertakers when the

Incorporation of  
general Acts.



A.D. 1888.

waterworks are carried on for their benefit and also with the exception of clauses 68 70 71 72 and 88 the Waterworks Clauses Act 1863 and the provisions of the Railways Clauses Consolidation (Scotland) Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof and with respect to the crossing of roads or other interference therewith are (except where expressly varied by this Act) incorporated with and form part of this Act and sections 5 6 7 9 to 34 inclusive and 36 to 46 inclusive of the Gasworks Clauses Act 1871 shall apply to the gas undertaking of the Gas Commissioners as if the same were by this Act authorised except in so far as otherwise expressly provided by the Act of 1871 or this Act. Provided that the said provisions of the Railways Clauses Consolidation (Scotland) Act 1845 shall be read so as to apply only to the construction of the wells tanks or cisterns and filtering tunnels by this Act authorised and each and every of them and the works immediately connected therewith and sections 25 and 26 of the same Act shall also be read so as to apply to the construction of the aqueducts conduits or lines of pipes by this Act authorised as if the said works were in such provisions and sections of the said last-mentioned Act referred to instead of "the railway" and the respective boundaries of such works were therein mentioned instead of "the centre of the railway" and the prescribed limits shall be two hundred yards from every or any part of the respective works and as if "the Police Commissioners" were therein mentioned instead of "the Company."

Interpretation.

4. In this Act the several words and expressions to which meanings are assigned by the Act of 1871 and the Act of 1877 or by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction:—

The expression "the water undertaking" means and comprehends the undertaking as defined by the Act of 1877 and the additional waterworks and water undertaking by this Act authorised:

The expression "the gas undertaking" means and comprehends the undertaking as defined by the Act of 1871 and the gas undertaking by this Act authorised.

This Act  
and recited  
Acts to be  
read as one.

5. Subject to the provisions of this Act this Act so far as the same relates to the Police Commissioners and the water undertaking and the Act of 1829 so far as not repealed and as amended by the Act of 1877 and by this Act and the Act of 1877 as amended by this Act shall be read and construed as one Act and be executed accordingly and this Act so far as the same relates to the Gas

Commissioners and the gas undertaking and the Act of 1871 as amended by this Act shall be read and construed as one Act and be executed accordingly.

A.D. 1888.

## PART II.—WATERWORKS.

6. Subject to the provisions of this Act the Police Commissioners may make and maintain in the lines or situations and according to the levels shown on the deposited plans and sections the works herein-after described (that is to say):—

Power to  
make addi-  
tional  
waterworks.

(1.) A well tank or cistern (herein-after called Tank No. 1) with four filtering tunnels (referred to on the deposited plans as Filtering Tunnels Nos. 1 2 3 and 4) communicating therewith to be situate at or near the north end of the existing filtering tunnel of the Police Commissioners in the island in the River Tay called or known as Moncreiffe Island :

(2.) An aqueduct conduit or line of pipes (referred to on the deposited plans as line of Pipe No. 1) commencing in the intended Tank No. 1 on the west side thereof and terminating in the intended well tank or cistern next herein-after described :

(3.) A well tank or cistern (herein-after called Tank No. 2) to be situate in the existing pumping station of the waterworks of the Police Commissioners and below the engine-room floor of those works in the royal burgh of Perth :

(4.) A well tank or cistern (herein-after called Tank No. 3) with two filtering tunnels (referred to on the deposited plans as Filtering Tunnels Nos. 5 and 6) communicating therewith to be all situate in a gravel bank or deposit lying in the River Tay immediately to the north of and abutting on the third pier of the public bridge across the said River Tay between Perth and Bridgend called Perth Bridge reckoning from the east end of said bridge :

(5.) An aqueduct conduit or line of pipes (referred to on the deposited plans as line of Pipe No. 2) commencing in the intended Tank No. 3 on the west side thereof and terminating in the intended Tank No. 2.

7. The Police Commissioners may subject to the provisions of this Act make lay down maintain and use all proper embankments discharge pipes adits shafts cuts filterbeds channels drains mains pipes junctions valves gauges engines machinery and all other works apparatus and conveniences in connexion with the works or any of them authorised by this Act or necessary for conducting

Power to  
erect and  
maintain  
connexion  
works and  
improve  
existing  
works.



A.D. 1888. — inspecting maintaining enlarging repairing cleansing managing and using the same and may subject as aforesaid from time to time alter renew relay extend enlarge and discontinue the works by this Act authorised and any existing works conduits aqueducts mains pipes or conveniences whatsoever in connexion with their waterworks undertaking.

Limits of lateral deviation.

8. In the construction of the works by this Act authorised the Police Commissioners may deviate laterally from the lines of the respective works as shown on the deposited plans to the extent of the limits of lateral deviation marked thereon and where the line of any work shown on the deposited plans passes along any road or street and limits of lateral deviation are not marked thereon the Police Commissioners may in constructing such works deviate laterally from the line thereof as laid down on the deposited plans to the extent of the boundaries of such road or street.

Limits of vertical deviation.

9. In the construction of the works by this Act authorised the Police Commissioners may deviate vertically from the levels shown on the deposited sections in the case of wells tanks or cisterns and filtering tunnels to any extent not exceeding five feet upwards or ten feet downwards and in the case of other works to any extent not exceeding three feet upwards or seven feet downwards Provided that the Police Commissioners may erect any water-tower standpipe or other like work of any height which for the time being may be necessary or proper for the purposes of this Act Provided that no deviation shall be made in the case of works under the River Tay without the consent in writing of the Board of Trade.

For protection of Dundee and Perth Railway.

10. All operations which may be executed under the powers of this Act in making laying down maintaining altering replacing or repairing any aqueducts conduits or pipes across or under that portion of the undertaking of the Caledonian Railway Company which is known as the Dundee and Perth Railway or the bridges by which that railway is carried over the River Tay and South Tay Street in Perth shall except so far as may be necessary in cases of emergency arising from defects in such aqueducts conduits or pipes be executed under the superintendence and to the reasonable satisfaction of the engineer of that company for the time being and according to such plans and at such times as shall be reasonably approved by him before any such operations are commenced but always at the expense of the Police Commissioners and so as not to cause any injury to the said railway or bridges or any of the works connected therewith nor any interference with the passage or conduct of traffic along the said railway or bridges and if any injury shall arise to the said railway or bridges or works or if any

A.D. 1888.

interference with the passage or conduct of traffic along the said railway or bridges shall arise or if the said company incur any extra expense by reason of the making or laying or keeping laid or maintaining of such aqueducts conduits or pipes or of any of the aforesaid operations the Police Commissioners shall make full compensation to the said company for any such injury or interference or extra expense and the amount thereof shall be recoverable with full costs from the Police Commissioners by all and the same means as those by which a simple contract debt is recoverable.

11. The Police Commissioners shall not construct on the shore of the sea or of any creek bay arm of the sea or navigable river communicating therewith where and so far up the same as the tide flows and reflows any work temporary or otherwise without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of such approval being signified as last aforesaid and where any such work may have been constructed the Police Commissioners shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consents or approvals. If any such work be commenced or completed contrary to the provisions of this Act the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the cost and charge of the Police Commissioners and the amount of such costs and charges shall be a debt due from the Police Commissioners to the Crown and shall be recoverable accordingly with costs.

Works on tidal lands not to be constructed without previous consent of Board of Trade.

12. The Police Commissioners shall on or near the works below high-water mark temporary or otherwise during the whole time of the constructing altering or extending exhibit and keep burning at their own expense every night from sunset to sunrise such lights (if any) as the Board of Trade from time to time require or approve.

Lights on works.

If the Police Commissioners fail to comply in any respect with the provisions of the present section they shall for each night in which they so fail be liable to a penalty not exceeding twenty pounds.

13. The Police Commissioners may take and divert into and impound and store up in the wells tanks or cisterns and filtering tunnels by this Act authorised and their existing reservoirs and other works and may appropriate use and distribute for the purposes

Power to divert and impound waters.



A.D. 1888. — of their water undertaking the waters of the River Tay and the affluents thereof and all springs and waters arising within any lands to be acquired by the Police Commissioners under the provisions of this Act or within the site of or that may be intercepted by the works authorised by this Act.

Period for completion of works.

14. If the works authorised by this Act are not completed within seven years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Police Commissioners for executing any works not so completed or in relation thereto shall cease to be exercised except as to so much thereof as is then completed but nothing herein contained shall restrict the Police Commissioners from altering renewing relaying extending enlarging or discontinuing any of their engines machinery conduits aqueducts mains pipes or conveniences or improving their supply of water at any time and from time to time as occasion requires subject to the provisions of this Act.

Police Commissioners may draw off water for repairs and cleaning of works.

15. It shall be lawful for the Police Commissioners from time to time to cause the water to be drawn or let off from the wells tanks or cisterns and filtering tunnels authorised by this Act for the purpose of repairing or inspecting the state of those works or any of the banks channels water-gates pipes or other works appertaining thereto or for the purpose of cleaning out such wells tanks or cisterns and filtering tunnels or any of them or any part thereof but in any such case the Police Commissioners shall use all convenient speed in making such repairs or in executing such cleaning.

---

### PART III.—LANDS.

Power to take lands for water purposes.

16. Subject to the provisions of this Act the Police Commissioners may from time to time enter upon take and use such of the lands shown upon the deposited plans and described in the deposited books of reference relating to the waterworks by this Act authorised as they may require for the purposes of those works and also in connexion with and for the purposes of the water undertaking (first) the island called or known as Moncreiffe Island belonging to Sir Robert Drummond Moncreiffe of Moncreiffe Baronet situate in the River Tay near to and to the south of the city of Perth and also the whole rights of salmon and other fishings in the River Tay pertaining to and ex adverso of the said island belonging to the said Sir Robert Drummond Moncreiffe together with all other rights privileges and pertinents of or in any way belonging or



appertaining to the said island and (second) the portion of ground situate at the tidal harbour of Perth belonging to the said Sir Robert Drummond Moncreiffe and also the whole rights of salmon and other fishings in the River Tay pertaining to and ex adverso of the said portion of ground belonging to the said Sir Robert Drummond Moncreiffe together with all other rights privileges and pertinents of or in any way belonging or appertaining to the said portion of ground as the said island and portion of ground are defined upon the deposited plans and described in the deposited books of reference. A.D. 1888.

**17.** In addition to the lands which the Police Commissioners are by this Act authorised to purchase compulsorily they may for any of the purposes of this Act in connexion with the water undertaking from time to time by agreement purchase feu take on lease and hold any additional quantity of land not exceeding in the whole five acres or any easement or right (not being an easement or right of water) in or over such additional lands which they may from time to time think requisite for any of the purposes of the water undertaking Provided that no buildings shall be erected on any such lands other than buildings connected with or necessary for the water undertaking of the Police Commissioners. Additional lands by agreement for water purposes.

**18.** Persons empowered by the Lands Clauses Consolidation (Scotland) Act 1845 to sell and convey or release lands may if they think fit subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act grant to the Police Commissioners any easement servitude right or privilege not being an easement of water required for the purposes of this Act in or over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges feu-duties or ground annuals so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements servitudes rights and privileges as aforesaid respectively. Power to take easements &c. by agreement.

**19.** The Police Commissioners may from time to time sell or let on lease or otherwise for such term or period as they may think fit subject to such conditions as they may think proper including conditions for the preservation of the purity of their water supply the whole or any part or parts of the island called or known as Moncreiffe Island and the portion of ground situate at the tidal harbour of Perth which they are by this Act authorised to take Provided that no buildings shall be erected on any part of the said island other than farm buildings or buildings connected with or necessary for the water undertaking or the cultivation of the ground or the working of the salmon fishings pertaining to and ex adverso of the said Police Commissioners may dispose of lands.



A.D. 1888.

island Provided nevertheless that in the event of the said island or any part or parts thereof being set apart by the Police Commissioners to be used by the public as pleasure or recreation grounds the Police Commissioners may erect thereon such pavilions shelters or other like buildings for the convenience of the public as they may think proper.

Power to  
take lands  
for gas  
purposes.

**20.** Subject to the provisions of this Act the Gas Commissioners may enter upon take and use the lands firstly and secondly described in the schedule to this Act and shown on the deposited plans and described in the deposited books of reference relating to the gas undertaking.

Additional  
lands by  
agreement  
for gas  
purposes.

**21.** The Gas Commissioners may for the purposes of the gas undertaking purchase take and hold (by agreement but not otherwise) in addition to the lands now held by them and the lands described in the schedule to this Act any lands and property not exceeding in the whole four acres which the Gas Commissioners may from time to time require for the purposes of the gas undertaking and works but no lands shall be used by the Gas Commissioners for the purpose of manufacturing gas or residual products except the lands described in Schedule (C.) to the Act of 1871 and it shall not be lawful for the Gas Commissioners to store gas (except on such lands and on the lands firstly described in the schedule to this Act) within three hundred yards of any dwelling-house without the consent of the owner lessee or occupier thereof.

Restriction  
on taking  
houses  
occupied by  
labouring  
class.

**22.** The Police Commissioners and the Gas Commissioners shall not under the powers of this Act without the consent of the Secretary for Scotland purchase or acquire in any district within the meaning of the Public Health (Scotland) Act 1867 ten or more houses which after the passing of this Act have been or on the fifteenth of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

For the purposes of this section the expression "labouring class" includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

Omission or  
misstate-  
ment in plans  
or books of  
reference  
may be  
corrected.

**23.** If there be any omission misstatement or erroneous description of any lands or the buildings thereon or of the owners lessees or occupiers of any lands or buildings shown on the deposited plans or specified in the deposited books of reference the Police Commissioners



or the Gas Commissioners may after giving ten days notice to the owners lessees and occupiers affected by such proposed correction apply to the sheriff for the correction thereof and if it appear to the sheriff that such omission misstatement or erroneous description arose from accident or mistake he shall certify the same accordingly and shall in such certificate state the particulars of the omission and in what respect any such matter is misstated or erroneously described and the decision of the sheriff in such matter shall be final.

A.D. 1888.

**24.** The certificate of the sheriff shall be deposited in the office at Perth of the sheriff clerk of the county of Perth and a duplicate thereof shall be deposited with the session clerk of the parish in which the lands or buildings are situate in respect to which or to the owners lessees or occupiers whereof the omission misstatement or erroneous description occurred and such certificate and duplicate shall be kept by such sheriff clerk and session clerk respectively along with the other documents to which they relate and thereupon the deposited plans and books of reference shall be deemed to be corrected in accordance with the certificate and the Police Commissioners or the Gas Commissioners as the case may be may purchase take and use for the purposes of this Act any lands in accordance with such certificate as if such omission misstatement or erroneous description had not been made.

Certificates to be deposited.

**25.** The powers for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act.

Limiting time for exercise of compulsory powers of purchase.

#### PART IV.—GAS.

**26.** Notwithstanding anything in the Act of 1871 or this Act contained the Gas Commissioners may subject to the provisions of this Act hold and use the piece of land firstly described in the schedule to this Act for the purpose of and as a site or sites for a gasholder or gasholders gas apparatus houses and other conveniences and for the purposes of the gas undertaking and may demolish and remove the houses and other buildings on the said piece of land and may within the limits of the same piece of land as firstly described in the said schedule erect construct and maintain thereon a gasholder or gasholders gas apparatus houses works and conveniences for the storage and distribution of and may therein and therefrom store supply sell and distribute gas and any residual products arising in the manufacture of gas and may thereon make and maintain such roads bridges approaches works and conveniences as may be necessary

Additional land to be used for storage and distribution of gas.



A.D. 1888. — for the aforesaid purposes and may also on in or under the lands firstly and secondly described in the said schedule lay all mains and pipes necessary for the storage and distribution of gas.

Power to  
lay down  
additional  
mains &c.

**27.** Subject to the provisions of this Act the Gas Commissioners may lay down and maintain additional mains pipes and works for the supply and distribution of gas within the limits of supply defined by the Act of 1871.

Pressure of  
gas.

**28.** All gas supplied by the Gas 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 Gas Commissioners of the time and place at which such testing shall be conducted.

Provisions  
relating to  
testing of  
gas.

**29.** For the purposes of the Gasworks Clauses Act 1871 the following provisions shall have effect (that is to say):—

The place prescribed as a testing place shall be the existing testing place at the works of the Gas Commissioners situate in Canal Street and Scott Street Perth described in Schedule (C.) to the Act of 1871.

The prescribed burner shall be a union jet burner capable of consuming five cubic feet of gas per hour.

The prescribed number of candles shall be twenty-five.

Interest to  
be paid on  
deposit in  
security for  
gas meter.

**30.** If any person is required by the Gas Commissioners to give to them security for the payment of the price or rent of a meter they shall pay interest after the rate of four 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.

#### PART V.—FINANCIAL.

Power to  
Police Com-  
missioners

**31.** In addition to any money borrowed or which the Police Commissioners have power to borrow under and in virtue of the Act



of 1877 the Police Commissioners may from time to time under the authority of this Act borrow on mortgage of the several rates and charges leviable by them under the provisions of the Act of 1877 and this Act any sums they think requisite for the purposes of the Act of 1877 and of this Act and of the water undertaking not exceeding in the whole the sum of thirty thousand pounds and may make and grant mortgages of and over the said several rates and charges accordingly in security of the payment of the money so borrowed and interest thereon and if after having borrowed the sums of money by this section authorised or any part thereof the Police Commissioners pay off the same or any part thereof otherwise than by means of the sinking fund herein-after mentioned it shall be lawful for them again to borrow the amount so paid off and so from time to time.

A.D. 1888.

to borrow  
additional  
money:

**32.** The Police Commissioners may 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 Police Commissioners according to the usage of bankers in Scotland to the extent of the aggregate amount of the several sums which the Police Commissioners are by this Act authorised to borrow or any part thereof and may make and grant mortgages of and over the several rates and charges leviable by them under the provisions of the Act of 1877 and 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 Police Commissioners on such cash account and for money borrowed by them on mortgage as aforesaid shall not when taken together exceed the aggregate amount of the several sums by the Act of 1877 and the last preceding section of this Act authorised to be borrowed and not discharged by means of the sinking fund.

And to  
borrow on  
cash account.

**33.** Sections one hundred and thirteen one hundred and fourteen one hundred and sixteen and one hundred and twenty-three of the Act of 1877 shall be and are hereby made applicable to the money to be borrowed or raised by the Police Commissioners and to the mortgages assignments or transfers of mortgages interest warrants drafts or orders and discharges to be granted in respect thereof under the authority of this Act in the same manner as if such money and such mortgages assignments or transfers of mortgages interest warrants drafts or orders and discharges had been borrowed or raised or granted under the authority of the Act of 1877.

Provisions  
as to  
mortgages  
&c. in Act of  
1877 to be  
applicable to  
this Act.



A.D. 1888.

Provisions as  
to judicial  
factor &c. to  
be applicable  
to this Act.

**34.** Sections one hundred and twenty one hundred and twenty-one and one hundred and twenty-two of the Act of 1877 shall be and are hereby made applicable to the money to be borrowed or raised and to the mortgages to be granted by the Police Commissioners under the authority of this Act in the same manner as if the money to be borrowed or raised by them under the authority of this Act had been borrowed or raised under the authority of the Act of 1877.

Application  
of money  
borrowed or  
raised by  
Police Com-  
missioners.

**35.** The several sums to be borrowed or raised by the Police Commissioners on mortgage or on cash credit or cash account under the authority of this Act shall be applied for the purposes of the Act of 1877 and of this Act only to which capital is properly applicable and to no other purpose whatsoever. Provided that with the exception of the cost of enlarging or increasing the number of mains and pipes and of extending the works mains and pipes the several sums borrowed or raised by the Police Commissioners under the authority of this Act shall not be applied to any of the purposes to which the rates and charges by the Act of 1877 and this Act authorised to be levied by them are by this Act specially made applicable.

Power to  
Gas Com-  
missioners  
to borrow  
additional  
money :

**36.** In addition to any money which the Gas Commissioners have borrowed or are authorised to borrow under the Act of 1871 the Gas Commissioners may from time to time under the authority of this Act borrow on mortgage any sums they think requisite for the purposes of the Act of 1871 and of this Act and of the gas undertaking not exceeding in the whole the sum of twenty thousand pounds and may make and grant mortgages of and over the several rates and charges leviable by them under the provisions of the Act of 1871 and this Act in security of the payment of the money so borrowed and interest thereon and if after having borrowed the sums of money by this section authorised or any part thereof the Gas Commissioners pay off the same or any part thereof otherwise than by means of the sinking fund herein-after mentioned it shall be lawful for them again to borrow the amount so paid off and so from time to time.

And to  
borrow on  
cash account.

**37.** The Gas Commissioners may 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 Gas Commissioners according to the usage of bankers in Scotland to the extent of the aggregate amount of the several sums which the Gas Commissioners are by this Act authorised to borrow or any part thereof and may make and grant mortgages of and over the several



rates and charges leviable by them under the provisions of the Act of 1871 and 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 Gas Commissioners on such cash account and for money borrowed by them on mortgage as aforesaid shall not when taken together exceed the aggregate amount of the several sums by the Act of 1871 and the last preceding section of this Act authorised to be borrowed and not discharged by means of the sinking fund.

A.D. 1888.

**38.** Sections seventy-five and seventy-nine of the Act of 1871 shall be and are hereby made applicable to the money to be borrowed or raised by the Gas Commissioners and to the mortgages drafts or orders and discharges to be granted in respect thereof under the authority of this Act in the same manner as if such money and such mortgages drafts or orders and discharges had been borrowed or raised or granted under the authority of the Act of 1871.

Provisions as to mortgages &c. in Act of 1871 to be applicable to this Act.

**39.** Sections seventy-six seventy-seven and seventy-eight of the Act of 1871 shall be and are hereby made applicable to the money to be borrowed or raised and to the mortgages to be granted by the Gas Commissioners under the authority of this Act in the same manner as if the money to be borrowed or raised by them under the authority of this Act had been borrowed or raised under the authority of the Act of 1871.

Provisions as to judicial factor &c. to be applicable to this Act.

**40.** The several sums to be borrowed or raised by the Gas Commissioners on mortgage or on cash credit or cash account under the authority of this Act shall be applied only for the purposes of the Act of 1871 and of this Act and of the gas undertaking Provided that the several sums so borrowed by the Gas Commissioners under the authority of this Act shall not be applied to any purpose to which capital is not properly applicable or to any of the purposes to which the rates and charges by the Act of 1871 and this Act authorised to be levied by them are by this Act specially made applicable excepting temporary advances for payment of the annuities as provided by the Act of 1871.

Application of money borrowed or raised by Gas Commissioners.

**41.** All mortgages and securities granted by the Commissioners incorporated by the Act of 1877 and the Police Commissioners in pursuance of the powers of the Act of 1877 and by the Gas Commissioners in pursuance of the powers of the Act of 1871 before the passing of this Act and which shall be subsisting at the time of the passing of this Act shall during the continuance of such mortgages and securities have priority over any mortgages or securities to be

Priority of existing mortgages and securities.



A.D. 1888. — granted by the Police Commissioners and the Gas Commissioners respectively under this Act.

Persons  
lending not  
bound to  
inquire as to  
observance  
of Acts.

**42.** Any person lending or paying money under the Act of 1877 or this Act to the Police Commissioners or under the Act of 1871 or this Act to the Gas Commissioners shall not be bound to inquire as to the observance by the Police Commissioners and the Gas Commissioners respectively of any of the provisions of the said 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.

Annual  
estimates to  
include  
interest on  
money bor-  
rowed &c.

**43.** In estimating and fixing once in every year the amount of money necessary to be levied for the purposes mentioned in section eighty-four of the Act of 1877 and in the estimate provided by section sixty-five of the Act of 1871 to be laid before the Gas Commissioners at their annual general meeting of the sums required to meet for such year the outgoings and charges mentioned in that section the Police Commissioners and the Gas Commissioners shall include the interest on the money that may be borrowed by them respectively under the authority of this Act and the moneys by this Act provided to be set apart as sinking funds as herein-after provided and any additional charges and expenses to be incurred in carrying out the purposes of this Act by the Police Commissioners and the Gas Commissioners respectively and the rates by the Acts of 1877 and 1871 and this Act authorised shall respectively be assessed and levied to such an amount as will be sufficient to meet the same in addition to the purposes mentioned in the said sections of the Acts of 1877 and 1871 and the amount so levied shall be applied in payment thereof.

Application  
of water  
revenue.

**44.** Subject to the provisions of the Act of 1877 and this Act the Police Commissioners shall apply all moneys from time to time received by them under the powers of the Act of 1877 or this Act (not being money raised by borrowing for the application of which provision is otherwise made) in the manner and order following and not otherwise (that is to say):—

(Firstly.) In payment of the expenses of managing and maintaining the water undertaking including therein all expenses of and incidental to the raising levying and recovering of rates rents charges and revenues and the borrowing of moneys for the purposes of the Act of 1877 and this Act and in payment of any feu-duties ground annuals or other charges exigible in respect of any lands or property required for the purposes of the water undertaking :



(Secondly.) In payment of interest of money borrowed under the authority of the Act of 1877: A.D. 1888.

(Thirdly.) In payment of interest of money borrowed under the authority of this Act:

(Fourthly.) In setting apart annually the sinking fund for paying off the money borrowed under the authority of the Act of 1877 and this Act:

(Fifthly.) In carrying the powers and provisions of the Acts of 1829 and 1877 so far as not repealed or altered and this Act into execution:

(Lastly.) The surplus (if any) from time to time shall be so applied as to facilitate the reduction of the domestic water rate when circumstances shall permit the same to be done.

**45.** The rates and charges levied or leviable under the authority of the Act of 1871 and this Act or either of them and the other revenues of the Gas Commissioners shall be applied in manner following (that is to say):— Application of gas revenue.

(Firstly.) In defraying the expenses of management and maintenance of the gas undertaking including the annual costs charges and expenses of providing and supplying gas and the payment of any annual burdens or payments in respect of the gas undertaking:

(Secondly.) In payment of the annuities to the annuitants and of the interest of money borrowed under the authority of the Act of 1871:

(Thirdly.) In payment of the interest of money borrowed under the authority of this Act:

(Lastly.) In payment of the sums by the Act of 1871 and this Act required to be annually set apart and appropriated for the purpose of the sinking fund and of the sum if any to be set apart for the contingency and depreciation of works fund provided by the Act of 1871.

**46.** Section one hundred and seventeen of the Act of 1877 shall apply to the principal moneys to be borrowed by the Police Commissioners under the authority of this Act and the repayment thereof Provided that the period of five years therein mentioned shall be read as two years from the passing of this Act and that the four per centum per annum therein mentioned shall be read as three and a half per centum per annum. Sinking fund for water debt.

**47.** The Gas Commissioners shall in addition to the sums provided to be set apart annually as a sinking fund by section eighty-two of the Act of 1871 set apart or pay over annually to the sinking Sinking fund for gas debt.

A.D. 1888.

fund thereby provided after the expiry of two years from the passing of this Act the sum of three hundred pounds and such sinking fund and the income arising therefrom shall from time to time be invested in government or heritable securities or by way of deposit in any bank in Scotland incorporated by royal charter or under the provisions of any Act of Parliament and shall be applied at such time as the Gas Commissioners shall see fit towards the payment of the money borrowed under the authority of this Act as well as of the Act of 1871 and the redemption of the annuities mentioned in the said section and to no other purpose whatever Provided always that whenever the Gas Commissioners pay off any principal money borrowed or redeem any such annuity out of the said sinking fund they shall thenceforth until the whole of the borrowed money and annuities are paid off and redeemed pay annually into such sinking fund in addition to the sums of seven hundred pounds and three hundred pounds required to be set apart thereto a sum equal to the annual interest of the borrowed money so paid off and to the annuity or annuities so redeemed Provided also that whenever and so long as the yearly income arising from the said sinking fund shall be equal to the annual interest of the money borrowed and then outstanding and the annuities then payable the Gas Commissioners may in lieu of investing such yearly income as aforesaid apply the same in payment of such interest and annuities and may during such periods discontinue the payments to such sinking fund of the yearly sums by the Act of 1871 and this Act required to be paid thereto.

Annual  
return to  
Secretary for  
Scotland  
with respect  
to sinking  
funds.

**48.** The treasurer to the Police Commissioners and the treasurer to the Gas Commissioners shall respectively within two months after the expiration of each financial year during which any sum is by this Act required to be set apart for a sinking fund by those bodies respectively transmit to the Secretary for Scotland a return in such form as may be prescribed by the Secretary for Scotland and verified by statutory declaration if so required by him showing the amount which has been so set apart in respect of that year and also showing the purposes to which any portion of such sinking funds and the interest or income thereof has been applied during the same period and the total amounts remaining to the credit of such funds at the end of the same period and in the event of any wilful default in making such return such treasurer so making default shall be liable to a penalty not exceeding twenty pounds which shall be recoverable by the Secretary for Scotland as a debt to the Crown is recoverable If it appear to the Secretary for Scotland by any such return or otherwise that the Police Commissioners or the Gas Commissioners



have failed to set apart the sums required by this Act to be set apart by those bodies respectively for the respective sinking funds or have applied any portion of the moneys set apart for those funds or any interest or income thereof to any purposes other than those authorised by this Act the Secretary for Scotland may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart as part of the sinking fund to which the same is applicable and such order shall be enforceable by decree of either Division of the Inner House of the Court of Session in Scotland pronounced in a summary application presented for that purpose.

A.D. 1888.

#### PART VI.—MISCELLANEOUS.

**49.** From and after the fifteenth day of May one thousand eight hundred and eighty-nine section one hundred and one of the Act of 1877 shall be and is hereby repealed.

Repeal of  
section 101  
of Act of  
1877.

**50.** Except as otherwise provided by this Act all the powers and provisions vested in and applicable to the Police Commissioners with reference to the water undertaking by the Act of 1829 in so far as not repealed or altered by the Act of 1877 and this Act and by the Act of 1877 in so far as not repealed or altered by this Act and all the powers and provisions vested in and applicable to the Gas Commissioners with reference to the gas undertaking by the Act of 1871 in so far as not repealed or altered by this Act shall be and the same are hereby in so far as applicable extended and applied to the purposes of this Act relating to the water undertaking and gas undertaking respectively and to the lands to be acquired by the Police Commissioners and Gas Commissioners respectively under the powers of this Act.

Powers  
under recited  
Acts ex-  
tended to  
purposes of  
this Act.

**51.** Nothing in this Act shall exonerate the Police Commissioners or the Gas Commissioners from any action indictment or other proceeding for nuisance in the event of any nuisance being caused by them.

Police Com-  
missioners and  
Gas Commis-  
sioners not ex-  
onerated from  
proceedings for  
nuisance.

**52.** Nothing contained in this Act shall authorise the Police Commissioners to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any right in respect thereof belonging to the Queen's most Excellent Majesty in right of Her Crown and under the management of the Board of Trade without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which

Saving  
rights of the  
Crown in the  
foreshore.

A.D. 1888. — consent the Board of Trade may give) neither shall anything in this Act contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty Her heirs or successors.

Costs of Act. **53.** 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 Police Commissioners and the Gas Commissioners in equal moieties out of the moneys to be raised by those bodies respectively under the authority of this Act.



## SCHEDULE referred to in the foregoing Act.

A.D. 1888.  

---

(First.) A piece of land extending to one acre three roods fifteen poles and twenty yards or thereabouts with the houses and other buildings thereon situate at the shore of Perth in the parish of Perth and that part or division thereof called the West Church parish of Perth and royal burgh and county of Perth bounded as follows viz. Upon the north by an imaginary straight line drawn from the road or street called the Shore Road of Perth at the north boundary of a dwelling-house belonging or reputed to belong to the trustees of the late Mrs. Georgina Chalmers Perth abutting on said Shore Road and occupied by John Craigon Flora Miller Peter Jackson David Campbell and John Collison Nicoll in continuation of said north boundary of said dwelling-house westwards through lands called the South Inch of Perth belonging to the corporation of Perth to a point two hundred and thirty feet or thereabouts from the said Shore Road on the west by an imaginary straight line drawn from the point last mentioned southwards through lands sometime called the Bog but now part of the lands called the South Inch of Perth belonging to the corporation of Perth to a point three hundred and fifty feet or thereabouts southwards from said last-mentioned point on the south by an imaginary straight line drawn from the point last mentioned eastwards through lands occupied as woodyards belonging to the corporation of Perth till it reaches the said Shore Road and on the east by the said Shore Road.

(Second.) A strip or portion of land five feet or thereabouts in breadth forming part of the South Inch of Perth belonging or reputed to belong to the corporation of Perth extending in a north-westerly direction from the northern boundary of the piece of land immediately before described across or through the eastern division of the said South Inch of Perth to the east side of the road leading from the royal burgh of Perth southwards called the Edinburgh Road thence in a north-westerly direction from the west and opposite side of the said road across or through the western division of the said South Inch of Perth to a point in the street or road called Marshall Place of Perth opposite the south end of Nelson Street of Perth which strip or portion of land is wholly situate in the parish of Perth and that part or division thereof called the West Church parish of Perth and royal burgh and county of Perth.

---

London : Printed for HER MAJESTY'S STATIONERY OFFICE,  
By EYRE AND SPOTTISWOODE, Printers to the Queen's most Excellent Majesty.

---

And to be purchased, either directly or through any Bookseller, from  
EYRE AND SPOTTISWOODE, EAST HARDING STREET, FLEET STREET, E.C.; or  
ADAM AND CHARLES BLACK, 6, NORTH BRIDGE, EDINBURGH; or  
HODGES, FIGGIS, & Co., 104, GRAFTON STREET, DUBLIN.

