



CHAPTER xxxii.

An Act for regulating the affairs of the Burgh of Paisley, and the River Cart Navigation ; and for other purposes. A.D. 1872.

[27th June 1872.]

WHEREAS an Act was passed in the session held in the sixth and seventh years of the reign of Her present Majesty, intituled “ An Act for appointing trustees for the creditors of the burgh of Paisley, and other purposes relating to the financial affairs of the said burgh :” 6 & 7 Vict. c. lxxxv.

And whereas it was by the said Act (herein-after called “ the recited Act ”) enacted that the whole property, estate, and effects belonging and owing to the burgh, except as therein otherwise provided, should from and after the date thereof form and constitute a trust estate for the security and payment of the then creditors of the burgh, and that all right, title, and interest in the said property, estate, and effects vested before the passing of the said Act in the council of the burgh should from the date thereof be transferred to and vested in the burgh trustees with the powers of management, disposal, and distribution therein specified :

And whereas it was by the recited Act further enacted, that the pew and seat rents belonging to the community of Paisley, of the several parish churches of the burgh, should be held by the council, and applied, in the first place, in payment of the church expenses, repairs of the said churches, and other buildings connected therewith, so far as the burgh was legally liable therefor, and the expenses of the collection of the said rents ; and that any surplus remaining after providing for those objects should be annually applied in extinction, pro tanto, of the current yearly stipends due to the clergymen of the said churches ; and that the burgh trustees, in dividing the annual revenues of the estate of the burgh among the creditors thereof, should pay over to the council for behoof of the

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And whereas it was by the recited Act further enacted, that the council should be ranked on the said trust estate for the funds bequeathed to them for certain charitable purposes, as specified in schedule (H.) annexed to the recited Act, and should receive and apply to the said purposes the interest accruing in respect of the said funds, but the several amounts of the said charities specified in the said schedule were subsequently found to be incorrect, and the true amounts thereof were ascertained, and the council were ranked on the trust estate accordingly, and the amounts for which they were so ranked in respect of each of the said charities are specified in the first schedule to this Act annexed :

And whereas it was by the recited Act further enacted, that so long as the said trust estate should remain unsold, the burgh trustees should apply the free annual revenue thereof, after payment of current expenses, in payment of interest on the said debts at a rate not exceeding four and one half per centum per annum ; and that after defraying the expenses of obtaining the recited Act, and of carrying the same into execution, the said trustees should apply the moneys arising from the sale of the said trust estate in payment of the debts due to the creditors of the burgh, and of the deficiency of interest between the annual payment from the revenues as before mentioned and interest on the principal of the said debts at the foresaid rate, and of any deficiency in the payment of the stipends of the then clergymen of the said churches :

And whereas on the passing of the recited Act the burgh trustees entered into possession of the said trust estate, and have since continued in the management thereof, and divided the annual produce of the same proportionally among the parties entitled thereto as aforesaid, and have also sold and feued out certain portions of the said trust estate, and have out of the proceeds of such sales paid off a proportion of the said debts, and set apart a corresponding proportion of the amounts ranked on account of stipends and charity funds as aforesaid :

And whereas the principal of the debts ranked on the said trust estate (exclusive of the rankings for stipends and charity funds)

now amounts, after deducting the proportion paid off as aforesaid, to the sum of thirty-six thousand three hundred and fifty-eight pounds eleven shillings and elevenpence; and the said charity funds (excluding the sums set apart by the said trustees on that account as aforesaid) now amount to nine hundred and thirty pounds nine shillings and sevenpence, as specified in the first schedule annexed hereto; and the sums so set apart amount to two hundred and thirty-two pounds eleven shillings and threepence:

And whereas under the recited Act the value upon which the council for behoof of the ecclesiastical establishment of the burgh were entitled to rank against the trust estate of the burgh in respect of the stipends payable to the clergymen was fixed at twenty thousand pounds; and it was provided that, as the said trust estate should be in whole or in part sold off, the burgh trustees should be bound to allocate to the council for behoof of the said ecclesiastical establishment a dividend in proportion to that payable to the other creditors of the burgh; and that the council should invest the same on Government or real security, in their own names, in trust for behoof of the said ecclesiastical establishment, and in security for payment of the stipends exigible by law; and whereas under these provisions the sum of four thousand pounds has already been paid to the council for the above purpose, and that sum has been invested by them in Government securities, in their own names, in trust for the purposes above recited; but the council still remain creditors of the burgh for behoof of the ecclesiastical establishment aforesaid, on the reduced ranking of sixteen thousand pounds:

And whereas the annual produce of the said trust estate has never yielded and is insufficient to yield the aforesaid rate of interest to the parties entitled thereto; and the estimated amount which would be realised from the said trust estate, if the same were sold, is insufficient to meet even the principal of the said debt:

And whereas it would be for the advantage both of the burgh and the inhabitants thereof and of the creditors of the burgh that the management of the burgh estate should be restored to the council, and that new arrangements should be made whereby the said creditors would be secured in the regular payment of fixed annuities in lieu of the principal and interest of their respective debts and claims, such annuities to be redeemable by the council from time to time; and that other provisions should be made in respect to the said stipends and charity funds:

And whereas in the event of such an arrangement being carried into effect, the council are willing that the property of the three

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— parish churches of the burgh (including the pews and seats therein held by the council, with the revenues thereof), and the patronage and other appointments connected therewith, should, under burden of the expense of managing and maintaining the same, and of renewing or rebuilding the churches when necessary, be vested in trustees for behoof of the respective congregations thereof:

And whereas it is expedient to empower the council to sell, feu out, or otherwise dispose of such portions of the property of the burgh as they may deem expedient, and to make provisions for the application and investment of the moneys arising therefrom; as also to empower the council to enter into agreements with the vassals of the burgh for the commutation or redemption of the casualties of superiority and the feu duties exigible in respect of property held in feu of the burgh:

And whereas the council at present occupy for the purposes of the municipal and police affairs of the burgh and for carrying on their duties in respect to the various trusts under their charge and otherwise, a portion of the public offices erected at Paisley by the Commissioners for executing the purposes of an Act passed in the fifty-fifth year of the reign of King George the Third, intituled
55 G. 3.
c. lxxiii. “ An Act for erecting and maintaining a bridewell, gaol, court-
“ house, and public offices for the burgh of Paisley and county of
“ Renfrew;” but these public offices are now insufficient for the convenient accommodation of the council as aforesaid, along with the Commissioners of Supply and other parties engaged in the transaction of the business of the said county, and it is expedient that separate accommodation should be provided for the council, and that they should be authorised to acquire lands and erect buildings suitable for that purpose:

And whereas in consequence of the financial embarrassment of the burgh it was by the recited Act enacted, that the functions, powers, and privileges previously vested in the council, as trustees for improving the navigation of the river Cart, and deepening and extending the harbour of Paisley, should be suspended until revived in manner therein provided, and should vest in the temporary board of trustees thereby appointed, under certain restrictions in regard to the cost of the works to be undertaken by those trustees in connexion with the said navigation and harbour:

And whereas the mutual claims of the burgh and of the Cart Navigation Trust were adjusted by the recited Act; and it was thereby provided that certain creditors of the Navigation Trust, for sums advanced thereto on the guarantee of the burgh, should be ranked on the trust estate of the burgh for the sum of five thousand

two hundred and fifty pounds in full of all claims by the creditors of the Navigation Trust against the estate of the burgh, and four thousand two hundred pounds, the balance of the said sum of five thousand two hundred and fifty pounds still unpaid, is included among the debts owing by the burgh as aforesaid; and it was further provided that the creditors to be ranked on the said trust estate for the said sum of five thousand two hundred and fifty pounds should be ranked on the Cart Navigation Trust for the sum of one thousand eight hundred pounds, which sum should be a permanent preferable debt upon the said navigation, and should bear interest at the rate of four per cent. per annum :

And whereas the remaining or ordinary debts affecting and ranked on the Cart Navigation Trust (exclusive of those due to the burgh) amount to the sum of nine thousand nine hundred and ninety-two pounds five shillings and ninepence :

And whereas the debts due by the Cart Navigation to the burgh, including the said sum of five thousand two hundred and fifty pounds, now amount to thirty-eight thousand six hundred and fifty-one pounds four shillings and threepence, but those debts were by the recited Act postponed to all other debts then owing by the Navigation Trust: And whereas it would be of advantage to the burgh and the trade and manufactures thereof, that the affairs of the Cart Navigation should be placed on an improved footing, and with that view that the property and management of the said navigation should be vested in a new body of trustees freed from the said postponed debt to the burgh, and that the restrictions herein-before mentioned in regard to the cost of the works to be undertaken in respect to the said navigation and harbour should be altered, and the said new body of trustees authorised to raise an additional sum of money for the purposes of the said navigation and harbour :

And whereas it is expedient that the purposes to which the profits arising from the sale of gas, under the provisions of the Paisley Corporation Gas Act, 1870, are applicable, should be extended and made available towards guaranteeing the payment of the annuities to be granted to the creditors of the burgh and the stipends of the clergymen and annuities on account of the charity funds, and towards providing, laying out, and maintaining public parks and gardens, and the other purposes generally of the burgh :

And whereas it is expedient that the recited Act should be amended, and that provision should be made for carrying into effect the several objects herein-before mentioned :

But these objects cannot be effected without the authority of Parliament :

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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 for all purposes as "The Paisley Burgh and Cart Navigation Act, 1872."

Lands
Clauses Acts
in part in-
corporated.

2. "The Lands Clauses Consolidation (Scotland) Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," except so much of the former Act as relates to the purchase and taking of lands otherwise than by agreement, to the entry upon lands by the promoters of the undertaking, and to small portions of intersected land, are hereby incorporated with this Act.

Commissioners
Clauses
Act in part
incorporated.

3. "The Commissioners Clauses Act, 1847," (except where expressly varied by this Act) is hereby incorporated with this Act, with the exception of the clauses and provisions with respect to the following matters, that is to say, with respect to the qualification of Commissioners; with respect to the election and rotation of the Commissioners, where the Commissioners are to be elected by the ratepayers or other like class of electors; with respect to the meetings and other proceedings of the Commissioners and their liabilities; and with respect to the mortgages to be executed by the Commissioners; and also with the exception of sections 57, 92, 93, and 94; and the word "Commissioners" in the said Act, as incorporated with this Act, shall mean the Cart Trustees.

Sections of
Harbours,
&c. Act,
1847, and of
Railways
Clauses Act,
1863, incor-
porated.

4. Sections 12, 34 to 48, both inclusive, 51 to 76, both inclusive, 79, 80, 83 to 90, both inclusive, 92, and 94 of "The Harbours, Docks, and Piers Clauses Act, 1847," and sections 13, 18, and 19 of "The Railways Clauses Act, 1863," are incorporated with and form part of this Act; and in construing the said sections as incorporated with this Act, the expressions "the Undertakers" and "the Company" respectively shall mean the Cart Trustees, and the words "harbour," "dock," "pier," "work," and "railway" respectively, shall mean any work below high-water mark which those trustees may construct under the authority of this Act.

Interpreta-
tion.

5. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated with this Act shall, unless there be something in the subject or context repugnant to such construction, have the same respective meanings; and in those Acts as so incorporated the expression "the special Act" shall mean this Act; and the following words and

expressions in this Act shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction : A.D. 1872.

The word "person" shall include corporation, and the heirs, executors, assignees, and successors of the person or corporation referred to :

The expression "the burgh" shall mean the burgh of Paisley :

The expression "the Cart Navigation" shall mean and include the river Cart, from the Abbey Bridge of Paisley to the river Clyde, and the harbour of Paisley, and the works connected therewith respectively :

The expression "the council" shall mean the provost, baillies, treasurer, and councillors of the burgh of Paisley for the time being :

The expressions "the town clerk," or "the clerk," shall mean the town clerk of the burgh for the time being, or either of the town clerks for the time being of the burgh, if there be more than one :

The expression "the treasurer" shall mean the treasurer of the burgh :

The expression "the chamberlain" shall mean the chamberlain of the burgh :

The expression "the burgh trustees" shall mean the trustees for the creditors of the burgh of Paisley appointed by or under the powers of the recited Act :

The expression "Temporary Cart Trustees" shall mean the temporary board of trustees for the improvement of the navigation of the river Cart and the harbour of Paisley appointed by or under the powers of the recited Act :

The expression "Cart Trustees" shall mean the trustees of the Cart Navigation incorporated by this Act :

The expression "burgh creditors" shall mean and include all persons (other than the council) having at the commencement of this Act any debt ranked upon the trust estate of the burgh :

The expression "Cart Navigation creditors" shall mean and include all persons (other than the council) having at the commencement of this Act any debt ranked or preferably secured upon the Cart Navigation by or under the recited Act :

The expression "the clergymen" shall mean and include the present ministers of the three parish churches of the burgh of Paisley, and their successors in office :

The expression "ecclesiastical trustees" shall mean the ecclesiastical trustees of each parish church of the burgh with

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reference to which such expression is made use of, and their respective successors in office, as incorporated by this Act :

The expression "the High Church" shall mean and include the parish church of the burgh known as the High Church, with the pews and seats therein and revenues arising therefrom, ground attached thereto, burial ground, and walls enclosing the same, so far as belonging to the council at the commencement of this Act, but shall not include the steeple at the High Church or the site thereof, except to the extent of a right of access through such steeple to the said church :

The expression "the Middle Church" shall mean and include the parish church of the burgh known as the Middle Church, with the pews and seats therein and revenues arising therefrom, vestry, session house, ground attached thereto, and walls enclosing the same, so far as belonging to the council at the commencement of this Act :

The expression "Saint George's Church" shall mean and include the parish church of the low parish of the burgh, with the pews and seats therein and revenues arising therefrom, vestry, presbytery house, ground attached thereto, and walls enclosing the same, so far as belonging to the council at the commencement of this Act :

The expression "the charity funds" shall mean the funds mortified or bequeathed for charitable purposes to the magistrates and town council of Paisley, which are named in the first schedule to this Act :

The expression "the sheriff" shall mean the sheriff of the county of Renfrew and Bute, or his substitute at Paisley.

Commencement of Act.

6. Except in so far as herein otherwise expressly provided, this Act shall commence upon and take effect from and after the thirtieth day of September one thousand eight hundred and seventy-two.

Re-transfer to council of burgh property.

7. The whole property, moneys, estate, and effects, heritable and moveable, real and personal, which immediately preceding the commencement of this Act belong or are owing to, or vested in, or under the management or control of the burgh trustees, and particularly and without prejudice to the said generality, the heritable property specified in the fourteenth schedule to this Act, are on the commencement and subject to the provisions of this Act re-transferred to and vested in the council, to the same effect as if a disposition, charter, or other conveyance had been granted to them, and infestment taken and recorded thereon, subject to the first charges and real burdens herein-after imposed, and shall, subject to

such first charges and real burdens, form part of the property of the burgh ; and all sums due or becoming due to the burgh trustees on revenue account at the commencement of this Act shall be paid to the council, and shall form part of their revenue for the purposes of this Act ; and all unclaimed dividends and other moneys accumulated in the hands of the burgh trustees shall be paid over to the council for behoof of the persons entitled thereto under the provisions of this Act.

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8. From and after the commencement of this Act sections 1 to 53 (both inclusive) of the recited Act are hereby repealed, the trust created for the burgh creditors is terminated, and the powers and functions of the burgh trustees shall cease : Provided always, that the whole actings, transactions, and intromissions of the burgh trustees, and all sales, feus, purchases, dispositions, feu contracts, feu dispositions, discharges of feu duties and casualties of superiority, and other deeds and agreements made and granted by them respectively, and all dividends declared and payments made by them in favour of and to the burgh creditors, are hereby ratified and confirmed : Provided further, that notwithstanding the passing of this Act, and the repeal of the sections of the recited Act hereinbefore mentioned, everything heretofore done, suffered, and confirmed respectively, under or by virtue of the recited Act, relating to the trust estate of the burgh, to the burgh trustees, to the burgh creditors, and to the clergymen and charity funds, shall be as valid as if this Act had not been passed, and the repeal of the said sections and this Act shall accordingly be subject and without prejudice to everything so done, suffered, and confirmed respectively, and to all rights, liabilities, claims, and demands, present or future, which, if such repeal had not taken place and this Act had not been passed, would be incident to or consequent on anything so done, suffered, and confirmed respectively ; and with respect to all things so done, suffered, and confirmed respectively, and to all such rights, liabilities, claims, and demands, the council shall to all intents represent the burgh trustees, and the generality of this provision shall not be deemed to be restricted by any other of the provisions of this Act.

Partial repeal of recited Act, and extinction of burgh trust.

9. The estates, funds, and property of the burgh, by this Act re-transferred to the council, are hereby charged with the payment to the burgh creditors of the perpetual annuities herein-after mentioned, equal in the aggregate to four pounds per centum on the said sum of thirty-six thousand three hundred and fifty-eight pounds eleven shillings and elevenpence ; and each of the burgh creditors shall receive thereout a perpetual annuity of four pounds in respect of

Annuities to be paid to burgh creditors in satisfaction of their debts.

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each one hundred pounds (and so in proportion as respects any smaller sum than one hundred pounds) of the principal of his debt remaining due at the commencement of this Act, after deducting from the original ranking thereof under the recited Act the payments which have since such ranking been made on account of the principal of such debt, and shall accept the same in full satisfaction of such debt, and of all arrears of interest thereon, and shall deliver up to the council for the purpose of being cancelled the certificate or other voucher of such debt issued by the burgh trustees; and all claims for arrears of interest in respect of any debt ranked under the recited Act for any period previous to the term of Martinmas one thousand eight hundred and seventy-two, and whether at the instance of any present or former creditor, are hereby extinguished.

Date of payment of annuities.

10. The said annuities shall be called "Paisley Burgh Annuities," and shall become due on the usual term days of Whitsunday and Martinmas in each year, half-yearly, in equal moieties, and be payable on the third Monday of June and the third Monday of December following such term days respectively, at the office at Paisley of the chamberlain, and the first payment shall be made on the third Monday of December in the year one thousand eight hundred and seventy-two, for the half year ending at the term of Martinmas preceding, and the subsequent payments shall be made half-yearly on the days above mentioned in each year following; and the council may issue to the annuitants warrants signed by the chamberlain for the payment of the said annuities at such reasonable time before they become payable as to the council may seem proper; and the delivery to the council or chamberlain, or to any person on their behalf, of any such annuity warrant duly signed by the annuitant and stamped as a receipt, shall be a valid and sufficient discharge to the council for the amount of annuity in respect of which such warrant was issued.

Annuities to represent debt.

11. The said annuities shall in all respects be substituted for the debts in respect of which they are granted, and the several persons in whom any annuities become vested under this Act shall be possessed thereof respectively upon the same trusts and subject to the same powers, provisions, charges, and liabilities as those upon and to which the respective debts in respect of which such annuities are granted are on the date at which such annuities become so vested as aforesaid held and subject; and the said annuities shall be held as conveyed or affected by any deed, will, or other instrument disposing of or affecting such debts.

12. The council shall at their own expense grant and issue to each of the burgh creditors, or to his executors, administrators, or assignees, on delivery to the council of the certificate of or on production of other evidence of the debt due to him by the burgh, annuity certificates, in the form of the third schedule to this Act, or to the like effect, for the annuities to which such creditor is entitled under the provisions of this Act, which certificates shall be under the common seal of the burgh, and be signed by two members of the council and the chamberlain.

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Annuity certificates to be granted.

13. If any certificate of or other title to any debt aforesaid be lost or destroyed, then on proof thereof the council shall issue to the person entitled to the certificate or other title so lost or destroyed a certificate or certificates for the annuity or annuities to be granted in respect of such debt, and in case the council shall not be satisfied with the proof offered by such person, he may appeal to the sheriff, who shall decide summarily as to the proof requisite in the circumstances of each case, and his decision shall be final.

Provision in case of loss of title to shares.

14. The certificates of annuity issued by the council to any person entitled thereto shall be so many, and each of them for so many annuities, but not exceeding in the aggregate the whole number of his annuities, as he by notice in writing to the council 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 council shall issue to such person one or more certificates as they think fit.

Number of annuities for which certificates to be issued.

15. The council shall keep a book called the "Register of Paisley Burgh Annuities," and shall enter therein from time to time the names and designations of the several annuitants respectively entitled to the annuities, and the respective amounts of their annuities.

Register of annuities.

16. If any certificate be lost, worn out, or damaged, a new certificate shall be granted and issued by the council on production to the council of evidence of the right of the annuitant requiring such new certificate; and if in any case the council shall not be satisfied with the evidence offered by the annuitant he may appeal to the sheriff, who shall decide summarily what evidence is requisite, and such decision shall be final, and for every such new certificate the clerk may demand any sum not exceeding one shilling.

Certificates to be renewed if lost, &c.

17. If at any time an annuitant be desirous of having several certificates instead of one, or one certificate instead of several, for his annuities or any of them, then on any such certificate or cer-

Certificates for altered numbers of annuities.

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Certificates to be evidence.

18. The certificates shall be admitted in all courts as *primâ facie* evidence of the title of the holder thereof to the annuities therein specified, but the want of any such certificate shall not prevent any annuitant from disposing of his annuity.

Annuitants address book to be kept.

19. The council shall also keep a book called the "Paisley Burgh Annuitants Address Book," and shall enter therein from time to time the names and the places of business of the annuitants being companies or corporations, and the names, designations, and places of abode of the other annuitants, so far as the same are known to the council; and every annuitant, or, if such annuitant be a company or corporation, their clerk or agent, may at all convenient times inspect such book gratis and may require a copy thereof or of any part thereof, and for every one hundred words or any smaller number of words so required to be copied the clerk may demand any sum not exceeding sixpence.

Annuities to be personal estate.

20. The annuities shall be moveable or personal estate, and transmissible as such, and shall not be of the nature of heritable or real estate.

Annuities may be transferred.

21. Every transfer of an annuity or annuities shall be by deed duly stamped, in which the consideration shall be truly stated, and such deed may be in the form of the fourth schedule to this Act, or to the like effect.

Transfers of annuities to be registered.

22. Every such transfer when duly executed shall be delivered to the council and be kept by them, and they shall keep a book called the "Register of Transfers of Paisley Burgh Annuities," and shall enter every such transfer therein, and shall endorse such entry on the transfer (such endorsement to be signed by the clerk), and shall on demand deliver a new certificate to the transferee, and for every such entry of a transfer with such endorsement and certi-

ificate the clerk may demand any sum not exceeding one shilling; 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 clerk shall be considered in every respect the same as a new certificate, and for every such endorsement the clerk may demand any sum not exceeding one shilling; and until such transfer be so delivered to the council the transferee shall not be entitled to receive any part of the annuities transferred.

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23. The council may close the Register of Transfers of Paisley Burgh Annuities for any period not exceeding fourteen days before the third Monday in June and the third Monday in December in each year, and any transfer made during the time when such register is closed shall, as between the council and the transferee, but not otherwise, be held as made after that time.

Closing of transfer books.

24. 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.

Transmission of annuities by other means than transfer to be authenticated by a declaration.

25. 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 of any county or city, or any sheriff or his substitute; and such declaration shall be left with the council, and be entered in the Register of Transfers of Paisley Burgh Annuities, and for every such entry the clerk may demand any sum not exceeding one shilling.

Contents of declaration in all cases.

26. 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 testamantar 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 clerk.

Contents of declaration in cases of transmission by marriage or will.

27. The council shall not be bound to see to the execution of any trust, whether express, implied, or constructive, to which any annuity may be subject; and the receipt of the person in whose name any annuity stands in the register of annuities shall, from

Council not bound to regard trusts.

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Certificate to be demanded before annuity recoverable.

Annuities recoverable by suit.

28. The council shall not be bound to pay any annuity until the party entitled thereto has demanded, as by this Act provided, a certificate for such annuity.

29. If any annuity or part of an annuity being payable be not paid on demand thereof in writing made by the annuitant or his agent to the council, the annuitant may sue for and recover the same from the council in any court of competent jurisdiction.

Council may redeem annuities under certain conditions.

30. The council may from time to time, on the third Monday of June or the third Monday of December in any year, redeem any portion of the annuities, subject to the following provisions :

The council shall give not less than six months notice of the day on which and the extent to which they intend to redeem the annuities ; such notice shall be given by advertisement, inserted at least once in each week for two consecutive weeks, in a newspaper published in Paisley, and by circular sent through the post office, addressed to each person who is at the time an annuitant, at his address as entered in the Paisley Burgh Annuitants Address Book :

In redeeming any portion of the annuities the council shall redeem the same proportional part of every annuity or portion thereof at the time remaining unredeemed :

The proportional part of each annuity so to be redeemed shall be redeemable at the rate of twenty-five years purchase of such proportional part, in addition to any termly payment of annuity then due :

After the redemption of any part of an annuity the annuitant shall be entitled only to payment of so much of that annuity as at the time remains unredeemed ; but he shall have, as respects the portion of such annuity remaining unredeemed, the like rights, powers, and privileges for securing, enforcing, and recovering payment of such portion as he would by this Act have had in respect to such annuity if no portion thereof had been redeemed :

The council shall, at least seven days before the day of redemption of any portion of the annuities, send notice in writing through the post office to each person then being an annuitant, at his address as entered in the said annuitants address book, of the place and time of payment of the redemption money ; and if

any annuitant fail or refuse to accept such redemption money at the said place and time, the council may, if they think fit, consign the same in any of the chartered banks or banks established by Act of Parliament in Scotland, in the name and for behoof of such annuitant; and on the acceptance or consignment of such redemption money, all liability on the part of the council for payment thereof shall cease.

A.D. 1872.

31. On redemption of any annuity, or of any portion of an annuity, the annuitant shall deliver up to the council the certificate of such annuity, or portion of annuity, and shall give the council a discharge for the redemption money, and the council shall issue gratis to the annuitant a new certificate for any portion which may remain unredeemed of such annuity; and upon any annuity or portion of annuity being redeemed, an entry of the redemption thereof shall be made in the Register of Paisley Burgh Annuities, and the annuity or portion of annuity so redeemed shall be extinguished.

Annuitant to deliver up certificate of annuity redeemed.

32. The estates, funds, and property of the burgh, by this Act re-transferred to the council, are also hereby charged with the payment to each of the clergymen of a stipend of two hundred and sixty-six pounds thirteen shillings and fourpence, which shall become due half-yearly, in equal moieties, on the usual term days of Whitsunday and Martinmas in each year, and be payable on the third Monday in June and the third Monday in December following such term days respectively, and the first payment shall be made on the third Monday in December one thousand eight hundred and seventy-two, for the half year ending at the term of Martinmas preceding; and the clergymen shall accept such stipend in full satisfaction of all claims competent to them, for stipend and arrears of stipend or interest or otherwise, against the council, and the burgh, and the estates, funds, or property thereof.

Stipends to be paid to clergymen.

33. The estates, funds, and property of the burgh, by this Act re-transferred to the council, are also hereby charged with the payment of an annuity at the rate of four pounds per centum upon the amount of the charity funds mortified or bequeathed to the council, as specified in the first schedule annexed hereto; and that annuity, together with the sum of two hundred and thirty-two pounds eleven shillings and threepence already set apart on account of the charity funds as aforesaid, shall be deemed to be in full satisfaction of all claims against the council, and the burgh, and the estates, funds, or property thereof, on account of the funds so mortified or bequeathed, and of any interest thereon; and the

Annuity to be applied to purposes of certain charities.

A.D. 1872.

council shall, in the course of each year, during the subsistence of the said annuity, apply the said annuity rateably to the respective purposes for which the charity funds were mortified or bequeathed as aforesaid.

Certain other charity funds to remain separately invested.

34. And whereas the charity funds and property specified in the second schedule annexed to this Act were separately invested and secured, before the passing of the recited Act, for the purposes for which the same were respectively given or bequeathed to the council, nothing herein-before contained shall affect such charity funds and property, but the same shall be held for and appropriated to the purposes for which the same were respectively given or bequeathed as aforesaid, and the full annual produce thereof shall be applied by the council to the said purposes respectively.

Annuities and stipends to form a first charge on the estate re-transferred to the council.

35. Subject to the costs, charges, and expenses of obtaining this Act and incidental thereto, and of carrying the same, so far as relating to the burgh, into execution, and subject also to the power of letting, feuing, or selling the lands and heritages of the burgh, and of compounding for or selling any feu duties or casualties of superiority, or of converting any casualties into feu duties, hereinafter conferred on the council, the said several annuities herein-before provided to be paid to the burgh creditors, and the stipends payable to the clergymen, and the annuity on account of the charity funds, shall form first charges on the estates, funds, and property, and real burdens on the lands and heritages by this Act re-transferred to the council; and the feu duties, rents, moneys, and other revenue derived therefrom shall, subject as aforesaid, be applicable to and charged with the payment of the said annuities and stipends preferably to all other charges whatsoever; and it shall not be lawful for or competent to any creditor of the burgh or of the council to prosecute or use any diligence, or to obtain any security against, over, or in respect of any of the property, moneys, estate, and effects by this Act re-transferred to the council, or the purchase moneys, rents, feu duties, interest or other moneys arising out of or accruing from the property, moneys, estate, and effects so re-transferred by this Act at any time until the whole of the annuities payable under the provisions of this Act to the burgh creditors shall have been redeemed as by this Act provided, and the whole of the several sums of sixteen thousand pounds by this Act required to be set aside and invested as a further security for the payment of the stipends by this Act required to be paid to the clergymen, and of nine hundred and thirty pounds nine shillings and sevenpence by this Act required to be set aside and invested as a further security for payment of the annuity by this

Act required to be applied on account of the charity funds, shall have been so set aside and invested, nor at any time whatever as respects any moneys so set aside and invested, or the securities upon which the same shall be invested, or any other moneys which have been already set aside or invested under the provisions of the recited Act, in security of the payment of the stipends of the clergymen, or on account of the charity funds, or the securities upon which the last-mentioned moneys have been or shall be invested. A.D. 1872.

36. In further security for payment of the annuities and stipends herein-before mentioned, the magistrates and town council of the burgh of Paisley, as acting under the Paisley Corporation Gas Act, 1870, shall, before applying any moneys from time to time received by them under the powers of that Act towards any of the purposes lastly authorised in the eighty-fifth section of that Act, from time to time, if and whenever there is any deficiency in the funds necessary for paying the said Paisley burgh annuities (so far as unredeemed) and the stipends payable to the clergymen, and the annuity on account of the charity funds, pay to the council, or, in the event of the appointment of a judicial factor for securing the payment of the said annuities and stipends, or any of them, to such judicial factor during the continuance of his appointment, out of such moneys as aforesaid (not being money borrowed or money for the application of which provision is by the said Act otherwise made), any surplus in their hands necessary to make up such deficiency, but not exceeding in the whole one eighth part of the aggregate amount of such annuities and stipends then becoming due, and the council or judicial factor, as the case may be, shall apply the money so received by them towards payment of the said annuities and stipends, and to no other purpose whatsoever: Provided always, that subject to making payment of the moneys herein-before mentioned for the purposes of the said annuities and stipends, the said magistrates and town council, as acting under the said Act, may apply any money remaining in their hands, and which may be legally applicable to the purposes lastly authorised in the said eighty-fifth section, to those purposes, and also to the purpose of providing, laying out, and maintaining public parks and gardens for the use of the inhabitants of the burgh, and to the other purposes generally of the burgh. Contingent security from surplus gas profits, and amendment of section 85 of Paisley Corporation Gas Act, 1870.

37. The council may from time to time let, for such period as they shall consider expedient, such part of the lands and heritages of the burgh as they shall think fit, including the lands and heritages by this Act re-transferred to them, or sell or feu out by public auction any part of such lands and heritages; and the lands and heritages Council may let lands and heritages of burgh, or sell or feu out the same.

A.D. 1872. so sold or feued out shall thereupon be free from the charges and real burdens by this Act created and imposed upon such lands and heritages in security of the several annuities by this Act provided to be paid to the burgh creditors, and the stipends by this Act made payable to the clergymen, and the annuity on account of the charity funds; but the feu duties payable to the council out of any lands so feued out by them shall, notwithstanding anything herein contained, be subject to the charges and real burdens by this Act created and imposed, until such feu duties shall be redeemed as herein-after mentioned, or the whole of the Paisley burgh annuities shall have been redeemed, and the sums by this Act required to be set apart in further security for payment of stipends and of the annuity for the purposes of the charity funds have been set apart; and the council may execute all leases, feu contracts, dispositions, and other deeds and writings that may be necessary for those purposes.

Power to arrange with vassals as to conversion of casualties, and redemption of casualties and feu duties.

38. The owner of any lands or heritages held in feu of the council may redeem or convert into an annual feu duty any casualties of superiority exigible by the council in respect of such lands or heritages, and may also redeem any feu duty either originally exigible from the said lands or heritages or arising from such conversion, and the council may accept either such annual feu duty in lieu of casualties of superiority, or the redemption money for such casualties and feu duties, and may discharge such lands and heritages from the burden of such feu duties and casualties of superiority, as the case may be, upon such terms and for such consideration as may be agreed upon between the council and such owner; and in the case where any casualties of superiority are converted into an annual feu duty, a memorandum in the form set forth in the fifth schedule to this Act, or in a similar form, of the amount of the annual feu duty agreed upon, shall be signed by the parties or their agents, and recorded in the register of sasines, whereupon such annual feu duty shall be deemed to be feu duty with all the legal qualities thereof, and shall form an addition to any existing feu duty exigible in respect of such lands and heritages, and the council's rights to the casualties shall be deemed to be discharged; and in the case where any casualties or any feu duties are agreed to be redeemed by payment of a sum of money, the council shall, on payment of the sum so agreed upon, discharge all right to the casualties or feu duties, or both, as the case may be, exigible from such lands and heritages, and such discharge may be in the form set forth in the sixth schedule to this Act, or in a similar form, and shall, on being recorded in the register of sasines, operate as a valid and effectual discharge of such

casualties or feu duties, or both, as the case may be: Provided always, that all costs, charges, and expenses of or incident to the granting of such memorandum or discharge, or other deeds granted by the council for discharging the subjects of any casualties or feu duties, or for converting any casualties into feu duties, and of recording the same in the burgh chartulary and in the register of sasines, shall be paid by the owner of the lands and heritages in respect of which such deeds or other documents are granted: Provided further, that nothing herein contained shall prevent the council from completing any sale of any feu duties, or casualties of superiority, or any other property of the burgh, by granting conveyances or other writings in any form in accordance with the law of Scotland for the time being.

A.D. 1872.

39. From and after the redemption of the said casualties and feu duties, if both shall be so redeemed, and the recording of the discharge for the redemption money in the register of sasines, the property in respect of which such casualties and feu duties shall be redeemed shall be held blench of the council for payment of a penny Scots yearly if asked only, and of the like sum upon the entry of heirs and singular successors; or, at the option of the owner, by the tenure of booking, conform to the custom of the burgh, for payment of a penny Scots yearly if asked only, and of a like sum upon the entry of heirs and singular successors.

Manner of holding after redemption of casualties and feu duties.

40. The council shall apply all moneys arising from the sale of lands or heritages forming part of the estate re-transferred to them by this Act, or from the redemption of feu duties or casualties of superiority exigible therefrom, in and towards the redemption of the Paisley burgh annuities, and in setting aside and investing, as a further security for payment of the stipends to the clergymen, the sum of sixteen thousand pounds, and also in setting aside and investing, as a further security for payment of the annuity on account of the charity funds, the said sum of nine hundred and thirty pounds nine shillings and sevenpence, and such moneys shall be so applied to the purposes above mentioned as nearly as may be in proportion to the total rankings of the several classes of creditors upon the burgh estate at the commencement of this Act, and to no other purpose whatsoever, until the whole of such Paisley burgh annuities are redeemed or discharged, and the whole of such respective sums are so set aside and invested: Provided always, that the council shall be entitled to redeem any annuity granted in respect of a debt not exceeding at the commencement of this Act the sum of twenty pounds, at the rate of twenty-five years purchase of such annuity, in preference to any annuity or part of an annuity granted in respect of the whole or any portion of any debt which at the

Application of moneys arising from sales and redemption of casualties.

A.D. 1872. commencement of this Act was of larger amount than twenty pounds.

Mode of investment of funds for securing stipends to clergymen and charities.

41. The council shall invest the sum of four thousand pounds now standing in their names in security for payment of the stipends of the clergymen, and also any moneys which may from time to time become applicable towards setting aside the said sum of sixteen thousand pounds for further securing the payment of the stipends to the clergymen, and also any moneys which may from time to time become applicable to setting aside the further sum of nine hundred and thirty pounds nine shillings and sevenpence for securing the annuity herein-before made payable on account of the charity funds, in Government or heritable securities, or upon mortgage or debenture stock or funded debt granted or issued under the authority of Parliament by any company at the time paying a dividend on their ordinary stock, commissioners or corporation, including mortgages and funded debt granted or issued under the authority of the Paisley Waterworks Act, 1854, the Paisley Waterworks Act, 1866, and the Paisley Corporation Gas Act, 1870.

Application of annual proceeds of sum for securing stipends.

42. The council shall, if and when necessary, apply the annual interest or proceeds of the whole sums invested for further securing the payment of the stipends to the clergymen in payment of such stipends, but when or in so far as not so necessary may apply the same for behoof of the burgh.

Application of annual proceeds of sum for securing annuity to charities.

43. The council shall apply the whole of the annual interest or proceeds of the sum of two hundred and thirty-two pounds eleven shillings and threepence already set apart on account of the charity funds as aforesaid to the purposes of those charity funds, and shall apply the annual interest or proceeds of any further sums of money invested for the purpose of securing the annuity payable on account of the charity funds, so far as necessary, in payment of the said annuity: Provided always, that when and so soon as the council shall have set aside and invested the whole of the said sum of nine hundred and thirty pounds nine shillings and sevenpence, they shall hold the same in trust for the said charity funds, in proportion to the respective amounts of such charity funds, and shall apply the whole of the annual proceeds of the said sum, in proportion aforesaid, to the purposes of the said charities respectively, and the annuity herein-before provided to be paid by the council on account of the said charity funds shall be extinguished.

Application of unclaimed dividends of burgh estate.

44. All dividends heretofore declared by the burgh trustees out of the estate vested in them by the recited Act which have been or shall remain unclaimed for a period of twenty years after the decla-

ration of such dividend, with the accumulated interest thereon, shall be forfeited by the parties originally entitled thereto, as provided by the recited Act, and shall be held by the council for behoof of the community of the burgh, and no annuity or annuities shall be claimable or granted in respect of the amount of such dividend so forfeited.

A.D. 1872.

45. In the event of any of the Paisley burgh annuities, or the stipends to the clergymen, or any part thereof, not being paid within one month after such payment is due, and demand thereof made in writing, any annuitant holding an annuity or annuities in arrear to the amount of one hundred pounds, or several annuitants holding annuities in arrear to the amount of one hundred pounds in the aggregate, or any one or more of the clergymen, may render his or 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 the amount of such annuity or stipend, or annuities or stipends, 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.

Appointment
of judicial
factor.

46. The judicial factor appointed under the preceding section of this Act, on finding security in common form, shall enter into possession of the property, estate, and effects of the burgh by this Act re-transferred to and at the time remaining vested in the council, and of the feu duties, casualties, rents, charges, and revenues accruing therefrom, and the moneys herein-before made payable to such judicial factor by the magistrates and town council of the burgh of Paisley, as acting under the Paisley Corporation Gas Act, 1870; and the council shall hand over to him all books and other documents necessary for that purpose, and after defraying the expenses of such application and of the execution of the purposes thereof, 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 thereout; and the judicial factory shall continue, not only until all arrears of Paisley burgh annuities, and of the stipends to the clergymen, due at the date of his appointment, and all interest due on any of those sums, and any annuities or stipend becoming due during his continuance in office, with interest

Powers and
duties of
judicial fac-
tor and con-
tinuance of
factory.

A.D. 1872. — 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 annuities or stipend which, though not due, become current during his continuance in office, and a sufficient sum to meet expenses, are paid or are consigned in one of the chartered banks or banks established by Act of Parliament in Scotland; and on such payment or consignment the council 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.

High Church
and patron-
age, &c.
transferred
to ecclesiastical
trustees.

47. The High Church, and the right of patronage and other appointments connected therewith, and the whole powers and privileges exerciseable by the council in reference thereto, are, from and after the second Friday of October in the year one thousand eight hundred and seventy-two, hereby transferred to and vested in a body of trustees, to be called "The Ecclesiastical Trustees of the High Church of the Burgh of Paisley," which body of trustees shall, under that name and from and after that date, be a body corporate, and have power to sue and be sued, and to hold, enforce, exercise, and enjoy the property, rights, powers, and privileges hereby vested in them: Provided, nevertheless, that the council and all persons authorised by them shall always have free access to the steeple at the High Church through the properties vested in the said ecclesiastical trustees, and that nothing contained in this Act shall affect the rights of the council or of the minister and elders of the High Church respectively to the use of the bell thereof as heretofore: Provided further, that the said ecclesiastical trustees and the Kirk Session of the High Church, and the ministers, elders, deacons, and officers thereof, shall be entitled to the free use of the vestry room now existing in the said steeple as heretofore; but such right shall not infer or impose any obligation on the council to renew or rebuild any steeple or any vestry room in event of the existing steeple being taken down.

Middle
Church and
patronage,
&c. trans-
ferred to
ecclesiastical
trustees.

48. The Middle Church, and the right of patronage and other appointments connected therewith, and the whole powers and privileges exerciseable by the council in reference thereto, are, from and after the second Friday of October in the year one thousand eight hundred and seventy-two, hereby transferred to and vested in a body of trustees, to be called "The Ecclesiastical Trustees of the Middle Church of the Burgh of Paisley," which body of trustees shall, under that name and from and after that date, be a body corporate, and have power to sue and be sued, and to hold, enforce,

exercise, and enjoy the property, rights, powers, and privileges hereby vested in them. A.D. 1872.

49. Saint George's Church, and the right of patronage and other appointments connected therewith, and the whole powers and privileges exerciseable by the council in reference thereto, are, from and after the second Friday of October in the year one thousand eight hundred and seventy-two, hereby transferred to and vested in a body of trustees, to be called "The Ecclesiastical Trustees of Saint George's Church of the Burgh of Paisley," which body of trustees shall, under that name and from and after that date, be a body corporate, and have power to sue and be sued, and to hold, enforce, exercise, and enjoy the property, rights, powers, and privileges hereby vested in them.

St. George's
Church and
patronage,
&c. trans-
ferred to
ecclesiastical
trustees.

50. The ecclesiastical trustees of each of the parish churches of the burgh (that is to say, the High Church, the Middle Church, and Saint George's Church) shall consist of the minister of such parish church, ex officio, and of twelve male persons to be elected in manner herein-after provided by the male and female communicants of such church whose names have been on the communion roll of such church for not less than one year immediately preceding the election.

Constitution
of ecclesias-
tical trustees.

51. On the second Monday of October in the year one thousand eight hundred and seventy-two, and on the second Monday of October in each succeeding year, the communicants of each of the parish churches of the burgh entitled to vote as herein-after provided at the election of ecclesiastical trustees of such parish church, shall meet in such church at seven o'clock in the afternoon of that day, and at their first meeting shall elect four of the persons being elders or deacons of such church, and eight other male persons, being qualified to vote at such election, to be the ecclesiastical trustees of such church; and the chairman of such meeting shall make out a list of the persons being elders or deacons of such church, and a list of the other persons so elected, setting forth the order in which such elders or deacons and other persons shall go out of office, and such lists shall be entered in the minutes of such meeting; and at each annual meeting after the first meeting one of the elders or deacons of such church, and two of the other persons who are then trustees, shall go out of office, and the communicants entitled to be electors as aforesaid shall elect one of the elders or deacons of such church and two other male persons qualified to be electors to be ecclesiastical trustees of such church in place of the trustees then going out of office; and in the first place the trustees

Election of
ecclesiastical
trustees.

A.D. 1872. — mentioned in the said lists shall go out of office in the order in which their names are set forth in the lists herein-before mentioned; and at each annual meeting, after the whole of the trustees elected at the first meeting shall have gone out of office, those three of the trustees who have been longest in office shall go out of office; but each trustee on going out of office shall, if he be qualified, be eligible for re-election, and after re-election shall, with reference to going out of office, be considered a new trustee.

Chairman of
meeting, &c.

52. At every such meeting of the communicants the minister of the church, or, if he be not present, some male communicant then present to be appointed by the communicants entitled to be electors present at such meeting, shall be chairman of such meeting, and shall, in the event of an equality of votes, have a casting vote in addition to his deliberative vote, and shall sign the minutes of such meeting; and all questions arising at such meeting shall be decided by a majority of votes of the electors present at such meeting; and it shall be the duty of the minister of each parish church to intimate from the pulpit of such church, on each of the two Sundays immediately preceding the day of meeting for the election of ecclesiastical trustees of such church, the day and hour at which such meeting will be held.

As to filling
up of vacan-
cies.

53. In the event of the death or resignation, or refusal or incapacity to act of any of the ecclesiastical trustees of any of the parish churches of the burgh, the remaining trustees of such church shall appoint another elder or deacon of such church, or another male person qualified to be an elector, as the case may be, to be one of the ecclesiastical trustees of such church in the place of the trustee so dying or resigning, or refusing or becoming incapable; and in every such case the trustee so appointed to fill up a vacancy shall continue in office only so long as the person in whose stead he shall have been appointed would have remained in office if he had not died or resigned, or refused or become incapable to act, but on going out of office shall be eligible for re-election as a trustee, and after re-election shall, with reference to going out of office, be considered as a new trustee.

Vacancy, &c.
not to invali-
date pro-
ceedings.

54. No act or proceeding of the ecclesiastical trustees of any of the parish churches of the burgh shall be invalidated or be illegal in consequence only of the non-election of any trustee or trustees under the provisions of this Act, or of there being at the time of such act or proceeding any vacancy or vacancies in the number of such trustees, or of any defect in the election of any such trustee or trustees, or of any such trustee being incapacitated to act as a trustee.

55. The ecclesiastical trustees of each of the parish churches of the burgh may, from time to time, make such regulations with respect to the appointment of a preses or chairman of such trustees, and his privileges and right of voting, and with respect to the appointment, remuneration, and dismissal of a clerk and other officers, and otherwise with respect to the management of the affairs committed to the charge of such trustees, as they think fit.

A.D. 1872.
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Trustees may make regulations as to management.

56. At all meetings of the ecclesiastical trustees of any of the parish churches of the burgh five of such trustees shall form a quorum, and the chairman of any such meeting shall, in the case of an equality of votes, have a casting vote in addition to his deliberative vote.

Quorum of ecclesiastical trustees.

57. The expense of maintaining the three parish churches of the burgh respectively and of repairing and, when necessary, rebuilding the same, and the whole other charges connected therewith (including the expense of providing communion elements), shall be borne and paid, as respects the High Church, by "The Ecclesiastical Trustees of the High Church of the Burgh of Paisley;" and as respects the Middle Church, by "The Ecclesiastical Trustees of the Middle Church of the Burgh of Paisley;" and as respects Saint George's Church, by "The Ecclesiastical Trustees of Saint George's Church of the Burgh of Paisley;" and neither the council nor the estates, funds, and property of the burgh shall, from and after the said second Friday of October in the year one thousand eight hundred and seventy-two, be subject to any claims or charges for salaries of officers or for any other purposes connected with the management of any of the said parish churches (excepting the stipends herein-before provided to be paid to the ministers of such churches), or for maintaining, repairing, or rebuilding the said churches, or for providing manses for the respective ministers thereof, in all time coming.

Expenses of churches to be borne by ecclesiastical trustees.

58. The ecclesiastical trustees of each of the parish churches of the burgh shall keep proper accounts of the moneys received and expended by them in relation to such church, and shall balance such accounts on the first day of September in the year one thousand eight hundred and seventy-three, and on the first day of September in each succeeding year, and shall, within four weeks after such balance is made, send to each communicant of such church entitled to be an elector as aforesaid an abstract of such accounts showing the result of such receipts and expenditure.

Accounts.

59. The ecclesiastical trustees of each parish church shall have power to let the seats and pews in such church from time to time

Ecclesiastical trustees may let seats and pews.

A.D. 1872. belonging to them, for such sums and under such conditions with respect to the use and occupancy of such seats and pews as they think fit: Provided always, that the number of free seats for the accommodation of the poor shall not be less than has been heretofore provided.

How patronage is to be exercised.

60. The ecclesiastical trustees of each parish church of the burgh shall, whenever the office of minister of such church becomes vacant, exercise the patronage by this Act transferred to them, by issuing a presentation in accordance with the desire of the congregation of such vacant church, as expressed by a majority of the male and female communicants thereof, whose names have been on the communion roll for not less than one year immediately preceding the vacancy, present at a meeting specially called for such purpose; and such ecclesiastical trustees may from time to time make regulations with respect to the mode of taking the votes of such communicants.

Abolition of general session of the three parish churches.

61. The general session of the three parish churches of the burgh is hereby abolished; and the decret of disjunction and erection of the three parishes of the burgh by the Lords of Council and Session as Commissioners appointed for plantation of Kirks and valuation of teinds, dated the twentieth day of February one thousand seven hundred and eighty-two, in so far as the same declares that the different funds and collections of all the churches within the burgh shall be only subject to the distribution of the general session among the poor over the whole burgh, and that the business of the whole sessions shall be done by one clerk named as therein mentioned, and common to them all, is hereby annulled; and the Kirk Session of each parish church of the burgh shall pay to the ecclesiastical trustees of such church the whole or any part not less than two thirds of the ordinary collections at the doors of such church, and the whole of the fees of proclamations in such church (under reservation of any existing rights or interests therein); and the ecclesiastical trustees of such church shall apply the moneys so paid to them, and the receipts from the seat and pew rents and any other revenues arising from such church, and also any voluntary contributions made for the purpose, in managing, maintaining, repairing, and rebuilding the same, and any manse already acquired or which may hereafter be acquired for the minister of such church, making additions of a temporary or permanent character to the income of such minister, purchasing private seats and pews in such church and paying the precentor and beadle, and providing for the other expenses of public worship in such church, including the expense of communion elements: Provided always, that the charity

fund known as Greenlee's Trust Fund, heretofore administered by the said general session, shall, from and after the commencement of this Act, be administered by the ecclesiastical trustees of the High Church of the burgh of Paisley. A.D. 1872.

62. The council may agree with, or may carry into effect any agreements already made with the Commissioners of Supply of the county of Renfrew, and with the Commissioners appointed for the execution of the powers of an Act passed in the fifty-fifth year of the reign of King George the Third, intituled "An Act for erecting and maintaining a Bridewell, Gaol, Court-house, and public offices for the burgh of Paisley and county of Renfrew," and of another Act passed in the fifty-eighth year of the reign of His said Majesty, intituled "An Act to alter and amend an Act for erecting and maintaining a Bridewell, Gaol, Court-house, and public offices for the burgh of Paisley and county of Renfrew," with respect to the vacating by the council of the premises heretofore occupied by them in the public offices at Paisley erected by the last-named body of Commissioners, and with respect to the consideration money to be paid to the council for vacating such premises; and the acquisition of and payment for such premises by the Commissioners of Supply shall be regulated by the provisions of "The Sheriff Court-houses Act, 1860," and shall be held to be included in the expression "erection of a court-house" as used in that Act: Provided always, that the said Commissioners of Supply may pay any such consideration money to the council without consigning the same.

Arrange-
ments for
acquisition
by the Com-
missioners of
Supply of
premises
occupied by
council in
public offices
at Paisley.

63. The council may acquire within the burgh such lands and heritages as they think fit for the purposes of, and may thereon erect such building or buildings as they think proper for the transaction of the municipal and police affairs of the burgh, and of the business of the gas and water undertakings of the burgh, and of the River Cart Navigation, and of any other public trusts or affairs connected with the burgh, and also a town steeple; and may apply to the purposes of acquiring such lands and heritages, and of erecting such buildings and steeple, and of completing, fitting up, and furnishing the same, any moneys to be received by them from the Commissioners of Supply of the county of Renfrew, under the provisions herein-before contained, and the moneys to be received by them from the commissioners of police of the burgh as the price of the ground in High Street taken into and made part of the said street, and any other moneys applicable for the said purposes under the provisions of this or any other Act of Parliament: Provided always, that the moneys to be received from the said commissioners of police as aforesaid

Power to
council to
erect public
offices and to
apply certain
funds.

A.D. 1872. shall be applied exclusively towards the cost of erecting the said steeple and the expense of the site thereof.

Provisions as to appropriation of public offices and payment for accommodation therein.

64. The council may allocate or appropriate any portions of the public offices to be erected by them to the use of the police commissioners of the burgh, and of the gas and water undertakings of the burgh, and of the Cart Navigation, and of any other public trusts or affairs connected with the burgh, or otherwise provide accommodation for the same, for such period of time as they think fit, and in consideration of such rent as may be agreed upon between them and the parties receiving such accommodation.

Temporary Cart Trustees to remain in office till November 1872.

65. The Temporary Cart Trustees shall continue in office until the second Tuesday of November one thousand eight hundred and seventy-two, and on that day their office of trustees under the recited Act shall terminate.

Repeal of further portion of recited Act and transfer of Cart Navigation to new trustees.

66. On and after the second Tuesday in November one thousand eight hundred and seventy-two (herein-after called "the date of vesting") sections 54 to 56 (both inclusive), and sections 61 and 63 of the recited Act are hereby repealed; and the Cart Navigation, and the whole property, moneys, estate, and effects which at the date of vesting belong or are owing to, or vested in, or under the management or control of the Temporary Cart Trustees, and all the powers, rights, and privileges relating to the Cart Navigation which if the recited Act had not been passed might have been exercised by the trustees appointed by an Act passed in the fifth year of the reign of King William the Fourth, chapter thirty-two, intituled "An Act to amend an Act for improving the navigation of the river Cart, and for deepening and extending the harbour of Paisley in the county of Renfrew," (herein-after called "the Cart Navigation Act, 1835,") are, subject to the provisions of this Act, transferred to and vested in, and shall be held, exercised, and enjoyed by the Cart Trustees.

Constitution of Cart Trustees.

67. The Cart Trustees shall be twelve persons to be appointed and elected as herein-after mentioned; (that is to say,)

While but only so long as any of the debts ranked or preferably secured upon the Cart Navigation by or under the recited Act shall remain due to the Cart Navigation creditors, the Cart Trustees shall be—

Six persons to be appointed by the Cart Navigation creditors;
 Three members of the council to be appointed by the council; and
 Three persons (herein-after called "elective trustees") to be elected from among the persons qualified to vote in the election of the town council of the burgh:

After the whole debts ranked or preferably secured as aforesaid have been paid or otherwise cease to be due (which event is hereinafter referred to as "the liquidation"), the Cart Trustees shall be—

A.D. 1872.

Six members of the council to be appointed by the council; and
Six persons (hereinafter called "elective trustees") to be elected from among the persons qualified to vote in the election of the town council of the burgh.

68. The Cart Trustees shall be a body corporate, under the name of "The Trustees of the Cart Navigation," with perpetual succession and a common seal, and by that name may sue and be sued, and are hereby appointed to carry into execution an Act passed in the twenty-seventh year of the reign of King George the Third, intituled "An Act for enabling the Magistrates and Town Council of Paisley to improve the navigation of the river Cart, and to make a navigable cut or canal across the turnpike road leading from Glasgow to Greenock," and "the Cart Navigation Act, 1835," and this Act so far as relating to the Cart Navigation, and may acquire, hold, use, and dispose of lands and other property for the purposes of those Acts and this Act, and shall have all other privileges of a body corporate.

Incorporation of Cart Trustees.

69. The council shall, on the day appointed for the annual election of magistrates of the burgh, immediately after the municipal elections for the burgh, in the year one thousand eight hundred and seventy-two, and every future year, appoint to be Cart Trustees so many members of the council as are, at the time of such appointment, by this Act prescribed to be appointed by the council; and the members of the council first appointed after the passing of this Act, and the members to be thereafter annually appointed by the council, shall come into office on the second Tuesday of the month of November in which they are appointed, and retire from office on the second Tuesday of the month of November in the year following their appointment, but shall be eligible for re-appointment.

Appointment of trustees by council.

70. The Cart Navigation creditors shall meet within the council chambers of the burgh on the second Tuesday of the month of November one thousand eight hundred and seventy-two, and while and so long as they are entitled to appoint six persons to be Cart Trustees shall meet there on the second Tuesday of the month of November in each succeeding year, at twelve o'clock noon; and at the first meeting they shall appoint six of their own number to be Cart Trustees, and the chairman of such meeting shall make out a list of the trustees so elected, and specify the order in which such trustees shall go out of office, and enter the same in the minutes of such meeting; and at each subsequent meeting two of the trustees

Appointment of trustees by creditors.

A.D. 1872. — appointed by the said creditors shall go out of office, and the Cart Navigation creditors shall appoint two of their own number to be two of the Cart Trustees in place of those so going out of office; and the trustees first appointed shall retire from office in the order specified in the said list, and thereafter those two of the trustees appointed by the said creditors who shall have been longest in office shall go out of office; and at every such meeting the Cart Navigation creditors present shall choose one of their own number to preside thereat, and to sign the minutes thereof; and the appointment of trustees shall be decided by the majority in value of the creditors present by themselves or by their mandatories.

Mandatories of creditors may vote.

71. The mandatory of any person entitled to vote as a creditor may vote at all meetings of the Cart Navigation creditors in the absence of such creditor, provided he exhibit a mandate; and the vote of such mandatory shall be held as the vote of the creditor himself.

Trustees going out of office to be eligible for re-appointment.

72. The persons appointed trustees by the Cart Navigation creditors, being qualified as aforesaid, shall at all times on going out of office be eligible for re-appointment, and after such re-appointment shall, with reference to the going out of office, be considered as new trustees.

Qualification of electors.

73. For the purposes of the first and subsequent elections of elective trustees, every person residing within the Parliamentary boundary, or within seven miles measured in a straight line from the nearest point of the Parliamentary boundary of the burgh, who shall during the year ending on the thirty-first day of August next preceding such election have paid three pounds or upwards of the duties exigible by the Temporary Cart Trustees or by the Cart Trustees (which persons are herein-after called "ratepayers"), shall be qualified to be an elector, and shall be entitled to be registered as herein-after mentioned.

Cart Trustees to make up published lists of qualified electors.

74. On or before the eighth day of October one thousand eight hundred and seventy-two, the Temporary Cart Trustees, and on or before the first day of October in each succeeding year, the Cart Trustees, shall cause to be made up a list of the ratepayers qualified to be electors under the provisions herein contained; and the chairman and clerk of the trustees so acting shall, on or before the fifteenth day of October in each year, certify the list so made, and such list shall be accessible to the public at all times within the office of the Cart Navigation; and any ratepayer conceiving himself entitled to be an elector, whose name shall have been omitted from the said list, may, on or before the first day of November in each

year, apply to the trustees acting as aforesaid, who shall thereupon, if they see fit, cause the name of such ratepayer to be added to the said list; and the said list, with any additions so made, shall be deemed to be the register of electors for the next succeeding election under this Act.

A.D. 1872.

75. Where duties shall be paid by any company consisting of two or more partners, having a place of business within the aforesaid limits, it shall be lawful for such company to intimate in writing to the clerk of the trustees who are to make up the said list, the name or names of any one or more of the partners on whose behalf such payment shall be deemed to have been made; and such payment shall be deemed to have been made by the partner or partners so named, and each such partner shall be qualified to be an elector, in the same manner and with the same powers as if such payment had been made by him as an individual, provided the amount of duties paid by such company is sufficient to afford the qualification of three pounds to each of the partners so named.

Qualification
of members
of companies.

76. The following rules shall be observed with respect to the election of the elective trustees :

Rules to be
observed in
election of
elective
trustees.

- (1.) The election shall take place on the second Tuesday in the month of November in the year one thousand eight hundred and seventy-two, and in each succeeding year :
- (2.) At the first election three trustees shall be elected, and at each subsequent election previous to the liquidation one trustee shall be elected :
- (3.) At the election which shall happen next after the liquidation four trustees shall be elected, and at each subsequent election two trustees shall be elected :
- (4.) The provost of Paisley, or some person appointed by him, shall be the returning officer for the first election :
- (5.) The chairman of the Cart Trustees at the time, or some person appointed by him, or if there be no chairman of the Cart Trustees at the time, the provost of Paisley, or some person appointed by him, shall be the returning officer for each subsequent election :
- (6.) On every occasion of the election of trustees the returning officer shall convene a meeting of the electors within the burgh for the purpose of such election, and shall give notice of such meeting, and of the time and place at which it is to be held, and of the place where the list of electors may be inspected, by advertisement in at least one newspaper published in Paisley, at least eight days before such meeting :

A.D. 1872.
—

- (7.) The returning officer shall preside at and regulate the proceedings of such meeting, and his decision upon any question which may arise thereat shall be final and conclusive :
- (8.) At any such meeting any qualified person may be nominated as a trustee by any elector, and seconded by any other elector :
- (9.) If a greater number of persons are proposed as trustees than the number to be elected, the election shall be determined by a majority of the votes of the electors present at such meeting ; and if there be an equality of votes on any question, the returning officer shall have a casting vote, which casting vote shall, if the returning officer be an elector, be in addition to his vote as an elector.

Rotation of trustees.

77. The elective trustees shall retire from office at the times and in the proportions and manner following ; (that is to say,)

On the second Tuesday of November in the year one thousand eight hundred and seventy-three one of the trustees elected at the first election to be determined by lot shall go out of office ; and

On the second Tuesday of November in every subsequent year one third of the trustees in office for the year then ending shall go out of office, and on each such occasion the trustee or (if there be more than one to go out of office) trustees who have then been longest in office shall go out of office ; and when two or more of the trustees who have been longest in office have been in office for the same length of time, it shall be determined by lot between or among such last-mentioned trustees which of them shall then go out of office :

Provided nevertheless, that every trustee about to go out of office as aforesaid at any annual meeting may be re-elected, and after such re-election shall, with reference to the going out of office as aforesaid, be considered as a new trustee.

Disqualification of Cart Trustees.

78. Every person who at any time after his appointment or election as a Cart Trustee shall accept or hold any office or place of profit under the Cart Trustees, or participate in the profits of any contract entered into with the Cart Trustees, shall thereupon cease to be a trustee, and his office shall become vacant : Provided always, that no trustee shall vacate his office by reason of his being a shareholder in any insurance company with which the Cart Trustees may effect any policy or enter into any contract, or in any joint stock company supplying water or gas to the Cart Trustees, or by reason of his being interested in any loan of money to the Cart Trustees :

Provided also, that no trustee shall be entitled to vote upon any question relating to the affairs of the Cart Trustees wherein any company in which he is a shareholder is interested, or in any question connected therewith, or in any question relating to such loan; and if he shall so vote, his vote shall not be counted, and he shall be liable to a penalty not exceeding twenty pounds. A.D. 1872.

79. If any appointed or elective trustee shall die or resign, or refuse or become disqualified or incompetent to act, then in the case of any trustee appointed by the council the remaining trustees appointed by the council, and in the case of any trustee appointed by the creditors the remaining trustees appointed by the creditors, and in the case of any elective trustee the remaining elective trustees, shall fill up the vacancy by the appointment of another qualified person in the stead of the vacating trustee, but in every such case the trustee so appointed to fill up a vacancy shall continue in office only so long as the person in whose stead he shall have been appointed would have remained in office if he had not died, resigned, or refused or become disqualified or incompetent to act, but on going out of office shall be eligible for re-appointment or re-election, and after such re-appointment or re-election shall, with reference to going out of office, be considered as a new trustee. Supply of occasional vacancies.

80. The Cart Trustees may from time to time appoint committees of their number for carrying into effect the provisions of this Act and the other Acts relating to the Cart Navigation, or any part thereof, with such powers as the Cart Trustees might themselves lawfully exercise, and as they think expedient to confer on such committees, and the Cart Trustees may fix the quorum of any such committee, but where no quorum shall be so fixed a majority of the members of the committee shall be a quorum. Power to appoint committees.

81. The first annual meeting of the Cart Trustees shall be held in Paisley on the third Tuesday of November one thousand eight hundred and seventy-two, and an annual meeting of the Cart Trustees shall be held in Paisley on the third Tuesday of November in every succeeding year, and ordinary meetings of the Cart Trustees for the transaction of the general business of the navigation shall be held at such times and places as may from time to time be appointed by the Cart Trustees or by the chairman of those trustees; and special meetings of the Cart Trustees shall at any time be called by the chairman of those Trustees, or by their clerk, on a requisition in writing signed by any two of the Cart Trustees, and notice of such special meeting, stating the purpose for which it is called, shall be sent by post or delivered to each of the Cart Trustees forty-eight First and other meetings of trustees.

A.D. 1872. — hours at least before the meeting, and no business shall be considered at such special meeting except that which shall be specified in such notice.

Quorum of trustees.

82. At all meetings of the Cart Trustees, five trustees shall be a quorum, and every such meeting may be adjourned by the trustees present thereat (whether more or less than a quorum) to such time as they shall think fit.

Chairman and deputy chairman.

83. At the first annual meeting of the Cart Trustees, and at each annual meeting held in the month of November thereafter, the trustees present at such meeting shall choose one of the trustees to act as chairman of the trustees until the next annual meeting, and shall also, if they think fit, choose another trustee to act as deputy chairman for the same period; and if the chairman or deputy chairman die or resign, or cease to be a trustee, or otherwise become disqualified to act, the Cart Trustees present at the meeting next after the occurrence of such vacancy shall choose some other of the trustees to fill such vacancy, and every such chairman or deputy chairman chosen as last aforesaid shall continue in office so long only as the person in whose place he may be so chosen would have been entitled to continue if he had not died, resigned, ceased to be a trustee, or otherwise become disqualified as aforesaid; and at all meetings of the Cart Trustees the chairman, or in his absence the deputy chairman, shall, if present, preside; and if at any meeting neither the chairman nor deputy chairman be present, the trustees present shall choose one of their number then present to be chairman of such meeting; and in case of an equality of votes at any meeting of the Cart Trustees, the person presiding at such meeting shall, in addition to his own vote, have a casting vote.

Vacancy not to invalidate proceedings.

84. No act or proceeding of the Cart Trustees, or of any committee of those trustees, shall be invalidated or be illegal in consequence only of the non-election or non-appointment of any trustee or trustees under the provisions of this Act, or of there being at the time of such act or proceeding any vacancy or vacancies in the number of those trustees.

Acts of Cart Trustees to be valid notwithstanding defects in appointment or qualification.

85. All acts and proceedings of the Cart Trustees, or of any committee of those trustees, or of any persons acting as such trustees, shall, notwithstanding it be afterwards discovered that there was some defect in the appointment, election, or qualification of any such trustees or persons acting as trustees, or that they or any of them were or had become disqualified, be as valid as if every such person had been duly appointed or elected and qualified to be a trustee.

86. On and after the date of vesting, all debts and money due from or to the Temporary Cart Trustees, or any persons on their behalf, shall be payable and paid by or to the Cart Trustees.

A.D. 1872.
Saving debts and claims.

87. On and after the date of vesting, all deeds, conveyances, grants, assignments, leases, purchases, sales, mortgages, bonds, covenants, agreements, contracts, and securities which before the date of vesting have been executed, made, or entered into by, with, to, or in relation to the Temporary Cart Trustees, and which are in force at the date of vesting, and all obligations and liabilities which before the date of vesting have been incurred by or to, or which, but for the passing of this Act, might or would have arisen in relation to the Temporary Cart Trustees, shall be as valid and of as full force and effect in favour of, against, or in relation to the Cart Trustees as if the same had been executed, made, or entered into by, with, to, or in relation to, or had been incurred by or to, or had arisen in relation to the Cart Trustees.

Saving conveyances, contracts, &c.

88. On and after the date of vesting, all causes and rights of action or suit accrued before the date of vesting, and then in any manner enforceable by, for, or against the Temporary Cart Trustees, shall be and remain as good, valid, and effectual for or against the Cart Trustees as they would or might have been for or against the Temporary Cart Trustees if this Act had not been passed.

Causes and rights of action reserved.

89. Nothing in this Act shall cause the abatement, discontinuance, or determination of, or shall in anywise prejudicially affect any action, suit, or other proceeding at law or in equity commenced by or against the Temporary Cart Trustees, either solely or jointly with any other person or any corporation, before the date of vesting, and then pending, but the same may be continued, prosecuted, or enforced by or against the Cart Trustees, either solely or, as the case may require, jointly with such other person or corporation.

Actions not to abate.

90. No submission to arbitration of any matter in dispute between the Temporary Cart Trustees and any other person or any corporation under which any reference is pending and incomplete at the date of vesting, and no award theretofore made and then remaining in force, shall be revoked or prejudicially affected by anything in this Act contained, but every such submission and award shall be as valid and effectual for or against the Cart Trustees as it would have been for or against the Temporary Cart Trustees.

Saving submissions and awards.

91. All officers and persons who at the date of vesting have in their possession or under their control any books, documents, papers,

Officers of temporary trustees to be

A.D. 1872.
—
accountable
for books,
&c.

or effects belonging to the Temporary Cart Trustees, or to which those trustees would, but for the passing of this Act, have been entitled, shall be liable to account for and deliver up the same to the Cart Trustees, or to such persons as the Cart Trustees may appoint to receive the same, in the same manner, and subject to the same consequences on refusal or neglect, as if such officers and persons had been appointed by and become possessed of such books, documents, papers, or effects for the Cart Trustees.

Officers to
continue till
removed.

92. The officers and servants of the Temporary Cart Trustees shall be the officers and servants of the Cart Trustees, until they shall be removed by the Cart Trustees, or shall die or resign; and all bonds or securities for the conduct and intromissions of such officers and servants granted to the Temporary Cart Trustees shall be and remain valid, and may be enforced by the Cart Trustees to the same extent and effect that such bonds or securities might have been enforced by the Temporary Cart Trustees if this Act had not been passed.

Books, &c. to
be evidence.

93. All books and documents which would have been evidence in respect of any matter for or against the Temporary Cart Trustees shall be admitted as evidence in respect of the same or the like matter for or against the Cart Trustees.

Resolutions
to remain in
force.

94. All resolutions of any meeting of the Temporary Cart Trustees, or of any duly constituted and authorised committee thereof, shall, so far as the same are applicable and remain in force, continue to be operative, and shall apply to the Cart Trustees, and to the officers and servants of the Cart Trustees, until duly revoked or altered by the Cart Trustees or under their authority.

General
saving of
rights and
claims.

95. Notwithstanding the repeal of the sections of the recited Act herein-before mentioned, and the incorporation of the Cart Trustees and the passing of this Act, everything heretofore done, suffered, and confirmed respectively, under or by virtue of the Acts relating to the Cart Navigation, or otherwise by the Temporary Cart Trustees, shall be as valid as if this Act had not been passed; and the repeal of the said sections and the incorporation of the Cart Trustees and this Act shall accordingly be subject and without prejudice to everything so done, suffered, and confirmed respectively, and to all rights, liabilities, claims, and demands, present or future, which, if such repeal and incorporation had not taken place, and this Act had not been passed, would be incident to or consequent on anything so done, suffered, and confirmed respectively; and with respect to all things so done, suffered, and confirmed respectively, and to all such rights, liabilities, claims, and demands, the Cart Trustees

shall to all intents represent the Temporary Cart Trustees, and the generality of this provision shall not be deemed to be restricted by any other of the provisions of this Act. A.D. 1872.

96. Subject to the provisions of this Act, the Cart Trustees shall have and may exercise all the powers, rights, and privileges conferred on the trustees appointed by the Cart Navigation Act, 1835, including the levying and recovering of the duties by that Act granted, and may purchase and acquire by agreement such lands, not exceeding ten acres, and other property as may be necessary for the purposes of that Act, and may from time to time appoint, and when they think fit remove, such officers and servants as they consider necessary or proper for carrying the purposes of that Act and this Act into effect. Trustees to exercise powers of Cart Navigation Acts.

97. Section 57 of the Cart Navigation Act, 1835, is hereby repealed, and the Cart Trustees shall at their annual meeting in the year one thousand eight hundred and seventy-three, and at each subsequent annual meeting, appoint an auditor (being a person well skilled in accounts, and not being one of the Cart Trustees or holding office under them) to audit and docquet the accounts of the Cart Trustees for the preceding year; and in case the office of such auditor shall, before such accounts have been audited by him, become vacant by death or from any other cause, the Cart Trustees shall from time to time appoint an auditor to supply such vacancy. Appointment of auditor.

98. It shall be the duty of such auditor, within six weeks after his appointment, to audit the accounts of the Cart Trustees, and for such purpose the Cart Trustees shall deliver to him their accounts and books, and the proper vouchers in support of the same; and the auditor shall examine the accounts and account books and vouchers of the Cart Trustees, and make a report on the said accounts to the Cart Trustees; and such report shall be published by the Cart Trustees in at least one newspaper published in Paisley within one month after such report is made. Accounts to be audited.

99. The Cart Navigation, and the estates, funds, revenue, and property under the management of the Cart Trustees, shall remain charged with the payment to the several persons having right to the preferable debts (now amounting to one thousand eight hundred pounds as aforesaid) ranked upon the said Cart Navigation trust, of interest at the rate of four per centum per annum upon the amount of their respective debts, and the said debts shall remain, as at present, a permanent preferable burden upon the said navigation and estates, funds, revenue, and property; and the said persons shall not be entitled to call up the principal of the said debts, but the Cart Interest on and payment of preferable debt affecting the Cart Navigation.

A.D. 1872. — Trustees shall be entitled to pay off the same in sums of not less than two hundred pounds at any one time, upon giving six months notice of their intention so to do.

Debt to ordinary Cart Navigation creditors.

100. The Cart Navigation and the revenue and assets thereof shall remain charged with the payment to the several persons having right thereto of the ordinary debts ranked upon the Cart Navigation Trust (now amounting to nine thousand nine hundred and ninety-two pounds five shillings and ninepence as aforesaid), and the certificates or other vouchers issued by the Temporary Cart Trustees in respect of such debts shall remain in full force until the same shall be cancelled as herein-after mentioned: Provided always, that if any part of the said ordinary debts is liquidated by composition or otherwise out of any moneys borrowed under the powers of this Act, the revenue applicable to payment of interest on the remainder of the said ordinary debts shall be such proportion of the net revenue of the Cart Navigation which would otherwise have been applicable to the payment of interest on the said ordinary debts as is equivalent to the proportion which the said remainder of such debts bears to the above-mentioned sum of nine thousand nine hundred and ninety-two pounds five shillings and ninepence, and the balance of such net revenue shall be applicable in the first place to payment of the interest on the moneys so borrowed.

Certificates of debt.

101. The Cart Trustees shall grant and deliver to each such person, in exchange for the certificate or other voucher of his debt already issued, a new certificate of the same; and all such certificates shall be in the form in the seventh schedule to this Act annexed, or to the like effect; and each such certificate shall be under the seal of the Cart Trustees and subscribed by two of those trustees and by their treasurer, and shall be transferable by deed duly stamped, in which the consideration for such transfer shall be truly stated, and such deed may be in the terms set forth in the eighth schedule to this Act, or in terms to the like effect; and any such transfer being presented to the clerk to the Cart Trustees shall be recorded by him (for recording whereof such clerk shall be entitled to charge a sum not exceeding one shilling), and shall have all the effect of a formal assignation according to the law of Scotland, followed by legal intimation as on the date of the same being presented for the purpose of being recorded as aforesaid.

Application of funds of navigation.

102. The Cart Trustees shall not undertake, contract for, or commence any work in connexion with the Cart Navigation, nor incur any expenses on account of the Cart Navigation, except necessary working expenses, until interest at the rate of four per centum

per annum on the preferable debt, and at the rate of two per centum per annum on the said ordinary debts at the time remaining unliquidated, has been provided for, nor to any extent exceeding five hundred pounds in any one year, without in either case the previous consent in writing of three fourths in value of the Cart Navigation ordinary creditors for the time being; and so soon and as often as the revenues of the said navigation shall be sufficient to pay the full interest due upon the said preferable and ordinary debts, and the interest on any moneys borrowed for the purpose of liquidating ordinary debts, and the expenses on account of the Cart Navigation herein-before allowed, the surplus revenue shall be applied in the first place in liquidation of the debts due to the ordinary creditors of the said navigation, and in the next place in liquidation of the said preferable debt of one thousand eight hundred pounds: Provided always, that on obtaining the previous consent in writing of three fourths in value of the Cart Navigation ordinary creditors for the time being to their so doing, the Cart Trustees may thereafter apply the revenues of the navigation in payment of the interest on any money borrowed under the powers of this Act for any of the purposes of this Act relating to the Cart Navigation, in preference to applying the same in liquidation of the said debts.

103. The debt due by the Cart Navigation Trust to the burgh at the date of vesting is hereby extinguished.

Debt of Cart Navigation to burgh extinguished.

104. The Cart Trustees may agree with any creditor of the Cart Navigation for the purchasing, compounding, liquidating, and discharging of his debt for such consideration as may be agreed upon, not exceeding one half of the actual amount of such debt.

Cart Trustees may compound with any creditor.

105. The Cart Trustees shall not borrow any further sums of money under the provisions of the Cart Navigation Act, 1835, but, subject to the provisions of this Act, the Cart Trustees may, on obtaining the consent of three fourths in value of the ordinary creditors of the Cart Navigation, from time to time borrow, in addition to any moneys borrowed on the credit of the Cart Navigation previously to the commencement of this Act, any sums of money not exceeding in the whole the sum of twenty thousand pounds, and may make and grant mortgages of the whole duties which they are authorised to levy and recover, and other revenues accruing to them, 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 Cart Trustees pay off the same, they may again borrow on the security aforesaid the amount so paid off, and so from time to time: Provided always, that any mortgages granted under this Act

Power to Cart Trustees to borrow on mortgage.

A.D. 1872. shall not affect the preferable burden herein-before created in respect of the said preferable debt of one thousand eight hundred pounds.

Form and execution of mortgages.

106. Every mortgage to be granted by the Cart Trustees shall be by deed duly stamped, in which the consideration shall be truly stated, in the form contained in the ninth schedule to this Act, or to the like effect, and shall be under the seal of the Cart Trustees and signed by two of the Cart Trustees and their treasurer: Provided that no person so signing shall by his subscription of any such mortgage be or be held to have rendered himself individually or personally liable for the payment of any money so borrowed, or any interest thereon, or of any sums whatsoever in respect thereof.

Mortgages may be accompanied with interest warrants.

107. It shall be lawful for the Cart Trustees to issue along with any such mortgage, and during the period of any postponement of the term of payment thereof, interest warrants, in the form contained in the tenth schedule to this Act, or to the like effect, signed by their 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 Cart Trustees or their treasurer, or to any person on their behalf, of any such interest warrant duly stamped as a receipt, shall be a valid and sufficient discharge to the Cart Trustees for the interest in respect of which the same was issued.

Mortgages to be personal estate.

108. All mortgages to be granted by the Cart Trustees under the authority of this Act, and all money to be advanced and lent to them under the provisions of this Act, shall be moveable or personal estate, and transmissible as such, and shall not be of the nature of heritable or real estate.

Register of mortgages to be kept and to be open to inspection.

109. A register of mortgages shall be kept by the Cart Trustees; and within fourteen days after the date of any mortgage to be granted by the Cart Trustees, an entry of the amount and date thereof, and of the name of the person to whom the same is granted, with his proper designation or addition, shall be made in the said register; and the said register may be inspected at all reasonable times by any person interested in any mortgage granted by the Cart Trustees, without fee or reward.

Transfer of mortgages.

110. Any person entitled to any mortgage granted by the Cart Trustees under the authority of this Act may transfer the same, and his right and interest therein; and every such transfer shall be by deed duly stamped, and may be according to the form in the eleventh schedule to this Act annexed, or to the like effect.

111. On any such transfer being produced to the clerk to the Cart Trustees, he shall thereupon enter the same in a register of transfers to be kept by him, and such entry shall be made in the same manner and shall state the same particulars as in the case of the entry of the original mortgage; and for every such entry the said clerk may demand any sum not exceeding one shilling, and after such entry every such transfer shall entitle the transferee, his executors, administrators, or assignees, to the full benefit of the original mortgage, and the principal and interest thereby secured, and every such transferee may in like manner assign or transfer the same toties quoties.

A.D. 1872.
 ———
 Transfers to be registered.

112. If the sum contained in any mortgage has become transmitted in consequence of the death, bankruptcy, or insolvency of any person entitled thereto, or in consequence of the marriage of any female entitled thereto, or by any other means than by a transfer according to the provisions of this Act, such transmission shall be authenticated by a declaration in writing in the form or as near as may be in the form of the twelfth schedule to this Act annexed; and every such declaration shall state the manner in which and the party to whom such mortgage shall have been so transmitted, and shall be made and signed by some credible person before a sheriff or justice of the peace, and such declaration shall be left with the clerk to the Cart Trustees, who shall thereupon enter in the register of transfers the name of the person entitled to such mortgage under such transmission; and for every such entry the said clerk may demand any sum not exceeding one shilling; and until such transmission has been so authenticated and entered, no person claiming by virtue of any such transmission shall be entitled to receive any portion of the sum contained in any such mortgage, or any interest thereon.

Transmission of mortgages otherwise than by transfer.

113. If such transmission be by the marriage of a female entitled to any such mortgage, such 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 mortgage; and if such transmission have taken place by virtue of any testamentary instrument or by intestacy, the probate of the will or the letters of administration obtained from any Court of Probate, if granted in England, or an official copy thereof, or the testament testamantar or testament dative, if expedite in Scotland, or an official extract thereof, shall, together with such declaration, be produced to the clerk to the Cart Trustees.

Transmission by marriage and by testamentary instruments.

114. The Cart Trustees shall not be bound to see to the execution of any trust, whether express, implied, or constructive, to which

Trustees not bound to see

A.D. 1872. any mortgage or other security, or voucher of debt, granted by them, or the money, principal or interest, thereby secured, may be subject; and the receipt of the person in whose name any such mortgage or security, or voucher of debt, stands in the books of the Cart Trustees, shall be a sufficient discharge to the Cart Trustees for any money payable in respect of such mortgage or security, or voucher of debt, notwithstanding any trust to which the same or the money thereby secured may then be subject, and the Cart Trustees shall not be bound to see to the application of the money paid on such receipt.

Interest to be paid half-yearly. **115.** Unless otherwise provided by any mortgage, the interest of the money borrowed thereon shall be paid half-yearly to the several parties entitled thereto.

Repayment of borrowed money. **116.** The Cart Trustees may, if they think proper, fix a period for the repayment of any principal moneys borrowed by them, with the interest thereof, and in such case the Cart Trustees shall cause such period to be inserted in the mortgage; and upon the expiration of such period the principal sum, and all interest thereof, shall, on demand, be paid to the person entitled to receive the same; and, if no other place of payment be inserted in such mortgage, such principal sum and interest shall be payable at the office of the treasurer to the Cart Trustees.

As to payment of borrowed money when no time or place has been agreed upon. **117.** If in any mortgage no time be fixed for the repayment of the money so borrowed, the person entitled to receive such money may, at the expiration or at any time after the expiration of twelve months from the date of such mortgage, and upon giving six months previous notice to the treasurer to the Cart Trustees, demand payment of the principal sum thereby secured, with all interest due thereon; and in the like case the Cart Trustees may at any time pay off the money borrowed on giving the like notice; and every such notice shall be in writing, and if given by the person entitled to any mortgage shall be delivered to the treasurer to the Cart Trustees or left at his office, and if given by the Cart Trustees shall be either delivered personally to such person or left at his residence, and if such person be unknown to the Cart Trustees, or cannot be found after diligent inquiry, such notice shall be given by advertisement inserted once in a newspaper published in Paisley.

Interest to cease at expiration of notice to pay off mortgage. **118.** If the Cart Trustees shall have given notice as aforesaid of their intention to pay off any mortgage at a time when the same may lawfully be paid off by them, then at the expiration of the time specified in such notice all further interest shall cease to be payable thereon, unless, on demand of payment made pursuant to such notice

or at any time thereafter, the Cart Trustees shall fail to pay the principal sum and interest due on such mortgage at the expiration of the time specified in such notice. A.D. 1872.

119. Any person entitled to any mortgage granted by the Cart Trustees under the authority of this Act, may discharge the same and his right and interest therein in favour of the Cart Trustees; 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 thirteenth schedule to this Act, or to the like effect, and such discharge, when signed by the person entitled to such mortgage and duly stamped, shall be valid and effectual to all intents and purposes. Discharge of mortgages.

120. The Cart Trustees 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 Cart Trustees, 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 and assignments as aforesaid 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. Power to borrow on cash credit.

121. All money borrowed by the Cart Trustees under this Act shall be applied by them in the improvement of the Cart Navigation, and in the repayment of moneys borrowed by the Cart Trustees under the powers of this Act, and also, if and when the Cart Trustees think fit, in the liquidation by agreement or otherwise of the ordinary and preferable debts of the Cart Navigation, and to no other purposes. Application of moneys borrowed.

122. In the event of any principal money borrowed on mortgage, or any interest thereon, or any part thereof, not being paid within one month after such payment is due, and demand thereof made in writing, any mortgagee holding a mortgage in arrear as to payment of interest to the amount of one hundred pounds, or as to principal to the amount of one thousand pounds, or several mortgagees holding mortgages in arrear as to payment of interest to the amount of one hundred pounds or as to principal to the amount of one thousand pounds in the aggregate, may render his or 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

A.D. 1872. — accordingly, unless before such application is advised the amount of such interest or mortgage or mortgages, as the case may be, with interest and expenses, is paid, or it appears to the satisfaction of the court or Lord Ordinary that consignation thereof should under the circumstances be accepted in lieu of payment, and such consignation is made accordingly; and the interlocutor making such appointment shall not be subject to review or appeal.

Powers and duties of judicial factor and continuance of factory.

123. The judicial factor appointed under the preceding section of this Act, on finding security in common form, shall enter into possession of the property, estate, and effects of the Cart Trustees and of the duties and revenues accruing therefrom; and the Cart Trustees shall hand over to him all books and other documents necessary for that purpose; and after defraying the expenses of such application, and of the execution of the purposes thereof, and the ordinary expenses of the Cart Navigation, 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 principal and of interest on mortgages due at the date of his appointment, and all interest due on any of those sums, and any interest 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 which, though not due, becomes current during his continuance in office, and a sufficient sum to meet expenses, are paid or are consigned in one of the chartered banks or banks established by Act of Parliament in Scotland; and on such payment or consignation the Cart Trustees 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.

Sinking fund.

124. In order to discharge the principal moneys borrowed upon mortgage or cash credit by the Cart Navigation Trustees under the powers of this Act, the said Trustees shall every year set apart out of the duties received by them a sum not less than one per centum per annum on the whole amount borrowed as a sinking fund, to be applied in paying off the principal moneys so borrowed, and shall from time to time cause such sinking fund to be invested in Government securities or deposited in one of the banks in Scotland incorporated by Act of Parliament or Royal Charter, and to be increased by accumulation in the way of compound interest or otherwise, until the same shall be of sufficient amount to pay off the principal moneys so borrowed, to which such sinking fund shall be applicable, or some part thereof which the said Trustees shall

think it desirable to pay off, at which time the same shall be applied in paying off the said principal moneys, and to no other purpose whatever. A.D. 1872.

125. Nothing in this Act contained shall be held to prejudice, limit, or postpone any right, claim, or security reserved by the sixty-second section of the recited Act, but all such right, claim, and security shall continue unaffected by the provisions of this Act. Saving rights.

126. Nothing contained in this Act or to be done under the authority thereof shall in any manner affect the title to any of the subjects, or any rights, powers, and authorities reserved by or mentioned in sections 21 and 22 of "The Crown Lands Act, 1866," or shall divest, alter, or affect any other estate, right, or interest belonging to the Queen's most Excellent Majesty, her heirs or successors. Saving rights of Crown to mines, &c.

127. Nothing contained in this Act, or in any of the Acts herein referred to, shall authorise the Cart Trustees to take, use, or in any manner interfere with any portion of the shore or bed of the river Cart, 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 consent the Board of Trade may give); neither shall anything in the said Act or Acts 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. Saving rights of the Crown in the fore-shore.

128. Nothing in this Act contained shall exempt the Cart Trustees or their undertaking from the provisions of the Merchant Shipping Acts or of any general Acts relating to dues on shipping now in force or which may be passed during the present or any future session of Parliament, or from any future revision or alteration, under the authority of Parliament, of the duties authorised by the Cart Navigation Act, 1835. Reserving Merchant Shipping and general Acts.

129. All the costs, charges, and expenses of and incident to the preparing for, obtaining, and passing this Act, or otherwise in relation thereto, shall be paid in the first instance by the council, and the Cart Trustees shall repay to the council one-tenth part of such costs, charges, and expenses. Expenses of Act.

A.D. 1872.

SCHEDULES referred to in the foregoing Act.

FIRST SCHEDULE.

CHARITY FUNDS IN RESPECT OF WHICH ANNUITIES ARE TO BE GRANTED.

	Amount of Ranking as settled under the Act 6 & 7 Victoria, cap. 85.	Amount of Ranking at Commencement of this Act.
Almshouse Charity - - -	£129 3 0	£103 6 5
Baillie Peter's Donation - -	167 19 9	134 7 11
Armour's Donation - - -	53 13 7 $\frac{1}{3}$	42 19 0
Maxwell of Castlehead's Donation -	103 8 9	82 15 1
Sunday School Mortification - - -	51 1 7	40 17 4
Dispensary Donation - - -	73 10 0	58 16 0
Park and Hutchison's Donation - -	201 17 6	161 10 1
Robert Alexander's Donation - - -	112 9 11 $\frac{2}{3}$	90 0 2
George Sempill's Donation - - -	133 6 8	106 13 5
John McKerrell's Donation - - -	42 10 0	34 0 0
Alexander Park's Donation - - -	94 0 0	75 4 2
	£1,163 0 10	£930 9 7

SECOND SCHEDULE.

CHARITY FUNDS SEPARATELY INVESTED.

Miss Maxwell of Ferguslie's Donation.
William Reid's Mortification.

THIRD SCHEDULE.

FORM OF ANNUITY CERTIFICATE.

No.

This is to certify that *A.B.* [*name and designation*] is the holder of --- pounds of the Paisley Burgh Annuities created by "The Paisley Act, 1872," and is entitled to receive from the burgh of Paisley an annuity of --- pounds, payable in equal moieties half-yearly, on the third Monday of June and the third Monday of December in

each year; the first of such payments to be made on the first half-yearly day of payment aforesaid which shall happen after the date of this certificate. A.D. 1872.

Dated this _____ day of _____ one thousand eight hundred and _____

Signed by two members of the Council and the Chamberlain:

(L.S.)

FOURTH SCHEDULE.

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, _____ pounds of the Paisley Burgh Annuities, created by “The Paisley _____ Act, 1872,” now standing in my name in the Register of Paisley Burgh Annuities, with the rights and privileges and subject to the conditions and provisions specified in the said Act; and I, the said *C.D.*, do hereby agree to hold the said annuity subject to the same conditions and provisions. In witness whereof [*insert testing clause, according to the form of the law of Scotland, or the form of attestation used in England*].

FIFTH SCHEDULE.

MEMORANDUM CONSTITUTING AN ADDITIONAL FEU DUTY IN LIEU OF CASUALTIES OF SUPERIORITY.

Take notice that the lands of [*describe shortly, or refer to the lands in terms of “The Titles to Land Consolidation (Scotland) Act, 1868,” or as the case may be*], belonging to [*name and designation of proprietor*], are liable [*if there be a feu duty already payable, say—“in addition to the existing feu duty of £ _____”*] in a feu duty of £ _____ [*or, as the case may be, in an additional feu duty of £ _____*], payable to the provost, baillies, treasurer, and councillors of the burgh of Paisley, at [*state terms, and whether with interest*], which feu duty [*or additional feu duty*] is constituted in respect of a commutation of casualties of superiority [*or as the case may be*]. In witness whereof [*testing clause in usual form*].

Signed by _____

Proprietor.

Provost.

Treasurer.

Town Clerk.

A.D. 1872.

SIXTH SCHEDULE.

DISCHARGE OF CASUALTIES AND OF FEU DUTIES.

We, the provost, treasurer, and town clerk of the burgh of Paisley, acting under the authority of an Act of Parliament passed in the year of the reign of Her Majesty Queen Victoria, intituled [*here insert the title of this Act*], acknowledge that *A.B.* of _____, proprietor of the property herein-after mentioned, has paid to the provost, baillies, treasurer, and councillors of the said burgh the sum of _____ as the price or redemption money of all casualties of superiority [*and feu duties*] exigible by them in respect of the said property, that is to say, [*here describe shortly or refer to the lands in terms of "The Titles to Land Consolidation (Scotland) Act, 1868," or as the case may be*]. In witness whereof [*here insert a testing clause in the form required by the law of Scotland*].

A.B., witness.

C.D., witness.

Provost.

Treasurer.

Town Clerk.

SEVENTH SCHEDULE.

FORM OF CERTIFICATE OF DEBT BY CART TRUSTEES.

No.

This is to certify that *A.B.* [*name and designation*] is creditor on the Cart Navigation and the revenues and assets thereof for the sum of _____ pounds, subject to the provisions of the Paisley Burgh and Cart Navigation Act, 1872.

Dated this _____ day of _____ one thousand eight hundred and _____.

Signed by two of the Trustees and the Treasurer.

(L.S.)

EIGHTH SCHEDULE.

FORM OF TRANSFER OF CERTIFICATE OF DEBT.

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 Certificate of Debt No. _____

granted to me by the Trustees of the Cart Navigation, under the provisions of "The Paisley Burgh and Cart Navigation Act, 1872," and all my right, title, and interest to the debt for which the said certificate was granted, 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 certificate subject to the same conditions and provisions. In witness whereof [*insert testing clause according to the form of the law of Scotland*].

A.D. 1872.

NINTH SCHEDULE.

FORM OF MORTGAGE.

CART NAVIGATION.

Mortgage No.

By virtue of "The [*insert short title of this Act*]," the Trustees of the Cart Navigation (herein-after called the Trustees), in consideration of the principal sum of [*specify amount*] paid by [*name and designation of mortgagee*] to the Trustees, do hereby, subject to the provisions of the said Act, grant and assign to the said [*name of mortgagee*], and his executors, administrators, and assignees (*or as the case may be*), such proportion of the duties, charges, and revenues accruing to the Trustees from the said navigation as the said sum of doth or shall bear to the whole sum which is or shall be borrowed upon the credit of the said duties and revenues under the provisions of the said Act, to hold to the said mortgagee and his foresaids until the said principal sum and the whole interest due thereon shall be fully paid and satisfied; and it is hereby stipulated that the said principal sum shall be repayable on the [*date*], or shall thereafter, in virtue hereof, remain as a loan to the Trustees until the expiration of such further term of years, and at such rate of interest, as shall be specified in a minute or minutes to be endorsed hereon and signed by the said mortgagee or his foresaids and by the treasurer to the Trustees, 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 Trustees 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 Trustees for the contents of such warrants;—declaring that the said mortgagee and his foresaids shall not be entitled to make, and that the Trustees shall not be bound to recognise or register, any partial assignation of these presents, or of the sums of money, principal or interest, herein contained, and that the Trustees shall not be liable for any expenses that may be incurred by the said mortgagee or his foresaids for or in

A.D. 1872. 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*].

(Signed by two trustees and treasurer.)

(L.S.)

TENTH SCHEDULE.

FORM OF INTEREST WARRANT.

CART NAVIGATION.

Mortgage No. Dated 18

INTEREST WARRANT.

For pounds shillings and pence.

Less income tax :

£ : :

£ : :

Payable on 18 ,
at the

Treasurer.

ELEVENTH SCHEDULE.

FORM OF TRANSFER OF MORTGAGE.

I, *A.B.*, of , in consideration of the sum of
paid to me by *C.D.*, of , do hereby assign
and transfer to the said *C.D.*, his executors, administrators, and assignees, the
Mortgage No. , dated the day eighteen
hundred and , granted by the Trustees of the Cart Navigation to
me [*if the mortgage was not granted to A.B. himself, but vested in him as transferee
or otherwise, his title and the successive transferences thereto are to be shortly
narrated*] for the sum of , and the interest due thereon since
the day of last, and all my right and interest
therein. In witness [*testing clause according to the law of Scotland*].

TWELFTH SCHEDULE.

FORM OF DECLARATION.

I, *E.F.*, of _____, do hereby solemnly and sincerely declare, that the Mortgage, Number _____, dated the _____ day of _____, granted by the Trustees of the Cart Navigation, for the sum of _____ in favour of *A.B.*, of _____ [if there have been any previous transferences here add, "and which was afterwards transferred by the said *A.B.* to *C.D.*, of _____, by transfer dated the _____ day of _____ eighteen hundred and _____," or as the case may be], is now vested in and held by *G.H.*, of _____; and I further declare that the said mortgage has become vested in the said *G.H.* in manner following [here state the mode in which the mortgage has been transmitted from the person whose name last appears in the books of the Trustees as mortgagee]. And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the provisions of an Act made and passed in the sixth year of the reign of His late Majesty King William the Fourth, intituled "An Act to repeal an Act of the present Session of Parliament, intituled 'An Act for the more effectual abolition of oaths and affirmations taken and made in various departments of the State, and to substitute declarations in lieu thereof, and for the more entire suppression of voluntary and extra-judicial oaths and affidavits,' and to make other provisions for the abolition of unnecessary oaths."

Declared at _____ this _____ day of _____ eighteen hundred and _____ before me, *J.K.*, sheriff [sheriff substitute, or justice of the peace, as the case may be] of the county of _____ } *E.F.*

THIRTEENTH SCHEDULE.

FORM OF DISCHARGE.

Received from the treasurer, acting under the provisions of "The [insert short title of this Act]," 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 _____

A.D. 1872.
—FOURTEENTH SCHEDULE.
—

1. The dominium directum or superiority of the burgh of Paisley, also the feu duties, casualties or composition, and relief duties, taxed and untaxed, exigible from the feuars and vassals of the burgh.

2. The lands of Caledonia and Moss, in the burgh of Paisley, remaining unfeued.

3. House property, Numbers 3, 4, and 5, Moss Street, Paisley, and buildings behind the same.

4. House property behind Number 101, High Street, Paisley, known as the Lyceum Buildings.

5. House property, Numbers 4, 5, 6, and 7, Carlisle Place, New Sneddon Street, Paisley.

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