

New South Wales.



ANNO TRICESIMO SEXTO

VICTORIÆ REGINÆ.

An Act to enable John Newlands Wark to construct Gas Works within the City and Suburbs of Bathurst. [26th July, 1872.]

BATHURST GAS.

WHEREAS it is expedient that the city and suburbs of Bathurst Preamble. in the Colony of New South Wales should be supplied and lighted with gas And whereas John Newlands Wark hereinafter designated the promoter desires to establish and carry out works for such purposes and other purposes incidental thereto in the said city and suburbs And whereas the Municipal Council of the said city have at the request of the said John Newlands Wark and in consideration of the benefits to arise from the establishment and carrying out of such works consented to the vesting in the said John Newlands Wark of all necessary powers and authorities so far as the rights and interests of the said Municipal Council are concerned Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows:—

1. The promoter is hereby fully authorized and empowered himself or by his servants contractors agents workmen and others from time to time to make erect sink lay place fit maintain and repair such retorts gasometers meters receivers cisterns engines machines cuts drains sewers watercourses pipes reservoirs buildings and other works

Authority to erect
gasometers break up
streets roads &c.

Bathurst Gas.

works and devices of such construction and in such manner as the promoter shall think necessary or proper for the purpose of carrying out the operations of the promoter in respect of and incidental to the making and supplying of gas in conformity with this Act and also for all such purposes to open and break up the soil and pavement of the several streets and bridges within the limits of the city and suburbs aforesaid and to open and break up any sewers drains or tunnels within or under such streets and bridges and to erect posts pillars lamps lamp-irons and other apparatus in or upon the same streets and bridges or against any wall or walls erected on or adjoining to any of them and to dig and sink trenches and drains and to lay mains and pipes and put stop-cocks siphons plugs or branches from such mains or pipes in under across or along such streets and bridges and also with such consent as hereinafter mentioned to do the like in under across or along any private roads ways lanes passages buildings and places and from time to time to cut stop remove alter repair replace and relay such main-pipes stop-cocks siphons plugs branches or other apparatus Provided always that nothing in this section contained shall be deemed to authorize the promoter his servants contractors agents or workmen to enter into or upon any private lands buildings or places for any of the purposes aforesaid or thereon to carry out any of the operations of the promoter without the previous consent in writing of the occupiers thereof except that the promoter may at any reasonable time by himself his servants agents or workmen enter upon any land or place wherein any pipe hath already been lawfully laid down or placed in pursuance of this Act and repair or alter the existing pipe or lay or place any new pipe in the stead thereof.

Power to make contracts for supply of gas.

And carry out works for that purpose.

Occupier obstructing removal of apparatus.

2. It shall be lawful for the promoter to contract with any person (whether incorporate or individual) for supplying with gas any such person or any street way lane passage manufactory shop warehouse public or private house building or place and for such purpose from time to time to lay down carry fit up connect and furnish any pipe branch or burner lamp meter or other apparatus from or in connection with any main pipe or to lay down any new main which for such purposes may be required and to let any such apparatus for hire for such sum as may be agreed upon which sum may be recovered in like manner as any rent or remuneration for the supply of gas Provided always that in all cases where damage may be done by the promoter his agents workmen or others in the course of laying on or removing apparatus the said damage shall be made good at the expense of the promoter and in case he shall delay within a reasonable time to make good such damage the owner or occupier of such premises may make good the same and recover the expense thereof from the said promoter in the same manner as is herein provided for the recovery of any sum of money payable under the provisions of this Act Provided also that if any owner or occupier of any building tenement or place or any person acting for him shall refuse reasonable access in pursuance of the provisions of this section or the fifth section of this Act to the contractors agents workmen or servants of the promoter for the purpose of removing any such pipe burner meter or apparatus placed or introduced into any such building tenement or place by the promoter or shall prevent or obstruct such removal then the said owner occupier or person acting for him shall immediately make payment to the promoter for such pipe burner meter or apparatus and in default of his so doing within three days after demand thereof made at the same building tenement or place or the residence of the party it shall be lawful for the promoter to make complaint thereof before any Justice of the Peace who may cause to be issued a summons to the person so making default calling on him to show cause before the Court

Bathurst Gas.

Court of Petty Sessions of the Police District where the building tenement or place is situated why he refuses to pay such demand and thereupon the said Court shall proceed to the adjudication and enforcement of such demand in the manner hereinafter set forth. And if any person shall place or lay any pipe to communicate with any main-pipe Fraudulent use of gas obstruction of workmen damages to apparatus. meter or other apparatus already laid placed or erected by the said promoter or shall use additional burners or burners of larger dimensions or of other kind or description than that he has contracted with the promoter to use or shall keep the gas supplied by the promoter burning for a longer time than he has contracted with the promoter to pay for or shall supply any person with any of the gas supplied to him by the promoter without his consent in writing first obtained or if any person shall wantonly or maliciously hinder or interrupt the contractors workmen agents or servants of the promoter in legally doing or performing any of the acts aforesaid or in exercising the powers and authorities by this Act given or if any person shall wilfully negligently or accidentally do or cause to be done any injury or damage to any of the buildings machinery pipes burners lamps meters or apparatus of the promoter or remove the same or cause a waste or improper use of gas supplied by the promoter it shall be lawful for the promoter to make a complaint thereof before any Justice of the Peace who may cause to be issued a summons to the person so offending to appear before the Court of Petty Sessions of the Police District where such offence shall be committed and being thereof lawfully convicted such person shall forfeit and pay to the promoter any sum not exceeding five pounds over and above all damages done and over and above all costs such sum to be ascertained by such Court and to be enforced by distress and all proceedings under this Act not herein expressly provided for shall be regulated and conducted in accordance with the powers of the law in force for the time-being respecting summary proceedings before Justices of the Peace and all such provisions shall so far as the same are applicable be enforced and observed in all proceedings under this Act not herein expressly provided for.

3. No pipe burner lamp meter or other apparatus of the Apparatus not liable for distress execution &c. promoter being set up in any building tenement or place shall be subject to distress for rent or shall be taken in execution under any process or proceeding of any Court of Law or Equity or under any proceedings in bankruptcy or insolvency save so far as any process or proceedings against the promoter are concerned.

4. When and so often as the promoter his servants contractors Materials of streets &c. broken to be replaced. agents or workmen shall have opened broken up or removed the soil or pavement of any street or bridge as aforesaid or shall have opened or broken up any sewers drains or tunnels within or under any such streets or bridges the promoter shall make all reasonable despatch in performance of the work to be done and shall on completion of such work forthwith carry away all rubbish and waste or surplus material and reinstate such pavement stone or other material and render such street or bridge and every such sewer drain and tunnel within or under the same as nearly as possible in the same condition as it was in previously to the disturbance thereof and during the continuance Barriers and lights to be kept up. of such work and until such reinstatement the promoter shall set up sufficient barriers and keep lights burning at night in order to prevent accidents. And also when and so often as any gas pitch waste tar waste liquid or other things shall escape or flow from any pipe receivers or drain being part of or incidental to the works to be erected under this Act so as to contaminate the air or any stream spring or other watercourse or body of water natural or artificial and render the same unhealthy or offensive or unfit for use it shall be lawful for any person to give notice thereof in writing to the promoter who shall immediately Nuisances. take

Bathurst Gas.

take the most speedy and effectual measures to prevent or remedy the same and if the promoter shall make default in any of the matters so required by him to be performed it shall be lawful for any person to lodge complaint thereof before any Justice of the Peace who may summon the promoter before the nearest Court of Petty Sessions and on proof of such default the said Court of Petty Sessions shall order and direct that the said matters shall be done by the promoter within a reasonable time to be named by such Court and in default of compliance with such order any Justice of the Peace on proof of such default on the part of the promoter and on proof that the complainant or any other person has performed the said work so to be done and of the costs charges and expenses attending the same shall issue a distress warrant against the goods and chattels of the promoter for any amount not exceeding the said charges and expenses and the cost of prosecuting such complaint to be paid to the person performing the said work as aforesaid.

Power to cut off gas of defaulter.

5. It shall be lawful for the promoter to cut off and take away the supply of gas from the building tenement or other place of every person or body making default in payment after giving twenty-four hours notice to the occupier and thenceforth to discontinue the supply of gas contracted for with the promoter by such person or body and to enter by himself his agents or workmen into such building tenement or place between the hours of nine in the forenoon and four in the afternoon and remove and carry away any pipe burners lamp meter or other apparatus the property of the promoter and the promoter shall have the like powers with regard to cutting off taking away and discontinuing the supply of gas in the case of the building tenement or place of any person who shall have been lawfully convicted as hereinbefore provided of any fraudulent injury to any meter or apparatus on such premises or fraudulent use of the gas of the promoter And in case any person or body who shall contract with the promoter or agree to take or shall take or use the gas of the promoter in any building tenement or place or otherwise shall refuse or neglect to pay the sum or sums of money then due under his or their contract for the same to the promoter according to the terms and stipulations thereof it shall be lawful for the promoter to make complaint of such refusal or neglect before any Justice of the Peace who may cause to be issued a summons to the party so refusing or neglecting calling on him or them to show cause before the Court of Petty Sessions in the police district in which such building tenement or place is situated or such user took place why he or they refuses or refuse to pay such sum or sums and thereupon the said Court shall proceed to the adjudication of the said complaint and enforcement of the said demand and costs charges and expenses incurred in the prosecution thereof by distress and sale of the goods and chattels of the person or body so refusing or neglecting to pay.

Right of officer to enter premises.

6. The clerk engineer or other officer duly appointed for such purpose by the promoter may at all reasonable times enter any building tenement or place lighted with gas supplied by the promoter in order to inspect the pipes burners lamps meters or other apparatus of or connected with the works of the promoter to regulate the supply of gas or to ascertain the quantity of gas consumed or supplied and if any person shall hinder any such officer as aforesaid from so entering or making such inspection as aforesaid at any reasonable time such person shall for every such offence forfeit and pay to the promoter a sum of money not exceeding five pounds to be awarded and recovered by the promoter in like manner as the penalties aforesaid.

Appeal.

7. Any person may appeal from the judgment or conviction of any Court of Petty Sessions under this Act in the form and manner set

set forth in the Act of Council fifth William the Fourth number twenty-two.

8. Nothing in this Act contained shall be construed to prevent any person from indicting or otherwise proceeding either civilly or criminally against the promoter for nuisance or otherwise in respect of the works or means used or employed by the promoter in exercising the privileges hereby on him conferred or to prevent the promoter or any person from recovering any sum of money or otherwise proceeding in any Court of competent jurisdiction but the promoter or any person to whom any penalty or sum of money may by the provisions of this Act be awarded may elect either to proceed in manner in this Act provided or to proceed for and recover damages or otherwise in any Court of competent jurisdiction nor shall anything herein contained limit restrict or in any manner affect the right of any municipality or of any other person or company hereafter empowered by the Legislature to supply gas to the said city of Bathurst or suburbs or other place or to exercise any power which it may be deemed expedient or necessary to grant for that purpose.

9. The following words and expressions in this Act shall have the meaning hereby assigned to them unless there be something either in the subject or context repugnant to such construction. The word "promoter" shall mean the said John Newlands Wark his representatives or assigns owners for the time being of the Bathurst Gas Works. The expression "Bathurst Gas Works" shall mean the gas-works and the works connected therewith by this Act authorized to be constructed. The word "street" shall include any square court or alley highway lane road thoroughfare or other passage or place within the limits of this Act. The expression "city and suburbs of Bathurst" shall comprise all that district which is included within a radius of seven miles from the centre of the market-square of the said city. Provided that it shall be lawful for the Governor at any time by proclamation in the *Gazette* to order that this meaning of the expression last aforesaid may for the purposes of this Act be extended to include any such other place or places as in such proclamation may be named and defined.

10. This Act may be cited as the "Bathurst Gas Act of 1872." Short title.
