

Dubbo Gas Company's Incorporation.

An Act to incorporate the Dubbo Gas Company (Limited) and to enable the said Dubbo Gas Company (Limited) to construct Gas-works within the Town of Dubbo. [20th June, 1884.]

DUBBO
GAS COMPANY'S
INCORPORATION.

WHEREAS it is expedient that the town of Dubbo in the Colony of New South Wales should be supplied and lighted with gas Preamble.
And whereas for the carrying out of the works necessary for such supply of gas a Joint Stock Company called the Dubbo Gas Company (Limited) has lately been established at Dubbo in the Colony of New South Wales in accordance with and subject to the provisions of the Companies Act thirty-seven Victoria number nineteen And whereas the said Company is desirous of being incorporated and it is expedient that it should be incorporated accordingly and empowered to construct gas-works within the municipal boundaries of the town of Dubbo but subject to the provisions hereinafter contained And whereas the Municipal Council of the town of Dubbo have at the request of the Dubbo Gas Company (Limited) and in consideration of the benefits to arise from the establishment and carrying out of such works consented to the vesting in the said Company of all necessary powers and authorities so far as the rights and interest 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. Such and so many persons as have already become or may Company incorpo-
rated.
in the manner provided by and subject to the rules regulations and provisions contained in the memorandum and articles of association become proprietors of shares of or in the capital for the time being of the said Company shall for the purposes aforesaid but subject nevertheless to the conditions restrictions regulations and provisions hereinafter contained be one body politic and corporate in name and in deed by the name of "The Dubbo Gas Company (Limited)" and by that name shall and may sue any person or persons body or bodies politic or corporate whether a member or members of the said Corporation or not and may sue and be sued implead and be impleaded in all Courts whatsoever at law or in equity and may prefer lay or prosecute any indictment information and prosecution against any person or persons whomsoever for any stealing embezzlement fraud forgery crime or offence and in all indictments informations and prosecutions it shall be lawful to state the money and goods effects bills notes securities or other property of the said Company to be the money goods effects bills notes securities or other property of the said Corporation and to designate the said Company or co-partnership by its corporate name whenever for the purpose of any allegation of any intent to defraud or otherwise howsoever such designation shall be necessary and the said Corporation shall have perpetual succession with a common seal which may be altered varied and changed from time to time at the pleasure of the said Corporation.

2. The several laws rules regulations clauses and agreements Memorandum and
articles of association
confirmed.
contained in the said memorandum and articles of association or to be made under or by virtue or in pursuance thereof shall be deemed and considered to be and shall be the by-laws for the time being of the said Corporation

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Corporation save and except in so far as any of them are or shall be or may be altered varied or repealed by or are or shall be or may be inconsistent or incompatible with or repugnant to any of the provisions of this Act or of any of the laws or statutes now or hereafter to be in force in the said Colony but no rule or by-law shall on any account or pretence whatsoever be made by the said Corporation either under or by virtue of the said memorandum and articles of association or of this Act in opposition to the general scope or true intent and meaning of this Act or of any of the laws and statutes in force in the said Colony and the production of a written or printed copy of the said memorandum and articles of association or of any rules by-laws or regulations to be made in pursuance thereof or in pursuance of this Act having the common seal of the Company affixed thereto shall be sufficient evidence in every Court of civil or criminal jurisdiction of such memorandum and articles of association or of such by-laws rules or regulations.

Increase of capital.

3. It shall be lawful for the said Corporation from time to time to extend or increase its capital for the time being by the creation and disposal of new shares in the manner specified and set forth and subject to the rules regulations and provisions contained in the said memorandum and articles of association.

Share register to be kept.

4. The Company shall keep a book to be called the "Share Register" and in such book shall be fairly and distinctly entered from time to time the names and addresses of the several persons entitled to shares in the Company together with the number of shares to which such shareholders shall be respectively entitled.

Production of share register to be *prima facie* evidence.

5. The production of the share register shall be admitted in all Courts of civil and criminal jurisdiction as *prima facie* evidence of the person named therein as a shareholder being such shareholder and of the number of his shares and every shareholder or other person having a judgment at law or a decree in equity against the Company may at all convenient times peruse the share register gratis and may require a copy thereof or any part thereof and for every one hundred words or part of one hundred words so required to be copied the Company may demand a sum not exceeding one shilling.

Capital and shares to be personalty.

6. The capital or joint stock for the time being and all the funds and property of the said Corporation and the several shares therein and the profits and advantages to be derived therefrom shall be and be deemed to be personal estate and be transmissible accordingly subject to the regulations of the said memorandum and articles of association.

Trusts or equitable interests affecting shares.

7. The Corporation shall not be bound in any manner by any trusts or equitable interests or demands affecting any shares of the capital standing in the name of any person as the ostensible proprietor thereof or be required to take any notice of such trusts or equitable interests or demands but the receipt of the person in whose name the shares shall stand in the books of the said Corporation shall notwithstanding such trusts or equitable interests or demands and notice thereof to the said Corporation be a good valid and conclusive discharge to the Corporation for or in respect of any dividend or for money payable by the said Corporation in respect of such shares and a transfer of the said shares in accordance with the regulations in that behalf contained in the said memorandum and articles of association by the person in whose name such shares shall so stand shall notwithstanding as aforesaid be binding and conclusive as far as may concern the said Corporation against all persons claiming by virtue of such trusts or equitable interests or demands Provided always that nothing herein contained shall be deemed or taken to interfere with or abridge the right and power of a Court of Equity to restrain the payment of any such dividend or other money payable thereafter by the Corporation

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in respect of any such shares or the transfer thereafter of any such shares or to direct the payment of such dividends or other money by the Corporation or the transfer of such shares by the person in whose name they may stand to such other person as such Court may think fit.

8. It shall be lawful for the said Corporation any statute or law to the contrary notwithstanding to purchase take hold and enjoy to them and their successors for any estate term or interest all such houses offices buildings lands and hereditaments as may be necessary or proper for the purpose of managing and conducting and carrying on the affairs concerns and business of the said Corporation and to sell convey assign assure lease and otherwise dispose of or act in respect of such houses offices buildings lands and hereditaments as occasion may require for the purposes of the said Corporation. Power to hold lands.

9. It shall be lawful for all persons who are or shall be otherwise competent so to do to grant sell alien convey demise assign and dispose of unto and to the use of the said Corporation and their successors for the purposes aforesaid or any of them any such houses offices lands hereditaments and other real estate whatsoever as aforesaid accordingly. Conveyance to the Corporation.

10. No dividend or bonus shall in any case be declared or paid out of the subscribers' capital for the time being of the said Company or otherwise than out of the declared surplus capital net gains and profits of the business. Dividend from the profits.

11. In any action or suit to be brought by the said Corporation against any proprietor of any shares in the capital of the said Corporation to recover any sum of money due and payable to the said Corporation for or by reason of any call or the arrears thereof made by virtue of this Act or of the said memorandum and articles of association it shall be sufficient for the Corporation to declare and allege that the defendant being the proprietor of such or so many shares in the capital of the said Corporation is indebted to the said Corporation in such sum of money (as the call in arrears shall amount to) for such call of such sum of money upon such share or so many shares belonging to the said defendant whereby an action hath accrued to the said Corporation without setting forth any special matter and on the trial of such action or suit it shall not be necessary to prove the appointment of directors who made such call or any other matter except that the defendant at the time of making such call was a holder or proprietor of one or more share or shares in the capital of the said Corporation and that such call or calls was or were in fact made and such notice thereof and of the time fixed for the payment thereof given as directed by the said memorandum and articles of association and the said Corporation shall thereupon be entitled to recover what shall appear due upon each call with interest thereon. Actions or suits for calls.

12. In all cases in which by any Act of Parliament or of the Colonial Legislature or by any rule or order of the practice of the Supreme Court or any other Court now or hereafter to be in force in this Colony the plaintiff complainant or defendant in any action suit or other proceeding civil criminal or otherwise or any creditor of an insolvent estate or any person being a party to or interested in any process or proceeding whatsoever is or shall be authorized empowered or required to make any affidavit deposition or information or to sign or present any petition or to do any other act it shall be lawful and competent for the secretary or other officer or agent of the Company where such Company shall be such plaintiff complainant defendant or creditor or be a party to or otherwise interested in any process or proceeding whatsoever as aforesaid for and on behalf of the Company to make any such affidavit deposition complaint or information sign or present any such petition or do any such other act as aforesaid. Power to secretary or other officer.

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Custody and use of
corporate seal.

13. The directors for the time being shall have the custody of the common seal of the Company and the form thereof and all other matters relating thereto shall from time to time be determined by the directors in the same manner as is provided by the said memorandum and articles of association for the determination of other matters by the directors. And the directors present at a Board of Directors of the Company or a majority of them shall have power to use such common seal or authorize the same to be used for the affairs and concerns of the Company and under such seal to authorize and empower any person without such seal to execute any deeds and do all or any such other matters and things as may be required to be executed and done on behalf of the Company in conformity with the provisions of the said memorandum and articles of association and of this Act. But it shall not be necessary to use the corporate seal in respect of any of the ordinary business of the Company or for the appointment of an attorney or solicitor for the prosecution or defence of any action suit or proceeding or of any officer or servant of the Company and such seal may be affixed to any deed or document by any director of the said Company or by the hand of any person whom the directors shall appoint in that behalf and the affixing thereof shall be attested by at least one director and such person so appointed.

Power to erect
gasometers break up
roads streets &c.

14. The said Corporation is hereby fully authorized and empowered by its servants contractors agents workmen and others from time to time to make erect sink lay place fit and maintain such retorts gasometers meters receivers cisterns engines machines cuts drains sewers watercourses pipes reservoirs buildings and other works and devices of such construction and in such manner as the said Corporation shall think necessary or proper for the purpose of carrying out the operations of the said Corporation and also in carrying out the objects of the Corporation to break up the soil and pavement of any footpath highway street road way lane passage or other public place or thoroughfare or of any road way thoroughfare or place dedicated to or used by the public as such or any part or parts thereof and to erect posts pillars lamps lamp-irons and other apparatus in the same highways streets roads ways lanes passages and other thoroughfares and places 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 highways streets roads ways lanes passages and other thoroughfares and places 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 herein contained shall be deemed to authorize the said Corporation its 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 said Corporation without the previous consent of the occupiers thereof except that the Corporation by its servants agents or workmen may at any reasonable time 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. And provided also that the Corporation or the secretary or other officers agents or servants thereof shall except in case of accident give forty-eight hours' notice in writing to the Council Clerk of the Municipality of Dubbo prior to the opening or breaking up of streets lanes or otherwise as aforesaid.

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15. It shall be lawful for the said Company to contract with any person (whether incorporate or individual) for supplying with gas any such person or persons or any streets ways lanes passages manufactories shops warehouses public or private houses buildings and places 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. To make contracts for supply of gas. Provided always that in all cases (where it is not otherwise expressly stipulated and agreed) the said Corporation its servants contractors workmen or agents shall at its own expense on the expiration or determination of any tenancy of any occupier so giving consent as aforesaid or on non-payment of the sums payable by the owner or occupier of any building tenement or place for gas supplied thereto at any time within twelve months from such expiration determination or default within fourteen days after notice in writing for that purpose Compensation to owners of premises. from or on behalf of the owner or succeeding occupier of such building tenement or place shall have been received by the said Corporation enter into and upon such building tenement or place and remove take and carry away or cause to be removed taken or carried away any pipe burner lamp meter or apparatus which shall have been placed and introduced by the said Corporation therein and repair and make good such portions of such building tenement or place as may be damaged or defaced by such removal. And in case the said Corporation shall neglect so to do for fourteen days after receipt of such notice it shall be lawful for such owner or succeeding occupier (provided free and reasonable access has not been refused to the agents servants and workmen of the said Corporation for the purpose aforesaid) to remove or cause to be removed all such pipes burners lamps meters or apparatus and to repair and make good the damages and defacements to the said building tenements or place caused thereby the reasonable costs and charges attending which shall immediately be paid by the said Corporation to the owner or occupier making such repairs as aforesaid and in default of such sum being paid by the said Corporation within three days after demand thereof in writing made at the offices of the said Corporation it shall be lawful for the said owner or occupier or his or her agent to make complaint thereof before any Justice who may cause a summons to be issued in the usual form calling on the said Corporation to show cause before the nearest Court of Petty Sessions of the Police District in which such building tenement or place is situated why such demand has not been satisfied. How determined. And if the said Corporation fails to show cause accordingly it shall be lawful for the sitting Justices to order or award payment of the demand or any part thereof to such complainant together with such costs and satisfaction for his expense and trouble as to them may seem meet and such order or award to enforce by distress. Provided also that if any owner or occupier of any building tenement or place or any person acting for him shall refuse reasonable access to the contractors agents workmen or servants of the said Corporation for the purpose of removing any such pipe burner meter or apparatus placed or introduced into any such building tenement or place by the said Corporation or shall prevent or obstruct such removal then the said owner occupier or person acting for him shall immediately make payment to the said Corporation for such pipe burner meter or apparatus. And in default of his so doing within three days after demand thereof made at the said building tenement or place or the residence of the party it shall be lawful for the said Corporation 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

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Fraudulent use of
gas.

Court of Petty Sessions of the Police District where the building tenements 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 in this clause set forth And if any person shall place or lay any pipe to communicate with any main pipe meter or other apparatus already laid placed or erected by the said Corporation or shall use additional burner or burners of larger dimensions or of other kind or description than that he has contracted to pay for or shall supply any person with any of the gas supplied to him by the said Corporation without the consent in writing of the said Corporation first obtained or if any person shall wantonly or maliciously hinder or interrupt the contractors workmen agents or servants of the said Corporation in legally doing or performing any of the works 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 said Corporation or remove the same or cause a waste or improper use of gas supplied by the said Corporation it shall be lawful for the said Corporation to make 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 said Corporation any sum not exceeding five pounds over and above all damages done and over and above all costs to be ascertained by such Court and to be enforced in the manner in this clause before set forth 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.

Materials of roads
&c. broken up to be
replaced.

16. When and so often as the said Corporation its contractors agents or workmen shall have broken up or removed any pavement stone or other material of any highway road street way lane passage or other public place or thoroughfare or of any road way thoroughfare or place dedicated to or used by the public as such the said Corporation 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 to reinstate each pavement stone or other material and render such highway road street way lane passage or other place as nearly as possible in the same condition as it was in previously to the disturbance thereof And during the continuance of such work and until such reinstatement to set up barriers and keep lamps or fires burning at night in order to prevent accidents And also when and so often as any gas pitch waste liquid or other things shall escape or flow from any pipe receiver or drain so as to contaminate the air or water and render the same unhealthy or offensive it shall be lawful for any person to give notice thereof in writing to the said Corporation who shall immediately take the most speedy and effectual measures to remedy and prevent the same And if the said Corporation shall make default in any of the matters so required by it to be performed it shall be lawful for any person to lodge complaint thereof before any Justice of the Peace who may summon the said Corporation 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 same shall be done by the said Corporation within a reasonable time to be named by such Court and

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in default of compliance with such order any Justice of the Peace on proof thereof 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 said Corporation for any amount not exceeding the said charges and expenses and the costs of prosecuting such complaint to be paid to the person performing the said work as aforesaid.

17. And in case any body or bodies corporate commissioners Trustees surveyors or any other person or persons who shall contract with the said Corporation or agree to take or shall take or use and enjoy the gas of the said Corporation either in private dwelling-shops inns taverns or other public or private buildings or manufactories grounds or premises or otherwise shall refuse or neglect to pay the sum or sums of money due under their his or her contract for the same to the said Corporation according to the terms and stipulations of the said respective parties with the said Corporation it shall be lawful for the said Corporation without prejudice to any other remedy to make complaint thereof before any Justice of the Peace who may issue a summons to the party so refusing or neglecting to pay as aforesaid calling on him to show cause before the Court of Petty Sessions in the Police District in which such building tenement or place is situated why he refuses to pay such sum or sums And thereupon the said Court shall proceed to the adjudication of the said demand and the amount thereof with costs charges and expenses incurred in the prosecution thereof may be enforced by distress and sale of the goods and chattels of the person so neglecting or refusing to pay the same rendering the surplus if any to such person or persons so neglecting or refusing And it shall be lawful for the said Corporation after seven days' notice to cut off and take away the supply of gas from the house or houses inn tavern shop manufactory warehouse or other building premises or places of every such person so making default in payment of such sum or sums of money then due by his her or their contract to the said Corporation and thenceforth to discontinue the supply of gas contracted for with the said Corporation by such person or persons.

Remedy for the recovery of rents.

18. The Secretary engineer or other officer duly appointed for such purpose by the Company may at all reasonable times enter any building tenement or place lighted with gas supplied by the Company in order to inspect the pipes lamps burners meter or other apparatus of or connected with the works of the Company 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 aforesaid from so entering or making such inspections at any reasonable time such persons shall for every such offence forfeit and pay to the Company a sum of money not exceeding five pounds to be awarded and recovered by the Company in like manner as the penalties aforesaid.

Power to officers to inspect meters &c.

19. No pipe burner lamp meter or other apparatus of the said Corporation 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 insolvency save so far as any processes or proceedings against the Corporation are concerned.

Apparatus not liable for distress execution &c.

20. In the event of the wrongful exercise of any powers given by this Act nothing in this Act contained shall be construed to prevent any person from indicting or otherwise proceeding against the said Corporation for nuisance or otherwise in respect of the works or means used or employed by the said Corporation in exercising the privileges hereby on it conferred nor shall anything herein contained limit restrict or in any manner affect the right of any municipality or of

Indictment for nuisance.

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of any other person or Company hereafter empowered by the Legislature to supply gas to the said town of Dubbo or to exercise any powers which it may be deemed expedient or necessary to grant for that purpose.

Price purity and
illuminating power
of the gas.

21. The price for the gas shall at no time exceed seventeen shillings per thousand cubic feet and the gas supplied shall be absolutely free from sulphuretted hydrogen and shall be of such minimum quality as to produce from an Argand burner having fifteen holes and a seven-inch chimney consuming five cubic feet of gas per hour a light equal in intensity to the light produced by fifteen sperm candles of six in the pound burning one hundred and twenty grains per hour.

Provision for testing.

22. The said Company shall within twelve months after receiving notice from the Municipal Council put up at some testing place to be provided by the said Council within the Municipal district suitable apparatus for the purposes following:—

- (1.) For testing the illuminating power of the gas supplied.
- (2.) For testing the presence of sulphuretted hydrogen in the gas supplied. The said apparatus shall be in accordance with the Schedule hereunto annexed and shall at all times be kept and maintained in good repair and working order by the said Company.

Appointment of gas
examiner.

23. The Municipal Council may from time to time appoint a competent and impartial person to be gas examiner to test the gas at the testing place who shall test the illuminating power and purity of the gas supplied on any or every day and the said Company may be represented at the testing if they shall think fit but shall not be entitled either by themselves or their representative to interfere in the testing.

Gas examiner to
report &c.

24. The gas examiner shall on the day immediately following that on which the testing was made by him deliver to the Municipal Council a report of such testing and shall deliver a copy thereof to the said Company and such report shall be receivable in evidence.

Gas examiner how
paid.

25. Any gas examiner appointed by the Municipal Council shall be paid a salary not exceeding one hundred pounds per annum which shall be paid one moiety by the Council and the other moiety by the said Company.

Meters.

26. No meter shall be used for ascertaining the quantity of gas sold by the said Company unless the same shall have its measuring capacity at one revolution or complete action of the meter and also the quantity per hour it is intended to measure in cubic feet or multiples or decimal parts of a cubic foot denominated or marked on the outside thereof in legible letters or figures and shall have been tested and stamped as correct by the English Warden of Standards or by the inspector of meters appointed from time to time by the said Municipal Council or other the person or persons who may hereafter be appointed by any Act or Acts of the Parliament of New South Wales or in pursuance thereof in that behalf to test and stamp gas-meters.

Municipal Council
may appoint in-
spector of meters.

27. An inspector of meters may from time to time be appointed by the Municipal Council and the said inspector shall at all times when authorized by the Council on the application and at the expense of any consumer of gas supplied by the said Company be entitled to inspect and test the meters erected by the said Company in the premises of the person making such request after giving forty-eight hours' notice of such intended inspection to the said Company and before such inspection the person requiring the same shall deposit in the hands of the inspector all money due or appearing to be due by such person to the said Company on account delivered and in case such deposit shall be in excess of the sum found to be due to the said Company such excess shall be returned to the consumer.

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28. No meter which shall have been fixed by the said Company for use before the expiration of one year of the time when this Act comes into operation shall be allowed to remain in use after the expiration of five years from that time unless it shall have been tested and stamped as by this Act directed and no meter once tested and stamped under the provisions of this Act shall be allowed to remain in use for more than five years from the time when it shall have been last so stamped unless and until it shall have been retested and restamped in manner aforesaid and whenever the said Company shall knowingly allow any meter to be used in contravention of this section they shall be liable to a penalty not exceeding forty shillings for every such offence.

Regulation of
meters.

29. After the expiration of one year from the time when this Act comes into operation the legal standard or unit or measure for the sale of the said Company's gas by meter shall be the cubic foot containing sixty-two and three hundred and twenty-one thousandths (62·321) pounds avoirdupois weight of distilled or rain water weighed in air at the temperature of sixty-two degrees of Fahrenheit thermometer the barometer being at thirty inches.

Legal standard.

30. If any person shall forge or counterfeit or cause or procure to be forged or counterfeited or knowingly act or assist in the forging or counterfeiting any stamp which may hereafter be used for the stamping of any meter under this Act every person so offending shall for every such offence be liable to a penalty not exceeding fifty pounds or less than ten pounds and if any person shall knowingly sell utter or dispose of let lend or expose for sale any meter with such forged stamp thereon every person so offending shall for every such offence be liable to a penalty not exceeding ten pounds or less than forty shillings and all meters having forged or counterfeited stamps thereon shall be forfeited and destroyed.

Forging stamps.

31. All gas supplied by the said Company shall except in case of accident be supplied at such pressure as to balance from midnight to sunset a column of water not less than six-tenths of an inch in height and to balance from sunset to midnight a column of water not less than one inch in height.

Pressure of gas.

32. If it shall be proved to the satisfaction of any two Justices of the Peace in Petty Sessions assembled that the said Company or any of its officers have been guilty of any default under this Act they shall be liable for each and every such default to a penalty not exceeding five pounds to be recovered in a summary way.

General penalty.

33. Any person may appeal from the judgment or conviction of any Court of Petty Sessions under this Act in the form and manner set forth in the Act of Council fifth William the Fourth number twenty-two.

Right of appeal.

34. 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 "Corporation" shall mean the Dubbo Gas Company (Limited) as incorporated by this Act. The expression "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 "Town of Dubbo" shall comprise all that district which is included within the municipal boundaries of the said town.

Interpretation of
terms.

35. It shall be lawful for the municipal Council of Dubbo at any time after the expiration of five years from the passing of this Act by notice in writing to require the said Company to sell and thereupon the said Company shall sell to the Municipal Council of Dubbo the said gas-works upon the terms of paying the then value (exclusive

Municipal Council
may purchase gas-
works.

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of any allowance for past or future profits of the said Company or any compensation for compulsory sale or other consideration whatsoever) of the said gas-works and all lands buildings works materials and plant of the said Company suitable to and used by the said Company for the purposes of the said gas-works such value in case of difference to be referred to arbitration in the manner directed by the Act thirty-one Victoria number fifteen intituled "*An Act to make Arbitrations more effectual*" and subject to the terms and conditions therein contained.

Company may be brought under general Act

36. Nothing contained in this Act shall prevent the said Company being brought under the provision of any general Act which may be passed by the Parliament of New South Wales applying equally to Companies engaged in the manufacture of gas in the said Colony with reference to the manufacture and sale of gas nor entitle the said Company to compensation from the public revenue by reason of the provisions of such general Act for the purpose aforesaid being made applicable to and binding upon the said Company.

Short title.

37. This Act shall be styled and may be cited as the "Dubbo Gas Company's Incorporation Act of 1884."

SCHEDULE.

PART I.

1. *Regulations in respect of testing apparatus.*

(a) The apparatus for testing the illuminating power of the gas shall consist of the most improved form of photometer known together with a proper meter minute clock governor pressure gauge and balance. The burner to be used for testing the gas shall be an Argand burner having fifteen holes and a seven-inch chimney. The candles used for testing the gas shall be sperm candles of six to the pound and two candles shall be used together.

2. *The apparatus.*

(b) For testing the presence in the gas of sulphuretted hydrogen. A glass vessel containing a strip of bibulous paper moistened with a solution of acetate of lead containing sixty grains of crystallized acetate of lead dissolved in one fluid ounce of water.

PART II.

1. *Rules as to mode of testing gas.*

(a) Mode of testing for illuminating power. The gas in the photometer is to be lighted at least fifteen minutes before the testings begin and it is to be kept continually burning from the beginning to the end of the tests.

Each testing shall include ten observations of the photometer made at intervals of a minute.

The consumption of gas is to be carefully adjusted to five cubic feet per hour.

The candles are to be lighted at least ten minutes before beginning each testing so as to arrive at their normal rate of burning which is shown when the wick is slightly bent and the tip glowing. The standard rate of consumption for the candles shall be one hundred and twenty grains each per hour. Before and after making each set of ten observations of the photometer the gas examiner shall weigh the candles and if combustion shall have been more or less per candle than one hundred and twenty grains per hour he shall make and record the calculations requisite to neutralize the effects of this difference. The average of each set of ten observations is to be taken as representing the illuminating power of that testing.

2. *Mode of testing.*

(b) For sulphuretted hydrogen. The gas shall be passed through the glass vessel containing the strip of bibulous paper moistened with the solution of acetate of lead for a period of three minutes or such longer period as may be prescribed and if any discoloration of the test paper is found to have taken place this is held to be conclusive as to the presence of sulphuretted hydrogen in the gas.