

ANNO QUADRAGESIMO OCTAVO

VICTORIÆ REGINÆ.

An Act to enable the Grafton Lighting Com-pany (Limited) to construct Gas-works and Electric Works within the Town and Suburbs of Grafton. [20th June, 1884.]

GRAFTON LIGHTING
COMPANY
(LIMITED).

WHEREAS it is expedient that the Town of Grafton and its Suburbs in the Colony of New South Wales should be supplied and lighted with gas and with electricity And whereas for the carrying out of the works necessary for such supply of gas and of electricity a Joint Stock Company called the "Grafton Lighting Company Limited" has by a memorandum of association lately been established at Grafton aforesaid in accordance with and subject to the provisions of the Companies Act thirty-seven Victorian number nineteen which said memorandum is hereunto appended in the Schedule marked B And whereas the Municipal Council of the Borough of Grafton have at the request of the said Company 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 right 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. In the construction of this Act the following words shall have the meanings assigned to them respectively unless inconsistent with the context that is to say—

Interpretation of
terms.

- "Company"—The Grafton Lighting Company (Limited).
- "Council"—The Municipal Council of the Borough of Grafton.
- "Person"—Any body whether corporate or individual.
- "Superintendent of Telegraphs"—The person appointed under the Act twenty Victoria number forty-one to superintend the electric telegraphs of New South Wales.
- "Town and Suburbs of Grafton"—All places which are included within a radius of five miles from the Post Office of Grafton.
- "Street"—Any square court alley highway lane footpath road thoroughfare or other public place in the town and suburbs of Grafton.
- "Electricity"—Electricity electric current or any like agency.
- "Electric Line"—A wire or wires conductor or other means used for the purpose of conveying transmitting or distributing electricity with any casing coating covering tube pipe or insulator enclosing surrounding or supporting the same or any part thereof or any apparatus connected therewith for the purpose of conveying transmitting or distributing electricity or electric current.

"Works"—

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“Works”—Any buildings machinery engines works matters or things of whatever description required to generate make or supply gas or electricity and to carry into effect the object of the said Company under this Act.

PART I.

Provisions respecting the Supply of Gas.

Authority to erect works and break up streets roads &c.

2. The said Company is hereby authorized and empowered by its servants contractors agents and workmen from time to time to make erect sink lay place fit maintain and repair such retorts gasometers gas meters receivers cisterns engines machines cuts drains sewers watercourses pipes reservoirs buildings and works and devices of such construction and in such manner as the said Company shall think fit necessary or proper for the purpose of carrying out the operations of the said Company in respect of and incidental to the making and supplying of gas in conformity with the said memorandum of association And for all such purposes to open and break up the soil and pavement of the streets and bridges within the limits of the town 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 and upon the said streets and bridges or against any wall or walls erected on or adjoining any of them and to dig and sink trenches and drains and to lay gas-mains and gas-pipes and to put stop-cocks syphons plugs or branches from such gas-mains and gas-pipes in under across or along such streets and bridges And also with such consent as is herein provided 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 remove alter repair replace and relay such gas-mains gas-pipes stop-cocks syphons plugs or other apparatus Provided that the said Company shall unless in case of accident give twenty-four hours' notice in writing to the Council Clerk of the said Municipality prior to the opening or breaking up as aforesaid of any street road pavement sewer drain or tunnel within the said town and suburbs And provided that if in carrying out any of the operations of the said Company it shall be deemed necessary by the said Company to enter upon under across or along any railway or tramway whether public or private it shall be sufficient for the said Company to obtain the consent of the Secretary for Public Works for the time being of the Colony of New South Wales anything hereinbefore contained to the contrary notwithstanding.

To make contracts for the supply of gas and to carry out works for that purpose.

3. It shall be lawful for the said Company to contract with any person for supplying with gas any such person 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 gas-pipes branch burner lamps gas-meter or other apparatus from or in connection with any main gas-pipe or to lay down any new gas-main or gas-pipe 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.

Price purity and illuminating power of the gas.

4. The price for the gas shall at no time exceed twenty 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

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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.

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

- (I) For testing the illuminating power of the gas supplied.
- (II) 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.

6. The said 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 representatives to interfere in the testing.

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

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

9. No gas-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 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.

10. No gas-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 seven years from the time when it shall have been last so stamped unless and until it shall have been re-tested and re-stamped in manner aforesaid and whenever the said Company shall knowingly allow any gas-meter to be used in contravention of this section they shall be liable to a penalty not exceeding forty shillings for every such offence.

11. After the expiration of one year from the time when this Act comes into operation the legal standard or unit of 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 Fahrenheit's thermometer the barometer being at thirty inches.

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Pressure of gas.

12. 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.

PART II.

Provisions respecting the supply of Electricity.

Authority to lay
down and erect
electric works and
lines to break up
streets roads &c.

13. The said Company is hereby authorized and empowered by its servants contractors agents and workmen from time to time to make and erect such electric works and to sink lay place fit maintain and repair such electric lines accumulators storage batteries electric cables mains insulated wires pipes switches connection branches electric meters dynamos engines machines cuts drains water-courses pipes buildings and other devices And to erect and place any electric line cable main insulated wire or other electric apparatus above ground along over or across any street in the said town and suburbs of Grafton and to erect poles for the purpose of placing the same in such manner as the said Company shall think fit necessary or proper for the purpose of carrying out the operations of the said Company in respect of and incidental to the making generating and supplying of electricity in conformity with this Act and with the said memorandum of association And also for all such purposes to open and break up the soil and pavement of the streets and bridges within the limits of the town 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 poles pillars lamps globes or other apparatus in or upon the said streets and bridges or against any wall or walls erected on the same or adjoining thereto and to dig and sink trenches and drains and to lay electric lines cables and mains and to put electric lines wires switches and connection branches from such electric lines cables and mains in under across or along such streets and bridges and also with such consent as is herein mentioned to do the same in under across or along any private roads ways lanes passages buildings and places and from time to time to cut remove alter repair replace and relay such electric lines cables mains wires switches and connection branches or other apparatus Provided that when any electric line cable main insulated wire or other electric apparatus is placed above ground the same shall be done with the consent in writing of the said Municipality and with the consent in writing of the Superintendent of Telegraphs and not otherwise but if the said Superintendent of Telegraphs is of opinion that any telegraph or telephonic line is or may be injuriously affected by such electric line cable main insulated wire or other apparatus or if the said Municipality or the said Superintendent of Telegraphs is of opinion that such electric line cable main insulated wire or other apparatus is or is likely to become dangerous to the public safety or a public nuisance the said Municipality or the said Superintendent of Telegraphs may by notice in writing require the said Company to remove such electric line cable main insulated wire or other apparatus or any portion thereof and if the said Company do not within eight days of the service on them of such written notice remove the same the said Municipality or the said Superintendent of Telegraphs may remove the same and recover the expense of such removal from the said Company in a summary manner And provided that the said Company shall except in case of accident or of any event by which in the opinion of the Company an accident is likely to occur give
seven

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seven days' notice in writing to the clerk of the said Municipality and to the said Superintendent of Telegraphs prior to the opening and breaking up as aforesaid of any street bridge road pavement sewer drain or tunnel within the said town and suburbs. And provided that if in carrying out any of the operations in this section authorized to be carried out it shall be deemed necessary by the said Company to enter upon under across or along any railway or tramway whether public or private it shall be sufficient for the said Company to obtain the consent of the Secretary for Public Works for the time being of the Colony of New South Wales in addition to any other consent by this Act required to be obtained.

14. It shall be lawful for the said Company to contract with any person for supplying with electricity any such person 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 electric accumulator storage battery electric line cable insulated wire pipe switch connection branch carbon burner lamp meter or other apparatus from or in connection with any electric line main lead or cable or to lay down any new electric line main lead or cable 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 electricity.

To make contracts for the supply of electricity and to carry out works for that purpose.

15. The said Company shall before supplying any person with electricity put up and erect suitable apparatus at some testing place for the purpose of testing the normal strength and the electro-motive force of electricity supplied by them the said apparatus and the position and construction of the said testing place to be approved by the Superintendent of Telegraphs.

Provision for testing.

16. The said Council may from time to time appoint a competent and impartial person to be approved of in writing by the Superintendent of Telegraphs to be electrical examiner who shall test the normal strength of the current of electricity supplied by the said Company and who shall examine any electric line accumulator storage battery electric cable insulated wire pipe switch connection branch or any other electric apparatus. And the said Company may be represented at such testing or examination but shall not be entitled to interfere in the same.

Appointment of electrical examiner.

17. The electrical examiner shall within four days of the day on which the testing or examination was made by him deliver to the said Council and to the said Superintendent of Telegraphs a report of such testing and of such examination and shall deliver a copy thereof to the said Council and to the said Superintendent of Telegraphs and such report shall be receivable in evidence.

Electrical examiner to report.

18. Any electrical examiner appointed by the said Council shall be paid at the rate of two guineas for every day on which he is so engaged one moiety to be paid by the said Council and the other moiety by the said Company.

Electrical examiner how paid.

19. No electric main or conductor shall be used for the supply of electricity and no electric photometer shall be used for ascertaining the illuminating power of electric light and no electric meter shall be used for ascertaining the quantity of electricity supplied by the said Company unless the said main conductor photometer or meter respectively shall be of a pattern approved in writing by the Superintendent of Telegraphs.

Electric conductors photometers and meters.

20. No continuous electric current shall be supplied by the said Company to any electric line main or cable having an electro-motive force of more than two hundred volts and no alternating current shall be so supplied having an electro-motive force of more than one hundred volts. Provided that if in the opinion of the said Company it is

Potential of current.

is

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is deemed necessary for the purpose of carrying into effect the provisions of this Act to employ a higher tension of electricity than the said two hundred volts in the case of a continuous current or of one hundred volts in the case of an alternating current a written notice of the same containing a statement of the extent of the proposed increase of electro-motive force shall be served on the Superintendent of Telegraphs who shall give the said Company notice in writing of the necessary precautions to be taken and things to be done by the said Company in order to secure the safety of the public which said precautions shall be taken and things shall be done by the said Company before they shall supply a continuous electric current of higher electro-motive force than two hundred volts or an alternating electric current of higher electro-motive force than one hundred volts For every breach of any of the provisions of this section the said Company shall be liable to a penalty not exceeding five hundred pounds and not less than two hundred pounds to be recovered in a summary manner before any two Justices of the Peace and every director manager or officer of the said Company who shall knowingly and wilfully authorize or permit the same to be done shall be liable to the like penalty to be recovered in the manner herein-before provided.

No form of lamp or burner to be prescribed.

21. It shall not be lawful for the said Company to prescribe any special form of lamp or burner to be used by any person or in any way to control or interfere with the manner in which electricity supplied by the said Company is used Provided that no person shall be at liberty to use any form of lamp or burner or to use the electricity supplied by the said Company for any purpose or to deal with it in any manner so as to unduly or improperly interfere with the supply of electricity supplied to any other person by the said Company.

General Provisions.

Private lands not to be trespassed on.

22. Subject to the provisions of the thirty-first and thirty-second sections herein nothing in this Act contained shall be deemed to authorize the said Company their servants contractors agents or workmen to enter into or upon any private land tenements or places or thereon to carry out any of the operations of the said Company without the previous consent in writing of the occupier thereof.

Procedure when access to private property refused.

23. 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 the third fourteenth or thirty-first sections herein contained to the contractors agents workmen or servants of the said Company for the purpose of removing any gas-pipe gas-meter electric-line electric-meter works or other apparatus for the supply of gas or electricity placed or introduced into any such building tenement or placed by the said Company or shall prevent or obstruct such removal then the said owner occupier or person acting for him shall immediately pay to the said Company the value of such gas-pipe gas-meter electric-line electric-meter works or other apparatus for the supply of gas or electricity and in default of his so doing within three days after demand thereof made at the same building tenement or place or the residence or last known residence of such owner occupier or person it shall be lawful for the said Company to make complaint thereof to 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 nearest Court of Petty Sessions to the place where the said 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 gas-pipe to communicate with
any

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any main gas-pipe gas-meter or other gas apparatus already laid placed or erected by the said Company or shall place lay connect or erect any electric cable insulated wire electric line switch connection branch carbon electric burner or lamp to communicate with any main electric cable main electric line electric accumulator storage battery electric meter or other electric apparatus already laid placed or erected by the said Company or shall supply any person with any gas or electricity supplied to him by the said Company without the said Company's consent in writing first obtained or if any person shall wantonly or maliciously hinder or interrupt any of the contractors workmen agents or servants of the said Company in legally doing or performing any of the acts by this section authorized to be done by them or in exercising any of the powers and authorities by this Act given or if any person shall wilfully or negligently or accidentally do or cause to be done any injury or damage to any of the buildings machinery pipes burners gas-meters electric meters electric cables insulated wires lines or other apparatus whether for the generation and supply of gas or electricity of the said Company or remove the same or cause a waste or improper use of gas or of electricity supplied by the said Company it shall be lawful for the said Company 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 nearest to the place at which such offence shall have been committed and being thereof lawfully convicted such person shall forfeit and pay to the said Company any sum not exceeding five pounds over and above all damages done and over and above all costs necessarily incurred in recovering the same 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.

24. No gas-pipe burner lamp gas-meter or other gas apparatus and no electric accumulator storage battery electric cable insulated wire pole electric line pipe switch connection branch carbon burner lamp electric meter or electric apparatus of the said Company being placed under upon or above any building tenement or place shall be subject to distress for rent or shall be taken in execution under any process or proceeding in any Court of law or equity or under any proceedings in bankruptcy or insolvency save so far as any process or proceedings against the said Company are concerned.

Apparatus not liable for distress execution &c.

25. When and so often as the said Company its servants contractors agent 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 or shall have erected any poles for the purpose of placing any electric line above ground the said Company shall make all reasonable dispatch 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 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 of such work and until such reinstatement the said Company 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 acid or other things shall escape or flow from any pipe receivers electric

Materials of streets &c. broken to be replaced.

Barriers and lights to be kept up.

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electric generator machine 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 water water-course 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 said Company who shall immediately take the most speedy and effectual measures to prevent and remedy the same and if the said Company 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 Company 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 matter shall be done by the said Company 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 said Company and on proof that the complainant or any other person has performed the said work so to be done and of the cost charges and expenses attending the same shall issue a distress warrant against the goods and chattels of the said Company 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.

Borough Council
may appoint
inspector of meters.

26. An inspector of gas-meters and subject to the approval in writing of the Superintendent of Telegraphs an inspector of electric meters may from time to time be appointed by the said Council and the said inspector whether of gas or of electric meters shall at all times when authorized by the Council on the application and at the expense of any consumer of gas or of electricity 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.

Forging stamps.

27. 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 of any stamp which may hereafter be used for the stamping of any gas or electric 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 gas or electric meter with such forged stamp thereon every person so offending shall for every such offence be liable to a penalty not exceeding ten pounds nor less than forty shillings and all gas or electric meters having forged or counterfeited stamps thereon shall be forfeited and destroyed.

Damage by Company
to be made good.

28. In all cases where any damage may be done by the said Company its servants agents contractors or workmen in the course of erecting laying down removing or repairing any works gas-pipes electric lines or other apparatus for the supply of gas or electricity the said damage shall be made good at the expense of the said Company and in case the said Company shall delay within a reasonable time to make good such damage the owner of the property or thing damaged may make good the same and recover the expenses thereof from the said Company in the same manner as is herein provided for the recovery of any sum of money payable under the provisions of this Act.

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29. Any person who unlawfully and maliciously cuts or injures any electric line gas-pipe or works with intent to cut off any supply of electricity or gas shall be guilty of felony punishable under section three hundred and seventy-nine of the "Criminal Law Amendment Act of 1883."

Injuring works with intent.

30. Any person who maliciously or fraudulently abstracts causes to be wasted or diverted consumes or uses any gas or electricity supplied by the said Company shall be guilty of simple larceny within the meaning of the "Criminal Law Amendment Act of 1883."

Stealing gas or electricity.

31. It shall be lawful for the said Company to cut off and take away the supply of gas or electricity 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 or electricity contracted for with the said Company by such person or body and to enter by itself its 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 electric line or other apparatus for the supply of gas or electricity the property of the said Company and the said Company shall have the like powers with regard to cutting off taking away and discontinuing the supply of gas or electricity 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 for the supply of gas or electricity on such premises or fraudulent use of the gas or electricity of the said Company. And in case any person or body who shall contract with the said Company or agree to take or shall take or use the gas or the electricity of the said Company 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 said Company according to the terms and stipulations thereof it shall be lawful for the said Company to make complaints of such refusal or neglect before any Justice of the Peace who may cause to be issued a summons to the party or parties 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 persons or body so refusing or neglecting to pay.

Power to cut off gas or electricity of defaulters.

Remedy for recovery of rents of gas or electricity.

32. The secretary engineer or any other officer of the said Company may at all reasonable times enter any building tenement or place whether public or private lighted with gas or electricity supplied by the said Company in order to inspect the pipes burners lamps meters electric lines or other apparatus for the supply of gas or electricity of or connected with the works of the said Company to regulate the supply of gas or electricity or to ascertain the quantity of gas or electricity 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 said Company a sum of money not exceeding five pounds to be awarded and recovered by the said Company in like manner as the penalties aforesaid.

Right of officer to enter premises.

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.

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Indictment for
nuisances.

34. Nothing in this Act contained shall be construed to prevent any person from indicting or otherwise proceeding either civilly or criminally against the said Company for nuisance or otherwise in respect of the works or means used or employed by the said Company in exercising the privileges hereby on the said Company conferred or to prevent the said Company or any person from recovering any sum of money or otherwise proceeding in any Court of competent jurisdiction but the said Company 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.

Power to Secretary
or other officers.

35. In all cases in which 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 any other officer of the said Company with the consent in writing of the Directors of the said 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 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 for or on behalf of the said Company.

Custody and use of
seal.

36. The Directors for the time being shall have the custody of the common seal of the Company and the 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 or persons 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 for or on behalf of the Company. 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 any 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 whatsoever by any one of the Directors 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.

General penalty.

37. 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 not otherwise provided for they shall be liable for each and every such default to a penalty not exceeding five pounds to be recovered in a summary way.

Saving for privilege
of Superintendent of
Telegraphs.

38. Nothing in this Act contained shall affect the privileges conferred upon the Superintendent of Telegraphs by Act twentieth Victoria number forty-one or authorize or enable the said Company to transmit any telegram or to perform any of the incidental services of receiving collecting or delivering telegrams or give to the said Company any power authority or facility in connexion with the transmission of telegrams or the performance of any of the incidental services of receiving collecting or delivering telegrams.

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39. Nothing in this Act contained shall prevent the said Company being brought under the provisions of any public Act which may be passed by the Parliament of New South Wales applying generally to companies engaged in the manufacture or generating of gas or electricity or in the sale or supply of the same nor entitle the said Company to compensation from the Public Revenue by reason of the provisions of such Act being made applicable to and binding on the said Company. Company may be brought under general Act.

40. This Act may be cited as the “Grafton Lighting Company Short title. (Limited) Act of 1884.”

SCHEDULE A.

PART I.

1. *Regulations in respect of testing apparatus.*

(a) The apparatus for testing the illuminating power of gas shall consist of the most approved 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 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 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 a glass vessel containing a 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.

SCHEDULE B.

MEMORANDUM of Association under the Companies Act of the “Grafton Lighting Company (Limited)” as a Company limited by shares.

1. The name of the Company is the “Grafton Lighting Company (Limited).”
2. The registered office of the Company will be situate in Grafton.
3. The objects for which the Company is formed are—
 - (a) To establish and carry on a business for the purpose of lighting the city of Grafton either by means of gas or electricity or partly by each of such means from whatever materials such gas may be made or by whatever process the power of lighting by electricity may be obtained.
 - (b) To buy or lease land buildings machinery appliances materials goods and chattels to construct and maintain works and to manufacture and sell all products of materials used in the said business.
 - (c) To obtain an Act or Acts of Parliament for enabling the Company to carry into effect all or any of the above objects and to do all such other things as are incidental or conducive to their attainment.
4. The liability of the members is limited.
5. The capital of the Company is six thousand pounds divided into six thousand shares of one pound each.