

An Act to enable the Manly Gas-light and Coke Company(Limited) to construct Gas-works within the Borough and Suburbs of Manly. [20th June, 1884.]

MANLY GAS-LIGHT
AND COKE COMPANY
(LIMITED.)

WHEREAS it is expedient that the Borough of Manly and its Preamble. suburbs in the Colony of New South Wales should be supplied and lighted with gas. And whereas for the carrying out of the works necessary for such supply of gas a Joint Stock Company called the "Manly Gas-light and Coke Company(Limited)" has by a memorandum of association and articles of association lately been established at Manly aforesaid in accordance with and subject to the provisions of the Companies Act thirty-seven Victoria number nineteen. And whereas the Municipal Council of the Borough of Manly have at the request of the Manly Gas-light and Coke 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 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 Manly Gas-light and Coke Company (Limited) 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 maintain and repair such retorts gasometers or gasholders meters receivers cisterns engines machines cuts drains sewers water-courses pipes reservoirs buildings and other works and devices of such construction and in such manner as the "Manly Gas-light and Coke Company (Limited)" shall think necessary or proper for the purpose of carrying out the operations of the "Manly Gas-light and Coke Company (Limited)" in respect of and incidental to the making and supplying of gas in conformity with this Act and the said memorandum and articles of association and also for all such purposes to open and break up the soil and pavement of the several footpaths highways streets bridges roads ways lanes passages or other public place or thoroughfare or of any roadway thoroughfare or place dedicated to or used by the public as such or any part or parts thereof 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 or upon the same streets and bridges highways roads streets ways lanes passages and other thoroughfares and places 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 syphons plugs or branches from such mains or pipes in under across or along such streets bridges 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 syphons plugs branches or other apparatus. Provided always that nothing in this section contained shall be deemed to authorize the said Company their 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

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out any of the operations of the said Company without the previous consent in writing of the occupiers thereof except that the said Company may at any reasonable time by its 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 and provided also 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 of any street lane road pavement sewer drain or tunnel as aforesaid Provided further 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 public or private railway or tramway it shall be sufficient for the said Company to obtain the consent of the Minister for Works for the time being of the Colony of New South Wales anything hereinbefore contained to the contrary notwithstanding.

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

2. It shall be lawful for the said Company to contract with any persons (whether corporate 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 or 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 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 said Company its 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 said Company and in case the said Company 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 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 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 provisions of this section or the sixteenth section of this Act to the contractors agents workmen or servants of the said Company 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 Company or shall prevent or obstruct such removal then the said owner occupier or person acting for him shall immediately make payment to the said Company 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 or the last known residence of the party it shall be lawful for the said Company to make complaint 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 where the building tenement or place is situate 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 meter or other apparatus already laid placed or erected by the said Company or shall use additional burner or burners of larger dimensions or of other kind or description than that he has contracted with the said Company to use or shall keep the gas supplied by the said Company burning for longer time than he has contracted with the said Company to pay for or shall supply any person with

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with any of the gas supplied to him by the said Company without the 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 aforesaid 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 lamps meters or apparatus of the said Company or remove the same or cause a waste or improper use of gas 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 or persons so offending to appear before the Court of Petty Sessions nearest to the place where such offence shall be committed and being thereof lawfully convicted such person shall forfeit and pay to the Company 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 said Company 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 said Company are concerned.

4. When and so often as the said Company its servants contractors agents or workmen shall have opened broken up or removed the soil pavement stone or other material 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 said Company 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 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 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 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 remedy and prevent 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 matters 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

Apparatus not liable
for distress execu-
tion &c.

Materials of streets
&c. broken to be
replaced.

Barriers and lights
to be kept up.

Nuisances.

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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 costs 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.

Price purity and illuminating power of the gas.

5. The price for the gas shall at no time exceed ten 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.

6. The said Company shall within twelve months after receiving notice from the Borough 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.

Appointment of gas examiner.

7. The Borough 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.

Gas examiner to report &c.

8. The gas examiner shall on the day immediately following that on which the testing was made by him deliver to the Borough 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.

9. Any gas examiner appointed by the Borough 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.

10. 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 other lawful authority.

Borough Council may appoint inspector of meters.

11. An inspector of meters may from time to time be appointed by the Borough 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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12. 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 seven 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.

13. 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.

14. 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 nor 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 nor less than forty shillings and all meters having forged or counterfeited stamps thereon shall be forfeited and destroyed.

15. 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.

16. It shall be lawful for the said Company 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 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 or other apparatus 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 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 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 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 without prejudice to any other remedy 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

Regulation of meters.

Legal standard.

Forging stamps.

Power to cut off gas of defaulter.

Remedy for recovery of rents of gas.

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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.

Right of officers to enter premises.

17. The secretary engineer or any other officer of the said Company may at all reasonable times enter any building tenement or place lighted with gas supplied by the said Company in order to inspect the pipes burners lamps meters or other apparatus of or connected with the works of the said 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 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 appeal.

18. 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.

Indictment for nuisances.

19. 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 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.

20. 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 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 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 for or on behalf of the said Company.

Custody and use of seal.

21. The Directors for the time being shall have the custody of the common seal of the Company 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 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

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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.

22. Nothing contained in this Act shall prevent the said Company being brought under the provisions 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.

23. 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 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.

24. The following words and expressions in this Act shall have Interpretation clause. the several meanings hereby assigned to them unless there be something either in the subject or the context repugnant to such construction that is to say—The expression “Company” shall mean “The Manly Gas-light and Coke Company (Limited)” The expression “Gas-works” shall mean the gas-works and the works connected therewith by this Act authorised to be constructed The expression “Directors” shall mean the Directors for the time being of the said “Manly Gas-light and Coke Company (Limited)” The word “Street” shall include any square court or alley highway railway tramway lane footpath road thoroughfare or other passage footpath or place whether public or private within the limits of this Act The expression “Town and Suburbs of Manly” shall comprise all those districts which are included within a radius of five miles from the post office of the said borough.

25. In case the Borough Council shall at the expiration of ten years from the passing of this Act be desirous to purchase the works property and effects of the said Company it shall be lawful for it so to do upon giving to the said Company or by leaving at its office or works six months' notice of such wish or desire and the price or consideration to be paid for the said works property and effects shall be ascertained and fixed by two disinterested persons to be chosen within one month before the expiration of such notice one of such persons being chosen by the said Company and the other of them by the Council And in case such two referees shall differ in opinion as to the value of the said works property and effects then such value shall be ascertained and fixed by such one person as the two referees shall for that purpose previously to their entering on the business of the said valuation nominate and appoint And the said Company will upon payment of the sum of money to be fixed and ascertained as aforesaid as the price for the purchase of the said works property and effects upon the request and at the costs and charges of the Council convey assign and assure the same unto the said Council or otherwise as it shall direct.

26. This Act may be cited as the “Manly Gas-light and Coke Company (Limited) Act of 1884.”

Company may be brought under general Act.

Power of borough to purchase works.

Armidale Gas Company's Incorporation.

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 slip 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 test.

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 a solution of acetate of lead for a period of three minutes or such longer period as may be prescribed and if any discolouration 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.