

**An Act to enable Alfred George Stanger and
Arthur Budden to construct Gas-works
within the Municipal District and Suburbs
of Hay. [30th July, 1886.]**

HAY GAS.

WHEREAS it is expedient that the Municipal District of Hay and Preamble. suburbs in the Colony of New South Wales should be supplied and lighted with gas. And whereas Alfred George Stanger and Arthur Budden hereinafter designated "the promoters" desire to establish carry out and maintain works for the purpose of supplying and lighting the said Municipal District and suburbs with gas and for other purposes incidental thereto. And whereas the Municipal Council of the said Municipal District have at the request of the said promoters and in consideration of the benefits to arise from the establishment and carrying

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carrying out of such works consenting to the vesting in the said promoters 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:—

Authority to erect
gasometers break up
streets roads &c.

1. The promoters are hereby fully authorized and empowered themselves or by their servants contractors agents workmen and others from time to time to make erect sink lay place fit maintain and repair such retorts gasometers meters receivers cisterns engines machines cuts drains sewers watercourses pipes reservoirs buildings and other works and devices in addition to those already in existence of such construction and in such manner as the promoters shall think necessary or proper for the purpose of carrying out the operations of the promoters in respect of and incidental to the making and supplying and lighting the Municipal District of Hay and the suburbs thereof with gas in conformity with this Act and also for all such purposes to open and break up the soil pavements and floors of the several streets and bridges within the limits of the Municipal District and suburbs aforesaid and to open and break up any sewers drains or tunnels within or under such streets or bridges to erect posts pillars lamps lamp-irons and other apparatus in or upon the same streets and bridges or against any wall or walls erected on or adjoining to any of them and to dig and sink trenches and drains and to lay mains and pipes and put stop-cocks siphons plugs or branches from such mains or pipes in under across or along such streets and bridges and also with such consent as hereinafter mentioned to do the like in under across or along any private roads ways lanes passages buildings and places and from time to time to cut stop remove alter repair replace and relay such main pipes stop-cocks siphons plugs branches or other apparatus. Provided always that nothing in this section contained shall be deemed to authorize the promoters 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 any of the operations of the promoters without the previous consent in writing of the occupiers thereof except that the promoters may at any reasonable time by themselves their servants agents or workmen enter upon any land or place wherein any pipe hath already been lawfully laid down or placed or may be 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 promoters shall unless in case of accident give forty-eight hours notice in writing to the Council Clerk of the Municipality prior to the opening or breaking up as aforesaid of any street road pavement sewer drain or tunnel within the said Municipality and in the case of opening or breaking up of any street road pavement sewer drain or tunnel outside of the said Municipality such notice shall be given to the officer of the Roads Department or other officer in charge of such street road pavement sewer drain or tunnel.

Power to make
contracts for supply
of gas.

And carry out works
for that purpose.

2. It shall be lawful for the promoters to contract with any person or body (whether corporate or individual) for supplying with gas any such person or body or any street way lane passage manufactory shop warehouse public or private house building or place and for such purpose from time to time to lay down carry fit up connect and furnish any pipe branch or burner lamp meter or other apparatus from or in connection with any main pipe or to lay down any new main which for such purposes may be required and to let any such apparatus for hire for such sum as may be agreed upon which sum may be recovered in like manner as any rent or remuneration for the supply of

gas

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gas Provided always that in all cases where damage may be done by the promoters their 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 promoters and in case they shall delay within a reasonable time to make good such damage the owner or occupier of such premises may make good the same and recover the expense thereof from the said promoters in the said manner as is herein provided for the recovery of any sum of money payable under the provisions of this Act Provided also that if any owner or occupier of any building tenement or place or any person acting for him shall refuse reasonable access in pursuance of the provisions of this section or the fifth section of this Act to the contractors agents workmen or servants of the promoters for the purpose of removing any such pipe burner meter or apparatus placed or introduced into any such building tenement or place by the promoters or shall prevent or obstruct such removal then the said owner occupier or person acting for him shall immediately make payment to the promoters for such pipe burner meter or apparatus and in default of his so doing within three days after demand thereof made at the same building tenement or place or the residence of the party it shall be lawful for the promoters 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 nearest Court of Petty Sessions to where the building tenement or place is situated why he refuses to pay such demand and thereupon the said Court shall proceed to the adjudication and enforcement of such demand in the manner hereinafter set forth And if any person shall place or lay any pipe to communicate with any main-pipe meter or any other apparatus already laid placed or erected by the said promoters or shall use additional burners or burners of larger dimensions or of other kind or description than that he has contracted with the promoters to use or shall keep the gas supplied by the promoters burning for a longer time than he has contracted with the promoters to pay for or shall supply any person with any of the gas supplied to him by the promoters without their consent in writing first obtained or if any person shall wantonly or maliciously hinder or interrupt the contractors workmen agents or servants of the promoters in legally doing or performing any of the acts aforesaid or in exercising the powers and authorities by this Act given or if any person shall wilfully negligently or accidentally do or cause to be done any injury or damage to any of the buildings machinery pipes burners lamps meters or apparatus of the promoters or remove the same or cause a waste or improper use of gas supplied by the promoters it shall be lawful for the promoters 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 where such offence shall be committed and being thereof lawfully convicted such person shall forfeit and pay to the promoters such sum as the said Court shall order not exceeding five pounds over and above all damages done and over and above all costs the amount of such sum damages and costs to be ascertained by such Court and payment to be enforced by distress and sale of the goods of the offender 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 promoters being set up in any building tenement or place shall be subject to distress for rent or shall be taken in execution under any proceedings in bankruptcy or insolvency save so far as any process or proceedings against the promoters are concerned.

Apparatus not liable
for distress execution
&c.

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Materials of streets
&c. broken to be
replaced.

Barriers and lights
to be kept up.

Nuisances.

Power to cut off gas
of defaulter.

Remedy for recovery
of rents of gas.

4. When and so often as the promoters their servants contractors agents or workmen shall have opened broken up or removed the soil floor 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 street or bridges the promoters 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 previously to the disturbance thereof and to the satisfaction of the Council's Officer and during the continuance of such work and until such reinstatement the promoters 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 receiver or drain being part of or incidental to the works to be erected under this Act so as to contaminate the air or any stream spring or other watercourse or body of water natural or artificial and render the same unhealthy or offensive or unfit for use it shall be lawful for any person to give notice thereof in writing to the promoters who shall immediately take the most speedy and effectual measures to prevent or remedy the same and if the promoters shall make default in any of the matters so required by them to be performed it shall be lawful for any person to lodge complaint thereof before any Justice of the Peace who may summon the promoters 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 promoters 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 promoters 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 promoters 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.

5. It shall be lawful for the promoters after giving twenty-four hours notice to the occupier to cut off and take away the supply of gas from the building tenement or other place or premises of every person or body making default in payment of the amount payable in respect of gas supplied and thenceforth to discontinue the supply of gas contracted for with the promoters by such person or body and to enter by themselves their agents or workmen into such building tenement place or premises 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 promoters and the promoters 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 promoters. And in case any person or body shall contract with the promoters or agree to take or shall take or use the gas of the promoters 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 promoters according to the terms and stipulations thereof it shall be lawful for the promoters 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 so refusing or neglecting calling on him or them to

to show cause before the Court of Petty Sessions in the police district in which such building tenement or place is situated or such user took place why he or they refuses or refuse to pay such sum or sums and thereupon the said Court shall proceed to the adjudication of the said complaint and enforcement of the said demand and costs charges and expenses incurred in the prosecution thereof by distress and sale of the goods and chattels of the person or body so refusing or neglecting to pay.

6. The clerk engineer or other officer duly appointed for such purpose by the promoters may at all reasonable times enter any building tenement or place lighted with gas supplied by the promoters in order to inspect the pipes burners lamps meters or other apparatus of or connected with the works of the promoters 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 promoters a sum of money not exceeding five pounds to be awarded and recovered by the promoters in like manner as the penalties aforesaid.

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

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

9. Provided always that if within one year after the passing of this Act the promoters shall not supply at a price agreed upon by the promoters and the Borough Council of Hay or if no such price shall be or have been agreed upon then at a reasonable price gas of a good quality and in sufficient quantity to light the roads and streets in Hay and all houses and buildings situate therein or if the said promoters shall after the said period of one year fail so to supply gas for any period exceeding twenty days then and in either of such cases all the powers hereby granted to or vested in the promoters shall thereupon cease and determine.

10. The price for the gas shall at no time exceed sixteen shillings per thousand cubic feet for the first three years from the date of the first manufacture and supply of gas by the promoters and such price shall not after such period exceed fifteen shillings per thousand cubic feet and the price for supplying gas to public street lamps and the number of lamps to be so supplied shall be in accordance with the agreement in writing already made and entered into between the promoters and the Municipal Council of the Municipal District of Hay 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 seventeen sperm candles of six in the pound burning one hundred and twenty grains per hour.

*Hay Gas.***Provision for testing.**

11. The said promoters 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:—

- (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 promoters.

Appointment of gas examiner.

12. 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 promoters 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.

13. 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 promoters and such report shall be receivable in evidence.

Gas examiner how paid.

14. 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 promoters.

Meters.

15. No meter shall be used for ascertaining the quantity of gas sold by the said promoters 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 an Act or Acts of the Parliament of New South Wales or in pursuance thereof in that behalf to test and stamp gas meters.

Borough Council may appoint inspector of meters.

16. 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 promoters be entitled to inspect and test the meters erected by the said promoters in the premises of the person making such request after giving forty-eight hours notice of such intended inspection to the said promoters 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 promoters on account delivered and in case such deposit shall be in excess of the sum found to be due to the said promoters such excess shall be returned to the consumer.

Regulation of meters.

17. No meter which shall have been fixed by the said promoters 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 promoters 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.

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18. After the expiration of one year from the time when this Act Legal standard. comes into operation the legal standard or unit or measure for the sale of the said promoters' gas by meter shall be the cubit 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

19. If any person shall forge or counterfeit or cause or procure Forging stamps. 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 any such penalties to be recoverable before any two Justices of the Peace in a summary way and all meters having forged or counterfeited stamps thereon shall be forfeited and destroyed.

20. All gas supplied by the said promoters shall except in case Pressure of gas. of accident be supplied at such pressure as to balance from midnight to sunset a column of water of 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.

21. It shall be lawful for the said Municipal Council within Borough Council may purchase gas works. one month after the expiration of five years from the date of the said gas being first used within the said Municipal District by notice in writing to require the said promoters to sell and thereupon the said promoters shall sell to the said Municipal Council the said gas-works and all lands buildings works materials and plants of the said promoters suitable to and used by the said promoters for the purpose of the said gas-works at such price as may be agreed upon such price 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 Arbitration more effectual*" and subject to the terms and conditions therein contained.

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

23. The following words and expressions in this Act shall have Interpretation clause. the meaning hereby assigned to them unless there be something either in the subject or context repugnant to such construction. The word "promoters" shall mean the said Alfred George Stanger and Arthur Budden their representatives assigns owners for the time being of the Hay Gas-works. The expression "Hay 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 "Municipal District of Hay and suburbs" shall comprise all that district which is included within a radius of five miles from the post office in the said Municipal District. Provided that it shall be lawful for the Governor at any time by proclamation in the *Gazette* to order that this meaning of the expression last aforesaid may for the purposes of this Act be extended to include any such other place or places as in such proclamation may be named and defined.

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Gas-works may be brought under general Act.

Short title.

24. Nothing contained in this Act shall prevent the said Gas-works 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 promoters 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 promoters.

25. This Act may be cited as the "Hay Gas Act of 1886."

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 the 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 cubit 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 a 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 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.