

ANNO OCTAVO

GULIELMI IV. REGIS.

AUSTRALIAN GAS
LIGHT COMPANY.

An Act for lighting with Gas the Town of Sydney in the Colony of New South Wales and to enable certain persons associated under the name style and firm of "The Australian Gas Light Company" to sue and be sued in the name of the Secretary for the time being of the said Company and for other purposes therein mentioned. [7th September, 1837.]

Preamble.

WHEREAS the town of Sydney in the Colony of New South Wales is large and populous and it would be a great advantage to all the inhabitants thereof if such town were lighted with gas And whereas a very considerable sum of money will be required for the purchase or leasing of land and buildings and in the erection of works and laying down mains and pipes in the said town of Sydney for the manufacture and conveyance of gas and it would be of great advantage and convenience if powers were given to the several persons hereinafter named effectually to light the said town and to erect all necessary works for that purpose but the same cannot be effected without the aid and authority of an Act of the Legislature Be it therefore enacted by His Excellency the Governor of New South Wales with the advice of the Legislative Council thereof and by the authority of the same That Henry Croaisdale Wilson Henry Tudor Shadforth Alexander Brodie Spark George Allen David Chambers Edye Manning Thomas Woolley Charles Nicholson Edward Hunt David Poole John Sparke John Tooth Peter Mann Hosking Robert Hanson and Ralph Mansfield and all and every such other person or persons as shall or may from time to time in such manner as is hereinafter mentioned become a proprietor or proprietors of shares in the undertaking hereby established and their respective successors executors administrators and assignees shall be and they are hereby united into a company of proprietors by the name of "The Australian Gas Light Company."

Proprietors.

2. And whereas it is expedient that the affairs of such company should be under the care management and superintendence of twelve directors one of whom should be the Chairman of the said company and which Chairman and directors are to be elected in the manner hereinafter directed and whereas difficulties may arise in recovering debts due to the said company and in maintaining actions or proceedings for damages done to their property and also in prosecuting those who may steal or embezzle the bonds mortgages moneys goods chattels or effects of the said company and whereas it would be convenient and just that persons having demands against the

Australian Gas Light Company.

the said company should be entitled to sue some member thereof in the place and stead of the whole and whereas it is expedient that the said company should have the power to contract for or purchase either in fee simple or for life or lives or for any term or terms of years for the purposes of the said company any messuages buildings lands tenements and hereditaments situate in the Colony of New South Wales and also to sell all or any of the said messuages lands tenements and hereditaments as they may think proper and purchase any other messuages buildings lands tenements and hereditaments for the purposes aforesaid and whereas the above-mentioned purposes cannot be effected without the aid and authority of the Legislature Be it therefore enacted by His Excellency the Governor of New South Wales with the advice of the Legislative Council thereof That the present proprietors of any share or shares in the said company and all such other persons as shall from time to time become proprietors of any such share or shares shall be and are hereby authorized and empowered to purchase any lands messuages tenements and hereditaments for the purposes of this Act.

Company authorized to purchase lands &c.

3. And be it further enacted That all lands messuages tenements and hereditaments and all account books accounts minutes records and all other books kept by any officer of the said company and relating to the affairs of the same and all furniture goods and chattels of what nature or kind soever now being or at any time hereafter to become the property of the said company shall be and the same are hereby declared to be vested in James Barker Ambrose Foss William Henry Kerr and Francis Wallace and their successors as trustees for the said company.

Lands &c. belonging to company vested in trustees.

4. And be it further enacted That in case of the death resignation or absence from the Colony or the incapacity of any or either of the said trustees or of any other or future trustee or trustees then the said lands messuages tenements and hereditaments account books furniture and other property belonging to the said company shall vest in the surviving or remaining trustee or trustees until some other person or persons shall be elected at a general meeting of the said company to be held in manner and at the time hereinafter mentioned in the room or stead of the person or persons so dying resigning or being absent from the Colony or becoming incapable of acting as such trustee or trustees.

Trustees dying property to vest in survivor.

5. And be it further enacted That all actions and suits against any person or persons indebted to the said company whether a member or members thereof or otherwise and all the proceedings at law or in equity to be instituted and prosecuted by and on behalf of the said company and wherein the said company is or shall be in any way concerned against any person or persons whatsoever shall and lawfully may be instituted in the name of the person who shall be the Secretary of the said company at the time any such action suit or other proceedings shall be instituted as the nominal plaintiff complainant or petitioner on behalf of the said company and that all actions suits and other proceedings at law or in equity to be commenced instituted and prosecuted against the Secretary for the time being of the said company as the nominal defendant on behalf of the said company and that all prosecutions to be instituted or carried on by and on behalf of the said company for the embezzlement robbing or stealing of any books charts maps goods chattels and effects of the said company or for any other offence against the said company shall and lawfully may be so instituted and carried on in the name of the Secretary for the time being on behalf of the said company and in all informations and indictments it shall be lawful to state the property of the said company to be the property of such Secretary for the time being and any offender or offenders

Suits by and against the company to be in the name of the Secretary.

Australian Gas Light Company.

offenders may therefor be lawfully convicted of any such offence and the death resignation or removal or other act of such Secretary whose name shall be so made use of in any such proceedings shall not abate any such action suit prosecution or other proceeding but the same may be continued where it left off and be prosecuted and carried on in the name of any person who may be or become the Secretary for the time being of the said company.

Memorial of the Secretary's name to be enrolled in the Supreme Court.

6. And be it further enacted That a memorial containing the name of the Secretary for the time being of the said society or company in the form and to the effect set forth in the Schedule hereunto annexed signed by the Chairman Secretary and majority of the directors of the said company shall be recorded upon the oath of one or more credible witness or witnesses in the Supreme Court of New South Wales within thirty days from the passing of this Act And when any member or proprietor of the said company or other person shall be newly elected the Secretary of such company his name shall be recorded in the Supreme Court in like manner within thirty days then next following and until such memorial shall be recorded in manner herein directed no action suit or other proceeding shall be brought by the said Company in the name of the Secretary for the time being as aforesaid under the authority of this Act.

Secretary may be a witness.

6. And be it further enacted That the Secretary for the time being of the said company being the plaintiff or complainant petitioner or defendant in any action suit petition or other proceeding as aforesaid on behalf of the said company shall not prevent his being a witness in any such action suit petition or other proceeding in like manner as he might have been if his name had not been made use of as such plaintiff complainant petitioner or defendant therein.

Personal liability of members.

8. And be it further enacted That execution upon any decree or judgment in any such action suit or other proceeding obtained against the Secretary for the time being of the said company whether he be plaintiff or defendant therein may and shall be issued against and levied upon the goods and chattels lands and tenements of any member or members whomsoever of the said company for the time being in like manner and not otherwise than as if such decree or judgment had been obtained against him her or them personally Provided always that every such Secretary for the time being in whose name any such action suit petition or other proceeding shall be commenced prosecuted carried on or defended and every such member or members against whose goods and chattels lands tenements and hereditaments execution upon any judgment or decree shall be issued or levied as aforesaid shall always be reimbursed and paid out of the funds of the said company all such dues damages expenses costs and charges as by the event of any such proceeding or proceedings he she or they shall or may be put unto or become chargeable with and restitution shall be allowed as between the several parties as if this Act had not been passed.

Act to extend to all future proprietors.

9. And be it further enacted That the provisions in this Act contained shall extend and be construed and deemed and taken to extend to the said company at all times during the continuance of the same whether the said company be now or be hereafter composed of all or some of the persons who were the original members or proprietors thereof or be composed altogether of persons who were not the original members or proprietors of the same.

Members not to form a corporate body.

10. Provided always and be it further enacted That nothing herein contained shall extend or be deemed taken or construed to extend to incorporate the members of the said society or to relieve or discharge them or any of them from any responsibility duties contracts or obligations whatsoever which by law they now are or at any time hereafter

Australian Gas Light Company.

hereafter shall be subject or liable to either between the said company or others or between the individual members of the said company and any of them and others or among themselves or in any other manner whatsoever except as far as the same is affected by the provisions of this present Act and the true intent and meaning of the same.

11. And be it further enacted That the said company shall be established for the purpose of producing inflammable air or gas from coal oil tar pitch or other materials and for lighting and supplying with gas all public places roads streets ways lanes passages and buildings and also all private houses shops manufactories properties and buildings within the said town of Sydney in pursuance of any contract or agreement to be entered into as is hereafter mentioned and also for selling and disposing of all and every product or products refuse or residuum arising or to be obtained from the materials used in or necessary for the manufacture of gas in such manner as the said company may think proper.

Purposes of company.

12. And be it further enacted That it shall be lawful for the said company to raise and contribute amongst themselves a sum of money by way of capital or joint stock to be raised and applied in establishing and carrying on the said undertaking and the purposes aforesaid in the whole the sum not exceeding one hundred thousand pounds.

Capital stock.

13. And be it further enacted That the said sum of one hundred thousand pounds shall be divided into shares of not less than five pounds each and every proprietor of a share or shares shall be entitled to and interested in the capital stock and effects of the said company and the profits and advantages attending the same according to the number of shares he she or they shall hold.

Stock to be divided into shares of five pounds each.

14. And be it further enacted That all shares in the said undertaking and in the profits and advantages thereof shall be deemed personal estate and not of the nature of real property and shall be transmissible accordingly.

Shares to be deemed personal estate.

15. And be it further enacted That the lands and hereditaments manufactories gasometers machinery apparatus and works chattels and effects of the said company and their successors shall be answerable for and subject to the just debts liabilities engagements and demands of all and every the creditors of the said company.

Lands &c. of company answerable for debts.

16. And be it further enacted That the several persons who have subscribed for or towards the said undertaking or who shall at any time hereafter have or hold any share or shares in the same shall and they are hereby required to pay the sum or sums of money by them respectively subscribed or such parts or proportion thereof as shall from time to time be called for pursuant to the powers of and directions contained in this Act at such times and places to such person or persons and in such manner as shall be ordered and directed by any general meeting of the said company whether ordinary or special and in case any such person or persons shall refuse or neglect to pay any such sum or sums of money at such times and in such manner as shall be ordered or directed as aforesaid it shall be lawful for the Secretary of the said company to sue for and recover the same from him her or them by action of debt or otherwise in His Majesty's Supreme Court in New South Wales or any other Court of competent jurisdiction together with lawful interest for the same from such required or appointed time of payment and all costs of suits attending the same.

To compel payment of subscriptions.

17. And be it further enacted That the clerk of the said company as soon as a clerk is chosen shall cause the names and additions of the several persons who have subscribed for or may at any time hereafter become entitled to a share or shares in the said undertaking

Names of proprietors to be entered and certificates of their shares to be delivered to them.

Australian Gas Light Company.

with the number of such share or shares and also the proper number by which every share shall be distinguished to be fairly and distinctly registered or entered in a book to be kept for that purpose and after such registry or entry shall cause the same to be signed by the Chairman of the directors of the said company and the said directors shall cause a certificate to be signed by the Chairman and Secretary to be prepared and delivered to every proprietor upon demand specifying the share or shares to which he she or they is or are entitled in the said undertaking and such certificate shall be admitted in all causes whatsoever as evidence of the title of such proprietor his her or their executors administrators or assigns to the share or shares therein specified but the want of such certificate shall not hinder or prevent the owner or owners from selling or disposing of their respective share or shares and the said certificate may be in the words or to the effect following that is to say—

“ AUSTRALIAN GAS LIGHT COMPANY.

“ No.

“ These are to certify that _____ of
 “ is a proprietor of the share number _____ of the capital or
 “ joint stock of the ‘ Australian Gas Light Company ’ sub-
 “ ject to the rules regulations and orders of the said com-
 “ pany and that the said _____ his [or her] executors
 “ administrators or assigns is and are entitled to such
 “ proportion of the profits and advantages arising or to
 “ arise to the said company as shall belong to such share.
 “ Given under the common seal of the said company
 “ the _____ day of _____ in the year of Our Lord 18 _____.”

First meeting of
 proprietors.

18. And be it further enacted That within one calendar month after the passing of this Act or as soon after as conveniently may be a general assembly or meeting of the said company of proprietors shall be holden in the town of Sydney between the hours of ten of the clock in the forenoon and three of the clock in the afternoon of which general assembly or meeting ten days notice shall be given by some one of the proprietors or subscribers once in the *New South Wales Government Gazette* or in some newspaper published in the said town of Sydney or by letter through the post office there addressed to each of the proprietors or subscribers at their usual residence and such general assembly or meeting shall then and there proceed in the execution of this Act at which general assembly or meeting or at any adjournment thereof twelve directors of the affairs of the said company shall be elected from amongst such of the said subscribers as shall be possessed of five shares at the least which directors shall respectively continue in office until the next general annual assembly or meeting shall be holden or until others or another in their or any of their stead shall be elected and such general assembly or meeting may be adjourned to such other time and place as the majority of the subscribers then present shall think fit and at every meeting under this Act as well of proprietors as directors one of the said proprietors as the case may be to be appointed by the majority of the proprietors or directors present shall be Chairman and shall besides his own vote have a casting vote in case of equality of voices.

General assembly
 to be holden.

19. And be it further enacted That on the first Thursday in the month of July in each year or as soon after as may be convenient a general meeting or assembly of the said company shall be holden (of which ten days notice shall be given in the *New South Wales Government Gazette* or in some newspaper published in the said town of Sydney or by letter through the post office addressed to each of the proprietors or subscribers) and at every such general annual
 meeting

Australian Gas Light Company.

meeting or assembly to be holden after the first general meeting of the said company hereinbefore mentioned or by adjournment thereof five members of the said company qualified as aforesaid who shall have been directors in the preceding year shall be re-elected directors and as soon as such re-election shall have been made seven other members of the said company qualified as aforesaid shall be elected directors but all the directors of the said company shall be immediately re-eligible if otherwise duly qualified and after such elections and re-elections as aforesaid shall have taken place the director or directors (if any) who shall not be re-elected shall go out of office but no person shall be eligible to serve or act as a director who shall hold any office or offices or place of profit under the said company in the said undertaking.

20. And be it further enacted That any five or more proprietors of the said company holding in the aggregate fifty shares or upwards in the said undertaking may at any time by writing under their hands left at the office of the said company or given to any director of the said company or left at his last or usual place of abode require the directors to call a special general meeting so as such requisition fully express the objects for which such special general meeting is required to be called and in case of neglect or refusal of the said directors to call such meeting for the space of ten days after such notice given as aforesaid the same may be called by such proprietor by giving ten days notice thereof in the *New South Wales Government Gazette* and in some one or more newspaper or newspapers usually circulated in the town of Sydney and the said company are hereby authorized to meet in pursuance of such notice and such of them as shall be present shall proceed to the execution of the powers by this Act given to the said company with respect to the matters so specified only and all such acts of the proprietors or the major part of them met together at every such special general meeting shall be as valid with respect to the matters specified in such notice as if the same had been done at a general meeting at the time hereinbefore appointed for holding the same.

Meeting of the proprietors may be especially called.

21. And be it further enacted That at all general meetings or special general meetings of the said company the proprietors then present not being in number less than seven persons and being possessed of not less than one hundred shares at least in the said undertaking shall and may proceed to business and act in the execution of the several powers hereby given to the said company and if it shall happen that there shall not appear at any of the aforesaid general meetings or special general meetings a sufficient number of the said proprietors then and so often as the case may happen such meeting shall stand over and be deemed to be adjourned to the same day in the following week and at the same place and hour as the same ought to have been held as aforesaid but no business shall be transacted at any special general meeting of the said proprietors besides the business for which such meeting shall have been called and no other business shall be transacted at any adjourned special general meeting than the business left unfinished at the meeting from which such adjournment took place.

Proprietors possessed of one hundred shares may act at general meetings.

22. And be it further enacted That the said company shall at their first general meeting or at some adjournment thereof elect and choose a treasurer or treasurers for transacting the pecuniary business of the said company and it shall be lawful for the said company at any subsequent general or special meeting to be holden as herein directed from time to time to remove and displace such treasurer or treasurers or other person or persons who shall be elected and appointed in his or their stead and also from time to elect choose and

General meeting to appoint a treasurer.

Australian Gas Light Company.

and appoint any other person or persons to act as treasurer or treasurers of the said company in the room of such as shall happen to die or resign or be removed from their respective offices Provided always that the said company shall and they are hereby required to take sufficient security from every person who shall be appointed treasurer or treasurers of the said company for the faithful discharge and execution of his office before he shall enter thereupon.

Power to make by-laws.

23. And be it further enacted That at any general meeting of the company the said company shall and they are hereby authorized and empowered from time to time to make such rules orders by-laws and regulations as to them shall seem fit and proper for the government carrying on superintendence and management of the said undertaking and regulating the proceedings of the said directors and the duties and conduct of all officers workmen and servants to be employed in and about the affairs and business of the said company and from time to time to alter or repeal such rules orders by-laws and regulations or any of them and to make new or other rules orders by-laws and regulations and also to impose such reasonable fines and forfeitures upon all officers workmen servants and other persons to be employed in and about the affairs and business of the said company or in the superintendence or management of the said undertaking not exceeding the sum of five pounds for any one offence as to the said general meeting shall seem meet and expedient and all rules orders by-laws and regulations so made as aforesaid being reduced into writing and signed by the chairman and Secretary shall be binding upon all such officers workmen servants and other persons and shall be sufficient authority in any court of law or equity to justify all persons who shall act under the same Provided such rules orders by-laws and regulations be not repugnant to the laws or statutes of that part of the United Kingdom of Great Britain and Ireland called England or to any law or ordinance of the Colony of New South Wales or to any of the express directions or provisions of this Act.

Proprietors to vote according to the number of their shares.

24. And be it further enacted That the members of the said company at such general or special meetings shall have the right of voting in manner following that is to say for every member holding less than five shares one vote for five shares and less than ten shares two votes for ten shares and less than fifteen shares three votes for fifteen shares and less than twenty shares four votes for twenty shares and upwards five votes and that no proprietor shall be entitled to vote in respect of any share or shares after the day appointed for the payment of any instalment or call to be made or called for as hereinafter is mentioned until such instalment or call shall have been paid and no person or persons shall vote at any general or special meeting upon any question or questions relating to the concerns of the said undertaking in which such person or persons shall be in any wise interested other than as a subscriber or subscribers proprietor or proprietors in the said undertaking.

Shares standing in the joint names of more than one person the person whose name stands first shall be deemed the owner.

25. And be it further enacted That when any of the said shares shall be jointly possessed by or be the property of more than one person the proprietor whose name shall stand first in order on the register books of the said company shall for all the purposes of the said company be deemed the proprietor of such share or shares and all notices required to be given to the respective proprietors of shares in the said undertaking shall or may be given to or served upon such person whose name shall so stand first in order in the said register books of the said company and such service shall be deemed to be service upon all the proprietors of such share or shares and such person shall be entitled to vote for any of the purposes of this Act in respect thereof.

Australian Gas Light Company.

26. And be it further enacted That any proprietor of shares in the said undertaking entitled to vote in respect of such shares at any general or special meeting of the said company shall have full power and authority to give his or her vote or votes either in person or by proxy every such proxy being one of the said company and the appointment of such proxies may be made in the form or to the effect following (that is to say)—

Empowering proprietors of shares to vote by proxy.

“ I A B one of the proprietors in the ‘ Australian Gas Light Company ’ do hereby nominate constitute and appoint
 “ C D of to be my proxy in my name and in my
 “ stead to vote or give my assent to or dissent from any
 “ business matter or thing relating to the said undertaking
 “ that shall be mentioned or proposed at the general or
 “ special assembly of the said company to be holden on
 “ the day of or any adjournment thereof
 “ if I shall not be present in such manner as he the said
 “ C D shall think proper according to his opinion and
 “ judgment for the benefit of the said undertaking or any-
 “ thing relating thereto In witness whereof I have here-
 “ unto set my hand and seal this day of .”

27. Provided always and be it further enacted That in case any of the said proprietors entitled to vote as aforesaid shall be a lunatic or lunatics or a minor or minors such lunatic or lunatics may vote by any one of his her or their committee and such minor or minors shall or may vote by his her or their guardian or any of such guardians but no person or persons shall hold and vote as a proxy or proxies for more than two proprietors nor give more than five votes for any one proxy or proxies upon any one occasion.

Lunatics and minors how to vote.

28. And be it further enacted That all notices herein directed to be given of any general or special meetings or adjournments respectively to any of the said proprietors upon any occasion not herein otherwise provided for shall be given by advertisement inserted in the *New South Wales Government Gazette* and some newspaper published in the said town of Sydney or by letter sent to each of the said proprietors through the post office there and such notices and letters when so published or sent shall be deemed and considered the same as personal notices.

Notices of meetings how to be given.

29. And be it further enacted That the directors to be from time to time appointed as aforesaid or any five or more of them shall hold their meetings at such time and at such place within the said town of Sydney as the majority of them shall from time to time approve and all questions matters and things which shall be proposed discussed or considered by the said directors at any of their meetings shall be decided and determined by the majority in number of the members present and in case of there being upon any question an equal number of votes including the vote of the Chairman for the time being such Chairman shall have an additional or casting vote and if on the day appointed for any meeting of the said directors five directors shall not attend then and in such case the meeting shall be adjourned to the next day not being a Sunday and if the next day shall be a Sunday then to the Monday following by the director or directors then present or if none be present then by the clerk of the said company or such other person as shall attend in his place and any one or more of the said directors or the clerk of the said company by the direction of any one or more of them may at any time call a meeting of all the directors by causing a notice in writing signed by such director or directors or by the clerk of the said company to be sent by the post or otherwise to the residence or address of every other director and also renew the meetings of the other directors although

Meetings of the directors and regulations for their proceeding.

Australian Gas Light Company.

although they may have been discontinued for want of adjournment or institute a new meeting independent of any meeting appointed by adjournment.

Directors interested
not to vote.

30. Provided always and be it further enacted That if any proprietor who shall be elected a director as aforesaid shall be or become a dealer either directly or indirectly in any article to be used or provided by the said company or shall offer to take or shall take or participate in any work to be done for the said company every such proprietor shall be disqualified to vote in any matters or questions to be discussed or argued by the said directors wherein he shall be directly or otherwise interested further than as a proprietor.

Powers of directors.

31. And be it further enacted That the directors for the time being of the said company shall appoint the time and place for holding general assemblies or meetings and direct the affairs and business of the said undertaking as well in issuing receiving laying out and disposing of all sums of money to be issued or received laid out or disposed of for the purposes of the said company as in contributing for and purchasing messuages lands tenements hereditaments materials goods and chattels for the use of the said company and entering into agreements or contracts for supplying with gas all persons whomsoever and all public places roads streets ways lanes passages and buildings and also all private houses shops manufactories and buildings within the said town of Sydney where mains and pipes shall hereafter be laid and in selling and disposing of all articles produced as aforesaid in manufacturing such gas and making enforcing and rescinding compounding and compromising all contracts and bargains touching or in anywise concerning the same or concerning any debts due to the said company subject to such orders by-laws rules and regulations as shall at any time be duly made by the said directors in the restraint control or regulation of the powers and authorities by this Act granted and the said directors shall and may appoint clerks servants workmen tradesmen and other officers with adequate salaries (except a treasurer or treasurers) of the said company and from time to time to dismiss remove or suspend them as they shall think fit and they shall be at liberty at any time to call any special general meetings of the said company for any purpose they may think proper and take such security to the said company from the treasurer or treasurers clerk or other officer or officers or other person or persons employed by them for the faithful execution of their respective duties as they shall think proper and adequate to their trust.

Power to elect fresh
directors on the
death resignation
&c. of any director.

32. And be it further enacted That when and so often as any one of the said directors to be elected by virtue of this Act shall die or become disqualified or shall for the space of three calendar months refuse or neglect to attend the meetings of the said directors it shall be lawful for the said company at any general meeting to be held pursuant to the directions of this Act to elect some other proprietor qualified as hereinbefore mentioned to be a director in his stead and every such proprietor so elected shall continue in office as one of such directors so long as the person in whose place or stead he was elected would have been entitled to have continued if such death disqualification refusal or neglect had not happened.

Officers of the com-
pany to deliver to
directors full
accounts &c.

33. And be it further enacted That all such officers appointed by the said company or the said directors shall from time to time when thereunto required deliver to such directors or to such person or persons as they shall for that purpose appoint true exact and perfect accounts in writing under their respective hands of all moneys which they and every of them shall respectively have received by virtue of this Act and how much thereof hath been paid and disbursed and for what purposes together with proper vouchers for such payments
and

Australian Gas Light Company.

and shall pay all such moneys as shall remain in their or any of their hands to the said directors or to such person or persons as they shall appoint to receive the same and if any such officer or person shall refuse or neglect to produce or deliver up such accounts and the vouchers relating to the same or shall refuse or neglect to pay the money due on such account or if any such officer or person shall refuse or neglect to deliver up to the said directors or to such person or persons as they shall appoint within ten days after being thereunto required by the said directors all books papers or writings in his custody or power relating to the execution of this Act then and in every or any of the said cases it shall be lawful for any two Justices of the Peace for the said town of Sydney or for the said Colony as the case may require upon complaint made before them by or on behalf of the said directors and such Justices are hereby required by warrant under their hands and seals to summon such officer or officers person or persons to appear before them and upon his her or their appearing or not being to be found to hear and determine the matter of such complaint in a summary way and to settle the said account or accounts if produced and if upon confession of the officer or officers person or persons against whom any complaint shall be made or by the oath or oaths of any witness or witnesses (which oath such Justices are hereby empowered and required to administer without fee or reward) or upon inspection of the said accounts if produced it shall appear to such Justices that any of the money which shall have been collected or received shall be in the hands of such officer or officers person or persons such Justices may and they are hereby authorized and required on non-payment thereof by a warrant or warrants under their hands and seals to cause such money to be levied by distress and sale of the goods and chattels of such officer or officers person or persons respectively and if no goods or chattels can be found sufficient to answer and satisfy the said money and the charges of distraining and selling the same or if such officer or officers or other person or persons shall not appear before the said Justices at the time and place by them appointed for that purpose unless for some sufficient reason or if appearing shall refuse or neglect to give and deliver to such Justices an account or accounts of all receipts and payments as aforesaid or to produce and deliver up to such Justices the several vouchers and receipts relating to such accounts respectively or the books accounts papers and writings in his her or their custody or power relating to the execution of this Act then and in either of the cases aforesaid such Justices may and they are hereby authorized and required by a warrant under their hands and seals to commit such officer or officers person or persons to the common gaol or house of correction for the said town of Sydney there to remain without bail or mainprise in case he or they shall be committed for non-payment of any money received by him or them or in his or their hands until he shall have accounted for and paid the full amount thereof or compounded with the said directors and paid such composition in such manner as such directors shall appoint (which composition the said directors are hereby empowered to make) or in case he or they shall be committed for not delivering any accounts books papers or writings as aforesaid until he or they shall deliver up such books papers and writings as aforesaid or make satisfaction in respect thereof to the said directors Provided that no person who shall be so committed for want of sufficient distress shall be detained in prison by virtue of this Act for a longer space of time than six calendar months.

To produce and deliver up vouchers.

Justices to summon officers of the company not paying balances and delivering up vouchers &c.

Justices empowered to levy by distress amount of moneys in clerk's hands &c.

Power for Justices to commit to gaol for any time not exceeding six months.

34. Provided always and be it further enacted That it shall not be lawful for the said company or their directors to appoint the person

Clerk and treasurer not to be the same person.

Australian Gas Light Company.

person who may be their clerk or the partner of any such clerk or any person in the employ of any such clerk or his partner the treasurer for the purposes of this Act or to appoint the person who may be appointed treasurer or the partner of any such treasurer or the clerk or other person in the employ of any such treasurer or of his partner the clerk for the purposes of this Act and if any person shall accept both the offices of clerk and treasurer or if any person being the partner or in the service or employ of any such clerk or of his partner shall accept the office of treasurer or being the treasurer or partner of any such treasurer or the clerk or other person in the service of such treasurer or of his partner shall accept the office of clerk in the execution of this Act or if any such treasurer shall hold or accept any place or office of profit or trust under this Act other than that of treasurer every such person so offending shall for every such offence forfeit and pay the sum of one hundred pounds to any person who shall sue for the same to be recovered with full costs of suit in His Majesty's Supreme Court of New South Wales by action of debt or on the case or by bill suit or information and shall for ever be disqualified from holding any office or place under the said company.

Treasurer not to issue money without orders signed by three directors or the Chairman at any meeting &c.

35. And be it further enacted That the treasurer or treasurers to be appointed by the said company shall not issue any sum or sums of money on their account without an order or orders in writing signed by any three or more of the directors of the said company or by the Chairman of any meeting of the said company and the receipt or receipts of such treasurer or treasurers for all moneys payable to the said company shall be effectual discharges for the same.

Proceedings to be entered into books.

36. And be it further enacted That all orders and proceedings of the said company and also of the said directors made at any meeting of the said company and directors respectively shall be entered in a book or books to be kept for that purpose and shall be signed by the Chairman and Secretary for the time being of such respective meetings and such orders and proceedings so entered and signed shall be deemed and taken to be original orders and proceedings and shall be allowed to be read in evidence on behalf of the said company in all Courts and places whatsoever.

General meetings may make calls on subscribers.

37. And be it further enacted That the said company at any general or special meeting to be called for that purpose or any adjournment thereof respectively shall have full power to make such call or calls for money from the several persons who shall hereafter become proprietors of or subscribers for any share or shares beyond the said sums already subscribed so that no one such call shall exceed the sum of one pound for or in respect of any one share and so that no call or calls be made but at the distance of one calendar month at least from another and the sum or several sums of money so to be called for shall be paid into the hands of the treasurer or treasurers to the said company and shall be paid at such time and place as shall be appointed at such general meeting of which time and place ten days' notice at least shall be given.

Proprietors not paying up their subscriptions to forfeit their interest as shareholders.

38. And be it further enacted That if any such proprietor or subscriber of or to the said undertaking his her or their executors administrators successors or assigns shall neglect or refuse to pay his her or their portion of the money to be called for by any general or special meeting as aforesaid by the time appointed for payment thereof or within twenty-one days next after then and in such case such proprietor or subscriber so neglecting or refusing shall (whether the same shall have been then sued for in any court of law or equity or not) absolutely forfeit all his her or their share and interest in the said undertaking and all money theretofore advanced by him her or them on account thereof to and for the use and benefit of the said company

Australian Gas Light Company.

company unless otherwise determined by a special general meeting and all shares which shall and may be so forfeited shall be sold at a public sale to the highest bidder and the produce thereof except as hereinafter provided shall be added to the capital or joint stock of the said company. Provided always that no advantage shall be taken of such forfeiture until after fourteen days notice in writing shall have been given by the Chairman of the said company or three of the directors thereof to the proprietor or proprietors thereof or left at his her or their usual or last place of abode if they shall reside within the limits of this Act and if not then by letter sent by post and every such forfeiture shall be an absolute indemnification and discharge to and for the proprietor or proprietors and their executors administrators successors and assigns so forfeiting against all actions suits and prosecutions for or on account of not paying up such calls. Provided also that in case the money produced by the sale of any share or shares shall be more than sufficient to pay all such arrears of call as aforesaid and lawful interest thereon with the expenses attending such sale or sales the surplus of such money shall be paid on demand to the person or persons to whom such share or shares shall have belonged but the said company shall not sell or transfer or direct to be sold or transferred any more of such shares of such defaulter or defaulters than shall be sufficient as near as may be at the time of such sale to pay the arrears due from such defaulter or defaulters for or on account of such call or calls and the interest and expenses attending the same and from and after the payment of all such calls and the interest and expenses as aforesaid any share or shares so vested in such defaulter as aforesaid which shall remain in their hands unsold shall revert to and again become the property of the person or persons or his her or their executors or administrators to whom such share or shares shall have belonged immediately before any such forfeiture as aforesaid in such manner as if such calls had been duly and regularly paid.

39. And be it further enacted That it shall be lawful for the said several proprietors their executors administrators successors and assigns to sell and transfer any share or shares of which they shall respectively be possessed and every such transfer shall or may be in the form or to the effect following (that is to say)—

“ I (or we) of in consideration Power enabling any person to sell his share.
 “ of £ paid to me (or us) by Form of transfer.
 “ do hereby bargain sell assign and transfer to the said
 “ share (or shares as the case may be) in
 “ the ‘ Australian Gas Light Company ’ number
 “ (or numbers) in the said undertaking to hold to
 “ the said his executors administrators
 “ and assigns subject to the same rules orders and restric-
 “ tions and on the same conditions as I (or we) hold the
 “ same share (or shares) immediately before the execution
 “ thereof and I (or we) the said
 “ do hereby agree to take and accept the said share (or
 “ shares) subject to the said rules orders restrictions and
 “ conditions As witness our hands and seals this
 “ day of in the year of Our Lord ”

and every such transfer shall be produced to the clerk of the said company and shall be registered by him in the books of the said company for which the sum of two shillings and sixpence shall be paid by the person requiring such transfer to such clerk and no more and the registry thereof shall specify the dates names of the parties and the number of the shares transferred and a copy of such register signed by the said clerk shall be sufficient evidence of such transfer and be named and admitted as such and until such transfer shall be registered

Australian Gas Light Company.

in the books of the said company no purchaser or purchasers of any share or his her or their executors administrators or assigns shall be deemed a proprietor or have any part of the profit of the said undertaking or the advantages thereof nor shall receive any interest or dividends for or in respect of such share or shares so purchased nor be entitled to vote at any meeting or meetings as a proprietor or proprietors of the said undertaking in respect of such share or shares.

No share to be sold after a call without the money called for is paid.

40. Provided also and be it further enacted That after any call for money shall have been made by virtue of this Act no proprietor or proprietors shall sell or transfer any share or shares which he she or they shall possess in the said undertaking after the day appointed for payment of the said call until the money so called for in respect of his her or their share or shares intended to be sold shall be paid and until such money so called for shall be paid every such sale or transfer shall be void and all and every proprietor or proprietors making default herein shall forfeit such his her or their shares in the said undertaking to and for the benefit of the said company unless he she or they shall at the time of such sale and transfer pay to the treasurer of the said company the full sum of money so called for upon every share so to be sold or transferred.

For ascertaining the proprietorship of shares in certain cases.

41. And whereas by reason of death insolvency or bankruptcy or by the absence from this Colony of the proprietors or by the transfer of their his or her right or interest to some other person without any registry being made thereof with the clerk of the said company it may not be in the power of the said company to know who is or are the proprietor or proprietors of such share or shares Be it therefore further enacted That in all cases where the right to one or more share or shares in the said undertaking shall pass from the original subscriber or subscribers thereof to any person or persons by any other legal means than by a transfer thereof in the manner hereinbefore specified an affidavit shall be made and sworn to before a Commissioner of the Supreme Court of New South Wales or any one of His Majesty's Justices of the Peace for the said Colony stating the manner in which such share or shares have or hath passed to such person or persons his her or their executors administrators successors or assigns and such affidavit shall be delivered to the clerk of the said company to the intent that he may enter and register the name or names of every such other proprietor or proprietors in the register book of the said company.

Accounts to be settled.

42. And be it further enacted That the said company at any general assembly or meeting specially called for the purpose shall have full power from time to time to call for and examine all or any of the accounts of the said company and at every annual general assembly or meeting or some adjournment thereof a dividend or dividends shall be made out of the interest profits or advantages of the said undertaking (unless such meeting shall declare otherwise) and such dividend or dividends shall be at and after the rate of such a sum per centum upon or for every share in the said undertaking as such meeting or meetings shall think fit to order and determine but no dividend shall be made whereby the capital of the said company shall be reduced nor shall any dividend be paid in respect of any share or shares until all calls for money then made in respect thereof by virtue of this Act shall have been paid.

Power to contract for the purchase of lands and buildings.

43. And be it further enacted That it shall be lawful for the said company and they are hereby empowered from time to time to contract and agree for the absolute purchase of such buildings works mains pipes and apparatus lands tenements and hereditaments as they may think requisite for any of the purposes of this Act not exceeding in the whole at any one time any greater quantity of land

Australian Gas Light Company.

land than two statute acres and also to sell and dispose of such buildings works mains pipes and apparatus lands tenements and hereditaments as they shall think proper and to purchase and hold other lands tenements and hereditaments as they shall think proper not exceeding the quantity aforesaid.

44. And be it further enacted That it shall be lawful to and for all tenants for life and in fee tail general or special for any term or terms of years absolute or determinable on any life or lives and all feoffees in trust executors administrators husbands guardians committees for lunatics and idiots and all other trustees whomsoever not only for and on behalf of themselves and their heirs but also for and on behalf of their cestuique trusts respectively whether infants or issue unborn lunatics idiots or femmes covert and to and for all other persons whomsoever who are or shall be seised possessed of or interested in any buildings lands tenements ground rents or hereditaments or any part thereof which shall be thought necessary by the said company to be purchased for the uses and purposes of this Act to contract and agree with the said company for the sale thereof or any part thereof and to sell and convey all or any part thereof to the said company for the purposes of this Act and all contracts bargains sales and conveyances which shall be made by virtue of this Act shall without any other assurances in the law whatsoever and without enrolment be good valid and effectual to all intents and purposes.

Contract to be good without conveyance or enrolment.

45. And be it further enacted That upon payment of the money so contracted or agreed to be paid for the purchase of such lands tenements and hereditaments by the said company or the party or parties person or persons respectively entitled to such money or their agents and upon conveyance in manner herein directed of such lands tenements and hereditaments all the estate right title interest use trust property claim and demand in law or in equity of the party or parties and person or persons respectively to whom or for whose use the same shall be paid in to or out of such lands tenements and hereditaments shall vest in the trustees of the said company and their successors for ever for the purposes of this Act.

Upon payment of purchase money lands &c. to vest in company for the purposes of this Act.

46. And be it further enacted That all sales conveyances and assurances of any lands tenements and hereditaments to be made to the said company of proprietors and their successors shall be made in the form or to the effect following (that is to say)—

“ I (or we as the case may be) of Form of conveyance.
 “ in consideration of the sum of paid to
 “ me (or to us) by the company of proprietors estab-
 “ lished under or by virtue of an Act passed in the eighth
 “ year of the reign of King William the Fourth intituled
 “ (here insert the title of this Act) do hereby grant and release
 “ (or assign as the case may be) to the said company of pro-
 “ prietors and their successors all (here describe the pre-
 “ mises to be conveyed) and all my (or our) right title and
 “ interest in and to the same and every part thereof to
 “ hold to the said company of proprietors and their suc-
 “ cessors and assigns for ever (or as the case may be) during
 “ all the remainder of my (or our) term estate or interest
 “ in the said premises In witness whereof I (or we) have
 “ hereunto set my hand and seal (or our hands and seals)
 “ this day of in the year of our Lord
 “ one thousand eight hundred and .””

47. And be it further enacted That it shall be lawful for the said company to sell and dispose of and by indenture or indentures under the seal and signature of the directors of the said company or

As to re-sale of lands not wanted.

Australian Gas Light Company.

a majority of them to grant and convey by way of absolute sale in fee simple for a consideration in money all or any part or parts of the said lands tenements and hereditaments which have been so purchased and which shall not be wanted for the purposes of this Act and upon payment of the money which shall arise by or from the sale or sales of such lands tenements and hereditaments or of any part or parts thereof it shall be lawful for the treasurer for the time being to the said company to sign and give a receipt or receipts for the money for which the same shall be sold which receipt or receipts shall be a sufficient discharge or sufficient discharges to any person or persons for the money therein and thereby expressed or acknowledged to be received and such person or persons having *bonâ fide* paid the same shall not afterwards be answerable or accountable for any loss or non-application of such purchase money or any part thereof.

Power to erect
gasometers &c. break
up the soil and pave-
ments of streets &c.

48. And be it further enacted That it shall be lawful for the said company and they are hereby fully authorized and empowered subject to the provisions and restrictions hereinafter mentioned by their servants agents workmen and others from time to time to make erect sink lay place and fix such retorts gasometers receivers buildings cisterns engines machines cuts drains sewers watercourses pipes reservoirs and other works and devices of such construction and in such manner as the said company shall think necessary or proper for the purpose of carrying the purposes of this Act into execution and also subject to the provisions and clauses hereinafter mentioned to break up the soil and pavements of any streets highways roads ways lanes passages and other public places or any part of them or either of them and to erect posts pillars pilasters lamp-irons lamps and other apparatus in the same streets highways roads ways lanes passages and other public places or any of them against any wall or walls erected on or adjoining to them or 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 pipes in under across and along such places streets ways lanes or public passages and also with such consent as hereinafter mentioned in under across and along any private ways buildings passages grounds and other places in such manner as shall be necessary for the purpose of carrying this Act into execution or supplying any such lights as aforesaid and from time to time to alter the position of and to repair relay and maintain such pipes stop-cocks syphons and plugs or branches or other necessary apparatus from any main or pipe laid in any street road highway lane passage or public or private place by the said company by virtue of this Act into or through any dwelling-house or houses manufactories public or private buildings or grounds for the purpose of lighting the same or any other public or private lamp or lamps from any of such mains or pipes and to erect and set up any machine or other apparatus necessary or requisite for securing to any dwelling-house or houses manufactories public or private buildings a proper and competent supply of gas or for measuring and ascertaining the extent of such supply and also to alter or amend any bad or imperfect work which shall have been placed or which shall be injured or damaged in such dwelling-house or houses manufactories public or private buildings and to do all such other acts matters and things as the said company shall from time to time think necessary and convenient for completing amending repairing improving supplying and using the same and for carrying into effect the purposes and meaning of this Act provided a proper compensation be made for any damage done thereby Provided nevertheless that nothing herein contained shall authorize and empower the said company to make erect sink place or fix any gasometer or other apparatus used for the purpose of producing any

Erect lamps.

Lay pipes.

And alter them.

To erect apparatus
&c.

But not to enter
houses or private
grounds without
consent.

such

Australian Gas Light Company.

such inflammable air or gas as aforesaid within the present limits of the town of Sydney or to carry or lay any pipe or pipes cocks or branches from any main or pipe into or against any dwelling-house or dwelling-houses manufactories public or private buildings as aforesaid or to continue the same without the consent of the owner and owners occupier and occupiers for the time being of every such house manufactory or private building as aforesaid nor shall anything herein contained authorize or empower the said company to carry or lay any pipe or pipes or to dig or sink trenches or drains or to lay mains through any dwelling-house or houses manufactories or private buildings or grounds for the purpose of conveying gas to any house or houses manufactories shops warehouses buildings or other place or places than that or those through which such main or mains pipe or pipes trenches or drains shall be laid or made without the previous consent of the owners and occupiers of every such dwelling-house or houses manufactory or private buildings or grounds through which the same may be carried or laid for the purpose of lighting such other dwelling-house or houses manufactory buildings place or places Provided also that nothing herein contained shall be deemed to authorize or empower the said company to lay any main pipe or main pipes in under across or along any such places streets ways lanes or public passages except with the consent in writing of the surveyor of the town of Sydney for the time being and except in such situation line or direction as shall be fixed and determined by such surveyor with the approval of the Governor and any such main pipe or main pipes which shall be laid contrary to the provisions hereof shall be immediately altered or abated by the said surveyor at the expense of the said company to be recovered in manner hereinafter mentioned and the said company in addition to such expense shall in every such case forfeit and pay the sum of forty shillings for every yard of such main pipe so laid to be recovered and applied in like manner as any penalty inflicted by this Act not specially provided for is to be recovered.

49. And be it further enacted That it shall be lawful for the said company to contract with the commissioners trustees surveyors or persons having control direction or management of the highways or any of them within the limits of this Act for supplying the same with gas and also to contract with any person or persons for supplying with gas any such person or persons or any streets ways lanes or passages manufactories shops warehouses public or private houses or buildings belonging to them or in which they or any of them are interested or over which they or any of them have the direction or control and also to contract with any person or persons whomsoever for lighting or supplying with gas any shops manufactories warehouses public or private buildings or places whatsoever within the limits of this Act in such manner and under such stipulation as the said company shall think proper consistent with the powers and authorities hereby granted.

Power for the company to contract for lighting of streets and houses.

50. And be it further enacted That it shall be lawful for the said company and they are hereby fully authorized and empowered (subject to the regulations herein contained) from time to time to carry fit-up and furnish any pipe or pipes cocks or branches or other necessary apparatus from any main pipe or main pipes in any road street way lane or other public passage or place laid by or belonging to the said company in or through any dwelling-house or houses manufactories public or private buildings for the purpose of lighting the same or any public or private lamp from any such main pipe or main pipes with the consent of the owner and occupier of such dwelling-house or houses manufactories public or private buildings.

Company may lay pipes of communication from main pipes.

Australian Gas Light Company.

Company to remove pipes when tenants quit if required.

51. Provided always and be it further enacted That in all cases (where it is not otherwise stipulated and agreed) the said company shall at their own expense on the expiration or determination of the tenancy or tenancies of any occupier or occupiers so giving consent as aforesaid or within ten days after the expiration or determination of such tenancy or tenancies upon receiving fourteen days notice in writing for that purpose for or on behalf of the owner or owners or succeeding occupier or occupiers of any such dwelling-house or houses manufactories public or private buildings as aforesaid remove take and carry away or cause to be removed taken and carried away any pipe or pipes cocks or branches from any main pipe or main pipes which shall have been introduced or laid by the said company in such dwelling-house or houses manufactories public or private buildings as aforesaid pursuant to the power for that purpose hereinbefore contained and repair and make good such dwelling-house or houses manufactories public or private buildings where the same shall have been so introduced anything herein contained to the contrary thereof in anywise notwithstanding and in default thereof it shall be lawful for such owner or owners or such new occupier or occupiers as the case may require to cause such pipes cocks or branches to be removed taken and carried away and the dwelling-house or houses manufactories public or private buildings where the same shall have been introduced to be repaired and made good the reasonable costs and charges attending which shall be immediately paid by the said company for the time being to such owner or owners occupier or occupiers as the case may require and if the same costs and charges be not paid within twenty-eight days next after the demand shall be made by such owner or owners occupier or occupiers (proof of such demand being made by the oath of one credible witness before one or more of the Justice or Justices of the Peace for the said Colony) such costs and charges may be levied and recovered by distress and sale of the goods and chattels of the said company together with the costs and charges of such distress and sale by warrant under the hand and seal or hands and seals of one or more Justice or Justices of the Peace for the said Colony and which warrant such Justice or Justices is and are hereby empowered to grant.

Restriction as to breaking up pavements roads &c.

52. And be it further enacted That it shall not be lawful for the said company to break up or disturb the pavement or ground in any way road street lane or other public place or passage for the purpose of laying down any main pipe or main pipes without the consent in writing of the town surveyor commissioners surveyors trustees or other persons having the control of such pavement ground road street way lane or other public passage or place respectively first obtained but nothing in this Act contained shall be deemed or construed to prevent the said company from laying down repairing or altering such main pipes (after such consent as aforesaid) or from opening taking up or removing any of the ground stones soil or pavement or otherwise in or of any road street way lane or other public passage or place whatsoever for the laying down repairing or altering of any such pipes or of any apparatus leading from such main pipes after such consent as aforesaid.

Notice to be given of breaking up pavements roads &c.

53. And be it further enacted That (after such consent as aforesaid) it shall not be lawful for the said company to break or take up or disturb any of the pavements or ground in any road street way lane or other public passage or place for the purpose of laying down or repairing any main pipe or pipes or of altering the position of any such main pipe or pipes unless notice in writing of their intention to break or take up such pavement or ground signed by the clerk of the said company specifying the road street way lane or other public passage

Australian Gas Light Company.

passage or place and the particular part thereof intended to be broken or taken up shall have been given to the said surveyor of the town of Sydney or shall have been left for him at his public office for the space of three days at least before such pavement or ground or any part thereof shall be so broken or taken up except in cases of sudden great emergency when such notice shall be given as soon as possible after such pavement or ground or any part thereof shall be broken or taken up and if the said company shall break or take up or disturb or cause to be broken taken up or disturbed any such pavements or ground without such consent as aforesaid and without such notice being given or left as aforesaid (except as aforesaid) or shall break or take up or disturb any such pavement or ground for the purpose of laying down any main or mains without such consent as aforesaid then and in every such case the said company shall forfeit and pay to the said town surveyor or other persons having the control of the pavements or road ground or soil which shall be so broken or taken up or disturbed the sum of forty shillings for every square yard of pavement or ground which shall be so broken or taken up without such notice as aforesaid (except as aforesaid) to be recovered and levied in such manner as other penalties and forfeitures by this Act imposed are directed to be recovered and levied to be paid over by him or them to the Colonial Treasurer for the time being for the uses of the Government of New South Wales.

54. And be it further enacted That when and as often as the said company shall have lawfully broken up or removed the stones ground soil or pavement in or of any road street way lane or other public passage or place or any part thereof the said company shall and they are hereby required immediately thereafter to reinstate and make good such ground soil or pavement to the satisfaction of the commissioners surveyor or trustees or other person or persons having the control direction or superintendence of such pavement soil or ground respectively and the said company shall carry or cause to be carried away all surplus earth filth and rubbish occasioned thereby at their own costs and charges and during the time that such works are carrying on and until such ground soil or pavement is reinstated as aforesaid the said company shall provide necessary lights at night and otherwise guard the said works so as to prevent any damage or inconvenience happening to passengers cattle or carriages and in case the said company shall make default in reinstating such ground soil or pavement as aforesaid or removing any rubbish occasioned thereby or in placing and setting up such lights at night and otherwise guarding the said works so as to prevent accidents to passengers cattle and carriages then and in every such case it shall be lawful for the said surveyor commissioners or trustees or other persons having such control direction or superintendence as aforesaid to reinstate such ground soil and pavement and carry away all rubbish occasioned thereby and during the time that such works are carried on to provide necessary lights at night and the expenses thereof shall be repaid by the said company to the person or parties so reinstating the same and in default of payment thereof within twenty-eight days next after demand thereof in writing shall have been made for and on behalf of such surveyor of the town of Sydney or other persons as aforesaid (proof being made thereof by the oath of one credible witness before one or more Justice or Justices of the Peace) all such sum or sums of money so paid together with any sum not exceeding twenty shillings by way of penalty shall and may be levied and recovered for the use of such person or party by distress and sale of the goods and chattels of the said company together with the charges of such distress and sale by warrant under the hand and seal or hands and seals of any such Justice or Justices who is and are hereby empowered to grant the same.

Company to relay pavements or roads broken up.

And to remove all rubbish &c.

Until pavements &c. be relaid company to provide necessary lights &c.

Australian Gas Light Company.

Power to alter pipes.

55. And be it further enacted That if it shall at any time or times be deemed necessary or expedient by the surveyor of the town of Sydney or other person or persons having the control direction or superintendence of the said roads streets ways lanes and other public passages and places respectively to require the said company to raise or sink or otherwise alter the situation of any of the main pipes stop-cocks plugs or branches which shall be laid down for the purposes aforesaid or to alter the situation line or direction of any main pipe which shall have been laid contrary to any of the provisions hereof the said company shall at their own expense within ten days next after being so required to do by notice in writing to them given by the said surveyor or other person or persons aforesaid raise or sink or alter the situation line or direction of such main pipes stop-cocks plugs or branches according to such notice and in default thereof it shall be lawful for the said town surveyor or other person or persons aforesaid to cause such main pipes cocks plugs or branches to be raised or sunk or the situation line or direction of such main pipe to be altered as the case may require and the reasonable costs and charges of doing the same shall immediately thereafter be paid by the said company and if the same be not paid within twenty-eight days next after demand shall be made by the said town surveyor or other person or persons aforesaid by writing left at the office of the said company proof of such demand being made by oath of one credible witness or before one or more Justice or Justices of the Peace all such reasonable costs and charges shall and may be levied and recovered by distress and sale of the goods and chattels of the said company together with the charges of such distress and sale by warrant under the hand and seal or hands and seals of such Justice or Justices which warrant such Justice or Justices is and are hereby empowered to grant and such costs and charges shall be paid to the said surveyor or other person or persons aforesaid.

Damages to be made good.

56. Provided always and be it further enacted That if by the raising sinking or altering any of the said main pipes cocks syphons plugs or branches any damage or injury shall be wilfully or negligently done to the same by the said town surveyor or his servants or such other person or persons aforesaid then and in such case such damage or injury shall be made good to the said company as soon as circumstances will permit and the costs charges and expenses thereof shall be made good to them on demand by the said town surveyor or other person or persons aforesaid and recovered in the same manner as any penalty hereby inflicted not specially provided for is to be recovered.

No pipes of communication to be laid without the consent of the company.

57. And be it further enacted That no person shall lay any pipe to communicate with any pipe belonging to the said company without the consent in writing first had and obtained of the Secretary or surveyor of the said company or other person duly authorized for such purpose by the said company nor use burners of larger dimensions or in any other manner than he she or they shall contract to pay for or supply any inhabitant or other person with any part of such gas on pain of forfeiting and paying to the said company the sum of forty shillings per day for every day such pipe shall so remain or such excess be committed or such supply furnished to be recovered by distress and sale of the offender's goods and chattels by warrant under the hand and seal or hands and seals of any Justice or Justices of the Peace of the said Colony and which warrant such Justice or Justices is and are hereby empowered and required to grant and the surplus after such forfeiture and the charges of such distress and sale are deducted shall be returned upon demand to the owner of such goods and chattels.

Australian Gas Light Company.

58. And be it further enacted That if any person or persons Damaging pipes &c. shall wilfully maliciously or negligently do or commit or cause to be done or committed any injury or damage to any of the mains or service pipes of the said company either by removing or disturbing the ground or soil whereon or wherein the same is laid or placed or by the compression or subsequently settling or lowering of the same at any time or times afterwards or by any other means whatsoever or if any person or persons whomsoever shall wilfully and maliciously remove destroy damage or injure any or any part of any pipe post plug lamp or other apparatus matter or thing belonging to the said company or shall wilfully or maliciously waste or improperly use any of the inflammable air or gas supplied by the said company or shall alter exchange or remove the burners from the pipes of supply every person so offending in any of the respective premises and being thereof lawfully convicted on the oath of one credible witness before one or more Justice or Justices for the said Colony shall for every separate act or offence forfeit and pay to the said company any sum not exceeding five pounds and three times the amount of damages to be done as the same shall be ascertained by such Justice or Justices such penalty and damages together with reasonable costs to be levied by distress and sale of the goods and chattels of such offender returning the overplus (if any) to the owner of such goods and chattels or such offender shall or may be committed to the common gaol or house of correction of Sydney aforesaid for any time not exceeding three calendar months at the discretion of the Justice or Justices before whom such offender shall be convicted or until such forfeiture damages and costs shall be paid.

59. And be it further enacted That if any person or persons Satisfaction for accidental damage to lamps &c. shall carelessly or accidentally break destroy throw down damage or injure any lamp or lamps hung out set up or belonging to the said company or by any person or persons at his her or their private expense or any part of any pipe pillar pedestal lamp-post lamp-iron plug or other apparatus matter or thing set up by or belonging to the said company or belonging to any person or persons and set up by him her or them at his her or their private expense or carelessly or accidentally waste any of the inflammable air or gas supplied by the said company or keep the light or lights burning for a longer time than he she or they shall contract to pay for and shall not upon any demand by the said company or their said committee of management or their clerk or superintendent or other person or persons authorized by them make satisfaction for the damage done for the excess of gas so wasted or used or keeping the lights burning longer than they shall have contracted for as aforesaid then and in every such case it shall and may be lawful to and for any one or more Justice or Justices of the Peace for the said Colony and he or they is and are hereby empowered and required upon complaint to him or them made to summon before him or them the party or parties against whom such complaint shall be preferred and upon hearing the allegations and proofs on both sides or on non-appearance of the party or parties so complained against to proceed *ex parte* and to award such sum or sums of money by way of satisfaction to the said company or to such other person or persons (as the case may require) in such damage or excess or waste as such Justice or Justices shall think reasonable not exceeding the sum of ten pounds and in case of neglect or refusal to pay any sum or sums so awarded within five days after demand it shall and may be lawful to and for such Justice or Justices and he and they is and are hereby required to cause the same to be raised and levied in such and the like manner as any fine penalty or forfeiture is by this Act directed to be raised and levied.

Australian Gas Light Company.

For the protection of
water pipes.

60. And be it further enacted That in all cases where it shall be unavoidably necessary to lay the pipes of the said Australian Gas Light Company across any of the pipes of any company of proprietors or other person or persons for the conveyance of water the said pipes of the said Australian Gas Light Company shall be laid over and above such water pipes at the greatest practicable distance therefrom and shall form therewith as near as possible a right angle and in such cases the pipes of the said Australian Gas Light Company so crossing the pipes of any company of proprietors or other person or persons for the conveyance of water should be at least six feet in length so that no joint of any of the said pipes of the said Australian Gas Light Company shall be nearer to any part of the pipes of any company of proprietors or other person or persons for the conveyance of water than three feet at least and in laying down the said pipes the said Australian Gas Light Company shall in no case join two or more gas pipes together previous to their being laid in the trench but shall lay each pipe as near as may be in its place in the trench and shall in such trench form the jointing with the other pipes to be added thereto with proper and sufficient materials and shall also make and keep all and every such pipe and pipes connected or communicating therewith and all the screws joints inlets apertures or openings therein respectively air-tight and in every respect prevent the gas from escaping therefrom upon pain of forfeiting for any such offence if the said company shall neglect or refuse to make such gas pipes air-tight within twenty-four hours after notice thereof given to them in writing the sum of ten pounds to be recovered and applied in like manner as any penalty hereby inflicted not specially provided for is to be recovered and applied.

For preventing the
escape of gas.

61. And be it further enacted That when any gas shall be found to escape from any of the pipes which shall be laid down in any market street square lane public passage or place within the said town of Sydney the said company or the person or persons being the owner or owners of such pipe or pipes so laying down or causing the same to be laid down in any such market street square lane public passage or place shall immediately after notice given to them or him by parol or in writing of any such escape of gas from any inhabitant or inhabitants of the said town of Sydney cause the most speedy and effectual measures to be taken to stop and prevent such gas from escaping and in case the said company or such person or persons as aforesaid shall not within twenty-four hours next after such notice given effectually stop and prevent any future escape and wholly and satisfactorily remove the cause of complaint then and in every such case the said company or person or persons as aforesaid shall for every such offence forfeit and pay any sum not exceeding five pounds for each day after the expiration of twenty-four hours from the time of giving any such notice during which the gas shall be suffered to escape as aforesaid which penalty or penalties shall from time to time be recoverable in a summary way on the oath of one or more credible witness or witnesses by information to be laid before some one or more Justice or Justices of the Peace and shall and may be recoverable and levied with all reasonable charges by distress and sale of the goods and chattels of the treasurer of the said company or of the goods and chattels of the person or persons so contracting to light as aforesaid.

Gas Company to
prevent contamina-
tion of water.

62. And be it further enacted That whenever the water at present or which may hereafter be supplied by the Government for the use of the town of Sydney or the water of the owner or company of proprietors of any water works or of any other person or persons public or private serving the town of Sydney or any part thereof with water shall be contaminated or affected by the gas of the said company such

Australian Gas Light Company.

such company or other person or persons aforesaid shall forfeit and pay for every such offence a sum not exceeding twenty pounds to be sued for and recovered as any penalty is hereby directed to be sued for and recovered and shall be applied to and for the use of the Government or owner or company of proprietors of the water works affected thereby and in case any such water shall be contaminated or affected by gas in any way whatsoever then and in every such case and cases if the said company or person or persons as aforesaid shall not within twenty-four hours next after notice thereof in writing signed by any person or persons consuming the said water to be left at the usual office or place of transacting business of the said company or person or persons as aforesaid cause the most proper and effectual measures to be taken effectually to stop and prevent gas from escaping from their works mains or pipes or contaminating or affecting such water as aforesaid and in case the said company or person or persons as aforesaid shall not within twenty-four hours next after each and every such notice so left as aforesaid effectually stop and prevent gas from so escaping and wholly and satisfactorily remove the cause of every such complaint and prevent all and every such contamination whereof such notice shall be given as aforesaid then and in every such case the said company or person or persons as aforesaid shall on each and every complaint whereof notice shall be given as aforesaid forfeit and pay to the Colonial Treasurer or to the treasurer for the time being or to any one of the directors for the time being or owner or proprietor of such water works for the use and benefit of the Government or of the same proprietors as the case may be over and above the before-mentioned penalty of twenty pounds to be recovered as aforesaid any sum not exceeding the sum of ten pounds for each and every day during which the said water shall be and remain contaminated tainted or affected by the gas of the said company or person or persons as aforesaid and in default of payment thereof as aforesaid such penalty or penalties shall and may be recovered by information to be exhibited on the oath of one credible witness by and in the name of the town surveyor or other authorized persons aforesaid or of one or more of the directors of any such water company or of the owner or owners of such water works or the person or persons as aforesaid before any Justice of the Peace for the said Colony with costs to be assessed by such Justice and to be levied by distress and sale of the goods and chattels of the said company or person or persons as aforesaid together with the charges of such distress and sale by warrant under the hand and seal of such Justice which warrant such Justice is hereby empowered to grant and such penalty or penalties and costs when so levied shall be paid to the Colonial Treasurer or to the treasurer or to one of the directors for the time being of the said company or proprietor or proprietors of such water works or to such person or persons as aforesaid whose water shall be contaminated or affected by such gas.

63. And whereas it may be or become a question upon such complaint as aforesaid whether the said water be contaminated or affected by the gas of the said company Be it therefore enacted That in every such case it shall be lawful to and for the said town surveyor or other duly authorized person or persons or for the said company of proprietors or other person or persons as aforesaid so supplying water as aforesaid to dig to and about and search and examine the mains pipes conduits and apparatus of the said Australian Gas Light Company for the purpose of ascertaining whether such contamination proceed or be occasioned by the gas of the said company and if it shall appear that the said water has been contaminated by any escape of gas of the said Australian Gas Light Company the costs and expenses of the said digging search and examination and repair

Power for owners of water works to dig streets and examine the pipes of Gas Company.

Company to pay the expense of examination if water contaminated by escape of gas.

Australian Gas Light Company.

If water not contaminated by the escape of gas the expense of digging &c. to be paid by the party making the search.

repair of the pavement of the street or streets which shall be taken up and disturbed shall be borne and paid by the said Australian Gas Light Company which costs and expenses shall be ascertained and determined if necessary by such Justice as aforesaid and be recovered in like manner as any penalty may be recovered by virtue of this Act Provided always that if upon such examination it shall appear that such contamination has not arisen from any such escape of gas from any of the mains pipes or conduits of the said Australian Gas Light Company then and in such case the town surveyor or other authorized person or persons as aforesaid or such company of proprietors or such owner or owners of such water works shall bear and pay all the expenses of such examination repair and search and also shall make good to the said Australian Gas Light Company any injury loss or damage which may be occasioned to the said main pipes conduits or apparatus of the said Australian Gas Light Company in and by such search and examination and also to the pavements of the streets so broken or disturbed in such search or examination the amount of such injury loss or damage to be ascertained and determined (if necessary) by such Justice or Justices of the Peace as aforesaid and recoverable in like manner as any penalty may be recovered by virtue of this Act.

Penalty for conveying washings into any river &c.

64. And be it further enacted That if the said company of proprietors or person or persons as aforesaid making furnishing or supplying any gas used burnt or consumed within the said town of Sydney shall at any time empty drain or convey or cause or suffer to be emptied drained or conveyed or to run or flow any washings or other waste liquids substances or things whatsoever which shall arise or be produced in the prosecution of any gas works or in the manufacture or process of making or procuring gas into any fresh water river brook or running stream reservoir canal aqueduct feeder pond spring-head or well or into any drain sewer or ditch communicating therewith or do or cause to be done any annoyance act or thing to the water contained in such river brook or running stream reservoir canal aqueduct water-way feeder pond or spring-head well drain sewer or ditch whereby the said water or any part thereof shall or may be soiled fouled or corrupted then and in every such case the said company of proprietors or person or persons so offending shall forfeit and pay for every such offence the sum of one hundred pounds and such penalty or forfeiture shall and may be sued for and recovered together with full costs of suit in His Majesty's Supreme Court in New South Wales by action of debt or on the case the whole whereof shall be paid to the person or persons who shall inform or sue for the same Provided always that no such penalty or forfeiture shall be recoverable unless the same shall be sued for within three calendar months from the time that such annoyances nuisance injury damage act or thing shall have ceased and determined Provided also that over and above and in addition to the said penalty of one hundred pounds (and whether such penalty shall have been sued for or not) in case any of these washings or other waste liquids or noisome or offensive liquors substances or things shall be emptied drained conducted or conveyed or caused or suffered to run or flow in manner aforesaid into any fresh water river brook or running stream or any reservoir canal aqueduct water-way feeder pond spring-head or well or into any drain sewer or ditch communicating therewith or any such annoyance act or thing shall be done or caused to be done as aforesaid and notice in writing shall have been given by any person or persons to whom the same shall belong or by any other person or persons whomsoever to the said company of proprietors or person or persons as aforesaid and the said company of proprietors or person or persons as aforesaid shall not within twenty-four hours after

Australian Gas Light Company.

after such notice shall have been given to them or him as aforesaid stop hinder or prevent all and every such washings waste liquids or noisome or offensive liquids substances or things from being emptied drained conducted or conveyed or from running or flowing in manner aforesaid and every such other annoyance nuisance injury damage act or thing from being done as aforesaid then and in every such case the said company of proprietors or person or persons as aforesaid shall forfeit and pay the sum of ten pounds for each and every day such washings waste liquids substances or things shall be so drained conducted or conveyed or caused or suffered to run or flow in manner aforesaid or such other annoyance act or thing shall be so done or caused to be done as aforesaid and such last mentioned penalty shall and may be recovered and levied in such and the like manner as any other penalty or forfeiture is in and by this Act directed to be recovered and levied and shall be paid to the informer or to the person or persons who in the judgment of the Justice or Justices before whom the conviction shall take place shall have sustained any annoyance injury or damage by any Act so done or committed.

65. And be it further enacted That in case any body or bodies commissioners trustees surveyors or any other person or persons who shall contract with the said company or agree to take or shall use and enjoy the said gas either in their private dwellings shops inns taverns or other buildings or manufactories grounds or premises or otherwise shall refuse or neglect for the space of twenty-one days after demand to pay the sum or sums of money then due under their his or her contract for the same to the said company according to the terms and stipulations of the said respective parties with the said company it shall be lawful for the said company or their clerk or any person or persons acting under their authority by warrant under the hand and seal of any such Justices as aforesaid which warrant such Justice is hereby required to grant upon confession or upon proof of such sum or sums of money being due to such company and of demand having been made by the oath of one credible witness to levy the said sum or sums of money in respect whereof such refusal or neglect shall happen by distress and sale of the goods and chattels of the person or persons so neglecting or refusing to pay the same rendering the surplus (if any) to such person or persons so refusing or neglecting after the necessary charges of making such distress and sale shall be first deducted and it shall also be lawful for the said company to cut off and take away the supply of gas from the house or houses inn tavern shop manufactory warehouse or other buildings premises or places of every such person so making default in payment of such sum or sums of money then due by his her or their contract to the said company for the space of twenty-one days after such demand as aforesaid and thenceforth to discontinue the supply of gas contracted for with the said company by such person or persons.

Remedy for the recovery of rents.

66. And be it further enacted That the said company shall and they are hereby directed and required to supply public roads streets ways lanes and other passages and places with gas of such quality as shall at all times afford a better light than could be obtained from oil lamps and whenever the said company shall fail so to do the power and authority hereby given to them further to break up the soil or pavement of any such road street way lane or other public place or passage within the limits of this Act where such lamps shall be situated shall from thenceforth during such failure cease and determine and every contract or agreement which shall be entered into for lighting with gas such public lamps by the said company shall contain

Gas to afford a better light than oil.

Australian Gas Light Company.

a clause or covenant providing that it shall be obligatory on the said company that such public lamps shall at all times be better lighted by the said company than can be done by oil lamps.

Penalty for interrupting company's workmen.

67. And be it further enacted That if any person shall wantonly or maliciously hinder or interrupt the said company or their respective agents workmen or servants or any of them in legally doing or performing any of the works or in exercise of any of the powers and authorities by this Act granted or shall in anywise cause or procure such interruption to take place and shall be thereof convicted before any such Justice or Justices as aforesaid either on evidence or on confession every such person so offending shall for every such offence forfeit and pay to the said company such sum or sums of money as shall be adjudged by such Justice or Justices not exceeding five pounds and also the full amount of the damage which shall be sustained by such hindrance or interruption. And such sum or sums of money so adjudged shall be recovered in like manner as any penalty or forfeiture can or may by virtue of this Act be recovered or the said company may at their own option sue for the damage sustained by them for such hindrance or interruption. Provided always that nothing herein contained shall prevent the town surveyor of Sydney or other duly authorized person or persons from preventing the said company from infringing on or interfering with the regulations of the Government for the improvement of the town of Sydney.

Damages and charges in case of dispute to be settled by Justices.

68. And be it further enacted That where by this Act any damages or charges are directed or authorized to be paid or recovered in addition to any penalty or penalties for any offence or offences in this Act mentioned the amount of such damages or charges in case of dispute respecting the same shall be settled ascertained and determined by the Justice or Justices of the Peace by or before whom any offender shall be convicted of any such offence or offences and which Justice or Justices are hereby authorized and required on non-payment thereof to levy such damages or charges by distress and sale of the offender's goods and chattels in manner directed by this Act for the levying of any penalties or forfeitures.

In case of non-payment of compensation of damages &c. the same to be levied by distress of the goods of the Company.

69. And be it further enacted That when and as often as any sum or sums of money shall be directed or ordered to be paid by any Justice or Justices of the Peace in pursuance of this Act as or by way of compensation or satisfaction for any materials or costs or for any damage spoil or injury of any nature or kind whatsoever done or committed by the said company or by any person or persons acting by or under their authority and such sum or sums of money as shall not be paid by the said company to the party or parties entitled to receive the same within ten days after demand in writing shall have been made from the said company or their treasurer in pursuance of the direction or order made by such Justice or Justices and in which demand the order of such Justice or Justices shall be stated then and in such cases the amount of such compensation or satisfaction shall and may be levied and recovered by action at law against the said company or treasurer or by distress and sale of the goods and chattels vested in the said company by virtue of this Act or of the goods and chattels of their treasurer for the time being under a warrant to be issued for that purpose by such Justice or Justices which warrant any such Justice or Justices is and are hereby authorized and required to grant under his hand and seal or their hands and seals on application made to him or them for that purpose by the party or parties entitled to receive such sum or sums of money as or by way of compensation or satisfaction for any such materials costs damages spoil or injury as aforesaid and in case any overplus shall remain after payment of such sum or sums of money and the costs and expenses of hearing and determining the

Australian Gas Light Company.

the matter in dispute and also the costs and expenses of such distress and sale then and in such case such overplus shall be returned on demand to the said company or to their treasurer for the time being as the case may be. Provided always that it shall be lawful for such treasurer to retain out of any moneys which he shall have received or shall receive in pursuance of this Act all such damages costs charges and expenses as he shall have sustained or have been or be put unto by virtue of any such warrant as aforesaid.

70. And be it further enacted That all fines penalties and forfeitures for all and every offence in this Act mentioned or by any rule order or by-law inflicted or imposed in relation to which the manner of convicting the offender or offenders or applying the penalties is not particularly mentioned or directed or which shall be inflicted or imposed by any rule order or by-law to be made under the authority of this Act shall in case of non-payment thereof be adjudged by and be recovered before any Justice or Justices of the Peace for the said Colony of New South Wales in a summary way and any such Justice of the Peace is hereby authorized and empowered to convict the offender or offenders upon information by the oath of any person or persons or on the confession of the party offending (which oath such Justice is hereby authorized to administer) and in default of payment of such forfeitures or penalties the same shall be levied by distress and sale of the offender's goods and chattels or of the goods and chattels of the said company if they shall offend and be convicted as aforesaid of any offence in this Act mentioned by warrant under the hand and seal of such Justice and one moiety of the penalties and forfeitures when recovered after rendering the overplus (if any) on demand to the party or parties whose goods and chattels shall be so distrained (the reasonable charges of such distress and sale being first deducted) shall be paid to the informer and the other moiety thereof shall be paid to the Colonial Treasurer for the time being for the public uses of the said Colony and the support of the Government thereof and in case such sufficient distress cannot be found and such penalties and forfeitures shall not be forthwith paid upon such conviction by any person or persons offending and convicted then it shall be lawful for such Justice to order the offender or offenders so convicted to be detained in safe custody until return can be conveniently made to such warrant or warrants of distress unless the said offender or offenders shall give sufficient security to the satisfaction of such Justice for his her or their appearance before him on such day or days as shall be appointed for the return of such warrant or warrants of distress such day or days not being more than five days from the time of taking any such security and which security the said Justice is hereby empowered to take by way of recognizance or otherwise but if upon the return of such warrant or warrants it shall appear that no sufficient distress can be had thereupon or in case it shall appear to the satisfaction of any such Justice either by the confession of the offender or offenders or otherwise that he she or they hath or have not sufficient goods and chattels whereon such penalties forfeitures fines costs and charges can be levied if a warrant of distress were issued such Justice shall not be required to issue such warrant of distress and thereupon it shall be lawful for any such Justice of the Peace and he is hereby authorized and required by warrant under his hand and seal to commit such offender or offenders to the house of correction or common gaol for the said town of Sydney for any time not exceeding three months.

Recovery and application of penalties.

71. And for the more easy conviction of offenders against this Act be it further enacted That a conviction in the form or to the effect following

Form of conviction.

following

Australian Gas Light Company.

Quarter Sessions of the Peace to be held for the said district of Sydney and if they see cause may mitigate any forfeiture or fine and may order any money to be returned which shall have been levied in pursuance of such order rule by-law or determination and shall and may also so award such further satisfaction to be made to the party injured or such costs to either of the parties as they shall think reasonable and proper and all such determinations of the said Justices at such General or Quarter Sessions shall be binding final and conclusive upon all parties to all intents and purposes whatsoever.

75. And be it further enacted That no person or persons whomsoever shall be subject or liable to the payment of any of the penalties or forfeitures inflicted by virtue of this Act for any offence or offences against this Act unless action shall have been brought or information respecting such offence or offences shall have been lodged before some Justice of the Peace within three calendar months next after such offence committed.

Proceedings to be within three calendar months.

76. And be it further enacted That in all cases wherein it may be requisite or necessary for any person or persons or party or parties to serve any summons or notice or notices upon the said company or any writ or writs or other proceedings at law or in equity the service thereof upon the Secretary of the said company or at any of the offices of the said company or left at the last or usual place of abode of the Secretary of the said company and in case the residence of the said Secretary be not known then service upon any agent or other officer employed by the said company or upon any one of the said directors or left at his last or usual place of abode shall be deemed good and sufficient service of the same respectively on the said company.

Directing what shall be a service of notices on the company.

77. And be it further enacted That no proceedings to be had and taken in pursuance of this Act shall be quashed or vacated for want of form or be removed by *certiorari* or any other writ or process whatsoever into His Majesty's Supreme Court of New South Wales.

Proceedings not to be quashed for want of form or removed by *certiorari*.

78. And be it further enacted That when any distress shall be made for any sum or sums of money to be levied under the authority of this Act on any order or by-law made in pursuance thereof the distress itself shall not be deemed unlawful nor shall the party or parties making the same be deemed a trespasser or trespassers on account of any defect or want of form in the information summons conviction warrant or distress or any other proceedings relating thereto nor shall the party or parties distraining be deemed a trespasser or trespassers (*ab initio*) on account of any subsequent irregularity which shall be afterwards done by the party or parties distraining but the person or persons aggrieved by such irregularity shall and may recover full satisfaction for the special damages in an action on the case.

Persons making distress irregularly not to be deemed trespassers *ab initio*.

79. And be it further enacted That nothing herein contained shall extend or be construed to extend to prevent any persons from proceeding against the said company or against any of their officers servants or workmen in respect of any works of the said company or the method which shall be employed by them for furnishing such light as aforesaid as a public or private nuisance or for bringing an action against any of the said company or any of their officers or servants or workmen for any injury sustained by reason of any such works or method of lighting whether such injury shall proceed from the nature of such method of lighting or the carelessness or want of skill of the person or persons employed thereon.

Nothing in this Act to prevent the company being indicted for a nuisance.

80. And be it further enacted That all the costs charges and expenses attending the applying for obtaining and passing this Act shall be paid and discharged by the said company out of the moneys already subscribed or to be subscribed or to be received for the purpose of this Act in preference to all other payments whatsoever.

Costs of obtaining this Act to be paid before all other claims.

Royal Exchange Company.

Not to affect any
right not mentioned
herein.

81. Provided always and be it further enacted That nothing in this Act contained shall be deemed to affect or apply to any right title or interest of His Majesty His Heirs and Successors or any body or bodies politic or corporate or of any other person or persons excepting such as are mentioned therein or of those claiming by or under him or them.

Commencement
of Act.

82. And be it further enacted That this Act shall not commence or take effect until the same shall have received the Royal approbation and the notification of such approbation shall have been made by His Excellency the Governor in the *New South Wales Government Gazette*.

A public Act.

83. And be it further enacted That when and as soon as this Act shall have received the Royal approbation and the notification of such approbation shall have been made as aforesaid by His Excellency the Governor in the *New South Wales Government Gazette* this Act shall be deemed and taken to be a public Act and shall be judicially taken notice of as such by the Judges of the Supreme Court of New South Wales and by all other Judges Justices and others within the Colony of New South Wales and its dependencies without being specially pleaded.

SCHEDULE REFERRED TO.

MEMORIAL of the name of the Secretary of "The Australian Gas Light Company" to be recorded in the Supreme Court of New South Wales pursuant to an Act of the Governor and Council passed in the eighth year of the reign of His Majesty King William the Fourth intituled "An Act for lighting with Gas the town of Sydney in the Colony of New South Wales and to enable certain persons associated under the name style and firm of 'The Australian Gas Light Company' to sue and be sued in the name of the Secretary for the time being of the said Company and for other purposes therein mentioned."

A. B. Chairman.

| | | |
|---------|------------|-------|
| C. D. } | Directors. | I. K. |
| E. F. } | | L. M. |
| G. H. } | | N. O. |

of Sydney gentleman of the above-named company maketh oath and saith that he was present and did see the foregoing memorial signed by the above-named Chairman and Directors respectively whose names appear thereunto.

Sworn this day }
of 183 . }
