

An Act to incorporate the Parramatta Gas Company (Limited). [13th August, 1872.]

PARRAMATTA
GAS COMPANY'S
INCORPORATION.

WHEREAS a Joint Stock Company called the Parramatta Gas Company (Limited) has been lately established at Parramatta in the Colony of New South Wales under and subject to the rules regulations and provisions contained in a certain deed of settlement bearing date the sixth day of October one thousand eight hundred and seventy-one purporting to be the deed of settlement of the said Company And whereas by the said deed of settlement the several parties thereto have respectively and mutually covenanted and agreed that they whilst holding shares in the capital of the Company should become remain and continue until dissolved under the provisions in that behalf therein contained a Joint Stock Company for the express object of carrying on the business thereof under the name style and title of the Parramatta Gas Company (Limited) for the purpose of producing inflammable air or gas from coal oil tar pitch or other material and for lighting and supplying with gas all public and private places roads streets and buildings within the town of Parramatta in the Colony of New South Wales and its suburbs and also for manufacturing selling or disposing of all and every product refuse or residuum to be obtained from the material used in such business And for the purposes aforesaid to purchase or lease lands offices and buildings and make erect sink lay place and fix such retorts gasholders meters receivers cisterns engines machines cuts drains sewers water-courses pipes reservoirs and buildings of such construction and in such manner as should be deemed necessary and proper for the purpose of carrying the objects of the said Company into execution And whereas by the said deed of settlement it was further agreed that the capital of the Company should consist of nine thousand pounds to be contributed in shares of five pounds each and of such further sum and sums of money as should be raised by the creation allotment and sale of new shares for the like amount as therein provided And that the said Company should commence its operations so soon as two-thirds of the shares of the Company should have been taken up and the proprietors thereof should have executed the said deed of settlement And whereas by the said deed of settlement provision has been made for the due management of the affairs of the said Company by certain Directors already appointed and by other Directors to be from time to time elected and appointed as their successors by the shareholders of the said Company and also for the disposal and application of the profits and the payment of dividends and bonuses And whereas the said Company is desirous of being incorporated and it is expedient that the said Company should be incorporated accordingly Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows:—

1. The following words and expressions in this Act shall have the several meanings hereby assigned to them unless there be something in the subject or the context repugnant to such construction that is to say—The expression “the Company” shall mean the Company incorporated by this Act The expression “the Directors” shall mean the Board of Directors of the Company duly appointed under the provisions of the deed of settlement of the Company The word “Shareholder” shall mean shareholder proprietor or member of the Company The expression “Deed of Settlement” shall mean the deed of settlement of the

Interpretation
clause.

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the Company and any addition to alteration or amendment thereof which may be made in pursuance of the provisions thereof.

Company
incorporated.

2. Such and so many persons as have already become or at any time or times hereafter shall or may in the manner provided by and subject to the rules regulations and provisions contained in the said deed of settlement become holders of shares of or in the capital for the time being of the Company shall subject nevertheless to the conditions regulations and provisions hereinafter contained be one body politic and corporate by name and in deed by the name of "The Parramatta Gas Company (Limited)" and by that name shall and may grant and receive and shall and may sue and implead any person whether a member of the Company or not and may be sued and impleaded by any person whether a member of the Company or not in all Courts whatsoever at law or in equity and may prefer lay and prosecute any indictment information or prosecution against any person whomsoever whether a shareholder or not for any crime or offence whatsoever and in all indictments informations and prosecutions it shall be lawful to state the money goods effects bills notes securities or other property of whatsoever nature of the Company relative to which such indictment information or prosecution is preferred laid or prosecuted to be the money goods effects bills notes securities or other property of the Company and generally to designate the Company by its corporate name whenever for any purpose whatsoever such designation shall be necessary and the Company shall have perpetual succession with a common seal which may be altered varied and changed from time to time at the pleasure of the Company.

Deed of Settlement
confirmed.

3. The several laws rules regulations clauses and agreements contained in the deed of settlement or to be made in pursuance of the provisions for that purpose therein contained are and shall be the by-laws for the time-being of the Company save and except in so far as any of them are or shall or may be altered varied or repealed by or are or shall or may be inconsistent with or repugnant to any of the provisions of this Act or any of the laws or statutes now or hereafter to be in force in the said Colony subject nevertheless to be and the same may be amended altered or repealed either wholly or in part in the manner provided by the said deed of settlement But no rule or by-law shall on any account or pretence whatsoever be made by the Company either under or by virtue of the said deed of settlement or of this Act in opposition to the general scope or true intent and meaning of the said deed of settlement or of this Act or of any of the laws or statutes in force in the said Colony for the time-being Provided always that no clause in the deed of settlement or any by-law made in pursuance of the said deed or of this Act shall be taken to affect any person who has not executed the said deed or the *cestui que* trust of any share in the said Company.

Evidence of by-laws.

4. The production of a written or printed copy of the said deed of settlement or of any rules by-laws or regulations to be made in pursuance thereof or in pursuance of this Act having the common seal of the Company affixed thereto shall be sufficient evidence in every Court of civil or criminal jurisdiction of such deed of settlement or of such by-laws rules or regulations.

General business of
the Company.

5. It shall be lawful for the Company subject to the restrictions and provisions herein and in the said deed of settlement contained to produce or extract inflammable air or gas from coal oil tar pitch or other material And to light and supply with gas all public and private places roads streets and buildings within the town of Parramatta in the Colony of New South Wales and its suburbs and to manufacture sell or otherwise dispose of all and every product refuse or residuum to be obtained from the material used in such business

And

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And for the purposes aforesaid to purchase and contract for the procuring of coal and other materials as aforesaid and to purchase or lease lands offices and buildings and make erect sink lay place and fix such retorts gasholders meters receivers cisterns engines machines cuts drains sewers water-courses pipes reservoirs and buildings of such construction and in such manner as shall be deemed necessary and proper for the purpose of carrying the objects of the said Company into execution.

6. It shall be lawful for the Company from time to time to extend or increase its capital for the time-being by the creation and disposal of new shares in the manner specified and set forth and subject to the rules regulations and provisions contained in the said deed of settlement. Increase of capital.

7. It shall be lawful for the Directors from time to time as they shall see fit in the manner specified in the deed of settlement to make accept and indorse such promissory-notes or bills of exchange on behalf of the Company for any purposes connected with the affairs and business of the Company and the making accepting and endorsing of any such promissory-notes or bills of exchange by the Chairman of the Company and at least one other Director authorized in that behalf by the Directors for and on behalf of the Company shall be binding on the Company And it shall be also lawful for the Directors on behalf of the Company to procure advances and to borrow money and to pay off and discharge such advances in the manner for the purposes and subject to the restrictions specified in the said deed of settlement. Power to borrow money.

8. All the lands securities covenants debts moneys choses in action and things at present vested in the Trustees of the Company or any other person on behalf of the Company shall immediately after the passing of this Act become vested in the Company for the same estate and interest and with the like powers and authorities as the same are now vested in the said Trustees or other person without any assignment or conveyance whatever. Property at present in Trustees to become vested in Corporation.

9. Nothing in this Act contained shall prejudice or be construed to prejudice any call made or any contract or other act deed matter or thing entered into made or done by the Company or by any person on behalf of the Company under or by virtue of the deed of settlement before this Act come into operation but the same call contract act deed matter or thing shall be as valid and effectual to all intents and purposes and may be enforced in like manner as if the Company had been incorporated before the same call contract act deed matter or thing had been made entered into or done. Act not to prejudice any contract &c. already entered into.

10. The shares in the capital of the Company and all the funds and property of the Company and all shares therein shall be personal estate and transmissible as such subject to the restrictions for that purpose contained in the said deed of settlement and shall not be of the nature of real estate. Shares to be personal estate.

11. Subject to the restrictions for this purpose in the said deed of settlement contained every shareholder may sell and transfer all or any of his shares in the capital of the Company (but not a fractional part of a share) and every such transfer shall be by deed and according to a form to be approved of by the Directors and the transferee of such shares shall so soon as he has complied with the provisions relative to the transfer of shares contained in the said deed of settlement become a shareholder in respect of the same shares in every respect. Transfer of shares to be by deed.

12. The Company shall not be bound to notice or see to the execution of any trust whether express implied or constructive to which any share may be subject and the receipt of the party in whose name any share shall stand in the books of the Company or if it stands in

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in the name of more parties than one the receipt of one of the parties named in the share register hereinafter mentioned shall from time to time be a sufficient discharge to the Company for any dividend or other sum of money payable in respect of such share notwithstanding any trust to which such share may then be subject and notwithstanding that the Company have had notice of such trusts and the Company shall not be bound to see to the application of the money paid upon such receipt.

The Assignee of insolvent shareholder and the Trustees of assigned estates to nominate some person to become a proprietor in respect of shares of such insolvent or assigned estate.

13. In case the Assignee of any insolvent shareholder shall elect to accept the shares of such insolvent or in case the Trustees of any estate assigned for the benefit of creditors shall elect to accept the shares belonging to such assigned estate such Assignee or Trustees shall forthwith nominate some other person to become a proprietor in respect of such shares such nominee to be subject to the approval of the Directors But in no case shall such Assignee or Trustees be themselves entitled to become shareholders in respect of the shares of any insolvent shareholder or of any shareholder whose estate shall have been so assigned as aforesaid.

Power to purchase and hold lands.

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

Power to sell to Company.

15. It shall be lawful for any person who is competent so to do to grant sell alien release and convey assign assure demise and dispose of unto and to the use of the Company and their successors for the purposes aforesaid or any of them any such lands and hereditaments.

Actions or suits for calls.

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

Share Register.

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

Share register to be evidence.

18. The production of the share register shall be admitted in all Courts of civil and criminal jurisdiction as *prima facie* evidence of the person named therein as a shareholder being such shareholder and of the number of his shares and every shareholder or other person having a judgment at law or a decree in equity against the Company may at all convenient times peruse the share-register gratis and may require

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a copy thereof or any part thereof and for every one hundred words or part of one hundred words so required to be copied the Company may demand a sum not exceeding one shilling.

19. In every case dividends or bonuses shall be declared and paid out of the net gains and profits of the Company and not out of the capital for the time-being of the Company or any portion thereof. Dividends to be paid from profits only.

20. If any execution either at law or in equity shall be or shall have been issued against the property or effects of the Company and if there cannot be found after due diligence sufficient whereon to levy such execution then such execution may be issued against any of the shareholders for the time-being or any former shareholder until such execution shall be fully satisfied. Provided that no such execution shall be issued against any shareholder or former shareholder for any amount beyond the sum due by such shareholder in respect of the amount subscribed for and unpaid by him and a further sum equal to the amount so subscribed for. Provided always that no such execution shall issue against any such shareholder or former shareholder except upon an order of the Court in which the action suit or other proceeding shall have been brought or instituted made upon motion in open Court after sufficient notice in writing to the person sought to be charged. And upon such motion such Court may order execution to issue accordingly. Provided further that in case of execution against any former shareholder it shall be shown that such former shareholder was a shareholder of the Company at the time when the contract or engagement was entered into for breach of which contract or engagement such execution shall have issued or became a shareholder during the time such contract or engagement was unexecuted or unsatisfied or was a shareholder at the time the judgment or decree was obtained upon which judgment or decree such execution shall have issued. Provided also that in no case shall such execution be issued against the person property or effects of any former shareholder after the expiration of one year after the person sought to be charged shall have ceased to be a shareholder of the Company. Execution against shareholders.

21. Every shareholder against whom or against whose property or effects execution upon any judgment decree or order obtained as aforesaid shall have been issued as aforesaid shall be entitled to recover against the Company all loss damages costs and charges which such shareholder may have incurred by reason of such execution and after due diligence used to obtain satisfaction thereof against the property and effects of the Company such shareholder shall be entitled to contribution for so much of such loss damages costs and charges as shall remain unsatisfied from the several other shareholders against whom execution upon such judgment decree or order obtained against the Company might also have been issued under the provision in that behalf aforesaid as and subject to the limitation herein provided and such contribution may be recovered as aforesaid according to the provisions in that behalf in the said deed of settlement contained. Reimbursement when execution issued against a shareholder.

22. In the cases provided by this Act for execution of any judgment decree or order in any action or suit against the Company to be issued against the person or against the property and effects of any shareholder or former shareholder of the Company or against the property and effects of the Company at the suit of any shareholder or former shareholder in satisfaction of any money damages costs and expenses paid or incurred by him as aforesaid in any action or suit against the Company such execution may be issued by leave of the Court or of a Judge of the Court in which such judgment decree or order shall have been obtained upon motion or summons for a rule to show cause or other motion or summons consistent with the practice of the Court without any suggestion or *scire facias* in that behalf and it shall be lawful for such Court

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or Judge to make absolute or discharge such Rule or allow or dismiss such motion (as the case may be) and to direct the costs of the application to be paid by either party or to make such other order therein as to such Court or Judge shall seem fit and in such cases such forms of writs of execution shall be sued out of the Courts of Law and Equity respectively for giving effect to the provisions in that behalf aforesaid as the Judges of such Courts respectively shall from time to time think fit to order and the execution of such writs shall be enforced in like manner as writs of execution are now enforced Provided that any order made by a Judge as aforesaid may be discharged or varied by the Court on application made thereto by either party dissatisfied with such order Provided also that no such motion shall be made nor summons granted for the purpose of charging any shareholder or former shareholder until ten days notice thereof shall have been given to the person sought to be charged thereby.

Liability of shareholders.

23. Each shareholder in the said Company for the time being shall be liable to contribute to the assets of the Company or to meet its liabilities to an amount not exceeding the amount of the shares held by him or her and to a further sum of equal amount and no shareholder shall at any time be liable with respect to the transactions or liabilities of the Company beyond such amount.

Power to Secretary or other officer.

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

Custody and use of corporate seal.

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

Power to erect gas-holders break up roads streets &c.

26. The Company is hereby fully authorized and empowered by its servants contractors agents workmen and others from time to time to make erect sink lay place and fix such retorts gasholders meters receivers cisterns engines machines cuts drains sewers water-courses

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courses pipes reservoirs buildings and other works and devices of such construction and in such manner as the Company shall think necessary or proper for the purpose of carrying out the operations of the Company and also to break up the soil and pavement of any highway street road way lane passage or other public place or thoroughfare or of any road way thoroughfare or place dedicated to or used by the public as such or any part or parts thereof and to erect posts pillars lamps lamp-irons and other apparatus in the same highways streets roads ways lanes passages and other thoroughfares and places or against any wall or walls erected on or adjoining to any of them and to dig and sink trenches and drains and to lay mains and pipes and put stop-cocks syphons plugs or branches from such mains or pipes in under across or along such highways streets roads ways lanes passages and other thoroughfares and places and also with such consent as hereinafter mentioned to do the like in under across or along any private roads ways lanes passages buildings and places and from time to time to cut stop remove alter repair replace and relay such main-pipes stop-cocks syphons plugs branches or other apparatus Provided always that nothing herein contained shall be deemed to authorize the Company its contractors agents or workmen to enter into or upon any private lands buildings or places for any of the purposes aforesaid to carry out any of the operations of the Company without the previous consent of the occupiers thereof.

27. It shall be lawful for the Company to contract with any person or persons (whether incorporate or individual) for supplying with gas any such person or persons or any streets ways lanes passages manufactories shops warehouses public or private houses buildings and places and for such purpose from time to time to lay down carry fit up connect and furnish any pipe branch or burner lamp meter or other apparatus from or in connection with any main pipe or to lay down any new main which for such purposes may be required Provided always that in all cases where it is not otherwise expressly stipulated and agreed the Company its contractors workmen or agents shall at its own expense on the expiration or determination of any tenancy of any occupier so giving consent as aforesaid or on non-payment of the sums payable by the owner or occupier of any building tenement or place for gas supplied thereto at any time within twelve months from such expiration determination or default or within fourteen days after notice in writing for that purpose from or on behalf of the owner or succeeding occupier of such building tenement or place shall have been received by the Company enter into and upon such building tenement or place and remove take and carry away or cause to be removed taken or carried away any pipe burner lamp meter or other apparatus which shall have been placed and introduced by the Company therein and repair and make good such portions of such building tenement or place as may be damaged or defaced by such removal And in case the Company shall neglect so to do for fourteen days after receipt of such notice it shall be lawful for such owner or succeeding occupier provided free and reasonable access has been given to the agents servants and workmen of the Company for the purpose aforesaid to remove or cause to be removed all such pipes burners lamps meters or apparatus and to repair and make good the damages and defacements to the said building tenement or place caused thereby the reasonable costs and charges attending which shall immediately be paid by the Company to the owner or occupier making such repairs as aforesaid And in default of such sum being paid by the Company within seven days after demand thereof in writing made at the offices of the Company it shall be lawful for the said owner or occupier or his or her agent to make complaint thereof before any Justice of the Peace for the

May make contracts
for supply of gas.

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the said Colony who may cause a summons to be issued in the usual form calling on the Company to show cause before the nearest Court of Petty Sessions of the police district in which such building tenement or place is situated why such demand has not been satisfied And if the Company fails to show cause accordingly it shall be lawful for the sitting Justices to order or award payment of the demand or any part thereof to such complainant together with such costs and satisfaction for his expense and trouble as to them may seem just and reasonable and such order or award to enforce by distress Provided also that if any owner or occupier of any building tenement or place or any person acting for him shall refuse reasonable access to the contractors agents workmen or servants of the Company for the purpose of removing any such pipe burner lamp meter or other apparatus placed or introduced into any such building tenement or place by the Company or shall prevent or obstruct such removal then the said owner occupier or person acting for him shall immediately make payment to the Company for such pipe burner meter or apparatus And in default of his so doing within three days after demand thereof made at the said building tenement or place it shall be lawful for the Company to make complaint before any such Justice as aforesaid who may cause to be issued a summons to the person so making default calling on him to show cause before the Court of Petty Sessions of the police district where the building tenement or place is situated why he refuses to pay such demand And thereupon the said Court shall proceed to the adjudication and enforcement of such demand in the manner in this clause set forth for the recovery of claims against the Company And if any person shall place or lay any pipe to communicate with any main pipe meter or other apparatus already laid placed or erected by the Company or shall use additional burners or burners of larger dimensions or of other kinds or descriptions than that which he shall have contracted to pay for or shall supply any person with the gas supplied to him by the Company without the consent in writing of the Company first obtained or if any person shall wantonly or maliciously hinder or interrupt the contractors workmen agents or servants of the Company in legally doing or performing any of the works aforesaid or in exercising the powers and authorities by this Act given or if any person shall wilfully negligently or accidentally do or cause to be done any injury or damage to any of the buildings machinery pipes burners lamps meters or apparatus of the Company or remove the same or cause a waste or improper use of gas supplied by the Company it shall be lawful for the Company to make complaint thereof before any such Justice as aforesaid who may cause to be issued a summons to the person so offending to appear before the Court of Petty Sessions of the police district where such offence shall be committed and being thereof lawfully convicted such person shall forfeit and pay to the Company any sum not exceeding five pounds over and above all damages done and over and above all costs to be ascertained by such Court and to be enforced in the manner in this clause before set forth in respect of claims against the Company And all proceedings under this Act not herein expressly provided for shall be regulated and conducted in accordance with the provisions of the law in force for the time being respecting summary proceedings before Justices of the Peace and all such provisions shall so far as the same are applicable be enforced and observed in all proceedings under this Act not herein expressly provided for.

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

28. When and so often as the Company its contractors agents or workmen shall have broken up or removed any pavement stone or other material of any highway road street way lane passage or other public place or thoroughfare or of any road way lane thoroughfare
or

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or place dedicated to or used by the public as such the Company shall make all reasonable despatch in the performance of the work to be done and shall on completion of such work forthwith carry away all rubbish and waste or surplus material and reinstate such pavement stone or other material and render such highway road street way lane passage or other place as nearly as possible in the same condition as it was in previously to the disturbance thereof And during the continuance of such work and until such reinstatement keep up barriers and keep lamps burning at night in order to prevent accidents And when and so often as any gas pitch waste liquid or other things shall escape or flow from any pipe receiver or drain so as to contaminate the air or water and render the same unhealthy or offensive it shall be lawful for any person to give notice thereof in writing to the Company who shall immediately take the most speedy and effectual measures to remedy and prevent the same And if the Company shall without lawful excuse make default in any of the matters so required by it to be performed it shall be lawful for any person to lodge a complaint thereof before any Justice of the Peace for the said Colony who may thereupon summons the Company before the nearest Court of Petty Sessions and on proof of such default the said Court of Petty Sessions shall order and direct that the same shall be done by the Company within a reasonable time to be named by such Court and in default of compliance with such order any such Justice as aforesaid on proof thereof and on proof that the complainant or any other person has performed the said work so to be done and of the costs charges and expenses attending the same shall issue a distress warrant against the goods and chattels of the Company for any amount not exceeding the said charges and expenses and the costs of prosecuting such complaint to be paid to the person performing the said work as aforesaid.

29. In case any person or persons or any body or bodies corporate Commissioners or Trustees who shall contract with the Company or agree to take or shall take or use and enjoy the gas of the Company either in private dwellings shops inns taverns or other buildings or manufactories grounds or premises or otherwise shall refuse or neglect after demand to pay the sum or sums of money then due under their his or her contract for the same to the said Corporation according to the terms and stipulations of the said respective parties with the Company it shall be lawful for the Company to make complaint thereof before any Justice of the Peace for the said Colony who may issue a summons to the party so refusing or neglecting to pay as aforesaid calling on him to show cause before the Court of Petty Sessions in the police district in which such building tenement or place is situated why he refuses to pay such sum or sums and thereupon the said Court shall proceed to the adjudication and enforcement of the said demand and costs charges and expenses in the prosecution thereof by distress and sale of the goods and chattels of the person so neglecting or refusing to pay the same rendering the surplus if any to such person or persons so neglecting or refusing And it shall also be lawful for the 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 Company after such demand as aforesaid and thenceforth to discontinue the supply of gas contracted for with the Company by such person or persons.

30. Any person may appeal from the judgment or conviction of the said Court of Petty Sessions under this Act in the form and manner set forth in the Act of the Legislature fifth William fourth number twenty-two. Appeal.

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Indictment for
nuisance.

31. Nothing in this Act contained shall be construed to prevent any person from indicting or otherwise proceeding against the Company for nuisance or otherwise in respect of the works or means used or employed by the Company in exercising the privileges hereby on it conferred nor shall anything herein contained limit restrict or in any manner affect the right of any Municipality or of any other person or Company hereafter empowered by the Legislature to supply gas to the said town of Parramatta or to exercise any powers which it may be deemed expedient or necessary to grant for that purpose.

Act to be deemed a
public Act.

32. This Act may be cited as the "Parramatta Gas Company's Incorporation Act (Limited)."
