

ARMIDALE  
GAS COMPANY'S  
INCORPORATION.

An Act to incorporate the Armidale Gas Company (Limited) and to enable the said Armidale Gas Company (Limited) to construct Gas-works within the city of Armidale. [20th June, 1884.]

Preamble.

WHEREAS it is expedient that the city of Armidale in the Colony of New South Wales should be supplied and lighted with gas And whereas for the carrying out of the works necessary for such supply of gas a Joint Stock Company called the Armidale Gas Company (Limited) has lately been established at Armidale in the Colony of New South Wales under and subject to the rules regulations restrictions and provisions contained in certain articles of association signed in the month of October one thousand eight hundred and eighty-three and purporting to be the articles of association of the said Company And whereas by the memorandum of association of the said Company it was declared that the objects for which the said Company was established were to manufacture gas and supply the same in the town and suburbs of Armidale and to carry on the business of a gas company in all its branches To manufacture render saleable and deal in coke tar pitch asphaltum and all residual products obtained in the manufacture of

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of gas To construct and maintain works for manufacturing receiving and purifying gas and all other works buildings pipes plant machinery appliances and apparatus necessary or proper for the manufacture or supply of gas To purchase lease or otherwise acquire lands buildings easements collieries plant machinery and all other goods chattels or things used by the said Company for the purposes of its undertaking To obtain an Act or Acts of Parliament and all other authorities for enabling the Company to carry into effect all or any of the above objects And whereas by the said memorandum of association it was further agreed that the capital of the said Company should consist of eight thousand pounds divided into eight thousand shares of one pound each And whereas by the said articles of association provision has been made for the payment of dividends and for increasing the capital of the Company and also for the due management of the affairs of the said Company And whereas the said Company is desirous of being incorporated and it is expedient that it should be incorporated accordingly and empowered to construct gas-works within the municipal boundaries of the city of Armidale but subject to the provisions hereinafter contained And whereas the Borough Council of the city of Armidale have at the request of the Armidale Gas Company (Limited) and in consideration of the benefits to arise from the establishment and carrying out of such works consented to the vesting of the said Company of all necessary powers and authorities so far as the rights and interest of the said Borough Council are concerned Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows:—

1. Such and so many persons as have already become or may in the manner provided by and subject to the rules regulations and provisions contained in the articles of association become proprietors of shares of or in the capital for the time being of the said Company shall for the purposes aforesaid but subject nevertheless to the conditions restrictions regulations and provisions hereinafter contained be one body politic and corporate in name and in deed by the name of the "Armidale Gas Company (Limited)" and by that name shall and may sue any person or persons body or bodies politic or corporate whether a member or members of the said Corporation or not and may sue and be sued implead and be impleaded in all Courts whatsoever at law or in equity and may prefer lay or prosecute any indictment information and prosecution against any person or persons whomsoever for any stealing embezzlement fraud forgery crime or offence and in all indictments informations and prosecutions it shall be lawful to state the money and goods effects bills notes securities or other property of the said Company to be the money goods effects bills notes securities or other property of the said Corporation and to designate the said Company or co-partnership by its corporate name whenever for the purpose of any allegation of any intent to defraud or otherwise howsoever such designation shall be necessary and the said Corporation shall have perpetual succession with a common seal which may be altered varied and changed from time to time at the pleasure of the said Corporation.

2. The several laws rules regulations clauses and agreements contained in the said articles of association or to be made under or by virtue or in pursuance thereof shall be deemed and considered to be and shall be the by-laws for the time being of the said Corporation save and except in so far as any of them are or shall be or may be altered varied or repealed by or are or shall be or may be inconsistent or incompatible with or repugnant to any of the provisions of this Act

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or any of the laws or statutes now or hereafter to be in force in the said Colony but no rule or by-law shall on any account or pretence whatsoever be made by the said Corporation either under or by virtue of the said articles of association or of this Act in opposition to the general scope or true intent and meaning of this Act or of any of the laws or statutes in force in the said Colony and the production of a written or printed copy of the said articles of association 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 articles of association or of such by-laws rules or regulations.

Increase of capital.

3. It shall be lawful for the said Corporation 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 articles of association.

Share register to be kept.

4. 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.

Production of share register to be *prima facie* evidence.

5. 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 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.

Capital and shares to be personalty.

6. The capital or joint stock for the time being and all the funds and property of the said Corporation and the several shares therein and the profits and advantages to be derived therefrom shall be and be deemed to be personal estate and be transmissible accordingly subject to the regulations of the said articles of association.

Trusts or equitable interests affecting shares.

7. The Corporation shall not be bound in any manner by any trusts or equitable interests or demands affecting any shares of the capital standing in the name of any person as the ostensible proprietor thereof or be required to take any notice of such trusts or equitable interests or demands but the receipt of the person in whose name the shares shall stand in the books of the said Corporation shall notwithstanding such trusts or equitable interests or demands and notice thereof to the said Corporation be a good valid and conclusive discharge to the Corporation for or in respect of any dividend or for money payable by the said Corporation in respect of such shares and a transfer of the said shares in accordance with the regulations in that behalf contained in the said articles of association by the person in whose name such shares shall so stand shall notwithstanding as aforesaid be binding and conclusive as far as may concern the said Corporation against all persons claiming by virtue of such trusts or equitable interests or demands Provided always that nothing herein contained shall be deemed or taken to interfere with or abridge the right and power of a Court of Equity to restrain the payment of any such dividend or other money payable thereafter by the Corporation in respect of any such shares or the transfer thereafter of any such shares or to direct the payment of such dividends or other money by the Corporation or the transfer of such shares by the person in whose name they may stand to such other person as such Court may think fit.

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

9. It shall be lawful for all persons who are or shall be otherwise Conveyance to the Corporation. competent so to do to grant sell alien convey demise assign and dispose of unto and to the use of the said Corporation and their successors for the purposes aforesaid or any of them any such houses offices lands hereditaments and other real estate whatsoever as aforesaid accordingly.

10. No dividend or bonus shall in any case be declared or paid Dividend from the profits. out of the subscribers' capital for the time being of the said Company or otherwise than out of the declared surplus capital net gains and profits of the business.

11. In any action or suit to be brought by the said Corporation Actions or suits for calls. against any proprietor of any shares in the capital of the said Corporation to recover any sum of money due and payable to the said Corporation for or by reason of any call or the arrears thereof made by virtue of this Act or by the said articles of association it shall be sufficient for the Corporation to declare and allege that the defendant being the proprietor of such or so many shares in the capital of the said Corporation is indebted to the said Corporation 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 said Corporation 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 said Corporation 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 articles of association and the said Corporation shall thereupon be entitled to recover what shall appear due upon each call with interest thereon.

12. If any execution either at law or in equity shall be or shall Execution against shareholders. 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 agreed to be subscribed for towards the capital of the said Company and unpaid by him and no such shareholder or his real or personal estate shall be liable for any debt or demand whatsoever due or to become due by the said Company beyond the amount not then paid up upon his shares in the capital of the Company 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

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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.

Reimbursement  
when execution  
issued against a  
shareholder.

13. 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 articles of association contained.

Execution against or  
on the suit of share-  
holders.

14. In the case 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 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.

Power to Secretary  
or other officer.

15. 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 authorised empowered  
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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 complaint or information sign or present any such petition or do any such other act as aforesaid.

16. 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 articles of association 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 articles of association 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 any director of the said Company or by the hand of any person whom the directors shall appoint in that behalf and the affixing thereof shall be attested by at least one director and such person so appointed.

Custody and use of corporate seal.

17. The said Corporation is hereby fully authorized and empowered by its servants contractors agents workmen and others from time to time to make erect sink lay place fit and maintain such retorts gasometers meters receivers cisterns engines machines cuts drains sewers watercourses pipes reservoirs buildings and other works and devices of such construction and in such manner as the said Corporation shall think necessary or proper for the purpose of carrying out the operations of the said Corporation and also in carrying out the objects of the Corporation to break up the soil and pavement of any footpath highway street road way lane passage or other public place or thoroughfare or of any roadway thoroughfare or place dedicated to or used by the public as such or any part or parts thereof 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 against any wall or walls erected on or adjoining to any of them and to dig and sink trenches and drains and to lay mains and pipes and put stop-cocks siphons plugs or branches from such mains or pipes in under across or along such 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 siphons plugs branches or other apparatus. Provided always that nothing herein contained shall be deemed to authorize the said Corporation its servants contractors agents or workmen to enter into or upon any private lands buildings or places for any of the purposes aforesaid or thereon to carry out any of the operations of the said Corporation without the previous consent of the occupiers thereof except that the Corporation by its servants agents or workmen may at any reasonable time enter upon any land

Power to erect gasometers break up roads streets &c.

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or place wherein any pipe hath already been lawfully laid down or placed in pursuance of this Act and repair or alter the existing pipe or lay or place any new pipe in the stead thereof And provided also that the Corporation or the secretary or other officers agents or servants thereof shall except in case of accident give forty-eight hours' notice in writing to the Council Clerk of the Borough of Armidale prior to the opening or breaking up of streets lanes or otherwise as aforesaid.

To make contracts  
for supply of gas.

18. It shall be lawful for the said Corporation to contract with any 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 said Corporation its servants 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 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 said Corporation 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 apparatus which shall have been placed and introduced by the said Corporation 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 said Corporation 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 not been refused to the agents servants and workmen of the said Corporation 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 tenements or place caused thereby the reasonable costs and charges attending which shall immediately be paid by the said Corporation to the owner or occupier making such repairs as aforesaid and in default of such sum being paid by the said Corporation within three days after demand thereof in writing made at the offices of the said Corporation it shall be lawful for the said owner or occupier or his or her agent to make complaint thereof before any Justice who may cause a summons to be issued in the usual form calling on the said Corporation 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 said Corporation 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 meet 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 said Corporation for the purpose of removing any such pipe burner meter or apparatus placed or introduced into any such building tenement or place by the said Corporation

Compensation to  
owners of premises.

How determined

or

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or shall prevent or obstruct such removal then the said owner occupier or person acting for him shall immediately make payment to the said Corporation 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 or the residence of the party it shall be lawful for the said Corporation to make complaint thereof before any Justice of the Peace who may cause to be issued a summons to the person so making default calling on him to show cause before the Court of Petty Sessions of the Police District where the building tenements or place is situated why he refuses to pay such demand. And thereupon the said Court should proceed to the adjudication and enforcement of such demand in the manner in this clause set forth. And if any person shall place or lay any pipe to communicate with any main-pipe meter or other apparatus already laid placed or erected by the said Corporation or shall use additional burner or burners of larger dimensions or of other kind or description than that he has contracted to pay for or shall supply any person with any of the gas supplied to him by the said Corporation without the consent in writing of the said Corporation first obtained or if any person shall wantonly or maliciously hinder or interrupt the contractors workmen agents or servants of the said Corporation 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 said Corporation or remove the same or cause a waste or improper use of gas supplied by the said Corporation it shall be lawful for the said Corporation to make complaint thereof before any Justice of the Peace who may cause to be issued a summons to the person so offending to appear before the Court of Petty Sessions of the police district where such offence shall be committed and being thereof lawfully convicted such person shall forfeit and pay to the said Corporation 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. And all proceedings under this Act not herein expressly provided for shall be regulated and conducted in accordance with the powers of the law in force for the time being respecting summary proceedings before Justices of the Peace and all such provisions shall so far as the same are applicable be enforced and observed in all proceedings under this Act not herein expressly provided for.

19. When and so often as the said Corporation 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 thoroughfare or place dedicated to or used by the public as such the said Corporation shall make all reasonable despatch in performance of the work to be done and shall on completion of such work forthwith carry away all rubbish and waste or surplus material and to reinstate each 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 to set up barriers and keep lamps or fires burning at night in order to prevent accidents. And also 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 said Corporation who shall immediately take



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take the most speedy and effectual measures to remedy and prevent the same And if the said Corporation shall make default in any of the matters so required by it to be performed it shall be lawful for any person to lodge complaint thereof before any Justice of the Peace who may summon the said Corporation 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 said Corporation within a reasonable time to be named by such Court and in default of compliance with such order any Justice of the Peace on proof 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 said Corporation 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.

Remedy for the  
recovery of rents

20. And in case any body or bodies corporate commissioners trustees surveyors or any other person or persons who shall contract with the said Corporation or agree to take or shall take or use and enjoy the gas of the said Corporation either in private dwellings shops inns taverns or other public or private buildings or manufactories grounds or premises or otherwise shall refuse or neglect to pay the sum or sums of money 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 said Corporation it shall be lawful for the said Corporation without prejudice to any other remedy to make complaint thereof before any Justice of the Peace 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 of the said demand and the amount thereof with costs charges and expenses incurred in the prosecution thereof may be enforced 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 be lawful for the said Corporation after seven days' notice to cut off and take away the supply of gas from the house or houses inn tavern shop manufactory warehouse or other building 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 Corporation and thenceforth to discontinue the supply of gas contracted for with the said Corporation by such person or persons.

Power to officers to  
inspect meters &c.

21. The secretary engineer or other officer duly appointed for such purpose by the Company may at all reasonable times enter any building tenement or place lighted with gas supplied by the Company in order to inspect the pipes lamps burners meters or other apparatus of or connected with the works of the Company to regulate the supply of gas or to ascertain the quantity of gas consumed or supplied and if any person shall hinder any such officer aforesaid from so entering or making such inspections at any reasonable time such persons shall for every such offence forfeit and pay to the Company a sum of money not exceeding five pounds to be awarded and recovered by the Company in like manner as the penalties aforesaid.

Apparatus not liable  
for distress execution  
&c.

22. No pipe burner lamp meter or other apparatus of the said Corporation being set up in any building tenement or place shall be subject to distress for rent or shall be taken in execution under any process or proceeding of any Court of law or equity or under any proceedings in insolvency save so far as any processes or proceedings against the Corporation are concerned.

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23. In the event of the wrongful exercise of any powers given by this Act nothing in this Act contained shall be construed to prevent any person from indicting or otherwise proceeding against the said Corporation for nuisance or otherwise in respect of the works or means used or employed by the said Corporation 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 city of Armidale or to exercise any powers which it may be deemed expedient or necessary to grant for that purpose.

Indictment for nuisance.

24. The price for the gas shall at no time exceed seventeen shillings per thousand cubic feet and the gas supplied shall be absolutely free from sulphuretted hydrogen and shall be of such minimum quality as to produce from an Argand burner having fifteen holes and a seven-inch chimney consuming five cubic feet of gas per hour a light equal in intensity to the light produced by fifteen sperm candles of six in the pound burning one hundred and twenty grains per hour.

Price purity and illuminating power of the gas.

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

Provision for testing.

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

(II.) For testing the presence of sulphuretted hydrogen in the gas supplied. The said apparatus shall be in accordance with the Schedule hereunto annexed and shall at all times be kept and maintained in good repair and working order by the said Company.

26. The Borough Council may from time to time appoint a competent and impartial person to be gas examiner to test the gas at the testing place who shall test the illuminating power and purity of the gas supplied on any or every day and the said Company may be represented at the testing if they shall think fit but shall not be entitled either by themselves or their representative to interfere in the testing.

Appointment of gas examiner.

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

Gas examiner to report &c.

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

Gas examiner how paid.

29. No meter shall be used for ascertaining the quantity of gas sold by the said Company unless the same shall have its measuring capacity at one revolution or complete action of the meter and also the quantity per hour it is intended to measure in cubic feet or multiples or decimal parts of a cubic foot denominated or marked on the outside thereof in legible letters or figures and shall have been tested and stamped as correct by the English Warden of Standards or by the inspector of meters appointed from time to time by the said Borough Council or other the person or persons who may hereafter be appointed by any Act or Acts of the Parliament of New South Wales or in pursuance thereof in that behalf to test and stamp gas-meters.

Meters.

30. An inspector of meters may from time to time be appointed by the Borough Council and the said inspector shall at all times when authorized by the Council on the application and at the expense of any consumer of gas supplied by the said Company be entitled to inspect and test the meters erected by the said Company in the premises of the person making such request after giving forty-eight hours' notice of such

Borough Council may appoint inspector of meters.

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such intended inspection to the said Company and before such inspection the person requiring the same shall deposit in the hands of the inspector all money due or appearing to be due by such person to the said Company on account delivered and in case such deposit shall be in excess of the sum found to be due to the said Company such excess shall be returned to the consumer.

Regulation of  
meters.

31. No meter which shall have been fixed by the said Company for use before the expiration of one year of the time when this Act comes into operation shall be allowed to remain in use after the expiration of five years from that time unless it shall have been tested and stamped as by this Act directed and no meter once tested and stamped under the provisions of this Act shall be allowed to remain in use for more than five years from the time when it shall have been last so stamped unless and until it shall have been retested and restamped in manner aforesaid and whenever the said Company shall knowingly allow any meter to be used in contravention of this section they shall be liable to a penalty not exceeding forty shillings for every such offence.

Legal standard.

32. After the expiration of one year from the time when this Act comes into operation the legal standard or unit or measure for the sale of the said Company's gas by meter shall be the cubic foot containing sixty-two and three hundred and twenty-one thousandths (62.321) pounds avoirdupois weight of distilled or rain water weighed in air at the temperature of sixty-two degrees of Fahrenheit's thermometer the barometer being at thirty inches.

Forging stamps.

33. If any person shall forge or counterfeit or cause or procure to be forged or counterfeited or knowingly act or assist in the forging or counterfeiting any stamp which may hereafter be used for the stamping of any meter under this Act every person so offending shall for every such offence be liable to a penalty not exceeding fifty pounds nor less than ten pounds and if any person shall knowingly sell utter or dispose of let lend or expose for sale any meter with such forged stamp thereon every person so offending shall for every such offence be liable to a penalty not exceeding ten pounds nor less than forty shillings and all meters having forged or counterfeited stamps thereon shall be forfeited and destroyed.

Pressure of gas.

34. All gas supplied by the said Company shall except in case of accident be supplied at such pressure as to balance from midnight to sunset a column of water of not less than six-tenths of an inch in height and to balance from sunset to midnight a column of water not less than one inch in height.

General penalty.

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

Right of appeal.

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

Interpretation of  
terms.

37. The following words and expressions in this Act shall have the meaning hereby assigned to them unless there be something either in the subject or context repugnant to such construction. The word "Corporation" shall mean the Armidale Gas Company (Limited) as incorporated by this Act. The expression "gas-works" shall mean the gas-works and the works connected therewith by this Act authorized to be constructed. The word "street" shall include any square court or alley highway lane road thoroughfare or other passage or place within the limits of this Act. The expression "City of Armidale" shall comprise all that district which is included within the municipal boundaries of the said town or within two miles of the said boundaries.

*Armidale Gas Company's Incorporation.*

38. It shall be lawful for the Borough Council of Armidale at any time after the expiration of five years from the passing of this Act by notice in writing to require the said Company to sell and thereupon the said Company shall sell to the Borough Council of Armidale the said gas-works upon the terms of paying the then value (exclusive of any allowance for past or future profits of the said Company or any compensation for compulsory sale or other consideration whatsoever) of the said gas-works and all lands buildings works materials and plant of the said Company suitable to and used by the said Company for the purposes of the said gas-works such value in case of difference to be referred to arbitration in the manner directed by the Act thirty-one Victoria number fifteen intituled "*An Act to make Arbitrations more effectual*" and subject to the terms and conditions therein contained.

Borough Council  
may purchase gas-  
works.

39. Nothing contained in this Act shall prevent the said Company being brought under the provisions of any general Act which may be passed by the Parliament of New South Wales applying equally to Companies engaged in the manufacture of gas in the said Colony with reference to the manufacture and sale of gas nor entitle the said Company to compensation from the public revenue by reason of the provisions of such general Act for the purpose aforesaid being made applicable to and binding upon the said Company.

Company may be  
brought under  
general Act.

40. This Act shall be styled and may be cited as the "*Armidale Gas Company's Incorporation Act of 1884.*"

Short title.

## SCHEDULE.

## PART I.

1. *Regulations in respect of testing apparatus.*

(a) The apparatus for testing the illuminating power of the gas shall consist of the most improved form of photometer known together with a proper meter minute clock governor pressure gauge and balance. The burner to be used for testing the gas shall be an Argand burner having fifteen holes and a seven-inch chimney. The candles used for testing the gas shall be sperm candles of six to the pound and two candles shall be used together.

2. *The apparatus.*

(d) For testing the presence in the gas of sulphuretted hydrogen. A glass vessel containing a strip of bibulous paper moistened with a solution of acetate of lead containing sixty grains of crystallized acetate of lead dissolved in one fluid ounce of water.

## PART II.

1. *Rule: as to mode of testing gas.*

(a) Mode of testing for illuminating power. The gas in the photometer is to be lighted at least fifteen minutes before the testings begin and it is to be kept continually burning from the beginning to the end of the tests.

Each testing shall include ten observations of the photometer made at intervals of a minute.

The consumption of gas is to be carefully adjusted to five cubic feet per hour.

The candles are to be lighted at least ten minutes before beginning each testing so as to arrive at their normal rate of burning which is shown when the wick is slightly bent and the tip glowing. The standard rate of consumption for the candles shall be one hundred and twenty grains each per hour. Before and after making each set of ten observations of the photometer the gas examiner shall weigh the candles and if combustion shall have been more or less per candle than one hundred and twenty grains per hour he shall make and record the calculations requisite to neutralize the effects of this difference. The average of each set of ten observations is to be taken as representing the illuminating power of that testing.

2. *Mode of testing.*

(b) For sulphuretted hydrogen. The gas shall be passed through the glass vessel containing a slip of bibulous paper moistened with the solution of acetate of lead for a period of three minutes or such longer period as may be prescribed and if any discoloration of the test paper is found to have taken place this is held to be conclusive as to the presence of sulphuretted hydrogen in the gas.