

*Katoomba Lighting.*KATOOMBA
LIGHTING.

An Act to enable Edward Neave and John Ewan Palmer to construct Gas-works and Electric-works, or either of them, within the Town and District of Katoomba. [20th December, 1890.]

Preamble.

WHIEREAS it is expedient that the Town and District of Katoomba, in the Colony of New South Wales, should be supplied and lighted with gas and electricity, or with either of them. And whereas Edward Neave and John Ewan Palmer, herein designated the Promoters, desire to establish, carry out, and maintain works for the purpose of supplying and lighting the said town and district with gas and electricity, or either of them, and for other purposes incidental thereto. 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:—

Interpretation of
terms.

1. In the construction of this Act the following words shall have the meanings assigned to them respectively, unless inconsistent with the context, that is to say—

“Promoters”—The said Edward Neave and John Ewan Palmer and their respective executors, administrators, and assigns, owners for the time being of the Katoomba gas-works and electric-works, or either of them.

“Council”—The Municipal Council of the Municipal District of Katoomba.

“Person”—Any body whether corporate or individual.

“Superintendent of Telegraphs”—The person appointed under the Act twenty Victoria number forty-one, to superintend the electric telegraphs of New South Wales.

“Town and District of Katoomba”—All places which are included within a radius of five miles from the railway station of Katoomba. Provided that it shall be lawful for the Governor, by proclamation in the *Gazette*, to order that the meaning of the expression last aforesaid may for the purposes of this Act be extended to include any such other place or places as in such proclamation may be named and defined.

“Street”—Any street, square, court, alley, highway, lane, footpath, road, thoroughfare, or other public place in the Town and District of Katoomba.

“Electricity”—Electricity, electric current, or any like agency.

“Electric Line”—A wire or wires, conductor, or other means used for the purpose of conveying, transmitting, or distributing electricity, with any casing, coating, covering, tube, pipe, or insulator enclosing, surrounding or supporting the same or any part thereof, or any apparatus connected therewith for the purpose of conveying, transmitting, or distributing electricity or electric current.

“Works”—Any buildings, machinery, engines, works, matters, or things of whatever description required to generate, make, or supply gas or electricity, and to carry into effect the object of the said Promoters under this Act.

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PART I.

Provisions respecting the Supply of Gas.

2. The said Promoters are hereby authorized and empowered by themselves, their servants, contractors, agents, and workmen, from time to time to make, erect, sink, lay, place, fit, maintain, and repair such retorts, gasometers, gas meters, receivers, cisterns, engines, machines, cuts, drains, sewers, water-courses, pipes, reservoirs, buildings, and works and devices of such construction and in such manner as the said Promoters shall think fit, necessary, or proper for the purpose of carrying out the operations of the said Promoters in respect of and incidental to the making and supplying of gas in conformity with this Act. And for all such purposes to open and break up the soil and pavement of the streets and bridges within the limits of the town and district aforesaid, and to open and break up any sewers, drains, or tunnels within or under such streets and bridges, and to erect posts, pillars, lamps, lamp-irons, and other apparatus in and upon the said streets and bridges, or against any wall or walls erected on or adjoining any of them, and to dig and sink trenches and drains, and to lay gas-mains and gas-pipes, and to put stop-cocks, syphons, plugs, or branches from such gas-mains and gas-pipes in, under across or along such streets and bridges. And also, with such consent as is herein provided, 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 gas-mains, gas-pipes, stop-cocks, syphons, plugs, branches, or other apparatus. Provided that the said Promoters shall, unless in case of accident, give forty-eight hours notice in writing to the Council Clerk of the said Municipality of Katoomba prior to the opening or breaking up as aforesaid any street, road, pavement, bridge, sewer, drain, or tunnel within the said town and district; and in cases of accident or other emergency, so soon as is possible after the beginning of the work or the necessity for the same has arisen; or in the case of opening or breaking up any street, road, pavement, sewer, drain, or tunnel outside of the said Municipality, such notice shall be given to the officer of the Roads Department or other officer in charge of such street, road, pavement, sewer, drain, or tunnel. And provided that if in carrying out any of the operations of the said Promoters, it shall be deemed necessary by the said Promoters to enter upon, under, across, or along any railway or tramway, whether public or private, it shall be sufficient for the said Promoters to obtain the consent of the Minister of Works for the time being of the Colony of New South Wales, or of the owner of any private railway or tramway, anything hercinbefore contained to the contrary notwithstanding.

Authority to erect works, and break up streets, roads, &c.

3. It shall be lawful for the said Promoters to contract with any person for supplying with gas any such person, 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 gas-pipes, branch, burner, lamps, gas-meter, or other apparatus from or in connection with any main gas-pipe, or to lay down any new gas-main or gas-pipe which for such purposes may be required, and to let any such apparatus for hire for such sum as may be agreed upon, which sum may be recovered in like manner as any rent or remuneration for the supply of gas is recoverable under this Act.

To make contracts for the supply of gas and to carry out works for that purpose, and to let for hire apparatus.

4. The price for the gas shall at no time exceed ten shillings per thousand cubic feet, and the gas supplied shall be absolutely free from sulphuretted hydrogen, and shall be of such minimum quality as to produce from an Argand burner having fifteen holes and a seven-inch chimney

Price, purity, and illuminating power of the gas.

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chimney consuming five cubic feet of gas per hour, a light equal in intensity to the light produced by fifteen sperm candles of six in the pound, burning one hundred and twenty grains per hour.

Provision for testing.

5. The said Promoters shall within twelve calendar months after receiving notice from the said Council, put up at some testing place to be provided by the said Council within the said district, suitable apparatus for the purposes following—

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

Appointment of gas examiner.

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

Gas examiner to report, &c.

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

Gas examiner, how paid.

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

Meters.

9. No gas-meter shall be used for ascertaining the quantity of gas sold by the said Promoters unless the same shall have its measuring capacity at one revolution or complete action of the meter and also the quantity per hour it is intended to measure in cubic feet, or multiples, or decimal parts of a cubic foot, denominated or marked on the outside thereof in legible letters or figures, and shall have been tested and stamped as correct by the English Warden of Standards, or by the inspector of meters appointed from time to time by the said 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.

Regulation of gas meters.

10. No gas meter which shall have been fixed by the said Promoters for use before the expiration of one year of the time when this Act comes into operation shall be allowed to remain in use after the expiration of five years from that time, unless it shall have been tested and stamped as by this Act directed, and no meter once tested and stamped under the provisions of this Act shall be allowed to remain in use for more than five years from the time when it shall have been last so stamped, unless and until it shall have been re-tested and re-stamped in manner aforesaid, and whenever the said Promoters shall knowingly allow any gas 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.

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

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

PART II.

Provisions respecting the supply of Electricity.

13. The said Promoters are hereby authorized and empowered by themselves, their servants, contractors, agents, and workmen from time to time to make and erect such electric works, and to sink, lay, place, fit, maintain, and repair such electric lines, accumulators, storage batteries, electric cables, mains, insulated wires, pipes, switches, connection branches, electric meters, dynamos, engines, machines, cuts, drains, water-courses, pipes, buildings, and other devices. And to erect and place any electric line, cable, main, insulated wire, or other electric apparatus above ground, along, over, or across any street in the said Town and District of Katoomba, and to erect poles for the purpose of placing the same in such manner as the said Promoters shall think fit, necessary, or proper for the purpose of carrying out the operations of the said Promoters in respect of and incidental to the making, generating, and supplying of electricity in conformity with this Act. And also for all such purposes to open and break up the soil and pavement of the streets and bridges within the limits of the town and district aforesaid, and to open and break up any sewers, drains, or tunnels within or under such streets and bridges, and to erect posts, poles, pillars, lamps, globes, or other apparatus in or upon the said streets and bridges, or against any wall or walls erected on the same or adjoining thereto, and to dig and sink trenches and drains, and to lay electric lines, cables, and mains, and to put electric lines, wires, switches, and connection branches from such electric lines, cables, and mains in, under, across, or along such streets and bridges, and also with such consent as is herein mentioned to do the same in, under, across, or along any private roads, ways, lanes, passages, buildings, and places, and from time to time to cut, remove, alter, repair, replace, and relay such electric lines, cables, mains, wires, switches and connection branches, or other apparatus. Provided that when any electric line, cable, main, insulated wire, or other electric apparatus, is placed above ground, the same shall be done with the consent in writing of the said Council and with the consent in writing of the Superintendent of Telegraphs, and not otherwise, but if the said Superintendent of Telegraphs is of opinion that any telegraph or telephonic line is or may be injuriously affected by such electric line, cable, main, insulated wire, or other apparatus, or if the said Council or the said Superintendent of Telegraphs is of opinion that such electric line, cable, main, insulated wire, or other apparatus, is or is likely to become dangerous to the public safety, or a public nuisance, the said Council or the said Superintendent of Telegraphs may by notice in writing require the said Promoters to remove such electric line, cable, main, insulated wire, or other apparatus, or any portion thereof, and if the said Promoters do not within eight days of the service on them of such written notice remove the same, the said Council or the said Superintendent of Telegraphs may remove the same and recover the expense of such removal from the said Promoters in a summary manner. And provided that the said Promoters shall, except in

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case of accident or of any event by which in the opinion of the Promoters an accident is likely to occur, give seven days notice in writing to the clerk of the said Council and to the said Superintendent of Telegraphs, prior to the opening and breaking up as aforesaid of any street, bridge, road, pavement, sewer, drain, or tunnel within the said town and district. And provided that if in carrying out any of the operations in this section authorized to be carried out it shall be deemed necessary by the said Promoters to enter upon, under, across, or along any railway or tramway, whether public or private, it shall be sufficient for the said Promoters to obtain the consent of the Secretary for Public Works, for the time being, of the Colony of New South Wales, in addition to any other consent by this Act required to be obtained.

To make contracts for the supply of electricity, and to carry out works for that purpose.

14. It shall be lawful for the said Promoters to contract with any person for supplying with electricity any such person 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 electric accumulator, storage battery, electric line, cable, insulated wire pipe, switch, connection, branch, carbon, burner, lamp, meter, or other apparatus from or in connection with any electric line, main, lead, or cable, or to lay down any new electric line, main, lead, or cable which for such purposes may be required, and to let any such apparatus for hire for such sum as may be agreed upon, which sum may be recovered in like manner as any rent or remuneration for the supply of electricity.

Provision for testing.

15. The said Promoters shall, before supplying any person with electricity, put up and erect suitable apparatus at some testing place for the purpose of testing the normal strength and the electro-motive force of electricity supplied by them, the said apparatus and the position and construction of the said testing place to be approved by the Superintendent of Telegraphs.

Appointment of electrical examiner.

16. The said Council may, from time to time, appoint a competent and impartial person to be approved of in writing by the Superintendent of Telegraphs to be electrical examiner, who shall test the normal strength of the current of electricity supplied by the said Promoters, and who shall examine any electric line, accumulator, storage battery, electric cable, insulated wire, pipe, switch, connection, branch, or any other electric apparatus. And the said Promoters may be represented at such testing or examination, but shall not be entitled to interfere in the same.

Electrical examiner to report.

17. The electrical examiner shall, within four days of the day on which the testing or examination was made by him, deliver to the said Council and to the said Superintendent of Telegraphs a report of such testing and of such examination, and shall deliver a copy thereof to the said Council and to the said Superintendent of Telegraphs, and such report shall be receivable in evidence.

Electrical examiner how paid.

18. Any electrical examiner appointed by the said Council shall be paid at the rate of two guineas for every day on which he is so engaged, one moiety to be paid by the said Council and the other moiety by the said Promoters.

Electric conductors, photometers, and meters.

19. No electric main or conductor shall be used for the supply of electricity, and no electric photometer shall be used for ascertaining the illuminating power of electric light, and no electric meter shall be used for ascertaining the quantity of electricity supplied by the said Promoters, unless the said main, conductor, photometer, or meter respectively shall be of a pattern approved in writing by the Superintendent of Telegraphs.

Potential of current.

20. No continuous electric current shall be supplied by the said Promoters to any electric line, main, or cable having an electro-motive force

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force of more than two hundred volts, and no alternating current shall be so supplied having an electro-motive force of more than one hundred volts. Provided that, if in the opinion of the said Promoters it is deemed necessary for the purpose of carrying into effect the provisions of this Act to employ a higher tension of electricity than the said two hundred volts in the case of a continuous current, or of one hundred volts in the case of an alternating current, a written notice of the same containing a statement of the extent of the proposed increase of electro-motive force shall be served on the Superintendent of Telegraphs who shall give the said Promoters notice in writing of the necessary precautions to be taken and things to be done by the said Promoters in order to secure the safety of the public, which said precautions shall be taken and things shall be done by the said Promoters before they shall supply a continuous electric current of higher electro-motive force than two hundred volts or an alternating electric current of higher electro-motive force than one hundred volts. For every breach of any of the provisions of this section the said Promoters shall be liable to a penalty not exceeding five hundred pounds and not less than two hundred pounds, to be recovered in a summary manner before any two Justices of the Peace; and every agent or workman of the said Promoters who shall knowingly and wilfully authorize or permit the same to be done shall be liable to the like penalty, to be recovered in the manner hereinbefore provided.

21. It shall not be lawful for the said Promoters to prescribe any special form of lamp or burner to be used by any person, or in any way to control or interfere with the manner in which electricity supplied by the said Promoters is used. Provided that no person shall be at liberty to use any form of lamp or burner, or to use the electricity supplied by the said Promoters for any purpose, or to deal with it in any manner so as to unduly or improperly interfere with the supply of electricity supplied to any other person by the said Promoters.

No form of lamp or burner to be prescribed.

General Provisions.

22. Subject to the provisions of the thirty-first and thirty-second sections herein, nothing in this Act contained shall be deemed to authorize the said Promoters, their servants, contractors, agents, or workmen to enter into or upon any private lands, tenements, or places, or thereon to carry out any of the operations of the said Promoters without the previous consent in writing of the occupier thereof, except that the Promoters may at any reasonable time by themselves, their servants, agents, or workmen enter upon any land or place wherein any pipe or apparatus has already been lawfully laid down or placed or may be lawfully laid down or placed in pursuance of this Act, and repair or alter the existing pipe or apparatus or lay or place any new pipe or apparatus instead thereof.

Private lands not to be trespassed on.

23. If any owner or occupier of any building, tenement, or place, or any person acting for him shall refuse reasonable access in pursuance of the provisions of this Act to the contractors, agents, workmen, or servants of the said Promoters for the purpose of removing any gas-pipe, gas-meter, electric-line, electric-meter, works, or other apparatus for the supply of gas or electricity placed or introduced into any such building, tenement, or place by the said Promoters, or shall prevent or obstruct such removal, then the said owner, occupier, or person acting for him shall immediately pay to the said Promoters the value of such gas-pipe, gas-meter, electric-line, electric-meter, works, or other apparatus for the supply of gas or electricity, and in default of his so doing within three days after demand thereof made at the same building, tenement, or place, or the residence or last known residence of such owner,

Procedure when access to private property refused.

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owner, occupier, or person, it shall be lawful for the said Promoters to make complaint thereof to any Justice of the Peace, who may cause to be issued a summons to the person so making default, calling on him to show cause before the nearest Court of Petty Sessions to the place where the said building, tenement, or place is situated why he refuses to pay such demand, and thereupon the said Court shall proceed to the adjudication and enforcement of such demand in the manner hereinafter set forth. And if any person shall place or lay any gas-pipe to communicate with any main, gas-pipe, gas-meter, or other gas apparatus already laid, placed, or erected by the said Promoters, or shall place, lay, connect, or erect any electric cable, insulated wire, electric line, switch, connection, branch, carbon, electric burner, or lamp, to communicate with any main electric cable, main electric line, electric accumulator, storage battery, electric meter, or other electric apparatus, already laid, placed, or erected by the said Promoters, or shall keep the gas supplied by the Promoters burning for a longer time than he has contracted with the Promoters to pay for, or shall supply any person with any gas or electricity supplied to him by the said Promoters without the said Promoters' consent in writing first obtained, or if any person shall wantonly or maliciously hinder or interrupt any of the contractors, workmen, agents, or servants of the said Promoters in legally doing or performing any of the acts aforesaid, or in exercising any of the powers and authorities by this Act given, or if any person shall wilfully or negligently or accidentally do or cause to be done any injury or damage to any of the buildings, machinery, pipes, burners, lamps, gas-meters, electric-meters, electric-cables, insulated wires, lines, or other apparatus, whether for the generation and supply of gas or electricity of the said Promoters, or remove the same or cause a waste or improper use of gas or of electricity supplied by the said Promoters, it shall be lawful for the said Promoters to make a complaint thereof before any Justice of the Peace, who may cause to be issued a summons to the person so offending to appear before the Court of Petty Sessions nearest to the place at which such offence shall have been committed, and being, thereof, lawfully convicted such person shall forfeit and pay to the said Promoters any sum not exceeding five pounds over and above all damages done, and over and above all costs necessarily incurred in recovering the same, such sum to be ascertained by such Court and to be enforced by distress; and all proceedings under this Act not herein expressly provided for shall be regulated and conducted in accordance with the 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.

Apparatus not liable for distress, execution, &c.

24. No gas-pipe, branch, burner, lamp, gas-meter, or other gas apparatus, and no electric accumulator, storage, battery, electric cable, insulated wire, pole, electric line, pipe, switch, connection, branch, carbon burner, lamp, electric meter, or electric apparatus of the said Promoters being placed under, upon, or above any building, tenement, or place shall be subject to distress for rent, or shall be taken in execution under any process or proceeding in any Court of law or equity, or under any proceedings in bankruptcy or insolvency, save so far as any process or proceedings against the said Promoters are concerned.

Materials of streets, &c., broken to be replaced.

25. When and so often as the said Promoters, their servants, contractors, agents, or workmen shall have opened, broken up, or removed the soil or pavement of any street or bridge as aforesaid, or shall have opened or broken up any sewers, drains, or tunnels within or under any such streets or bridges, or shall have erected any poles for the purpose of placing any electric line above ground, the said Promoters

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Promoters shall make all reasonable despatch in performance of the work to be done, and shall on completion of such work forthwith carry away all rubbish and waste or surplus material, and render such street or bridge and every such sewer, drain, and tunnel within or under the same as nearly as possible in the same condition as it was in previously to the disturbance thereof; and during the continuance of such work, and until such reinstatement, the said Promoters shall set up sufficient barriers and keep lights burning at night in order to prevent accidents. And also when and so often as any gas, pitch, waste tar, waste liquid, acid, or other things shall escape or flow from any pipe, receivers, electric generator, machine, or drain, being part of or incidental to the works to be erected under this Act, so as to contaminate the air or any stream, spring, or other water, water-course, or body of water natural or artificial, and render the same unhealthy, or offensive, or unfit for use, it shall be lawful for any person to give notice thereof in writing to the said Promoters, who shall immediately take the most speedy and effectual measures to prevent and remedy the same, and if the said Promoters shall make default in any of the matters so required by them to be performed for the period of forty-eight hours next after such notice in writing being given it shall be lawful for any person to lodge complaint thereof before any Justice of the Peace, who may summon the said Promoters before the nearest Court of Petty Sessions, and on proof of such default, and of such notice as aforesaid having been given, the said Court of Petty Sessions shall order and direct that the said matters shall be done by the said Promoters within a reasonable time to be named by such Court, or on default by the said Promoters, by the complainant or such other person as the said Court shall direct, and in default of compliance with such order any Justice of the Peace, on proof of such default on the part of the said Promoters, and on proof that the complainant or any other person has performed the said work so to be done, and of the costs, charges, and expenses attending the same, shall issue a distress warrant against the goods and chattels of the said Promoters, for any amount not exceeding the said charges and expenses, and the cost of prosecuting such complaint to be paid to such complainant or other such person as aforesaid performing the said work as aforesaid.

26. An inspector of gas-meters, and subject to the approval in writing of the Superintendent of Telegraphs, an inspector of electric meters may from time to time be appointed by the said Council; and the said inspector, whether of gas or of electric meters, shall at all times when authorized by the Council, on the application and at the expense of any consumer of gas or of electricity supplied by the said Promoters, be entitled to inspect and test the meters erected by the said Promoters in the premises of the person making such request, after giving forty-eight hours notice of such intended inspection to the said Promoters; and before such inspection the person requiring the same shall deposit in the hands of the inspector all money due or appearing to be due by such person to the said Promoters on account delivered, and in case such deposit shall be in excess of the sum found to be due to the said Promoters, such excess shall be returned to the consumer.

27. 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 of any stamp which may hereafter be used for the stamping of any gas or electric meter under this Act, every person so offending shall for every such offence be liable to a penalty not exceeding fifty pounds or less than ten pounds; and if any person shall knowingly sell, utter, or dispose of, let, lend, or expose for sale, any gas

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gas or electric meter with such forged stamp thereon, every person so offending shall for every such offence be liable to a penalty not exceeding ten pounds, or less than forty shillings, and all gas or electric meters having forged or counterfeited stamps thereon shall be forfeited and destroyed.

Damage by Promoters to be made good.

28. In all cases where any damage may be done by the said Promoters, their servants, agents, contractors, or workmen, in the course of erecting, laying down, removing, or repairing any works, gas-pipes, electric-lines, or other apparatus for the supply of gas or electricity, the said damage shall be made good at the expense of the said Promoters, and in case the said Promoters shall delay within a reasonable time to make good such damage the owner or occupier of the premises may make good the same and recover the expenses thereof from the said Promoters in the same manner as is herein provided for the recovery of any sum of money payable under the provisions of this Act.

Injuring works with intent.

29. Any person who unlawfully and maliciously cuts or injures any electric line, gas-pipe, or works with intent to cut off any supply of electricity or gas, shall be guilty of felony, punishable under section three hundred and seventy-nine of the "Criminal Law Amendment Act of 1883."

Stealing gas or electricity.

30. Any person who maliciously or fraudulently abstracts, causes to be wasted, or diverted, any gas or electricity supplied by the said Promoters, shall be guilty of simple larceny within the meaning of the "Criminal Law Amendment Act of 1883."

Power to cut off gas or electricity of defaulters.

31. It shall be lawful for the said Promoters to cut off and take away the supply of gas or electricity from the building, tenement, or other place of every person or body making default in payment of charges for the supply of gas or electricity after giving twenty-four hours notice to the occupier, and thenceforth to discontinue the supply of gas or electricity contracted for with the said Promoters by such person or body, and to enter by themselves, their agents or workmen into such building, tenement, or place between the hours of nine in the forenoon and four in the afternoon, and remove and carry away any pipe, burners, lamp, meter, electric line or other apparatus for the supply of gas or electricity, the property of the said Promoters, and the said Promoters shall have the like powers with regard to cutting off, taking away and discontinuing the supply of gas or electricity in the case of the building, tenement, or place of any person who shall have been lawfully convicted, as hereinbefore provided, of any fraudulent injury to any meter or apparatus for the supply of gas or electricity on such premises, or fraudulent use of the gas or electricity of the said Promoters. And in case any person or body who shall contract with the said Promoters, or agree to take, or shall take or use the gas or the electricity of the said Promoters in any building, tenement, or place, or otherwise shall refuse or neglect to pay the sum or sums of money then due under his or their contract for the same to the said Promoters according to the terms and stipulations thereof, it shall be lawful for the said Promoters without prejudice to any other remedy, to make complaints of such refusal or neglect before any Justice of the Peace, who may cause to be issued a summons to the party or parties so refusing or neglecting, calling on him or them to show cause before the Court of Petty Sessions in the police district in which such building, tenement, or place is situated, or such user took place, why he or they refuses or refuse to pay such sum or sums, and thereupon the said Court shall proceed to the adjudication of the said complaint and enforcement of the said demand, and costs, charges, and expenses incurred in the prosecution thereof by distress and sale of the goods and chattels of the person or persons or body so refusing or neglecting to pay.

Remedy for recovery of rents of gas or electricity.

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32. The clerk, engineer, or any other officer of the said Promoters, may at all reasonable times enter any building, tenement, or place, whether public or private lighted with gas or electricity supplied by the said Promoters, in order to inspect the pipes, burners, lamps, meters, electric lines, or other apparatus for the supply of gas or electricity of or connected with the works of the said Promoters, to regulate the supply of gas or electricity, or to ascertain the quantity of gas or electricity consumed or supplied, and if any person shall hinder any such officer as aforesaid from so entering or making such inspection as aforesaid at any reasonable time, such person shall for every such offence forfeit and pay to the said Promoters a sum of money not exceeding five pounds, to be awarded and recovered by the said Promoters in like manner as the penalties aforesaid.

Right of officer to enter premises.

33. 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.

Right of appeal.

34. Nothing in this Act contained shall be construed to prevent any person from indicting or otherwise proceeding either civilly or criminally against the said Promoters for nuisance or otherwise in respect of the works or means used or employed by the said Promoters in exercising the privileges hereby on the said Promoters conferred, or to prevent the said Promoters or any person from recovering any sum of money, or otherwise proceeding in any Court of competent jurisdiction, but the said Promoters or any person to whom any penalty or sum of money may by the provisions of this Act be awarded, may elect either to proceed in manner in this Act provided, or to proceed for and recover damages or otherwise in any Court of competent jurisdiction.

Indictment for nuisances.

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

General penalty.

36. It shall be lawful for the said Promoters, their executors and administrators, at any time by any deed or instrument in writing, to assign and transfer all the rights, powers, privileges, benefits, and advantages conferred upon them by this Act, to any person or persons or to any duly incorporated Company, and upon any such transfer or assignment being signed or executed the person or persons or duly incorporated Company in whose favour such transfer or assignment is made shall then stand in the place of the said Promoters, their executors and administrators, and shall have all the rights, powers, benefits, privileges, and advantages conferred upon the said Promoters by this Act.

Right to assign.

37. It shall be lawful for the said Council, within one month after the expiration of seven years from the date of the said gas or electricity being first used within the said district, by notice in writing to require the said Promoters to sell, and thereupon the said Promoters shall sell to the Municipal Council of the said Municipal District the said gas-works and electrical-works, or either of them as then in use, and all lands, buildings, works, materials, and plant of the Promoters suitable to and used by the said Promoters for the purpose of the said gas-works or electrical-works, at a price which, having reference to the amount of the average net annual profits of such works for the then last two years, shall be a capital sum upon which such average net profits would yield an income of six pounds per centum per annum. And in case of difference arising as to the amount

Municipal Council may purchase works.

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amount of such profits or valuation, the same shall be referred to arbitration in the manner directed by the Act thirty-one Victoria number fifteen, intituled, "*An Act to make Arbitration more effectual*," and subject to the terms and conditions therein contained.

Saving for privilege of Superintendent of Telegraphs.

38. Nothing in this Act contained shall affect the privileges conferred upon the Superintendent of Telegraphs by Act twentieth Victoria number forty-one, or authorize or enable the said Promoters to transmit any telegram, or to perform any of the incidental services of receiving, collecting, or delivering telegrams, or give to the said Promoters any power, authority, or facility in connection with the transmission of telegrams, or the performance of any of the incidental services of receiving, collecting, or delivering telegrams.

Works may be brought under general Act.

39. Nothing in this Act contained shall prevent the said gas-works or electric-works being brought under the provisions of any Public Act which may be passed by the Parliament of New South Wales applying generally to companies engaged in the manufacture or generating of gas or electricity, or in the sale or supply of the same, nor entitle the said Promoters to compensation from the Public Revenue by reason of the provisions of such general Act being made applicable to and binding on the said Promoters.

Short title.

40. This Act may be cited as the "*Katoomba Lighting Act of 1890*."

SCHEDULE A.

PART I.

1. *Regulations in respect of testing apparatus.*

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

2. *The Apparatus.*

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

PART II.

1. *Rules as to mode of testing gas.*

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

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

The consumption of gas is to be carefully adjusted to five 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.

Mode of testing.

(b) For sulphuretted hydrogen. The gas shall be passed through a glass vessel containing a strip of bibulous paper moistened with the solution of acetate of lead for a period of three minutes or such longer period as may be prescribed, and if any 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.