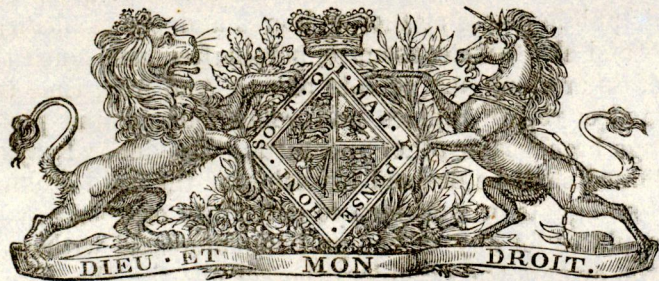


New South Wales.



ANNO VICESIMO TERTIO

VICTORIÆ REGINÆ.

An Act for enabling John Warn Tuck to Light with Gas the Towns of East Maitland and West Maitland in the Colony of New South Wales. [Assented to, 22nd February, 1860.]

WHEREAS the Towns of East Maitland and West Maitland in the Colony of New South Wales are large and populous and it would be a great advantage to all the inhabitants thereof if such Towns were lighted with Gas. And whereas John Warn Tuck of West Maitland aforesaid having purchased in England all the apparatus pipes gear fittings and other necessary appliances for making and using Gas for the purpose aforesaid it would be of great public advantage and convenience if power were given to him to erect works lay down pipes and to do all lawful and reasonable acts necessary to enable him to light with Gas the towns aforesaid 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. It shall be lawful for the said John Warn Tuck to create establish and exercise a business 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 said Towns of East Maitland and West Maitland and also for manufacturing selling and disposing of all and every product refuse or residuum to be obtained from the material used by him in such business.

2. The said John Warn Tuck is hereby fully authorised and empowered subject to the provisions and restrictions hereinafter contained by his servants contractors agents workmen or others from time to time to make erect sink lay place and fix such retorts gasometers meters receivers cisterns engines machines cuts drains sewers water-courses pipes reservoirs and

Preamble.

Definition of business.

Power to erect gasometers break up roads and streets &c.

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and buildings of such construction and in such manner as he shall think necessary or proper for the purpose of carrying the objects of this Act into execution And also to break up the soil and pavement of any highway street road or other public place or thoroughfare or of any road or place dedicated to or used by the public as a roadway or thoroughfare or any part or parts thereof and to erect posts pillars lamps lamp-irons and other apparatus in the same highways streets roads public places or thoroughfares and places dedicated or used as aforesaid 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 public places or thoroughfares and places dedicated or used as aforesaid and also with consent as hereinafter mentioned to do the like in under across or along any private place And from time to time to cut stop remove alter repair replace and relay such mains pipes stop-cocks syphons plugs branches or other apparatus Provided always that nothing herein contained shall be deemed to authorise the said John Warn Tuck his contractors agents or workmen to enter into or upon any private lands buildings or places for any of the purposes aforesaid without the previous consent of the owners and occupiers thereof nor for the like purposes to enter into or upon break up or disturb any highway street road or other public place or thoroughfare or place dedicated or used as aforesaid without the consent of any municipality trust commission or other body officer or person having the care management or control thereof.

But not to enter on private lands &c. or on those under control of any Municipality without consent.

To make contracts for supply of Gas.

Power to remove gas fittings.

3. It shall be lawful for the said John Warn Tuck to contract with any persons (whether incorporate or individual) for the supply of Gas for any public or private place or building 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 purpose may be required Provided always that in all cases (where it is not otherwise stipulated and agreed) the said John Warn Tuck his workmen contractors or agents shall and may at his own expense on the expiration or determination of any tenancy or on non-payment of any sums payable by the owner or occupier of any tenement for Gas supplied thereto at any time within twelve months from such expiration determination or default or within fourteen days after receiving notice in writing for that purpose from or on behalf of the owner or succeeding occupier of such tenement enter into and upon such tenement and remove take and carry away any pipe burner lamp meter or apparatus which shall have been placed and introduced by the said John Warn Tuck in such tenement and repair and make good such portions of such tenement as may be damaged or defaced by such removal And in case the said John Warn Tuck 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 said John Warn Tuck for the purposes aforesaid) to cause such pipes burners lamps meters or apparatus to be removed and the damages and defacements to the said tenement to be made good the reasonable costs and charges attending which shall immediately be paid by the said John Warn Tuck and in default of his so doing within three days of demand thereof made at the Gas Works it shall be lawful for the said owner or occupier or his or their agent to make complaint thereof before any Justice who may cause a summons to be issued to the said John Warn Tuck in the usual form calling on him to shew cause before the nearest Court of Petty Sessions of the Police District in which such tenement is situated why he refuses to pay such demand And if the said John Warn Tuck fails to shew good cause accordingly it shall be lawful for the sitting Justices to order or award payment of the demand

or

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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 and if the same be returned *nulla bona* by imprisonment of defendant for any term not exceeding three calendar months Provided also that if any owner or occupier of any tenement or person acting for him shall refuse reasonable access to the said John Warn Tuck his agents contractors or workmen for the purpose of removing any such pipe burner lamp meter or apparatus placed or introduced into any such tenement by the said John Warn Tuck or shall prevent or obstruct such removal then the said owner or occupier or person acting for him shall immediately make payment for such pipe burner lamp meter or apparatus And in default of his so doing within three days of demand thereof made at the said tenement or the residence of the party it shall be lawful for the said John Warn Tuck to make complaint thereof before any Justice of the Peace who may cause to be issued a summons to the person so making default or refusing or obstructing access to any tenement as aforesaid calling on him to shew cause before the Court of Petty Sessions of the Police District where the tenements are 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 before set forth And if any person shall place or lay any pipe to communicate with any gas pipe meter or other apparatus or use additional burners or burners of larger dimension or of other kind or description than that he has contracted to pay for or supply any person with any of the Gas supplied to him by the said John Warn Tuck without the consent in writing of the said John Warn Tuck first obtained or if any person shall wantonly or maliciously hinder or interrupt the said John Warn Tuck his contractors agents or workmen 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 John Warn Tuck or remove the same or cause a waste or improper use of Gas supplied by him it shall be lawful for the said John Warn Tuck 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 John Warn Tuck 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.

4. When and so often as the said John Warn Tuck his contractors agents or workmen shall have broken up or removed any pavement stone or other material of any highway road street or public place or places dedicated to or used by the public he is hereby required to make all reasonable dispatch in performance of the work to be done and immediately thereafter to carry away all rubbish and waste or surplus material and to reinstate such pavement stone or other material and render such highway road street or place as nearly as possible in the same condition as it was in previously to the disturbance thereof 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 liquids or other

Recovery of demands.

Punishment of offences.

Material of Roads &c. broken up to be replaced.

Prevention or abatement of nuisance.

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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 disagreeable it shall be lawful for any person to give notice thereof in writing to the said John Warn Tuck who shall immediately take the most speedy and effectual measures to prevent the same And if the said John Warn Tuck shall make default in any of the matters so required by him 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 John Warn Tuck before the nearest Court of Petty Sessions and on proof of such default the said Court shall order and direct that the same shall be done by the said John Warn Tuck 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 John Warn Tuck for any amount not exceeding the said costs charges and expenses to be paid to the person performing the said work as aforesaid.

Appeal.

5. 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 Council fifth William Fourth number twenty-two.

Interpretation.

6. Whenever the name of John Warn Tuck is used in this Act it shall be considered to extend to and include his executors administrators and assigns.

Indictment for nuisance.

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

Rights of Municipalities &c. protected.

Powers to cease in certain events.

8. Provided always that if within two years after the passing of this Act the said John Warn Tuck shall not be prepared to supply at a reasonable price Gas of a good quality and in sufficient quantity to light the roads and streets in the said Towns and all houses and buildings situate therein or if the said John Warn Tuck shall after the said period of two years fail so to supply Gas for any period exceeding twenty days then and in either of such cases all the powers hereby vested in the said John Warn Tuck shall thereupon cease and determine.