
A BILL

To abate the nuisance arising from the smoke of furnaces.

WHEREAS it is expedient to abate the nuisance arising from the Preamble.
smoke of furnaces 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 as follows:—

1. From and after the first day of July one thousand eight Furnaces to consume
their own smoke.
hundred and sixty-three every furnace employed or to be employed in
the working of engines by steam in any city or town or the suburbs
thereof and every furnace employed or to be employed in any mill
factory distillery brew-house sugar refinery bakehouse gas works
water works public bath or wash-house in any such city town or
suburbs (although a steam-engine be not employed therein respec-
tively) shall in all cases be constructed or altered so as to consume or
burn the smoke arising from such furnace and if any person shall in
any such city town or suburbs after the said first day of July one
thousand eight hundred and sixty-three use any such furnace which
shall not be constructed so as to consume or burn its own smoke or
shall so negligently use such furnace as that the smoke arising there-
from shall not be effectually consumed or burnt every person so
offending being the owner or occupier of the premises or being a
foreman or other person employed by such owner or occupier shall
upon a summary conviction for such offence before any two or more
Justices be liable to a penalty not exceeding *five* pounds nor less than
forty shillings and upon a second conviction for a like offence to a
penalty not exceeding *ten* pounds and upon each subsequent conviction
for alike offence to a penalty not exceeding twice the amount of the
penalty imposed for the last preceding conviction.

Power in certain cases to remit penalties.

2. Provided that the words "consume or burn the smoke" need not be held absolutely to mean "consume or burn all the smoke" but that the Justices may in any case remit or reduce any of the penalties enacted hereby if they shall be of opinion that the furnace in question has been so constructed or altered as to consume or burn as far as possible all the smoke arising from such furnace and that the person charged has carefully attended to the same and consumed or burnt as far as possible the smoke arising from such furnace Provided also that it shall be lawful for such Justices with the consent of such person on the hearing of the case to appoint a competent person to examine such furnace and to make his report thereupon whether it has been so constructed or altered and to suspend their decision until they shall have received such report.

Complaints how brought.

3. No complaint shall be brought against any person for the recovery of any penalty under this Act except by a Superintendent Inspector or Sergeant of Police having jurisdiction in the place or district where the offence has been committed or by the owner or occupier of premises with reference to which the furnace in question is so situate as to create an annoyance to the occupiers of such premises.

One or more joint owners may be proceeded against alone.

4. In case of any complaint under this Act to which two or more parties whether as owners or occupiers of premises may be jointly answerable it shall be sufficient to proceed against one or more of them without proceeding against the others or other of them but nothing herein contained shall prevent the parties so proceeded against from recovering relief in any case in which they would now be entitled to relief by law.

Short title.

5. This Act shall be styled and may be cited as the "Smoke Nuisance Abatement Act of 186 ."