

A BILL

To abate the Nuisance arising from the Smoke of Furnaces.

[MR. DEAS THOMSON ;—15 July, 1863.]

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
5 in Parliament assembled as follows :—

1. From and after the first day of January one thousand eight Furnaces to consume
their own smoke.
hundred and sixty-four 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
10 factory distillery brewhouse sugar refinery bakehouse gas works
water works public bath or washhouse 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
15 any such city town or suburbs after the said first day of January one
thousand eight hundred and sixty-four 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
20 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
25 penalty not exceeding *ten* pounds and upon each subsequent conviction
for a like 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 5 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 10 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 15 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 20 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 25 relief by law.

Short title.

5. This Act shall be styled and may be cited as the "Smoke Nuisance Abatement Act of 1863."

Legislative Council.

27^o VICTORIA, 1863.

A BILL

(As Amended [on Re-committal] in Committee of the Whole.)

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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
5 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-four every furnace employed or to be employed in
the working of engines by steam in any city town or hamlet containing
according to the last preceding census not less than two thousand
10 inhabitants or the suburbs thereof and every furnace employed or to
be employed in any mill factory distillery brewhouse sugar refinery
bakehouse gas works water works public bath or washhouse in any
such city town or suburbs (although a steam engine be not employed
therein respectively) shall in all cases be constructed or altered so as
15 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-four 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
20 arising therefrom 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
25 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 a like offence to a penalty not exceeding twice the amount of the
penalty imposed for the last preceding conviction.

All new furnaces in other towns to be on improved principle.

2. The provisions of the preceding section shall apply to all such furnaces as therein described as shall hereafter be constructed in any other city or town within the Colony.

Power in certain cases to remit penalties.

3. Provided that the words "consume or burn the smoke" shall not be held absolutely to mean "consume or burn all the smoke" 5 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 10 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 15 they shall have received such report.

Complaints how brought.

4. 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 20 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.

5. 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 25 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.

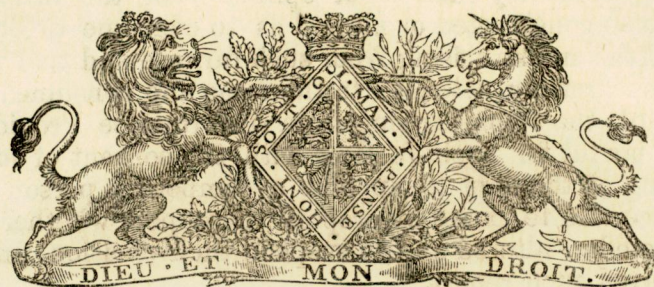
6. This Act shall be styled and may be cited as the "Smoke 30 Nuisance Abatement Act of 1863."

This PUBLIC BILL originated in the LEGISLATIVE COUNCIL, and, having this day passed, is now ready for presentation to the LEGISLATIVE ASSEMBLY for its concurrence.

*Legislative Council Chamber,
Sydney, 2 September, 1863. }*

*R. O'CONNOR,
Clerk of the Legislative Council.*

New South Wales.



ANNO VICESIMO SEPTIMO

VICTORIÆ REGINÆ.

No. .

An Act to abate the Nuisance arising from the Smoke of Furnaces.

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such city town or suburbs (although a steam engine be not employed
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person shall in any such city town or suburbs after the said first day
of July one thousand eight hundred and sixty-four 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
20 arising therefrom 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

Smoke Nuisance Abatement.

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 a like offence to a penalty not exceeding twice the amount of the 5 penalty imposed for the last preceding conviction.

2. The provisions of the preceding section shall apply to all such furnaces as therein described as shall hereafter be constructed in any other city or town within the Colony. All new furnaces in other towns to be on improved principle.

3. Provided that the words "consume or burn the smoke" shall 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. Power in certain cases to remit penalties.

4. 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. Complaints how brought.

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6. This Act shall be styled and may be cited as the "Smoke Nuisance Abatement Act of 1863." Short title.