

36^o VICTORIÆ, 1872.

A BILL

To Incorporate the Parramatta Gas Company (Limited).

(As agreed to in Select Committee.)

WHEREAS a Joint Stock Company called the Parramatta Gas Preamble.
Company (Limited) has been lately established at Parramatta
in the Colony of New South Wales under and subject to the rules regu-
lations and provisions contained in a certain deed of settlement bearing
5 date the sixth day of October one thousand eight hundred and seventy-
one purporting to be the deed of settlement of the said Company And
whereas by the said deed of settlement the several parties thereto have
respectively and mutually covenanted and agreed that they whilst
holding shares in the capital of the Company should become remain
10 and continue until dissolved under the provisions in that behalf therein
contained a Joint Stock Company for the express object of carrying on
the business thereof under the name style and title of the Parramatta
Gas Company (Limited) for the purpose of producing inflammable air
or gas from coal oil tar pitch or other material and for lighting and
15 supplying with gas all public and private places roads streets and
buildings within the town of Parramatta in the Colony of New South
Wales and its suburbs and also for manufacturing selling or disposing
of all and every product refuse or residuum to be obtained from the
material used in such business And for the purposes aforesaid to
20 purchase or lease lands offices and buildings and make erect sink lay
place and fix such retorts gasholders meters receivers cisterns engines
machines cuts drains sewers water-courses pipes reservoirs and buildings
127—A of

of such construction and in such manner as should be deemed necessary and proper for the purpose of carrying the objects of the said Company into execution And whereas by the said deed of settlement it was further agreed that the capital of the Company should consist of nine thousand pounds to be contributed in shares of five pounds each and of such further sum and sums of money as should be raised by the creation allotment and sale of new shares for the like amount as therein provided And that the said Company should commence its operations so soon as two-thirds of the shares of the Company should have been taken up and the proprietors thereof should have executed the said deed of settlement And whereas by the said deed of settlement provision has been made for the due management of the affairs of the said Company by certain Directors already appointed and by other Directors to be from time to time elected and appointed as their successors by the shareholders of the said Company and also for the disposal and application of the profits and the payment of dividends and bonuses And whereas the said Company is desirous of being incorporated and it is expedient that the said Company should be incorporated accordingly 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
clause.

1. The following words and expressions in this Act shall have the several meanings hereby assigned to them unless there be something in the subject or the context repugnant to such construction that is to say—The expression “the Company” shall mean the Company incorporated by this Act The expression “the Directors” shall mean the Board of Directors of the Company duly appointed under the provisions of the deed of settlement of the Company The word “Shareholder” shall mean shareholder proprietor or member of the Company The expression “Deed of Settlement” shall mean the deed of settlement of the Company and any addition to alteration or amendment thereof which may be made in pursuance of the provisions thereof.

Company
incorporated.

2. Such and so many persons as have already become or at any time or times hereafter shall or may in the manner provided by and subject to the rules regulations and provisions contained in the said deed of settlement become holders of shares of or in the capital for the time being of the Company shall subject nevertheless to the conditions regulations and provisions hereinafter contained be one body politic and corporate by name and in deed by the name of “The Parramatta Gas Company (Limited)” and by that name shall and may grant and receive and shall and may sue and implead any person whether a member of the Company or not and may be sued and impleaded by any person whether a member of the Company or not in all Courts whatsoever at law or in equity and may prefer lay and prosecute any indictment information or prosecution against any person whomsoever whether a shareholder or not for any crime or offence whatsoever and in all indictments informations and prosecutions it shall be lawful to state the money goods effects bills notes securities or other property of whatsoever nature of the Company relative to which such indictment information or prosecution is preferred laid or prosecuted to be the money goods effects bills notes securities or other property of the Company and generally to designate the Company by its corporate name whenever for any purpose whatsoever such designation shall be necessary and the Company shall have perpetual succession with a common seal which may be altered varied and changed from time to time at the pleasure of the Company.

Deed of settlement
confirmed.

3. The several laws rules regulations clauses and agreements contained in the deed of settlement or to be made in pursuance of the provisions

provisions for that purpose therein contained are and shall be the by-laws for the time-being of the Company save and except in so far as any of them are or shall or may be altered varied or repealed by or are or shall or may be inconsistent with or repugnant to any of the provisions of this Act or any of the laws or statutes now or hereafter to be in force in the said Colony subject nevertheless to be and the same may be amended altered or repealed either wholly or in part in the manner provided by the said deed of settlement But no rule or by-law shall on any account or pretence whatsoever be made by the Company either under or by virtue of the said deed of settlement or of this Act in opposition to the general scope or true intent and meaning of the said deed of settlement or of this Act or of any of the laws or statutes in force in the said Colony for the time-being.

4. The production of a written or printed copy of the said deed of settlement 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 deed of settlement or of such by-laws rules or regulations. Evidence of by-laws.

5. It shall be lawful for the Company subject to the restrictions and provisions herein and in the said deed of settlement contained to produce or extract inflammable air or gas from coal oil tar pitch or other material And to light and supply with gas all public and private places roads streets and buildings within the town of Parramatta in the Colony of New South Wales and its suburbs and to manufacture sell or otherwise dispose of all and every product refuse or residuum to be obtained from the material used in such business And for the purposes aforesaid to purchase and contract for the procuring of coal and other materials as aforesaid and to purchase or lease lands offices and buildings and make erect sink lay place and fix such retorts gasholders meters receivers cisterns engines machines cuts drains sewers water-courses pipes reservoirs and buildings of such construction and in such manner as shall be deemed necessary and proper for the purpose of carrying the objects of the said Company into execution. General business of the Company.

6. It shall be lawful for the Company 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 deed of settlement. Increase of capital.

7. It shall be lawful for the Directors from time to time as they shall see fit in the manner specified in the deed of settlement to make accept and indorse such promissory notes or bills of exchange on behalf of the Company for any purposes connected with the affairs and business of the Company and the making accepting and endorsing of any such promissory notes or bills of exchange by the Chairman of the Company and at least one other Director authorized in that behalf by the Directors for and on behalf of the Company shall be binding against every shareholder And it shall be also lawful for the Directors on behalf of the Company to procure advances and to borrow money and to pay off and discharge such advances in the manner for the purposes and subject to the restrictions specified in the said deed of settlement. Power to borrow money.

8. All the lands securities covenants debts moneys choses in action and things at present vested in the Trustees of the Company or any other person on behalf of the Company shall immediately after the passing of this Act become vested in the Company for the same estate. Property at present in Trustees to become vested in Corporation.

estate and interest and with the like powers and authorities as the same are now vested in the said Trustees or other person without any assignment or conveyance whatever.

Act not to prejudice
any contract &c.
already entered into.

9. Nothing in this Act contained shall prejudice or be construed to prejudice any call made or any contract or other act deed matter or thing entered into made or done by the Company or by any person on behalf of the Company under or by virtue of the deed of settlement before this Act come into operation but the same call contract act deed matter or thing shall be as valid and effectual to all intents and purposes and may be enforced in like manner as if the Company had been incorporated before the same call contract act deed matter or thing had been made entered into or done. 5 10

Shares to be per-
sonal estate.

10. The shares in the capital of the Company and all the funds and property of the Company and all shares therein shall be personal estate and transmissible as such subject to the restrictions for that purpose contained in the said deed of settlement and shall not be of the nature of real estate. 15

Transfer of shares
to be by deed.

11. Subject to the restrictions for this purpose in the said deed of settlement contained every shareholder may sell and transfer all or any of his shares in the capital of the Company (but not a fractional part of a share) and every such transfer shall be by deed and according to a form to be approved of by the Directors and the transferee of such shares shall so soon as he has complied with the provisions relative to the transfer of shares contained in the said deed of settlement become a shareholder in respect of the same shares in every respect. 20 25

Company not bound
to regard trusts.

12. The Company shall not be bound to notice or see to the execution of any trust whether express implied or constructive to which any share may be subject and the receipt of the party in whose name any share shall stand in the books of the Company or if it stands in the name of more parties than one the receipt of one of the parties named in the share register hereinafter mentioned shall from time to time be a sufficient discharge to the Company for any dividend or other sum of money payable in respect of such share notwithstanding any trust to which such share may then be subject and notwithstanding that the Company have had notice of such trusts and the Company shall not be bound to see to the application of the money paid upon such receipt. 30 35

The Assignee of
insolvent shareholder
and the Trustees of
assigned estates to
nominate some person
to become a pro-
prietor in respect of
shares of such insol-
vent or assigned
estate.

13. In case the Assignee of any insolvent shareholder shall elect to accept the shares of such insolvent or in case the Trustees of any estate assigned for the benefit of creditors shall elect to accept the shares belonging to such assigned estate such Assignee or Trustees shall forthwith nominate some other person to become a proprietor in respect of such shares such nominee to be subject to the approval of the Directors But in no case shall such Assignee or Trustees be themselves entitled to become shareholders in respect of the shares of any insolvent shareholder or of any shareholder whose estate shall have been so assigned as aforesaid. 40 45

Power to purchase
and hold lands.

14. It shall be lawful for the Company notwithstanding any statute or law to the contrary to purchase take hold and enjoy to them and their successors for any estate term of years or interest any lands houses offices buildings and hereditaments as may be necessary or proper for the purpose of managing conducting and carrying on the affairs concerns and business of the Company And to sell convey assign assure demise or otherwise dispose of or act in respect of such lands houses offices buildings and hereditaments as occasion may require. 50 55

Power to sell to
Company.

15. It shall be lawful for any person who is competent so to do to grant sell alien release and convey assign assure demise and dispose of unto and to the use of the Company and their successors for the purposes aforesaid or any of them any such lands and hereditaments. 16.

16. In any action or suit to be brought by the Company against any shareholder to recover the money due for or in respect of any call made by virtue of this Act or of the said deed of settlement it shall be sufficient for the Company to declare and allege that the defendant being the proprietor of such or so many shares in the capital of the Company is indebted to the Company 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 Company 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 Company 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 deed of settlement And the Company shall thereupon be entitled to recover what shall appear due upon each call with interest thereon.

Actions or suits for calls.

17. 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.

Share Register.

18. 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*.

Share register to be evidence.

19. In every case dividends or bonuses shall be declared and paid out of the net gains and profits of the Company and not out of the capital for the time-being of the Company or any portion thereof.

Dividends to be paid from profits only.

20. If any execution either at law or in equity shall be or shall 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 subscribed for and unpaid by him and a further sum equal to the amount so subscribed for 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 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

Execution against shareholders.

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.

21. 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 deed of settlement contained.

Execution against
shareholders.

22. In the cases 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.

Liability of shareholders.

23. Each shareholder in the said Company for the time being shall be liable to contribute to the assets of the Company or to meet its liabilities to an amount not exceeding the amount of the shares held by him or her and to a further sum of equal amount and no shareholder shall at any time be liable with respect to the transactions or liabilities of the Company beyond such amount.

Power to Secretary or
other officer.

24. 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 authorized empowered or required to make any affidavit deposition or information or to sign or present

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 or information sign present any such petition or do any such other act as aforesaid.

25. The Directors for the 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 deed of settlement 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 deed of settlement 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 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.

26. The Company is hereby fully authorized and empowered by its servants contractors agents workmen and others from time to time to make erect sink lay place and fix such retorts gasholders meters receivers cisterns engines machines cuts drains sewers water-courses pipes reservoirs buildings and other works and devices of such construction and in such manner as the Company shall think necessary or proper for the purpose of carrying out the operations of the Company and also to break up the soil and pavement of any highway street road 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 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 or 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 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 syphons plugs branches or other apparatus Provided always that nothing herein contained shall be deemed to authorize the Company its contractors agents or workmen to enter into or upon any private lands buildings or places for any of the purposes aforesaid to carry out any of the operations of the Company without the previous consent of the occupiers thereof.

Power to erect gasholders break up roads streets &c.

27. It shall be lawful for the Company to contract with any person or 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

May make contracts for supply of gas.

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 Company its contractors workmen or agents shall at
 its own expense on the expiration or determination of any tenancy of 5
 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 or within *fourteen days* after
 notice in writing for that purpose from or on behalf of the owner or 10
 succeeding occupier of such building tenement or place shall have
 been received by the Company enter into and upon such building tene-
 ment or place and remove take and carry away or cause to be removed
 taken or carried away any pipe burner lamp meter or other apparatus
 which shall have been placed and introduced by the Company therein 15
 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 Company 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 agents 20
 servants and workmen of the Company 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 tenement or place caused thereby the reasonable
 costs and charges attending which shall immediately be paid by the 25
 Company to the owner or occupier making such repairs as aforesaid
 And in default of such sum being paid by the Company within *seven*
days after demand thereof in writing made at the offices of the Com-
 pany it shall be lawful for the said owner or occupier or his or her
 agent to make complaint thereof before any Justice of the Peace for 30
 the said Colony who may cause a summons to be issued in the usual
 form calling on the Company to show cause before the nearest Court
 of Petty Sessions of the police district in which such building tene-
 ment or place is situated why such demand has not been satisfied And
 if the Company fails to show cause accordingly it shall be lawful for 35
 the sitting Justices to order or award payment of the demand or any
 part thereof to such complainant together with such costs and satis-
 faction for his expense and trouble as to them may seem just and
 reasonable and such order or award to enforce by distress Provided
 also that if any owner or occupier of any building tenement or place 40
 or any person acting for him shall refuse reasonable access to the con-
 tractors agents workmen or servants of the Company for the purpose
 of removing any such pipe burner lamp meter or other apparatus placed
 or introduced into any such building tenement or place by the Com-
 pany or shall prevent or obstruct such removal then the said owner 45
 occupier or person acting for him shall immediately make payment to
 the Company 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 it shall be lawful for the Company to make
 complaint before any such Justice as aforesaid who may cause to be 50
 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 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 in this 55
 clause set forth for the recovery of claims against the Company 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 Company or shall use additional burners or burners of larger
 dimensions

dimensions or of other kinds or descriptions than that which he shall have contracted to pay for or shall supply any person with the gas supplied to him by the Company without the consent in writing of the Company first obtained or if any person shall wantonly or maliciously
 5 hinder or interrupt the contractors workmen agents or servants of the Company 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
 10 lamps meters or apparatus of the Company or remove the same or cause a waste or improper use of gas supplied by the Company it shall be lawful for the Company to make complaint thereof before any such Justice as aforesaid who may cause to be issued a summons to the person so offending to appear before the Court of Petty Sessions of
 15 the police district where such offence shall be committed and being thereof lawfully convicted such person shall forfeit and pay to the Company 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
 20 in respect of claims against the Company 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
 25 enforced and observed in all proceedings under this Act not herein expressly provided for.

28. When and so often as the Company 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
 30 public place or thoroughfare or of any road way lane thoroughfare or place dedicated to or used by the public as such the Company shall make all reasonable despatch in the 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 reinstate such pavement
 35 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 keep up barriers and keep lamps burning at night in order to prevent accidents And when
 40 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 Company who shall immediately take the most speedy and effectual measures to remedy
 45 and prevent the same And if the Company shall without lawful excuse make default in any of the matters so required by it to be performed it shall be lawful for any person to lodge a complaint thereof before any Justice of the Peace for the said Colony who may thereupon summons the Company before the nearest Court of Petty Sessions and
 50 on proof of such default the said Court of Petty Sessions shall order and direct that the same shall be done by the Company within a reasonable time to be named by such court and in default of compliance with such order any such Justice as aforesaid on proof thereof and on proof that the complainant or any other person has performed
 55 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 Company 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.

Materials of roads
&c. broken up to be
replaced.

Remedy for the
recovery of rates.

29. In case any person or persons or any body or bodies corporate Commissioners or Trustees who shall contract with the Company or agree to take or shall take or use and enjoy the gas of the Company either in private dwellings shops inns taverns or other buildings or manufactories grounds or premises or otherwise shall refuse or neglect 5 after demand to pay the sum or sums of money then 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 Company it shall be lawful for the Company to make complaint thereof before any Justice of the Peace for the said Colony who may issue a summons 10 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 and enforcement of the said demand and 15 costs charges and expenses in the prosecution thereof 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 also be lawful for the Company to cut off and take away the supply of gas from the house 20 or houses inn tavern shop manufactory warehouse or other buildings 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 Company after such demand as aforesaid and thenceforth to discontinue the supply of gas contracted for with the Company by 25 such person or persons.

Appeal.

30. 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 the Legislature fifth William fourth number twenty-two. 30

Indictment for
nuisance.

31. Nothing in this Act contained shall be construed to prevent any person from indicting or otherwise proceeding against the Company for nuisance or otherwise in respect of the works or means used or employed by the Company in exercising the privileges hereby on it conferred nor shall anything herein contained limit restrict or 35 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 town of Parramatta or to exercise any powers which it may be deemed expedient or necessary to grant for that purpose.

Act to be deemed a
public Act.

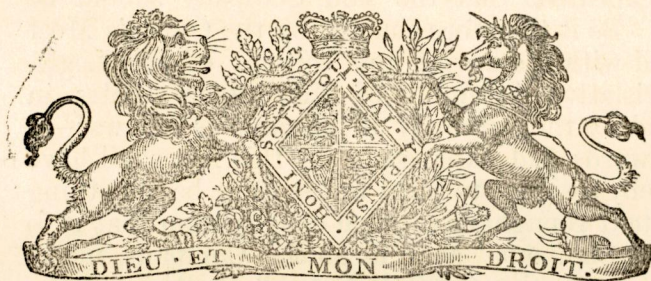
32. This Act shall be deemed and taken to be a public Act and 40 shall be taken judicial notice of as such by the Judges of the Supreme Court of New South Wales and by all other Judges Justices and others within the Colony of New South Wales and its Dependencies without being specially pleaded and the same whenever cited shall be sufficiently described as the "Parramatta Gas Company's Incorpora- 45 tion Act (Limited)."

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

*Legislative Assembly Chamber,
Sydney, 9 July, 1872. }*

STEPHEN W. JONES,
Clerk of Legislative Assembly.

New South Wales.



ANNO TRICESIMO SEXTO

VICTORIÆ REGINÆ.

An Act to Incorporate the Parramatta Gas Company (Limited).

WHEREAS a Joint Stock Company called the Parramatta Gas Company (Limited) has been lately established at Parramatta in the Colony of New South Wales under and subject to the rules regulations and provisions contained in a certain deed of settlement bearing date the sixth day of October one thousand eight hundred and seventy-one purporting to be the deed of settlement of the said Company And whereas by the said deed of settlement the several parties thereto have respectively and mutually covenanted and agreed that they whilst holding shares in the capital of the Company should become remain and continue until dissolved under the provisions in that behalf therein contained a Joint Stock Company for the express object of carrying on the business thereof under the name style and title of the Parramatta Gas Company (Limited) 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 town of Parramatta in the Colony of New South Wales and its suburbs and also for manufacturing selling or disposing of all and every product refuse or residuum to be obtained from the material used in such business And for the purposes aforesaid to purchase or lease lands offices and buildings and make erect sink lay place and fix such retorts gasholders meters receivers cisterns engines machines cuts drains sewers water-courses pipes reservoirs and buildings of

127—A

Parramatta Gas Company's Incorporation.

of such construction and in such manner as should be deemed necessary and proper for the purpose of carrying the objects of the said Company into execution And whereas by the said deed of settlement it was further agreed that the capital of the Company should consist of nine
 5 thousand pounds to be contributed in shares of five pounds each and of such further sum and sums of money as should be raised by the creation allotment and sale of new shares for the like amount as therein provided And that the said Company should commence its operations so soon as two-thirds of the shares of the Company should have been
 10 taken up and the proprietors thereof should have executed the said deed of settlement And whereas by the said deed of settlement provision has been made for the due management of the affairs of the said Company by certain Directors already appointed and by other Directors to be from time to time elected and appointed as their
 15 successors by the shareholders of the said Company and also for the disposal and application of the profits and the payment of dividends and bonuses And whereas the said Company is desirous of being incorporated and it is expedient that the said Company should be incorporated accordingly Be it therefore enacted by the Queen's Most
 20 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. The following words and expressions in this Act shall have
 the several meanings hereby assigned to them unless there be something
 25 in the subject or the context repugnant to such construction that is to say—The expression “the Company” shall mean the Company incorporated by this Act The expression “the Directors” shall mean the Board of Directors of the Company duly appointed under the provisions of the deed of settlement of the Company The word “Shareholder”
 30 shall mean shareholder proprietor or member of the Company The expression “Deed of Settlement” shall mean the deed of settlement of the Company and any addition to alteration or amendment thereof which may be made in pursuance of the provisions thereof.

2. Such and so many persons as have already become or at any
 35 time or times hereafter shall or may in the manner provided by and subject to the rules regulations and provisions contained in the said deed of settlement become holders of shares of or in the capital for the time being of the Company shall subject nevertheless to the conditions regulations and provisions hereinafter contained be one body politic and
 40 corporate by name and in deed by the name of “The Parramatta Gas Company (Limited)” and by that name shall and may grant and receive and shall and may sue and implead any person whether a member of the Company or not and may be sued and impleaded by any person whether a member of the Company or not in all Courts whatsoever at
 45 law or in equity and may prefer lay and prosecute any indictment information or prosecution against any person whomsoever whether a shareholder or not for any crime or offence whatsoever and in all indictments informations and prosecutions it shall be lawful to state the money goods effects bills notes securities or other property of whatsoever
 50 nature of the Company relative to which such indictment information or prosecution is preferred laid or prosecuted to be the money goods effects bills notes securities or other property of the Company and generally to designate the Company by its corporate name whenever for any purpose whatsoever such designation shall be necessary
 55 and the Company shall have perpetual succession with a common seal which may be altered varied and changed from time to time at the pleasure of the Company.

3. The several laws rules regulations clauses and agreements
 contained in the deed of settlement or to be made in pursuance of the
 provisions

Interpretation
clause.

Company
incorporated.

Deed of settlement
confirmed.

Parramatta Gas Company's Incorporation.

provisions for that purpose therein contained are and shall be the by-laws for the time-being of the Company save and except in so far as any of them are or shall or may be altered varied or repealed by or are or shall or may be inconsistent with or repugnant to any of the
 5 provisions of this Act or any of the laws or statutes now or hereafter to be in force in the said Colony subject nevertheless to be and the same may be amended altered or repealed either wholly or in part in the manner provided by the said deed of settlement But no rule or by-law shall on any account or pretence whatsoever be made by the Company
 10 either under or by virtue of the said deed of settlement or of this Act in opposition to the general scope or true intent and meaning of the said deed of settlement or of this Act or of any of the laws or statutes in force in the said Colony for the time-being.

4. The production of a written or printed copy of the said deed
 15 of settlement 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 deed of settlement or of such by-laws rules or regulations. Evidence of by-laws.

5. It shall be lawful for the Company subject to the restrictions
 20 and provisions herein and in the said deed of settlement contained to produce or extract inflammable air or gas from coal oil tar pitch or other material And to light and supply with gas all public and private places roads streets and buildings within the town of Parramatta in the Colony of New South Wales and its suburbs and to
 25 manufacture sell or otherwise dispose of all and every product refuse or residuum to be obtained from the material used in such business And for the purposes aforesaid to purchase and contract for the procuring of coal and other materials as aforesaid and to purchase or
 30 lease lands offices and buildings and make erect sink lay place and fix such retorts gasholders meters receivers cisterns engines machines cuts drains sewers water-courses pipes reservoirs and buildings of such construction and in such manner as shall be deemed necessary and proper for the purpose of carrying the objects of the said Company
 35 into execution. General business of the Company.

6. It shall be lawful for the Company 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
 40 deed of settlement. Increase of capital.

7. It shall be lawful for the Directors from time to time as
 they shall see fit in the manner specified in the deed of settlement to make accept and indorse such promissory notes or bills of exchange on behalf of the Company for any purposes connected with the affairs
 45 and business of the Company and the making accepting and endorsing of any such promissory notes or bills of exchange by the Chairman of the Company and at least one other Director authorized in that behalf by the Directors for and on behalf of the Company shall be binding against every shareholder And it shall be also lawful for the Directors
 50 on behalf of the Company to procure advances and to borrow money and to pay off and discharge such advances in the manner for the purposes and subject to the restrictions specified in the said deed of settlement. Power to borrow money.

8. All the lands securities covenants debts moneys choses in
 55 action and things at present vested in the Trustees of the Company or any other person on behalf of the Company shall immediately after the passing of this Act become vested in the Company for the same
Property at present in Trustees to become vested in Corporation.
 estate

Parramatta Gas Company's Incorporation.

estate and interest and with the like powers and authorities as the same are now vested in the said Trustees or other person without any assignment or conveyance whatever.

9. Nothing in this Act contained shall prejudice or be construed
 5 to prejudice any call made or any contract or other act deed matter or thing entered into made or done by the Company or by any person on behalf of the Company under or by virtue of the deed of settlement before this Act come into operation but the same call contract act deed matter or thing shall be as valid and effectual to all intents and
 10 purposes and may be enforced in like manner as if the Company had been incorporated before the same call contract act deed matter or thing had been made entered into or done.

Act not to prejudice any contract &c. already entered into.

10. The shares in the capital of the Company and all the funds
 and property of the Company and all shares therein shall be personal
 15 estate and transmissible as such subject to the restrictions for that purpose contained in the said deed of settlement and shall not be of the nature of real estate.

Shares to be personal estate.

11. Subject to the restrictions for this purpose in the said deed
 of settlement contained every shareholder may sell and transfer all or
 20 any of his shares in the capital of the Company (but not a fractional part of a share) and every such transfer shall be by deed and according to a form to be approved of by the Directors and the transferee of such shares shall so soon as he has complied with the provisions relative to the transfer of shares contained in the said deed of settlement
 25 become a shareholder in respect of the same shares in every respect.

Transfer of shares to be by deed.

12. The Company shall not be bound to notice or see to the
 execution of any trust whether express implied or constructive to
 which any share may be subject and the receipt of the party in whose
 name any share shall stand in the books of the Company or if it stands
 30 in the name of more parties than one the receipt of one of the parties named in the share register hereinafter mentioned shall from time to time be a sufficient discharge to the Company for any dividend or other sum of money payable in respect of such share notwithstanding any trust to which such share may then be subject and notwith-
 35 standing that the Company have had notice of such trusts and the Company shall not be bound to see to the application of the money paid upon such receipt.

Company not bound to regard trusts.

13. In case the Assignee of any insolvent shareholder shall elect
 to accept the shares of such insolvent or in case the Trustees of any
 40 estate assigned for the benefit of creditors shall elect to accept the shares belonging to such assigned estate such Assignee or Trustees shall forthwith nominate some other person to become a proprietor in respect of such shares such nominee to be subject to the approval of the Directors But in no case shall such Assignee or Trustees be
 45 themselves entitled to become shareholders in respect of the shares of any insolvent shareholder or of any shareholder whose estate shall have been so assigned as aforesaid.

The Assignee of insolvent shareholder and the Trustees of assigned estates to nominate some person to become a proprietor in respect of shares of such insolvent or assigned estate.

14. It shall be lawful for the Company notwithstanding any
 statute or law to the contrary to purchase take hold and enjoy to them
 50 and their successors for any estate term of years or interest any lands houses offices buildings and hereditaments as may be necessary or proper for the purpose of managing conducting and carrying on the affairs concerns and business of the Company And to sell convey assign assure demise or otherwise dispose of or act in respect of such
 55 lands houses offices buildings and hereditaments as occasion may require.

Power to purchase and hold lands.

15. It shall be lawful for any person who is competent so to do
 to grant sell alien release and convey assign assure demise and dispose
 of unto and to the use of the Company and their successors for the
 purposes aforesaid or any of them any such lands and hereditaments.

Power to sell to Company.

Parramatta Gas Company's Incorporation.

16. In any action or suit to be brought by the Company against any shareholder to recover the money due for or in respect of any call made by virtue of this Act or of the said deed of settlement it shall be sufficient for the Company to declare and allege that the defendant being the proprietor of such or so many shares in the capital of the Company is indebted to the Company 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 Company 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 Company 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 deed of settlement And the Company shall thereupon be entitled to recover what shall appear due upon each call with interest thereon.

Actions or suits for calls.

17. 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.

Share Register.

18. 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.

Share register to be evidence.

19. In every case dividends or bonuses shall be declared and paid out of the net gains and profits of the Company and not out of the capital for the time-being of the Company or any portion thereof.

Dividends to be paid from profits only.

20. If any execution either at law or in equity shall be or shall 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 subscribed for and unpaid by him and a further sum equal to the amount so subscribed for 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 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

Execution against shareholders.

Parramatta Gas Company's Incorporation.

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.

21. Every shareholder against whom or against whose property
5 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
10 and effects of the Company such shareholder shall be entitled to con-
tribution 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
15 behalf aforesaid as and subject to the limitation herein provided and
such contribution may be recovered as aforesaid according to the pro-
visions in that behalf in the said deed of settlement contained.

Reimbursement
when execution
issued against a
shareholder.

22. In the cases provided by this Act for execution of any judg-
ment decree or order in any action or suit against the Company to be
20 issued against the person or against the property and effects of any share-
holder or former shareholder of the Company or against the property and
effects of the Company at the suit of any shareholder or former share-
holder in satisfaction of any money damages costs and expenses paid or
incurred by him as aforesaid in any action or suit against the Company
25 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 sugges-
tion or *scire facias* in that behalf and it shall be lawful for such Court
30 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 res-
35 pectively 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
04 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.

Execution against
shareholders.

23. Each shareholder in the said Company for the time being
45 shall be liable to contribute to the assets of the Company or to meet
its liabilities to an amount not exceeding the amount of the shares
held by him or her and to a further sum of equal amount and no
shareholder shall at any time be liable with respect to the transactions
50 or liabilities of the Company beyond such amount.

Liability of share-
holders.

24. 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
55 other proceeding civil criminal or otherwise or any creditor of an insol-
vent estate or any person being a party to or interested in any process
or proceeding whatsoever is or shall be authorized empowered or
required to make any affidavit deposition or information or to sign or
present

Power to Secretary or
other officer.

Parramatta Gas Company's Incorporation.

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
 5 any such affidavit deposition or information sign present any such petition or do any such other act as aforesaid.

25. The Directors for the 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
 10 Directors in the same manner as is provided by the said deed of settlement 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
 15 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 deed of settlement and of this Act But it shall not be necessary to use the corporate seal in respect
 20 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 the hand of any person whom the Directors shall appoint in that behalf and the affixing thereof
 25 shall be attested by at least one Director and such person so appointed.

Custody and use of corporate seal.

26. The Company is hereby fully authorized and empowered by its servants contractors agents workmen and others from time to time to make erect sink lay place and fix such retorts gasholders
 30 meters receivers cisterns engines machines cuts drains sewers water-courses pipes reservoirs buildings and other works and devices of such construction and in such manner as the Company shall think necessary or proper for the purpose of carrying out the operations of the Company and also to break up the soil and pavement of any highway street road way lane passage or other public place or thoroughfare or
 35 of any road way 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 or against any wall or walls erected on or adjoining to any of them and
 40 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 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
 45 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 syphons plugs branches or other apparatus Provided always that nothing herein contained shall be deemed to authorize the Company its contractors agents or workmen to enter into or upon any
 50 private lands buildings or places for any of the purposes aforesaid to carry out any of the operations of the Company without the previous consent of the occupiers thereof.

Power to erect gas-holders break up roads streets &c.

27. It shall be lawful for the Company to contract with any person or persons (whether incorporate or individual) for supplying
 55 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

May make contracts for supply of gas.

Parramatta Gas Company's Incorporation.

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 Company its contractors workmen or agents shall at
5 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 or within fourteen days after
10 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 Company 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 other apparatus
15 which shall have been placed and introduced by the Company 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 Company shall neglect so to do for fourteen days after receipt of such notice it shall be lawful for such owner or succeeding occupier
20 provided free and reasonable access has been given to the agents servants and workmen of the Company 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 tenement or place caused thereby the reasonable
25 costs and charges attending which shall immediately be paid by the Company to the owner or occupier making such repairs as aforesaid. And in default of such sum being paid by the Company within seven days after demand thereof in writing made at the offices of the Company it shall be lawful for the said owner or occupier or his or her
30 agent to make complaint thereof before any Justice of the Peace for the said Colony who may cause a summons to be issued in the usual form calling on the Company 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
35 if the Company 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 just and reasonable and such order or award to enforce by distress. Provided
40 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 Company for the purpose of removing any such pipe burner lamp meter or other apparatus placed or introduced into any such building tenement or place by the Com-
45 pany or shall prevent or obstruct such removal then the said owner occupier or person acting for him shall immediately make payment to the Company 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 it shall be lawful for the Company to make
50 complaint before any such Justice as aforesaid 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 tenement or place is situated why he refuses to pay such demand. And thereupon the said Court shall proceed to the
55 adjudication and enforcement of such demand in the manner in this clause set forth for the recovery of claims against the Company. 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 Company or shall use additional burners or burners of larger
dimensions

Parramatta Gas Company's Incorporation.

dimensions or of other kinds or descriptions than that which he shall have contracted to pay for or shall supply any person with the gas
 5 supplied to him by the Company without the consent in writing of the Company first obtained or if any person shall wantonly or maliciously hinder or interrupt the contractors workmen agents or servants of the Company in legally doing or performing any of the works aforesaid or in exercising the powers and authorities by this Act given or if any
 10 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 Company or remove the same or cause a waste or improper use of gas supplied by the Company it shall be lawful for the Company to make complaint thereof before any such
 15 Justice as aforesaid 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 Company any sum not exceeding five pounds over and above all
 20 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 in respect of claims against the Company 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
 25 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.

28. When and so often as the Company its contractors agents
 30 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 lane thoroughfare or place dedicated to or used by the public as such the Company shall make all reasonable despatch in the performance of the work to be
 35 done and shall on completion of such work forthwith carry away all rubbish and waste or surplus material and reinstate such 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 contin-
 40 uance of such work and until such reinstatement keep up barriers and keep lamps burning at night in order to prevent accidents And 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
 45 any person to give notice thereof in writing to the Company who shall immediately take the most speedy and effectual measures to remedy and prevent the same And if the Company shall without lawful excuse make default in any of the matters so required by it to be performed it shall be lawful for any person to lodge a complaint thereof
 50 before any Justice of the Peace for the said Colony who may thereupon summons the Company 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 Company within a reasonable time to be named by such court and in default of compli-
 55 ance with such order any such Justice as aforesaid 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 Company 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.

Materials of roads
&c. broken up to be
replaced.

Parramatta Gas Company's Incorporation.

29. In case any person or persons or any body or bodies corporate Commissioners or Trustees who shall contract with the Company
 5 or agree to take or shall take or use and enjoy the gas of the Company either in private dwellings shops inns taverns or other buildings or manufactories grounds or premises or otherwise shall refuse or neglect after demand to pay the sum or sums of money then due under their his or her contract for the same to the said corporation according to the
 10 terms and stipulations of the said respective parties with the Company it shall be lawful for the Company to make complaint thereof before any Justice of the Peace for the said Colony 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
 15 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 and enforcement of the said demand and costs charges and expenses in the prosecution thereof by distress and sale of the goods and chattels of the person so neglecting or refusing
 20 to pay the same rendering the surplus if any to such person or persons so neglecting or refusing And it shall also be lawful for the Company to cut off and take away the supply of gas from the house or houses inn tavern shop manufactory warehouse or other buildings premises or places of every such person so making default in payment
 25 of such sum or sums of money then due by his her or their contract to the Company after such demand as aforesaid and thenceforth to discontinue the supply of gas contracted for with the Company by such person or persons.

Remedy for the
recovery of rates.

30. Any person may appeal from the judgment or conviction
 30 of the said Court of Petty Sessions under this Act in the form and manner set forth in the Act of the Legislature fifth William fourth number twenty-two.

Appeal.

31. Nothing in this Act contained shall be construed to prevent any person from indicting or otherwise proceeding against the
 35 Company for nuisance or otherwise in respect of the works or means used or employed by the Company 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
 40 gas to the said town of Parramatta or to exercise any powers which it may be deemed expedient or necessary to grant for that purpose.

Indictment for
nuisance.

32. This Act shall be deemed and taken to be a public Act and shall be taken judicial notice of as such by the Judges of the Supreme Court of New South Wales and by all other Judges Justices and
 45 others within the Colony of New South Wales and its Dependencies without being specially pleaded and the same whenever cited shall be sufficiently described as the "Parramatta Gas Company's Incorporation Act (Limited)."

Act to be deemed a
public Act.

PARRAMATTA GAS COMPANY'S INCORPORATION BILL.

SCHEDULE of the Amendments referred to in Message of 18th July, 1872.

JOHN J. CALVERT,
Clerk of the Parliaments.

Page 3, clause 3, line 13. At the end of clause *after* "time-being" *add* "Provided
"always that no clause in the deed of settlement or any by-law made
"in pursuance of the said deed or of this Act shall be taken to affect
"any person who has not executed the said deed or the cestui que trust
"of any share in the said Company."

„ clause 7, line 53. *Omit* "against every shareholder" *insert* "on the Company."
Page 10, clause 32, lines 40 to 44. *Omit* "shall be deemed and taken to be
"a public Act and shall be taken judicial notice of as such by the Judges of
"the Supreme Court of New South Wales and by all other Judges Justices
"and others within the Colony of New South Wales and its Dependencies
"without being specially pleaded and the same whenever cited shall be suffi-
"ciently described" *insert* "may be cited."

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

*Legislative Assembly Chamber,
Sydney, 9 July, 1872. }*

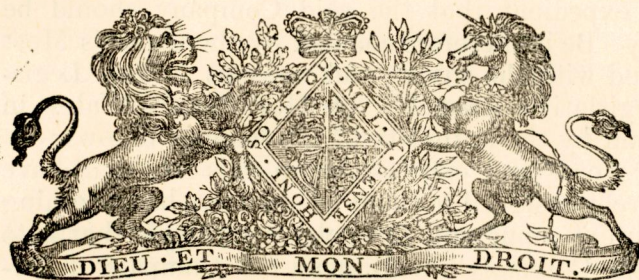
STEPHEN W. JONES,
Clerk of Legislative Assembly.

The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.

*Legislative Council Chamber,
Sydney, 18th July, 1872. }*

JOHN J CALVERT,
Clerk of the Parliaments.

New South Wales.



ANNO TRICESIMO SEXTO

VICTORIÆ REGINÆ.

An Act to Incorporate the Parramatta Gas Company (Limited).

WHEREAS a Joint Stock Company called the Parramatta Gas Company (Limited) has been lately established at Parramatta in the Colony of New South Wales under and subject to the rules regulations and provisions contained in a certain deed of settlement bearing date the sixth day of October one thousand eight hundred and seventy-one purporting to be the deed of settlement of the said Company And whereas by the said deed of settlement the several parties thereto have respectively and mutually covenanted and agreed that they whilst holding shares in the capital of the Company should become remain and continue until dissolved under the provisions in that behalf therein contained a Joint Stock Company for the express object of carrying on the business thereof under the name style and title of the Parramatta Gas Company (Limited) 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 town of Parramatta in the Colony of New South Wales and its suburbs and also for manufacturing selling or disposing of all and every product refuse or residuum to be obtained from the material used in such business And for the purposes aforesaid to purchase or lease lands offices and buildings and make erect sink lay place and fix such retorts gasholders meters receivers cisterns engines machines cuts drains sewers water-courses pipes reservoirs and buildings

127—A of

NOTE.—The words to be omitted are ruled through ; those to be inserted are printed in black letter.

Parramatta Gas Company's Incorporation.

of such construction and in such manner as should be deemed necessary and proper for the purpose of carrying the objects of the said Company into execution And whereas by the said deed of settlement it was further agreed that the capital of the Company should consist of nine
 5 thousand pounds to be contributed in shares of five pounds each and of such further sum and sums of money as should be raised by the creation allotment and sale of new shares for the like amount as therein provided And that the said Company should commence its operations so soon as two-thirds of the shares of the Company should have been
 10 taken up and the proprietors thereof should have executed the said deed of settlement And whereas by the said deed of settlement provision has been made for the due management of the affairs of the said Company by certain Directors already appointed and by other Directors to be from time to time elected and appointed as their
 15 successors by the shareholders of the said Company and also for the disposal and application of the profits and the payment of dividends and bonuses And whereas the said Company is desirous of being incorporated and it is expedient that the said Company should be incorporated accordingly Be it therefore enacted by the Queen's Most
 20 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. The following words and expressions in this Act shall have the several meanings hereby assigned to them unless there be something
 25 in the subject or the context repugnant to such construction that is to say—The expression “the Company” shall mean the Company incorporated by this Act The expression “the Directors” shall mean the Board of Directors of the Company duly appointed under the provisions of the deed of settlement of the Company The word “Shareholder”
 30 shall mean shareholder proprietor or member of the Company The expression “Deed of Settlement” shall mean the deed of settlement of the Company and any addition to alteration or amendment thereof which may be made in pursuance of the provisions thereof.

2. Such and so many persons as have already become or at any
 35 time or times hereafter shall or may in the manner provided by and subject to the rules regulations and provisions contained in the said deed of settlement become holders of shares of or in the capital for the time being of the Company shall subject nevertheless to the conditions regulations and provisions hereinafter contained be one body politic and
 40 corporate by name and in deed by the name of “The Parramatta Gas Company (Limited)” and by that name shall and may grant and receive and shall and may sue and implead any person whether a member of the Company or not and may be sued and impleaded by any person whether a member of the Company or not in all Courts whatsoever at
 45 law or in equity and may prefer lay and prosecute any indictment information or prosecution against any person whomsoever whether a shareholder or not for any crime or offence whatsoever and in all indictments informations and prosecutions it shall be lawful to state the money goods effects bills notes securities or other property of whatsoever
 50 nature of the Company relative to which such indictment information or prosecution is preferred laid or prosecuted to be the money goods effects bills notes securities or other property of the Company and generally to designate the Company by its corporate name whenever for any purpose whatsoever such designation shall be necessary
 55 and the Company shall have perpetual succession with a common seal which may be altered varied and changed from time to time at the pleasure of the Company.

3. The several laws rules regulations clauses and agreements
 contained in the deed of settlement or to be made in pursuance of the
 provisions

Interpretation
clause.

Company
incorporated.

Deed of settlement
confirmed.

Parramatta Gas Company's Incorporation.

provisions for that purpose therein contained are and shall be the by-laws for the time-being of the Company save and except in so far as any of them are or shall or may be altered varied or repealed by or are or shall or may be inconsistent with or repugnant to any of the provisions of this Act or any of the laws or statutes now or hereafter to be in force in the said Colony subject nevertheless to be and the same may be amended altered or repealed either wholly or in part in the manner provided by the said deed of settlement But no rule or by-law shall on any account or pretence whatsoever be made by the Company either under or by virtue of the said deed of settlement or of this Act in opposition to the general scope or true intent and meaning of the said deed of settlement or of this Act or of any of the laws or statutes in force in the said Colony for the time-being **Provided always that no clause in the deed of settlement or any by-law made in pursuance of the said deed or of this Act shall be taken to affect any person who has not executed the said deed or the cestui que trust of any share in the said Company.**

4. The production of a written or printed copy of the said deed of settlement 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 deed of settlement or of such by-laws rules or regulations. Evidence of by-laws.

5. It shall be lawful for the Company subject to the restrictions and provisions herein and in the said deed of settlement contained to produce or extract inflammable air or gas from coal oil tar pitch or other material And to light and supply with gas all public and private places roads streets and buildings within the town of Parramatta in the Colony of New South Wales and its suburbs and to manufacture sell or otherwise dispose of all and every product refuse or residuum to be obtained from the material used in such business And for the purposes aforesaid to purchase and contract for the procuring of coal and other materials as aforesaid and to purchase or lease lands offices and buildings and make erect sink lay place and fix such retorts gasholders meters receivers cisterns engines machines cuts drains sewers water-courses pipes reservoirs and buildings of such construction and in such manner as shall be deemed necessary and proper for the purpose of carrying the objects of the said Company into execution. General business of the Company.

6. It shall be lawful for the Company 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 deed of settlement. Increase of capital.

7. It shall be lawful for the Directors from time to time as they shall see fit in the manner specified in the deed of settlement to make accept and indorse such promissory notes or bills of exchange on behalf of the Company for any purposes connected with the affairs and business of the Company and the making accepting and endorsing of any such promissory notes or bills of exchange by the Chairman of the Company and at least one other Director authorized in that behalf by the Directors for and on behalf of the Company shall be binding ~~against every shareholder~~ **on the Company** And it shall be also lawful for the Directors on behalf of the Company to procure advances and to borrow money and to pay off and discharge such advances in the manner for the purposes and subject to the restrictions specified in the said deed of settlement. Power to borrow money.

8. All the lands securities covenants debts moneys choses in action and things at present vested in the Trustees of the Company or any other person on behalf of the Company shall immediately after the Property at present in Trustees to become vested in Corporation.

Parramatta Gas Company's Incorporation.

the passing of this Act become vested in the Company for the same estate and interest and with the like powers and authorities as the same are now vested in the said Trustees or other person without any assignment or conveyance whatever.

5 9. Nothing in this Act contained shall prejudice or be construed to prejudice any call made or any contract or other act deed matter or thing entered into made or done by the Company or by any person on behalf of the Company under or by virtue of the deed of settlement before this Act come into operation but the same call contract act deed matter or thing shall be as valid and effectual to all intents and purposes and may be enforced in like manner as if the Company had been incorporated before the same call contract act deed matter or thing had been made entered into or done.

Act not to prejudice any contract &c. already entered into.

10 10. The shares in the capital of the Company and all the funds and property of the Company and all shares therein shall be personal estate and transmissible as such subject to the restrictions for that purpose contained in the said deed of settlement and shall not be of the nature of real estate.

Shares to be personal estate.

11. Subject to the restrictions for this purpose in the said deed of settlement contained every shareholder may sell and transfer all or any of his shares in the capital of the Company (but not a fractional part of a share) and every such transfer shall be by deed and according to a form to be approved of by the Directors and the transferee of such shares shall so soon as he has complied with the provisions relative to the transfer of shares contained in the said deed of settlement become a shareholder in respect of the same shares in every respect.

Transfer of shares to be by deed.

12. The Company shall not be bound to notice or see to the execution of any trust whether express implied or constructive to which any share may be subject and the receipt of the party in whose name any share shall stand in the books of the Company or if it stands in the name of more parties than one the receipt of one of the parties named in the share register hereinafter mentioned shall from time to time be a sufficient discharge to the Company for any dividend or other sum of money payable in respect of such share notwithstanding any trust to which such share may then be subject and notwithstanding that the Company have had notice of such trusts and the Company shall not be bound to see to the application of the money paid upon such receipt.

Company not bound to regard trusts.

13. In case the Assignee of any insolvent shareholder shall elect to accept the shares of such insolvent or in case the Trustees of any estate assigned for the benefit of creditors shall elect to accept the shares belonging to such assigned estate such Assignee or Trustees shall forthwith nominate some other person to become a proprietor in respect of such shares such nominee to be subject to the approval of the Directors But in no case shall such Assignee or Trustees be themselves entitled to become shareholders in respect of the shares of any insolvent shareholder or of any shareholder whose estate shall have been so assigned as aforesaid.

The Assignee of insolvent shareholder and the Trustees of assigned estates to nominate some person to become a proprietor in respect of shares of such insolvent or assigned estate.

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

Power to purchase and hold lands.

15. It shall be lawful for any person who is competent so to do to grant sell alien release and convey assign assure demise and dispose of unto and to the use of the Company and their successors for the purposes aforesaid or any of them any such lands and hereditaments.

Power to sell to Company.

Parramatta Gas Company's Incorporation.

16. In any action or suit to be brought by the Company against any shareholder to recover the money due for or in respect of any call made by virtue of this Act or of the said deed of settlement it shall be sufficient for the Company to declare and allege that the defendant being the proprietor of such or so many shares in the capital of the Company is indebted to the Company 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 Company 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 Company 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 deed of settlement And the Company shall thereupon be entitled to recover what shall appear due upon each call with interest thereon.

Actions or suits for calls.

17. 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.

Share Register.

18. 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.

Share register to be evidence.

19. In every case dividends or bonuses shall be declared and paid out of the net gains and profits of the Company and not out of the capital for the time-being of the Company or any portion thereof.

Dividends to be paid from profits only.

20. If any execution either at law or in equity shall be or shall 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 subscribed for and unpaid by him and a further sum equal to the amount so subscribed for 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 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

Execution against shareholders.

Parramatta Gas Company's Incorporation.

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.

21. Every shareholder against whom or against whose property
5 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
10 and effects of the Company such shareholder shall be entitled to con-
tribution 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
15 behalf aforesaid as and subject to the limitation herein provided and
such contribution may be recovered as aforesaid according to the pro-
visions in that behalf in the said deed of settlement contained.

Reimbursement
when execution
issued against a
shareholder.

22. In the cases provided by this Act for execution of any judg-
ment decree or order in any action or suit against the Company to be
20 issued against the person or against the property and effects of any share-
holder or former shareholder of the Company or against the property and
effects of the Company at the suit of any shareholder or former share-
holder in satisfaction of any money damages costs and expenses paid or
incurred by him as aforesaid in any action or suit against the Company
25 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 sugges-
tion or *scire facias* in that behalf and it shall be lawful for such Court
30 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 res-
35 pectively 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
04 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.

Execution against
shareholders.

23. Each shareholder in the said Company for the time being
45 shall be liable to contribute to the assets of the Company or to meet
its liabilities to an amount not exceeding the amount of the shares
held by him or her and to a further sum of equal amount and no
shareholder shall at any time be liable with respect to the transactions
50 or liabilities of the Company beyond such amount.

Liability of share-
holders.

24. 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
54 other proceeding civil criminal or otherwise or any creditor of an insol-
vent estate or any person being a party to or interested in any process
or proceeding whatsoever is or shall be authorized empowered or
required to make any affidavit deposition or information or to sign or
present

Power to Secretary or
other officer.

Parramatta Gas Company's Incorporation.

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 or information sign present any such petition or do any such other act as aforesaid.

25. 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 deed of settlement 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 deed of settlement 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 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.

26. The Company is hereby fully authorized and empowered by its servants contractors agents workmen and others from time to time to make erect sink lay place and fix such retorts gasholders meters receivers cisterns engines machines cuts drains sewers water-courses pipes reservoirs buildings and other works and devices of such construction and in such manner as the Company shall think necessary or proper for the purpose of carrying out the operations of the Company and also to break up the soil and pavement of any highway street road 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 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 or 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 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 syphons plugs branches or other apparatus. Provided always that nothing herein contained shall be deemed to authorize the Company its contractors agents or workmen to enter into or upon any private lands buildings or places for any of the purposes aforesaid to carry out any of the operations of the Company without the previous consent of the occupiers thereof.

27. It shall be lawful for the Company to contract with any person or 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

Custody and use of corporate seal.

Power to erect gas-holders break up roads streets &c.

May make contracts for supply of gas.

Parramatta Gas Company's Incorporation.

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 Company its contractors workmen or agents shall at
5 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 or within fourteen days after
10 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 Company 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 other apparatus
15 which shall have been placed and introduced by the Company 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 Company shall neglect so to do for fourteen days after receipt of such notice it shall be lawful for such owner or succeeding occupier
20 provided free and reasonable access has been given to the agents servants and workmen of the Company 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 tenement or place caused thereby the reasonable
25 costs and charges attending which shall immediately be paid by the Company to the owner or occupier making such repairs as aforesaid. And in default of such sum being paid by the Company within seven days after demand thereof in writing made at the offices of the Company it shall be lawful for the said owner or occupier or his or her
30 agent to make complaint thereof before any Justice of the Peace for the said Colony who may cause a summons to be issued in the usual form calling on the Company 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
35 if the Company 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 just and reasonable and such order or award to enforce by distress. Provided
40 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 Company for the purpose of removing any such pipe burner lamp meter or other apparatus placed or introduced into any such building tenement or place by the Com-
45 pany or shall prevent or obstruct such removal then the said owner occupier or person acting for him shall immediately make payment to the Company 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 it shall be lawful for the Company to make
50 complaint before any such Justice as aforesaid 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 tenement or place is situated why he refuses to pay such demand. And thereupon the said Court shall proceed to the
55 adjudication and enforcement of such demand in the manner in this clause set forth for the recovery of claims against the Company. 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 Company or shall use additional burners or burners of larger dimensions

Parramatta Gas Company's Incorporation.

dimensions or of other kinds or descriptions than that which he shall have contracted to pay for or shall supply any person with the gas supplied to him by the Company without the consent in writing of the Company first obtained or if any person shall wantonly or maliciously
 5 hinder or interrupt the contractors workmen agents or servants of the Company 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
 10 lamps meters or apparatus of the Company or remove the same or cause a waste or improper use of gas supplied by the Company it shall be lawful for the Company to make complaint thereof before any such Justice as aforesaid who may cause to be issued a summons to the person so offending to appear before the Court of Petty Sessions of
 15 the police district where such offence shall be committed and being thereof lawfully convicted such person shall forfeit and pay to the Company 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
 20 in respect of claims against the Company 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
 25 enforced and observed in all proceedings under this Act not herein expressly provided for.

28. When and so often as the Company 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
 30 public place or thoroughfare or of any road way lane thoroughfare or place dedicated to or used by the public as such the Company shall make all reasonable despatch in the 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 reinstate such pavement
 35 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 keep up barriers and keep lamps burning at night in order to prevent accidents And when
 40 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 Company who shall immediately take the most speedy and effectual measures to remedy
 45 and prevent the same And if the Company shall without lawful excuse make default in any of the matters so required by it to be performed it shall be lawful for any person to lodge a complaint thereof before any Justice of the Peace for the said Colony who may thereupon summons the Company before the nearest Court of Petty Sessions and
 50 on proof of such default the said Court of Petty Sessions shall order and direct that the same shall be done by the Company within a reasonable time to be named by such court and in default of compliance with such order any such Justice as aforesaid on proof thereof and on proof that the complainant or any other person has performed
 55 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 Company 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.

Materials of roads
&c. broken up to be
replaced.

Parramatta Gas Company's Incorporation.

29. In case any person or persons or any body or bodies corporate Commissioners or Trustees who shall contract with the Company or agree to take or shall take or use and enjoy the gas of the Company either in private dwellings shops inns taverns or other buildings or
 5 manufactories grounds or premises or otherwise shall refuse or neglect after demand to pay the sum or sums of money then 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 Company it shall be lawful for the Company to make complaint thereof before
 10 any Justice of the Peace for the said Colony 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
 15 proceed to the adjudication and enforcement of the said demand and costs charges and expenses in the prosecution thereof 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 also be lawful for the
 20 Company to cut off and take away the supply of gas from the house or houses inn tavern shop manufactory warehouse or other buildings 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 Company after such demand as aforesaid and thenceforth to
 25 discontinue the supply of gas contracted for with the Company by such person or persons.

Remedy for the recovery of rates.

30. 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 the Legislature fifth William fourth
 30 number twenty-two.

Appeal.

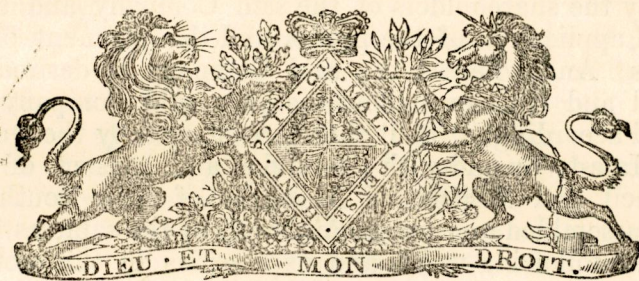
31. Nothing in this Act contained shall be construed to prevent any person from indicting or otherwise proceeding against the Company for nuisance or otherwise in respect of the works or means used or employed by the Company in exercising the privileges hereby
 35 on it conferred nor shall anything herein 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 town of Parramatta or to exercise any powers which it may be deemed expedient or necessary to grant for that purpose.

Indictment for nuisance.

40 32. This Act shall be deemed and taken to be a public Act and shall be taken judicial notice of as such by the Judges of the Supreme Court of New South Wales and by all other Judges Justices and others within the Colony of New South Wales and its Dependencies without being specially pleaded and the same whenever cited shall be sufficiently described
 45 may be cited as the "Parramatta Gas Company's Incorporation Act (Limited)."

Act to be deemed a public Act.

New South Wales.



ANNO TRICESIMO SEXTO

VICTORIÆ REGINÆ.

An Act to Incorporate the Parramatta Gas Company (Limited).
[Assented to, 13th August, 1872.]

WHEREAS a Joint Stock Company called the Parramatta Gas Company (Limited) has been lately established at Parramatta in the Colony of New South Wales under and subject to the rules regulations and provisions contained in a certain deed of settlement bearing date the sixth day of October one thousand eight hundred and seventy-one purporting to be the deed of settlement of the said Company And whereas by the said deed of settlement the several parties thereto have respectively and mutually covenanted and agreed that they whilst holding shares in the capital of the Company should become remain and continue until dissolved under the provisions in that behalf therein contained a Joint Stock Company for the express object of carrying on the business thereof under the name style and title of the Parramatta Gas Company (Limited) 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 town of Parramatta in the Colony of New South Wales and its suburbs and also for manufacturing selling or disposing of all and every product refuse or residuum to be obtained from the material used in such business And for the purposes aforesaid to purchase or lease lands offices and buildings and make erect sink lay place and fix such retorts gasholders meters receivers cisterns engines machines cuts drains sewers water-courses pipes reservoirs and buildings of

Parramatta Gas Company's Incorporation.

of such construction and in such manner as should be deemed necessary and proper for the purpose of carrying the objects of the said Company into execution And whereas by the said deed of settlement it was further agreed that the capital of the Company should consist of nine thousand pounds to be contributed in shares of five pounds each and of such further sum and sums of money as should be raised by the creation allotment and sale of new shares for the like amount as therein provided And that the said Company should commence its operations so soon as two-thirds of the shares of the Company should have been taken up and the proprietors thereof should have executed the said deed of settlement And whereas by the said deed of settlement provision has been made for the due management of the affairs of the said Company by certain Directors already appointed and by other Directors to be from time to time elected and appointed as their successors by the shareholders of the said Company and also for the disposal and application of the profits and the payment of dividends and bonuses And whereas the said Company is desirous of being incorporated and it is expedient that the said Company should be incorporated accordingly 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
clause.

1. The following words and expressions in this Act shall have the several meanings hereby assigned to them unless there be something in the subject or the context repugnant to such construction that is to say—The expression “the Company” shall mean the Company incorporated by this Act The expression “the Directors” shall mean the Board of Directors of the Company duly appointed under the provisions of the deed of settlement of the Company The word “Shareholder” shall mean shareholder proprietor or member of the Company The expression “Deed of Settlement” shall mean the deed of settlement of the Company and any addition to alteration or amendment thereof which may be made in pursuance of the provisions thereof.

Company
incorporated.

2. Such and so many persons as have already become or at any time or times hereafter shall or may in the manner provided by and subject to the rules regulations and provisions contained in the said deed of settlement become holders of shares of or in the capital for the time being of the Company shall subject nevertheless to the conditions regulations and provisions hereinafter contained be one body politic and corporate by name and in deed by the name of “The Parramatta Gas Company (Limited)” and by that name shall and may grant and receive and shall and may sue and implead any person whether a member of the Company or not and may be sued and impleaded by any person whether a member of the Company or not in all Courts whatsoever at law or in equity and may prefer lay and prosecute any indictment information or prosecution against any person whomsoever whether a shareholder or not for any crime or offence whatsoever and in all indictments informations and prosecutions it shall be lawful to state the money goods effects bills notes securities or other property of whatsoever nature of the Company relative to which such indictment information or prosecution is preferred laid or prosecuted to be the money goods effects bills notes securities or other property of the Company and generally to designate the Company by its corporate name whenever for any purpose whatsoever such designation shall be necessary and the Company shall have perpetual succession with a common seal which may be altered varied and changed from time to time at the pleasure of the Company.

Deed of Settlement
confirmed.

3. The several laws rules regulations clauses and agreements contained in the deed of settlement or to be made in pursuance of the provisions

Parramatta Gas Company's Incorporation.

provisions for that purpose therein contained are and shall be the by-laws for the time-being of the Company save and except in so far as any of them are or shall or may be altered varied or repealed by or are or shall or may be inconsistent with or repugnant to any of the provisions of this Act or any of the laws or statutes now or hereafter to be in force in the said Colony subject nevertheless to be and the same may be amended altered or repealed either wholly or in part in the manner provided by the said deed of settlement But no rule or by-law shall on any account or pretence whatsoever be made by the Company either under or by virtue of the said deed of settlement or of this Act in opposition to the general scope or true intent and meaning of the said deed of settlement or of this Act or of any of the laws or statutes in force in the said Colony for the time-being Provided always that no clause in the deed of settlement or any by-law made in pursuance of the said deed or of this Act shall be taken to affect any person who has not executed the said deed or the *cestui que* trust of any share in the said Company.

4. The production of a written or printed copy of the said deed of settlement 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 deed of settlement or of such by-laws rules or regulations. Evidence of by-laws.

5. It shall be lawful for the Company subject to the restrictions and provisions herein and in the said deed of settlement contained to produce or extract inflammable air or gas from coal oil tar pitch or other material And to light and supply with gas all public and private places roads streets and buildings within the town of Parramatta in the Colony of New South Wales and its suburbs and to manufacture sell or otherwise dispose of all and every product refuse or residuum to be obtained from the material used in such business And for the purposes aforesaid to purchase and contract for the procuring of coal and other materials as aforesaid and to purchase or lease lands offices and buildings and make erect sink lay place and fix such retorts gasholders meters receivers cisterns engines machines cuts drains sewers water-courses pipes reservoirs and buildings of such construction and in such manner as shall be deemed necessary and proper for the purpose of carrying the objects of the said Company into execution. General business of the Company.

6. It shall be lawful for the Company 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 deed of settlement. Increase of capital.

7. It shall be lawful for the Directors from time to time as they shall see fit in the manner specified in the deed of settlement to make accept and indorse such promissory notes or bills of exchange on behalf of the Company for any purposes connected with the affairs and business of the Company and the making accepting and endorsing of any such promissory notes or bills of exchange by the Chairman of the Company and at least one other Director authorized in that behalf by the Directors for and on behalf of the Company shall be binding on the Company And it shall be also lawful for the Directors on behalf of the Company to procure advances and to borrow money and to pay off and discharge such advances in the manner for the purposes and subject to the restrictions specified in the said deed of settlement. Power to borrow money.

8. All the lands securities covenants debts moneys choses in action and things at present vested in the Trustees of the Company or any other person on behalf of the Company shall immediately after the Property at present in Trustees to become vested in Corporation.

Parramatta Gas Company's Incorporation.

the passing of this Act become vested in the Company for the same estate and interest and with the like powers and authorities as the same are now vested in the said Trustees or other person without any assignment or conveyance whatever.

Act not to prejudice
any contract &c.
already entered into.

9. Nothing in this Act contained shall prejudice or be construed to prejudice any call made or any contract or other act deed matter or thing entered into made or done by the Company or by any person on behalf of the Company under or by virtue of the deed of settlement before this Act come into operation but the same call contract act deed matter or thing shall be as valid and effectual to all intents and purposes and may be enforced in like manner as if the Company had been incorporated before the same call contract act deed matter or thing had been made entered into or done.

Shares to be per-
sonal estate.

10. The shares in the capital of the Company and all the funds and property of the Company and all shares therein shall be personal estate and transmissible as such subject to the restrictions for that purpose contained in the said deed of settlement and shall not be of the nature of real estate.

Transfer of shares
to be by deed.

11. Subject to the restrictions for this purpose in the said deed of settlement contained every shareholder may sell and transfer all or any of his shares in the capital of the Company (but not a fractional part of a share) and every such transfer shall be by deed and according to a form to be approved of by the Directors and the transferee of such shares shall so soon as he has complied with the provisions relative to the transfer of shares contained in the said deed of settlement become a shareholder in respect of the same shares in every respect.

Company not bound
to regard trusts.

12. The Company shall not be bound to notice or see to the execution of any trust whether express implied or constructive to which any share may be subject and the receipt of the party in whose name any share shall stand in the books of the Company or if it stands in the name of more parties than one the receipt of one of the parties named in the share register hereinafter mentioned shall from time to time be a sufficient discharge to the Company for any dividend or other sum of money payable in respect of such share notwithstanding any trust to which such share may then be subject and notwithstanding that the Company have had notice of such trusts and the Company shall not be bound to see to the application of the money paid upon such receipt.

The Assignee of
insolvent shareholder
and the Trustees of
assigned estates to
nominate some person
to become a pro-
prietor in respect of
shares of such insol-
vent or assigned
estate.

13. In case the Assignee of any insolvent shareholder shall elect to accept the shares of such insolvent or in case the Trustees of any estate assigned for the benefit of creditors shall elect to accept the shares belonging to such assigned estate such Assignee or Trustees shall forthwith nominate some other person to become a proprietor in respect of such shares such nominee to be subject to the approval of the Directors But in no case shall such Assignee or Trustees be themselves entitled to become shareholders in respect of the shares of any insolvent shareholder or of any shareholder whose estate shall have been so assigned as aforesaid.

Power to purchase
and hold lands.

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

Power to sell to
Company.

15. It shall be lawful for any person who is competent so to do to grant sell alien release and convey assign assure demise and dispose of unto and to the use of the Company and their successors for the purposes aforesaid or any of them any such lands and hereditaments.

Parramatta Gas Company's Incorporation.

16. In any action or suit to be brought by the Company against any shareholder to recover the money due for or in respect of any call made by virtue of this Act or of the said deed of settlement it shall be sufficient for the Company to declare and allege that the defendant being the proprietor of such or so many shares in the capital of the Company is indebted to the Company 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 Company 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 Company 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 deed of settlement And the Company shall thereupon be entitled to recover what shall appear due upon each call with interest thereon.

Actions or suits for calls.

17. 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.

Share Register.

18. 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.

Share register to be evidence.

19. In every case dividends or bonuses shall be declared and paid out of the net gains and profits of the Company and not out of the capital for the time-being of the Company or any portion thereof.

Dividends to be paid from profits only.

20. If any execution either at law or in equity shall be or shall 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 subscribed for and unpaid by him and a further sum equal to the amount so subscribed for 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 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

Execution against shareholders.

the

Parramatta Gas Company's Incorporation.

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.

21. 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 deed of settlement contained.

Execution against
shareholders.

22. In the cases 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.

Liability of share-
holders.

23. Each shareholder in the said Company for the time being shall be liable to contribute to the assets of the Company or to meet its liabilities to an amount not exceeding the amount of the shares held by him or her and to a further sum of equal amount and no shareholder shall at any time be liable with respect to the transactions or liabilities of the Company beyond such amount.

Power to Secretary or
other officer.

24. 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 authorized empowered or required to make any affidavit deposition or information or to sign or
present

Parramatta Gas Company's Incorporation.

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 or information sign present any such petition or do any such other act as aforesaid.

25. The Directors for the 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 deed of settlement 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 deed of settlement 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 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.

26. The Company is hereby fully authorized and empowered by its servants contractors agents workmen and others from time to time to make erect sink lay place and fix such retorts gasholders meters receivers cisterns engines machines cuts drains sewers water-courses pipes reservoirs buildings and other works and devices of such construction and in such manner as the Company shall think necessary or proper for the purpose of carrying out the operations of the Company and also to break up the soil and pavement of any highway street road 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 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 or 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 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 syphons plugs branches or other apparatus Provided always that nothing herein contained shall be deemed to authorize the Company its contractors agents or workmen to enter into or upon any private lands buildings or places for any of the purposes aforesaid to carry out any of the operations of the Company without the previous consent of the occupiers thereof.

Power to erect gas-holders break up roads streets &c.

27. It shall be lawful for the Company to contract with any person or 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

May make contracts for supply of gas.

Parramatta Gas Company's Incorporation.

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 Company its 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 or 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 Company 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 other apparatus which shall have been placed and introduced by the Company 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 Company 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 agents servants and workmen of the Company 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 tenement or place caused thereby the reasonable costs and charges attending which shall immediately be paid by the Company to the owner or occupier making such repairs as aforesaid. And in default of such sum being paid by the Company within seven days after demand thereof in writing made at the offices of the Company it shall be lawful for the said owner or occupier or his or her agent to make complaint thereof before any Justice of the Peace for the said Colony who may cause a summons to be issued in the usual form calling on the Company 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 Company 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 just and reasonable 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 Company for the purpose of removing any such pipe burner lamp meter or other apparatus placed or introduced into any such building tenement or place by the Company or shall prevent or obstruct such removal then the said owner occupier or person acting for him shall immediately make payment to the Company 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 it shall be lawful for the Company to make complaint before any such Justice as aforesaid 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 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 in this clause set forth for the recovery of claims against the Company. 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 Company or shall use additional burners or burners of larger dimensions

Parramatta Gas Company's Incorporation.

dimensions or of other kinds or descriptions than that which he shall have contracted to pay for or shall supply any person with the gas supplied to him by the Company without the consent in writing of the Company first obtained or if any person shall wantonly or maliciously hinder or interrupt the contractors workmen agents or servants of the Company 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 Company or remove the same or cause a waste or improper use of gas supplied by the Company it shall be lawful for the Company to make complaint thereof before any such Justice as aforesaid 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 Company 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 in respect of claims against the Company 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.

28. When and so often as the Company 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 lane thoroughfare or place dedicated to or used by the public as such the Company shall make all reasonable despatch in the 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 reinstate such 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 keep up barriers and keep lamps burning at night in order to prevent accidents And 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 Company who shall immediately take the most speedy and effectual measures to remedy and prevent the same And if the Company shall without lawful excuse make default in any of the matters so required by it to be performed it shall be lawful for any person to lodge a complaint thereof before any Justice of the Peace for the said Colony who may thereupon summons the Company 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 Company within a reasonable time to be named by such court and in default of compliance with such order any such Justice as aforesaid 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 Company 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.

Materials of roads
&c. broken up to be
replaced.

Parramatta Gas Company's Incorporation.

Remedy for the
recovery of rates.

29. In case any person or persons or any body or bodies corporate Commissioners or Trustees who shall contract with the Company or agree to take or shall take or use and enjoy the gas of the Company either in private dwellings shops inns taverns or other buildings or manufactories grounds or premises or otherwise shall refuse or neglect after demand to pay the sum or sums of money then 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 Company it shall be lawful for the Company to make complaint thereof before any Justice of the Peace for the said Colony 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 and enforcement of the said demand and costs charges and expenses in the prosecution thereof 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 also be lawful for the Company to cut off and take away the supply of gas from the house or houses inn tavern shop manufactory warehouse or other buildings 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 Company after such demand as aforesaid and thenceforth to discontinue the supply of gas contracted for with the Company by such person or persons.

Appeal.

30. 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 the Legislature fifth William fourth number twenty-two.

Indictment for
nuisance.

31. Nothing in this Act contained shall be construed to prevent any person from indicting or otherwise proceeding against the Company for nuisance or otherwise in respect of the works or means used or employed by the Company 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 town of Parramatta or to exercise any powers which it may be deemed expedient or necessary to grant for that purpose.

Act to be deemed a
public Act.

32. This Act may be cited as the "Parramatta Gas Company's Incorporation Act (Limited)."