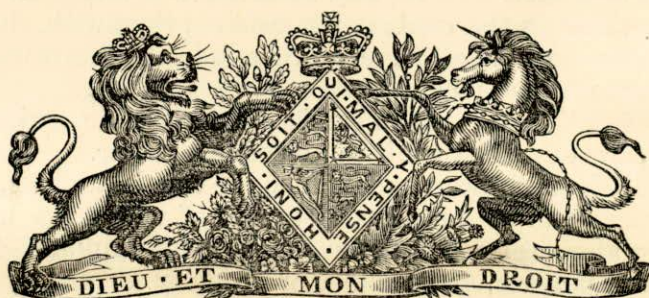


New South Wales.



ANNO QUINQUAGESIMO SEXTO

VICTORIÆ REGINÆ.

An Act to enable the "Hillgrove and Armidale Water-power Electric Company (Limited)," a company registered in Sydney, in the Colony of New South Wales, under the provisions of the Companies Acts, to construct and maintain machinery, works, and other appliances for making, generating, and transmitting electricity and supplying the same to any city, town, mine, company, co-partnership, person, or persons whatsoever, within the county of Sandon, in the said Colony of New South Wales, and for other purposes therein mentioned. [Assented to, 10th March, 1893.]

WHEREAS a certain company called the "Hillgrove and Armidale Water-power Electric Company (Limited)" has lately been formed at Sydney, in the Colony of New South Wales, under the provisions of the "Companies Act" thirty-seventh Victoria number nineteen, and under and subject to a certain memorandum of association bearing date the twenty-eighth day of July, one thousand eight hundred and ninety-two: And whereas the said company is desirous of acquiring the right to construct and maintain machinery and works and other appliances for generating, making, and transmitting electricity, and to control and manage the said works, and for other purposes: And
A Preamble.
whereas

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whereas it would be for the benefit of the Colony of New South Wales that the said "Hillgrove and Armidale Water-power Electric Company (Limited)" should be enabled to construct and maintain the said machinery and works as aforesaid, and that the powers authorised and concessions hereinafter proposed to be conferred on the said "Hillgrove and Armidale Water-power Electric Company (Limited)" should be granted to the said "Hillgrove and Armidale Water-power Electric Company (Limited)": And whereas such objects cannot be obtained without the authority of Parliament: 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:—

Short title.

1. This Act may be cited as the "Hillgrove and Armidale Water-power Electric Act."

Interpretation.

2. In this Act, and in any by-law made under it, save where there is something in the context inconsistent therewith, the following words and expressions shall have and include the following meanings attached thereto respectively:—

"Conductor" shall mean and include cable, wire, or other apparatus for transmitting electrical power.

"Conduit" shall mean and include the canals, tunnels, aqueducts, cuttings, pipes, or wires by means of which the main supply of water, water-power, or electricity is supplied to any city, town, persons, or building, or property.

"Crown land" shall mean and include any land or lands in the County of Sandon, in the said Colony, which are or may become vested in the Crown, and includes all lands of the Crown in the said County which are or may be occupied for pastoral or mining or other purposes under any lease or license issued in pursuance of any Act of the Parliament of this Colony.

"Company" means the "Hillgrove and Armidale Water-power Electric Company (Limited)," registered under the "Companies Act" thirty-seventh Victoria number nineteen, and its successors and assigns.

"County" shall mean the county of Sandon.

"First lessee" means any person entitled to occupy any land previously leased.

"Gazette" means the *Government Gazette*.

"Governor" means the Governor for the time being of the Colony of New South Wales, with the advice of the Executive Council.

"Local Authority" means the Board of Health, Municipal Council, Road Trust, Town Board, or body of persons or person having the control or management of the street in respect of which such expression shall be used, if the same shall be used in respect of any particular street; but if the same shall not be used in respect of any street, it shall mean the Municipal Council or body corporate having the local government of any city, town, or district in which any of the works hereby authorised may be situate, or in default of any such local authority the Minister for Lands.

"Machinery" means any appliance for carrying into effect any of the objects authorised by this Act.

"Meter" means any instrument, apparatus, or appliance for measuring and ascertaining the quantity of water, water-power, motive-power, or electricity used or supplied to any person.

"Minister" means the Minister for Lands and Works for the time being of the Colony of New South Wales.

"Motive-

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- “Motive-power” means the power derived from water passing through machinery, or the electrical power derived therefrom.
- “Owner” means the person for the time being in the actual receipt of or entitled to receive the rents and profits of any house, manufactory, or building of whatsoever kind, or of any land.
- “Person” includes corporation, company, association, syndicate, partnership, and local authority.
- “Private lands” means any land which shall have been granted by the Crown in fee simple or by lease for a longer term than ninety-nine years to any person.
- “Property” means lands or buildings and lands and buildings.
- “Street” means any public and common highway, main road, road, bridge, footway, square, court, alley, lane, thoroughfare, or Public way, Place or Passage.
- “Town and City,” means any settlement, camp, or collection of houses, whether proclaimed as a city or town or not, and situate within the said county.
- “Water-works” means and includes all reservoirs, wells, cisterns, tanks, aqueducts, water-courses, tunnels, feeders, drains, channels, engines, cuts, flood-gates, sluices, conduit-pipes, pipe-breaks, engines, buildings, and other works of what kind soever which are from time to time necessary or used for effecting the purposes of this Act.
- “Works” mean and include reservoirs, pen-stocks, conduits, cables, poles for carrying cables, and wires.

3. It shall be lawful for the company, and it is hereby ^{Power to divert} empowered and authorised, to take, divert, and appropriate for any of ^{of water.} the purposes hereinafter mentioned, the water flowing at the point of intake on the course of the Guyra River, in the said colony, at the point specified in the application for special lease of the Guyra River, known as the Great Falls, and from time to time to enter upon the said river at the point of intake aforesaid for the purpose of constructing and erecting on and in that portion of the said river, at the said point of intake, any works, dams, weirs, flumes, or races for the purposes of such taking, diversion, and appropriation of the said water of the river aforesaid: Provided that the water so taken, diverted, appropriated, and utilised as aforesaid shall be in due course returned to the stream again unpolluted.

4. It shall be lawful for the said company to use all or any of ^{Power to use water.} the waters aforesaid for any of the purposes hereinafter specified:—

- To work any machinery that may be erected by the company for ^{Purposes for which} generating, making, and transmitting electricity to the cities, ^{water may be taken.} towns, streets, mines, and buildings of any of the towns of the said county.
- To work any machinery that may be erected by the company for generating, making, and transmitting electricity for the purpose of supplying the inhabitants of any of the cities and towns of the said county with electricity for any purpose.
- To work any machinery that may be erected for drawing or propelling trams, tramways, carriages, and other vehicles in, over, along, and upon any street or streets of any of the cities and towns of the said county or elsewhere in the said county.
- To work any machinery that may be erected by the company for the purpose of executing or exercising any of the powers or authorities now or hereinafter vested in or imposed upon the the said company.
- To supply any mines or batteries in the said county with electric light or motive-power for lighting, winding, pumping, working, or any other purpose.

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To make, generate, and transmit motive or electric power for the purpose of telpherage or any other electrical appliance or machine to which electricity can be applied.

Company empowered to exercise powers, &c.

5. The company is hereby empowered to exercise the several powers and authorities hereby vested in and conferred upon the company in manner hereinafter set forth.

Lease of Crown lands may be granted.

6. It shall be lawful for the Minister, with the consent of the Governor-in-Council, to grant to the company from time to time for any term not exceeding thirty years at a yearly rental a lease of any Crown lands situated in the said county that the company may consider necessary for the purposes of this Act. Every such lease as aforesaid shall operate and take effect merely as a license to the said company to construct and maintain the works hereby contemplated, and shall not confer any right or title to any mines or minerals; and in case any such lease as aforesaid comprises any Crown land previously leased, then such lease shall not affect the rights of the first lessee except so far as may be necessary for carrying out the objects of such lease, and the first lessee may accordingly exercise all powers conferred upon him in respect of the land previously leased: Provided that he shall not carry on any mining operations upon any land comprised in the said lease in such a way as to damage the works of the company; and in case any such lease shall comprise any Crown land previously leased, then the company shall serve upon the first lessee a notice indicating with all reasonable accuracy, by means of a plan or otherwise referred to in such notice, the proposed course, direction, or situation of the said works; and the company may, for the purpose of surveying and taking levels, after giving not less than three days' notice to the first lessee, enter upon Crown land of the first lessee which may be comprised in such lease, without the previous consent of any person or persons.

Effect of lease.

Protection to the rights of first lessee.

Notice of intention to construct works.

Company may enter after notice.

Power to take temporary possession of land.

7. It shall be lawful for the company and all persons by them authorised, after not less than three days' notice to the occupier or occupiers, to enter upon any lands, not being a garden, orchard, or plantation attached or belonging to a house, nor a park, planted walk, avenue, or ground ornamentally planted, and not being nearer to the house of the owner of any such lands than one hundred yards therefrom, and to occupy the said lands so long as may be necessary for the construction of any works authorised by this Act, or of the accommodation works connected therewith hereinafter mentioned, and to use the same for any of the following purposes, that is to say:—

For the purpose of constructing, building, or putting thereon any machinery;

For the purpose of taking earth or soil by side-cuttings therefrom;

For the purpose of depositing soil thereon;

For the purpose of obtaining materials therefrom for the construction of the water-works or such accommodation works as aforesaid; or

For the purpose of forming roads thereon to or from or by the side of the said works.

Provided that the company shall have the right of immediate entry, without notice, upon any such lands at any time for the purpose of repairing any of the works aforesaid.

Company may manufacture and work upon lands.

8. In the exercise of any of the foregoing powers, it shall be lawful for the company and all other persons employed by the company to deposit, and also to manufacture and work upon such lands, materials of every kind used in constructing the said works, and also to take from any such lands any timber, and also to dig and take from or out thereof any clay, stone, gravel, sand or other things that may be found therein useful or proper for constructing the said works or

any

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any such roads as aforesaid, and for the purposes aforesaid to erect thereon workshops, sheds, and other buildings of a temporary nature, or any steam-engines or other machinery: Provided that before any work shall be commenced as aforesaid, under the authority of the Act, the owner of such land shall be paid such compensation, if any, for the loss or injury or inconvenience sustained by reason of the occupation of such lands and the construction of such works as shall be determined by agreement between the owner and the company, and if such compensation shall not be fixed by agreement as aforesaid within one calendar month after the service of the notice before-mentioned, then such compensation, if any, shall be determined by arbitration in manner hereinafter provided.

Compensation to be paid before commencement of work.

9. The company may, from time to time, for the purposes of this Act fell timber and use and carry away the same, and dig and use clay, stone, and other materials upon any Crown land, and may fell all timber which, in the opinion of the company, it may be necessary to remove for the safety of the works hereby contemplated, notwithstanding anything contained in section six of this Act.

Materials from Crown lands.

10. It shall be lawful for the company from time to time to make, construct, erect, lay down, maintain, alter, repair, or discontinue upon any land purchased by the company under the provisions of this Act, or upon any land now or hereafter to be vested in the company, such water-works, machinery, steam-engines, water-wheels, and other works as the company may think necessary for the purposes of this Act.

Construction of water-works.

11. Every person who shall wilfully obstruct any person acting under the authority of the company in setting out the line of any works undertaken under the authority of this Act, or pull up or remove any poles or stakes driven into the ground for the purpose of setting out the line of such works, or destroy or injure any works undertaken as aforesaid, shall incur a penalty not exceeding five pounds for every such offence.

Penalty for obstructing construction of works.

12. The company may, upon having obtained the consent in writing of the Minister or local authority, open and break up the soil and pavement of the several streets and bridges within the limits of the said county, and may open and break up any sewers, drains, or tunnels within or under such streets and bridges, and lay down and place within the said limits, conduits, service-pipes, and other works and engines, and erect telegraph posts or poles, and stretch and put conduits and wires thereon, and carry and run electricity or any motive-power on and through such conduits and wires, and from time to time repair, or alter, or remove the same; and for the purposes aforesaid remove and use all earth and materials in and under such streets and bridges, and do all other acts which the company shall, from time to time, deem necessary for supplying motive-power by electricity to the mines, persons, or inhabitants of the said county: And when the company shall open or break up the road or pavement of any street or bridge, or any sewer, drain, or tunnel they shall, with all convenient speed, complete the work for which the same shall be broken up, and fill in the ground and reinstate and make good the road or pavement, or the sewer, drain, or tunnel so opened or broken up, and carry away the rubbish occasioned thereby to the satisfaction of the Minister or local authority; and shall at all times, whilst such road or pavement shall be so open or broken up, cause the same to be fenced and guarded, and shall cause light sufficient for the warning of passengers to be set up and kept there for every night during which such road or pavement shall be continued open or broken up. If in the exercise of the powers hereby granted it be found necessary to cross-cut through, raise, sink, or use any part of any road, whether carriage-road, horse-road, or tram-road,

Power to open streets, &c., of any city or town.

Reinstatement of streets, &c.

OR

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or railway, either public or private, so as to render it impassible for, or dangerous, or more than usually inconvenient to passengers or carriages, or to the persons entitled to the use thereof, the company shall, before the commencement of any such operations, cause a road to be made to the satisfaction of the Minister or local authority, instead of the road to be interfered with.

Compensation to be settled by arbitration.

13. If, at the expiration of one calendar month from the date of the service of the notice mentioned in section seven of this Act, the owner of any such lands and the said company shall not agree as to the amount of compensation to be paid by the said company to the said owner in respect of such occupation as is mentioned in the said seventh section of this Act, the amount of such compensation shall be settled by arbitrators in manner hereinafter mentioned, that is to say, unless both parties concur in the appointment of a single arbitrator, each party, on the request of the other, shall nominate and appoint an arbitrator, to whom such dispute or other matter shall be referred; and any appointment of an arbitrator shall be under the hand and seal of such person or persons respectively; and such appointment shall be delivered to the arbitrator or arbitrators, and shall be deemed a submission to arbitration on the part of the party by whom the same shall be made. And after any such appointment shall have been made, neither party shall have power to revoke the same without the consent of the other, nor shall the death of either party operate as a revocation. And if for the space of fourteen days after a request in writing shall have been served by one party on the other party to appoint an arbitrator such last-mentioned party shall fail to appoint such arbitrator, then upon such failure it shall be lawful for the Attorney-General for the time being of the said Colony, on the application of the party who has himself appointed an arbitrator, to appoint such arbitrator to act on behalf of both parties; and such arbitrator may proceed to hear and determine the matters which shall be in dispute, and in such case the award or determination of such single arbitrator shall be final and conclusive. And if before the matter so referred shall be determined any arbitrator appointed by either party shall die, or become incapable, or refuse, or for fourteen days neglect to act as arbitrator, the party by whom such arbitrator was appointed may nominate and appoint in writing some other person to act in his place, and if for the space of seven days after notice in writing from the other party for that purpose he fail to do so, the remaining or other arbitrator may proceed alone; and every arbitrator so to be substituted as aforesaid, shall have the same powers and authorities as were vested in the former arbitrator at the time of such his death, refusal, neglect, or disability as aforesaid.

Proceedings in case of disability of arbitrator.

Appointment of umpire.

Where more than one arbitrator shall have been appointed, such arbitrators shall, before they enter upon the matters referred to them, nominate and appoint in writing under their hands an umpire, to decide any matters on which they shall differ, or which shall be referred to them under the provisions of this Act, and if such umpire shall die, or refuse, or for seven days neglect to act after being called upon so to do by the arbitrators, or either of them, they shall forthwith after such death, refusal, or neglect, appoint another umpire in his place, and the decision of every such umpire upon the matters so referred to him shall be final.

Neglect to appoint umpire.

If in either of the cases aforesaid the arbitrators shall refuse, or for seven days after request of either party to such arbitrators neglect to appoint an umpire, it shall be lawful for the Attorney-General for the time being, on the application of either party to such arbitration, to appoint an umpire, and the decision of such umpire on the matters on which the arbitrators differ or which shall be referred to him under this Act shall be final.

If

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If when a single arbitrator shall have been appointed, such arbitrator shall die or become incapable, or shall refuse, or for fourteen days neglect to act before he shall have made his award, the matters referred to him shall be determined by arbitration under the provisions of this Act, in the same manner as if such arbitrator had not been appointed.

In case of disability of single arbitrator.

If when more than one arbitrator shall have been appointed, and when neither of them shall die, become incapable, refuse, or neglect to act as aforesaid, such arbitrators shall fail to make their award within fourteen days after the day on which the last of such arbitrators shall have been appointed, or within such extended term (if any) as shall have been appointed for that purpose by both of such arbitrators, under their hands, the matters referred to them shall be determined by the umpire to be appointed as aforesaid.

Arbitrators failing to make their award, matters referred to umpire.

The said arbitrator or arbitrators, or his or their umpire, may call for the production of any documents in the possession or power of either party, which they or he may think necessary for determining the question in dispute, and may examine the parties or their witnesses on oath, and administer the oaths necessary for that purpose.

Arbitrators may order production of documents, &c.

Before any arbitrator or umpire shall enter upon the consideration of any matter referred to him, he shall in the presence of a Justice of the Peace make and subscribe the following declaration, that is to say:—

Declaration by arbitrators or umpire.

I, A.B., do solemnly and sincerely declare that I will faithfully and honestly, and to the best of my skill and ability, hear and determine the matters referred to me under the provisions of the "Hillgrove and Armidale Water-power Electric Company (Limited) Act."

Made and subscribed in the presence of

C.D.

And such declaration shall be annexed to award when made, and if any arbitrator or umpire having made such declaration shall wilfully act contrary thereto, he shall be guilty of misdemeanour.

All the costs of any such arbitration and incident thereto shall be in the discretion of the arbitrators, and the costs of the arbitrators shall be borne by the parties in equal proportions, unless the amount awarded shall be one-fourth or more less than the amount which shall have been offered by the said company, in which case the whole costs of the arbitration, and also the costs of and incident to the said arbitration, shall be paid by the claimant: Provided that, if either party shall be dissatisfied with the costs allowed by the said arbitrators as aforesaid, the costs may be taxed by the prothonotary or other proper officer of the Supreme Court, and the amount allowed by such officer shall be the amount of costs to be paid.

Costs of arbitration, how to be borne.

Costs may be taxed.

The arbitrator, arbitrators, or umpire shall deliver their or his award in writing to the said company who shall retain the same, and shall forthwith, on demand, at his or their own expense, furnish a copy to the other party, and shall at all times, on demand, at the cost of the said party, produce the said award, and allow the same to be inspected or examined by such party or any person appointed by him for that purpose, and the amount awarded shall be paid within sixty days after the publication of the award.

Arbitrators or umpire to deliver award to company.

Compensation to be paid within sixty days after publication of award.

The submission to any such arbitration may be made a rule of the Supreme Court on the application of either of the parties.

Submission may be made a rule of Supreme Court.

No award made with respect to any question referred to arbitration under the provisions of this Act shall be set aside for irregularity or error in matter of form.

Award not to be set aside for irregularity.

14. The company may supply, let, hire, and sell to any corporation, person, mine, or building, electric-power or electricity upon such terms and conditions as may be agreed upon: And the company may let

The company may supply, &c.

Company may let meters.

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| Meters not distrainable, &c. | let for hire to any consumer of electricity supplied by measure, any meter or instrument for measuring the quantity of electricity supplied and consumed, and any conduits and apparatus for the conveyance, reception, and storage of the electricity, for such remuneration in money as may be agreed upon between the company and the consumer, which shall be recoverable in the manner hereinafter mentioned. Such meters, instruments, conduits, and apparatus shall not be subject to distress for rent of the premises where the same are used, or to be attached or taken in execution under any process of any Court of law or equity, or under or in pursuance of any adjudication, sequestration, or order in bankruptcy, or other legal proceedings against or affecting the consumer of the electricity, or the occupier of the premises or other the person in whose possession the meters, conduits, instruments, and apparatus may be ; and |
| Meter to be supplied and maintained by consumer. | Every person who shall have agreed with the company for a supply of electricity by measure shall, at his own expense, unless he hire a meter from the company, provide a meter, and keep and maintain the same in good working order or condition, to the satisfaction of such officer as may be appointed by the company ; and in the event of any repairs being required, notice in writing shall be immediately given by such person to the company, and a registration of the quantity used shall be taken before such repairs are effected ; and |
| Notice of removal, &c., of meter. | Every person requiring to remove or alter the position of any meter shall give six days' notice in writing to that effect to the company, and a registration of the quantity of electricity shall be taken before such removal or alteration is made ; and |
| Penalty for neglect to provide meter. | If any person who, under the provisions hereinbefore contained ought to provide any meter, neglect or refuse, after having been required by the company so to do, to provide such meter, he shall for every such day, during which such neglect or refusal continues, forfeit a sum not exceeding two pounds ; and |
| Penalty for neglecting to give notice of repairs of meters. | If any person, who has provided any meter as aforesaid, fail to give the notice hereinbefore required of any repairs required for such meter, he shall forfeit a sum not exceeding ten pounds, and a further sum not exceeding five pounds for each day (if more than one) that such meter remains unrepaired ; and |
| Electricity may be shut off if meter not in order. | If any person refuse or delay to have such meter properly repaired and put in correct working order after having been required by any officer of the company so to do, the company may shut off the supply of electricity from the premises of such person, either by cutting the conduits or service-pipe, or otherwise, until such meter shall have been properly repaired and certified by some officer of the company to be in proper working order ; and |
| Penalty for fixing uncertified meter. | If any plumber or other person fix or refix any meter upon any premises supplied with electric-power by the company, without having first obtained a certificate from the company that the said meter has been examined and found correct, or in correct working order, he shall forfeit a sum of ten pounds ; and |
| For removing meter without notice. | If any person remove or alter the position of, or in any way interfere with, any meter, without giving such notice as aforesaid, he shall for each such offence forfeit a sum not exceeding ten pounds over and above the damage which he may be found liable to pay in any action at law, at the suit of the company ; and |
| Power to officers of the company to inspect meters. | The officers of the company may enter any house, building, or lands, to, through, or into which electricity is supplied by the company by measure, in order to inspect the meters, instruments, conduits, and apparatus for the measuring, conveyance, reception, or storage of electricity, or for the purpose of ascertaining the quantity of electricity supplied or consumed, and may, from time to time, enter any house, building, |

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building, or lands for the purpose of removing any meter, instrument, conduit, or apparatus, the property of the company; and if any person hinders any such officer from entering or making such inspection, or effecting such removal, he shall for each such offence be liable to a penalty not exceeding five pounds.

15. If any person supplied by electricity by the company wrongfully does, or causes or permits to be done, anything in contravention of any of the provisions of this Act, or wrongfully fails to do anything which under any of those provisions ought to be done for the prevention of the waste, misuse, or undue consumption of electricity, the company (without prejudice to any remedy against him in respect thereof) may cut off any of the conduits or wires by or through which electricity is supplied to him or for his use, and may cease to supply him with electricity as long as the cause of injury remains, or is not remedied; and

Protection of the motive-power; in case of any breach of this Act motive-power may be cut off.

If any person supplied with electricity by the company wilfully or negligently causes or suffers any conduit or other apparatus to be out of repair, or to be so used or contrived that the electricity supplied to him by the company is or is likely to be wasted, misused, or unduly consumed, he shall for every such offence be liable to a penalty not exceeding twenty-five pounds, and a further sum not exceeding five pounds for each day (if more than one) that such offence continues; and

Penalty for waste of motive-power.

If any person shall wilfully and maliciously destroy, injure, or damage, or attempt to destroy, injure, or damage any conduit pipe, wire, or apparatus, or any of the works constructed under the authority of this Act, or wilfully and maliciously do any act calculated to render any part or parts of the machinery or works of the company, or their assigns, unworkable or defective, or whereby any electricity is or may be lost, wasted, misused, destroyed, or interrupted in any way, he shall be deemed guilty of a felony, and liable to imprisonment, with or without hard labour, for any term not exceeding two years; and

Penalty for destroying works, &c.

It shall not be lawful for the owner or occupier of any premises supplied with electricity by the company, or any consumer of electricity of the company, or any other person, to affix, or cause or permit to be affixed, any conduit, wire, or apparatus to a conduit or wire, belonging to or used by such owner or occupier, consumer, or any other person, or to make any alteration in any such communication, or conduit, or wire, or in any apparatus connected therewith, without the consent, in every such case, of the company. And if any person acts in any respect in contravention of the provisions of this section, he shall for every such offence be liable to a penalty not exceeding five pounds, or the company may recover damages in respect of any injury done to their property, and, without prejudice to their right, to recover from him the value of any electricity wasted, misused, or unduly consumed.

No wire to be fixed to consumer's wire without permission of company.

If any person, to the injury of the company, wrongfully takes or uses any water from any reservoir, conduit, or any water-power from any pipe or conduit, belonging to the company, or from any pipe or conduit leading to or from any such reservoir, water-course, conduit, or pipe, or from any cistern, or other like place, containing water or water-power belonging to the company, or supplied by them for the use of any consumer of the electricity of the company, he shall for every such offence be liable to a penalty not exceeding five pounds; and

Penalty for unlawfully taking water from reservoirs

The surveyor or other person appointed for that purpose by the company, may, between the hours of nine o'clock in the forenoon and four o'clock in the afternoon, enter into any house or premises supplied with electricity by the company, in order to examine if there be any waste or misuse of such motive power; and if such surveyor or other such person at any such time be refused admittance

Inspection of premises supplied with electricity.

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into such dwelling-house or premises for the purpose aforesaid, or be prevented from making such examination as aforesaid, the company may turn off the motive-power supplied by it from such house or other premises.

Where several houses supplied by one conduit, each to pay.

16. Where several houses or parts of houses, buildings, or mines in the separate occupation of several persons are supplied by one common conduit or wire, or where electricity is supplied to courts, alleys, and rights-of-way by conduits or otherwise, the several owners or occupiers of such houses or parts of houses, buildings, or mines, or of the several houses or parts of houses, in every court, alley, or right-of-way, shall be liable to the payment of the same rates for the supply of motive-power as they would have been liable to if each of such several houses or parts of houses, buildings, or mines had been supplied with motive-power from the works of the company by a separate pipe.

Company may make charges.

17. The company are hereby authorised to make such charges, rates, and tolls for the supply of electricity as may be agreed upon by them and the persons to whom such electricity is supplied by the company: Provided that in no case will the charge exceed one shilling per unit.

Rates to be recoverable from occupier.

And the rates, charges, and tolls for electricity, and all sums due to the company under this Act, shall be paid by and be recoverable from the occupier of the premises, or the person requiring, receiving, or using the supply of electricity.

Recovery of rates and charges.

And if any person refuse or neglect to pay on demand to the company any rate, charge, or sum due to the company under this Act, the company may stop the electricity from flowing or going into or the premises in respect of which such rate, charge, or toll is payable by cutting off the conduit or wire to such premises by such means as the company shall think fit; and the company may sue for and recover the rate, charge, or toll due from such person with costs, and with the expenses of cutting off the electricity.

Power to award costs.

And in all proceedings whatever for the recovery of any rates or charges under this Act, and in all other proceedings before justices in pursuance of this Act, it shall be lawful for the justice or justices in his or their discretion to award and order that the defendant shall pay such costs as to such justice or justices shall seem just and reasonable in that behalf; and the sums so allowed for costs shall in all cases be recoverable in the same manner and under the same warrants as any penalty or sum of money adjudged to be paid in and by such order is to be recoverable; and in cases where there is no such penalty or sum to be thereby recovered, then such costs shall be recoverable by distress and sale of goods and chattels of the party, and every warrant for the recovery of any so adjudged to be paid shall be in the form set forth in the Schedule hereto.

Entry by agents.

18. Wherever by this Act authority is conferred on the company to enter upon any land for the purposes of this Act, or to do any act in or relating to the construction or maintenance of any work, the same authority shall extend to all persons acting by direction of the company, and to all necessary agents, assistants, servants, workmen, means, and appliances whatsoever.

Penalties &c., to be summarily recovered before two justices.

19. All offences against this Act or any by-law made hereunder shall be heard and determined in a summary way by any two justices of the peace, or by any police or stipendiary magistrate.

Damage to be made good in addition to penalty.

20. If through any act, neglect, or default on account whereof any person shall have incurred any penalty imposed by this Act, any damage to any conduit, main, pipe, wire, or other property of the company used in connection therewith shall have been committed by such person, he shall be liable to make good such damage; and if no penalty be imposed, then the amount of such damages shall, in case of dispute,

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dispute, be determined by the justices by whom the party incurring such penalty shall have been convicted; and on non-payment of such damages on demand, the same shall be levied by distress, and such justices, or one of them, shall issue the warrant accordingly.

21. Any notice required by this Act, or any by-law or regulation Notices. made thereunder, to be served on or given to any owner or occupier of any building, land, mine, or premises, or to any person, may be in writing or partly printed, or may be wholly printed. And it shall be sufficient for all purposes of this Act, unless the said Act in any case prescribes a different course to be pursued, if any such notice is sent by post to the owner by registered letter addressed to his last known place of abode or business, or is served on the owner or occupier of such building, land, or premises, or left with some inmate apparently over the age of fourteen years, living at the place of abode of such owner or occupier, or (if there be no occupier) if such notice be posted on some conspicuous part of such building or land; and any notice required to be served or given in respect of any public street, road, or lane may be served on or sent by post as aforesaid to the secretary or clerk, or left at the office of the local authority having control of such street, road, or lane, or the portion thereof affected by the notice. Any notice required to be given by the company under this Act, shall Signature of notices. be sufficient if signed by the legal manager of the company or by its solicitors.

22. It shall be lawful for the company, at any time after the passing hereof, to assign, transfer, convey, and release to any company Rights, powers, &c., under this Act may be assigned, &c., to incorporated companies. duly incorporated for that purpose, or to any local authority, association, syndicate, partnership, person, or persons, all or any of the rights, powers, authorities, privileges, liabilities, and obligations conferred and imposed upon them by this Act, together with all or any of the lands, tenements, and hereditaments, estates, chattels, and effects of every kind acquired by them under or in pursuance thereof, and purchased, occupied, or used in connection with the construction, maintenance, and working of the works hereby authorised; and upon and after the completion of such assignment, transfer, conveyance, and release, the said company, local authority, association, syndicate, partnership, person, or persons, their officers, agents, and servants may lawfully exercise and enjoy all the rights, powers, authorities, and privileges, and shall be and continue to be subject to all liabilities, obligations, penalties, and forfeitures to which the company or their officers, agents, or servants would have been entitled or subject had no such assignment, transfer, conveyance, and release been completed: Provided, however, that nothing herein contained shall prejudice or affect any rights accrued, actions or proceedings taken against, or liabilities, obligations, penalties, or forfeitures incurred by the company before the completion of the said assignment, transfer, conveyance, and release.

23. It shall be lawful for the Minister, with the consent of the Minister may resume land upon notice. Governor in Council, at any time after the expiration of twenty-one years from the date of this Act being assented to by the Governor, to give the company notice of the intention of the Crown to resume any land comprised in any lease granted under the authority of this Act, and of the intention of the Crown to purchase the whole or any part of the land, machinery, and works belonging to the company, and which have been acquired, made, or erected under the authority of this Act. The amount of compensation to be paid to the company upon the Compensation upon resumption of land comprised in lease. resumption by the Crown of the land comprised in any lease, and the purchase of such land, machinery, and works shall not exceed the actual cost of *bonâ fide* construction of such machinery and works, which shall be determined as provided in clause thirteen of this Act, with an amount added equal to two years' profit calculated on the basis of the last five years return.

24.

Hillgrove and Armidale Water-power Electric.

Company may make
by-laws.

24. The company may from time to time make, alter, and repeal by-laws :—

For regulating the form of contract to be entered into with the company and any other person, and generally for carrying into effect the purposes of this Act.

As to supplying electricity.

For determining the time at which any charge for electricity shall be payable, and whether in advance or not.

For regulating the form, material, dimensions, construction, and arrangement of pipes, conductors, conduits, wires, and other works supplying electricity from the pipes, conduits, or wires of the company to adjacent premises; the time of executing and the notices to be given for such works; the superintendence thereof; the making good and replacing ground which may be displaced in the course of such works; and for inspecting all works or appliances at reasonable times, whether situate within any building or otherwise.

For regulating the construction, disposition, custody, and inspection of meters.

For preventing the use, directly or indirectly, of electricity supplied by the company, by persons unauthorised by the company.

For preventing the waste or misuse of electricity supplied by the company.

For preventing persons from wilfully breaking, injuring, or interfering with any conduit, lock, valve, cock, engine, or work belonging to the company, and from doing any other wilful act whereby the electricity supplied by the company may be wasted.

Provided that such by-laws shall be subject to the approval of the Governor, and shall be published in the *Gazette* and a newspaper circulating in the district.

Penalties in by-laws.

25. Every such by-law shall state a maximum penalty for the breach thereof, not in any case exceeding ten pounds.

All reasonable
precautions to be
taken against danger.

26. In the exercise of the powers conferred by this Act, it shall be the duty of the company to make all reasonable provision for the prevention of danger to life arising from the generating, making, and transmitting or supplying of electricity as aforesaid.

Penalty for not
carrying out works.

27. In the event of the said company not commencing their works within six months and bringing the same into practical operation within eighteen months from the passing of this Act, all the rights hereby conferred upon the said company shall lapse.

SCHEDULE.

Warrant of Distress.

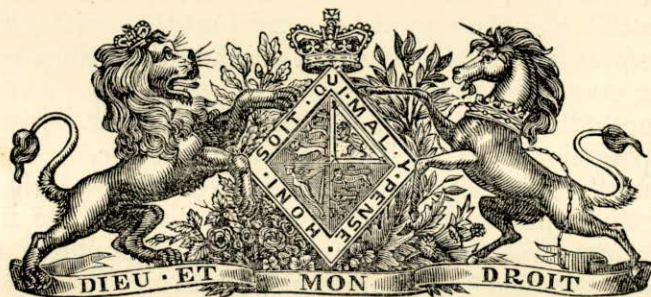
To constable at
WHEREAS of in New South Wales, is liable to pay the sum of
due to the "Hillgrove and Armidale Water-power Electric Company (Limited)," as the
lessee of a meter in or on a certain house, building, tenement, land, or premises situated
in street in , and now occupied by : And whereas the sum
of being due and payable on account of the use, supply, or consumption of
motive-power or electric-power (as the case may be), and as is made to appear to me on
the signing of this my warrant was duly recovered in manner provided by the Act in
that behalf by the said company on the day of in the
year against the said who has not yet paid the same :
These are therefore to require and authorise you forthwith to levy the said sum
of , together with the costs of these presents, by distress and sale of the goods
found by you in or on the said house, building, tenement, land, or premises, according
to law, and that you certify to me on the day of what you shall do by
virtue of this warrant

Given under my hand and seal this day of , in the year of our
Lord one thousand eight hundred and

(L.S.) J.P.

By Authority : CHARLES POTTER, Government Printer, Sydney, 1893.

New South Wales.



ANNO QUINQUAGESIMO SEXTO

VICTORIÆ REGINÆ.

An Act to enable the "Hillgrove and Armidale Water-power Electric Company (Limited)," a company registered in Sydney, in the Colony of New South Wales, under the provisions of the Companies Acts, to construct and maintain machinery, works, and other appliances for making, generating, and transmitting electricity and supplying the same to any city, town, mine, company, co-partnership, person, or persons whatsoever, within the county of Sandon, in the said Colony of New South Wales, and for other purposes therein mentioned. [Assented to, 10th March, 1893.]

WHEREAS a certain company called the "Hillgrove and Armidale Water-power Electric Company (Limited)" has lately been formed at Sydney, in the Colony of New South Wales, under the provisions of the "Companies Act" thirty-seventh Victoria number nineteen, and under and subject to a certain memorandum of association bearing date the twenty-eighth day of July, one thousand eight hundred and ninety-two: And whereas the said company is desirous of acquiring the right to construct and maintain machinery and works and other appliances for generating, making, and transmitting electricity, and to control and manage the said works, and for other purposes: And
A Preamble.
whereas

Hillgrove and Armidale Water-power Electric.

whereas it would be for the benefit of the Colony of New South Wales that the said "Hillgrove and Armidale Water-power Electric Company (Limited)" should be enabled to construct and maintain the said machinery and works as aforesaid, and that the powers authorised and concessions hereinafter proposed to be conferred on the said "Hillgrove and Armidale Water-power Electric Company (Limited)" should be granted to the said "Hillgrove and Armidale Water-power Electric Company (Limited)": And whereas such objects cannot be obtained without the authority of Parliament: 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:—

Short title.

1. This Act may be cited as the "Hillgrove and Armidale Water-power Electric Act."

Interpretation.

2. In this Act, and in any by-law made under it, save where there is something in the context inconsistent therewith, the following words and expressions shall have and include the following meanings attached thereto respectively:—

"Conductor" shall mean and include cable, wire, or other apparatus for transmitting electrical power.

"Conduit" shall mean and include the canals, tunnels, aqueducts, cuttings, pipes, or wires by means of which the main supply of water, water-power, or electricity is supplied to any city, town, persons, or building, or property.

"Crown land" shall mean and include any land or lands in the County of Sandon, in the said Colony, which are or may become vested in the Crown, and includes all lands of the Crown in the said County which are or may be occupied for pastoral or mining or other purposes under any lease or license issued in pursuance of any Act of the Parliament of this Colony.

"Company" means the "Hillgrove and Armidale Water-power Electric Company (Limited)," registered under the "Companies Act" thirty-seventh Victoria number nineteen, and its successors and assigns.

"County" shall mean the county of Sandon.

"First lessee" means any person entitled to occupy any land previously leased.

"Gazette" means the *Government Gazette*.

"Governor" means the Governor for the time being of the Colony of New South Wales, with the advice of the Executive Council.

"Local Authority" means the Board of Health, Municipal Council, Road Trust, Town Board, or body of persons or person having the control or management of the street in respect of which such expression shall be used, if the same shall be used in respect of any particular street; but if the same shall not be used in respect of any street, it shall mean the Municipal Council or body corporate having the local government of any city, town, or district in which any of the works hereby authorised may be situate, or in default of any such local authority the Minister for Lands.

"Machinery" means any appliance for carrying into effect any of the objects authorised by this Act.

"Meter" means any instrument, apparatus, or appliance for measuring and ascertaining the quantity of water, water-power, motive-power, or electricity used or supplied to any person.

"Minister" means the Minister for Lands and Works for the time being of the Colony of New South Wales.

"Motive-

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“Motive-power” means the power derived from water passing through machinery, or the electrical power derived therefrom.

“Owner” means the person for the time being in the actual receipt of or entitled to receive the rents and profits of any house, manufactory, or building of whatsoever kind, or of any land.

“Person” includes corporation, company, association, syndicate, partnership, and local authority.

“Private lands” means any land which shall have been granted by the Crown in fee simple or by lease for a longer term than ninety-nine years to any person.

“Property” means lands or buildings and lands and buildings.

“Street” means any public and common highway, main road, road, bridge, footway, square, court, alley, lane, thoroughfare, or Public way, Place or Passage.

“Town and City,” means any settlement, camp, or collection of houses, whether proclaimed as a city or town or not, and situate within the said county.

“Water-works” means and includes all reservoirs, wells, cisterns, tanks, aqueducts, water-courses, tunnels, feeders, drains, channels, engines, cuts, flood-gates, sluices, conduit-pipes, pipe-breaks, engines, buildings, and other works of what kind soever which are from time to time necessary or used for effecting the purposes of this Act.

“Works” mean and include reservoirs, pen-stocks, conduits, cables, poles for carrying cables, and wires.

3. It shall be lawful for the company, and it is hereby ^{Power to divert water.} empowered and authorised, to take, divert, and appropriate for any of the purposes hereinafter mentioned, the water flowing at the point of intake on the course of the Guyra River, in the said colony, at the point specified in the application for special lease of the Guyra River, known as the Great Falls, and from time to time to enter upon the said river at the point of intake aforesaid for the purpose of constructing and erecting on and in that portion of the said river, at the said point of intake, any works, dams, weirs, flumes, or races for the purposes of such taking, diversion, and appropriation of the said water of the river aforesaid: Provided that the water so taken, diverted, appropriated, and utilised as aforesaid shall be in due course returned to the stream again unpolluted.

4. It shall be lawful for the said company to use all or any of ^{Power to use water.} the waters aforesaid for any of the purposes hereinafter specified:—

To work any machinery that may be erected by the company for ^{Purposes for which water may be taken.} generating, making, and transmitting electricity to the cities, towns, streets, mines, and buildings of any of the towns of the said county.

To work any machinery that may be erected by the company for generating, making, and transmitting electricity for the purpose of supplying the inhabitants of any of the cities and towns of the said county with electricity for any purpose.

To work any machinery that may be erected for drawing or propelling trams, tramways, carriages, and other vehicles in, over, along, and upon any street or streets of any of the cities and towns of the said county or elsewhere in the said county.

To work any machinery that may be erected by the company for the purpose of executing or exercising any of the powers or authorities now or hereinafter vested in or imposed upon the the said company.

To supply any mines or batteries in the said county with electric light or motive-power for lighting, winding, pumping, working, or any other purpose.

To

Hillgrove and Armidale Water-power Electric.

To make, generate, and transmit motive or electric power for the purpose of telpherage or any other electrical appliance or machine to which electricity can be applied.

Company empowered to exercise powers, &c.

5. The company is hereby empowered to exercise the several powers and authorities hereby vested in and conferred upon the company in manner hereinafter set forth.

Lease of Crown lands may be granted.

6. It shall be lawful for the Minister, with the consent of the Governor-in-Council, to grant to the company from time to time for any term not exceeding thirty years at a yearly rental a lease of any Crown lands situated in the said county that the company may consider necessary for the purposes of this Act. Every such lease as aforesaid shall operate and take effect merely as a license to the said company to construct and maintain the works hereby contemplated, and shall not confer any right or title to any mines or minerals; and in case any such lease as aforesaid comprises any Crown land previously leased, then such lease shall not affect the rights of the first lessee except so far as may be necessary for carrying out the objects of such lease, and the first lessee may accordingly exercise all powers conferred upon him in respect of the land previously leased: Provided that he shall not carry on any mining operations upon any land comprised in the said lease in such a way as to damage the works of the company; and in case any such lease shall comprise any Crown land previously leased, then the company shall serve upon the first lessee a notice indicating with all reasonable accuracy, by means of a plan or otherwise referred to in such notice, the proposed course, direction, or situation of the said works; and the company may, for the purpose of surveying and taking levels, after giving not less than three days' notice to the first lessee, enter upon Crown land of the first lessee which may be comprised in such lease, without the previous consent of any person or persons.

Effect of lease.

Protection to the rights of first lessee.

Notice of intention to construct works.

Company may enter after notice.

Power to take temporary possession of land.

7. It shall be lawful for the company and all persons by them authorised, after not less than three days' notice to the occupier or occupiers, to enter upon any lands, not being a garden, orchard, or plantation attached or belonging to a house, nor a park, planted walk, avenue, or ground ornamentally planted, and not being nearer to the house of the owner of any such lands than one hundred yards therefrom, and to occupy the said lands so long as may be necessary for the construction of any works authorised by this Act, or of the accommodation works connected therewith hereinafter mentioned, and to use the same for any of the following purposes, that is to say:—

For the purpose of constructing, building, or putting thereon any machinery;

For the purpose of taking earth or soil by side-cuttings therefrom;

For the purpose of depositing soil thereon;

For the purpose of obtaining materials therefrom for the construction of the water-works or such accommodation works as aforesaid; or

For the purpose of forming roads thereon to or from or by the side of the said works.

Provided that the company shall have the right of immediate entry, without notice, upon any such lands at any time for the purpose of repairing any of the works aforesaid.

Company may manufacture and work upon lands.

8. In the exercise of any of the foregoing powers, it shall be lawful for the company and all other persons employed by the company to deposit, and also to manufacture and work upon such lands, materials of every kind used in constructing the said works, and also to take from any such lands any timber, and also to dig and take from or out thereof any clay, stone, gravel, sand or other things that may be found therein useful or proper for constructing the said works or any

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any such roads as aforesaid, and for the purposes aforesaid to erect thereon workshops, sheds, and other buildings of a temporary nature, or any steam-engines or other machinery: Provided that before any work shall be commenced as aforesaid, under the authority of the Act, the owner of such land shall be paid such compensation, if any, for the loss or injury or inconvenience sustained by reason of the occupation of such lands and the construction of such works as shall be determined by agreement between the owner and the company, and if such compensation shall not be fixed by agreement as aforesaid within one calendar month after the service of the notice before-mentioned, then such compensation, if any, shall be determined by arbitration in manner hereinafter provided.

Compensation to be paid before commencement of work.

9. The company may, from time to time, for the purposes of this Act fell timber and use and carry away the same, and dig and use clay, stone, and other materials upon any Crown land, and may fell all timber which, in the opinion of the company, it may be necessary to remove for the safety of the works hereby contemplated, notwithstanding anything contained in section six of this Act.

Materials from Crown lands.

10. It shall be lawful for the company from time to time to make, construct, erect, lay down, maintain, alter, repair, or discontinue upon any land purchased by the company under the provisions of this Act, or upon any land now or hereafter to be vested in the company, such water-works, machinery, steam-engines, water-wheels, and other works as the company may think necessary for the purposes of this Act.

Construction of water-works.

11. Every person who shall wilfully obstruct any person acting under the authority of the company in setting out the line of any works undertaken under the authority of this Act, or pull up or remove any poles or stakes driven into the ground for the purpose of setting out the line of such works, or destroy or injure any works undertaken as aforesaid, shall incur a penalty not exceeding five pounds for every such offence.

Penalty for obstructing construction of works.

12. The company may, upon having obtained the consent in writing of the Minister or local authority, open and break up the soil and pavement of the several streets and bridges within the limits of the said county, and may open and break up any sewers, drains, or tunnels within or under such streets and bridges, and lay down and place within the said limits, conduits, service-pipes, and other works and engines, and erect telegraph posts or poles, and stretch and put conduits and wires thereon, and carry and run electricity or any motive-power on and through such conduits and wires, and from time to time repair, or alter, or remove the same; and for the purposes aforesaid remove and use all earth and materials in and under such streets and bridges, and do all other acts which the company shall, from time to time, deem necessary for supplying motive-power by electricity to the mines, persons, or inhabitants of the said county: And when the company shall open or break up the road or pavement of any street or bridge, or any sewer, drain, or tunnel they shall, with all convenient speed, complete the work for which the same shall be broken up, and fill in the ground and reinstate and make good the road or pavement, or the sewer, drain, or tunnel so opened or broken up, and carry away the rubbish occasioned thereby to the satisfaction of the Minister or local authority; and shall at all times, whilst such road or pavement shall be so open or broken up, cause the same to be fenced and guarded, and shall cause light sufficient for the warning of passengers to be set up and kept there for every night during which such road or pavement shall be continued open or broken up. If in the exercise of the powers hereby granted it be found necessary to cross-cut through, raise, sink, or use any part of any road, whether carriage-road, horse-road, or tram-road,

Power to open streets, &c., of any city or town.

Reinstatement of streets, &c.

or

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or railway, either public or private, so as to render it impassible for, or dangerous, or more than usually inconvenient to passengers or carriages, or to the persons entitled to the use thereof, the company shall, before the commencement of any such operations, cause a road to be made to the satisfaction of the Minister or local authority, instead of the road to be interfered with.

Compensation to be settled by arbitration.

13. If, at the expiration of one calendar month from the date of the service of the notice mentioned in section seven of this Act, the owner of any such lands and the said company shall not agree as to the amount of compensation to be paid by the said company to the said owner in respect of such occupation as is mentioned in the said seventh section of this Act, the amount of such compensation shall be settled by arbitrators in manner hereinafter mentioned, that is to say, unless both parties concur in the appointment of a single arbitrator, each party, on the request of the other, shall nominate and appoint an arbitrator, to whom such dispute or other matter shall be referred; and any appointment of an arbitrator shall be under the hand and seal of such person or persons respectively; and such appointment shall be delivered to the arbitrator or arbitrators, and shall be deemed a submission to arbitration on the part of the party by whom the same shall be made. And after any such appointment shall have been made, neither party shall have power to revoke the same without the consent of the other, nor shall the death of either party operate as a revocation. And if for the space of fourteen days after a request in writing shall have been served by one party on the other party to appoint an arbitrator such last-mentioned party shall fail to appoint such arbitrator, then upon such failure it shall be lawful for the Attorney-General for the time being of the said Colony, on the application of the party who has himself appointed an arbitrator, to appoint such arbitrator to act on behalf of both parties; and such arbitrator may proceed to hear and determine the matters which shall be in dispute, and in such case the award or determination of such single arbitrator shall be final and conclusive. And if before the matter so referred shall be determined any arbitrator appointed by either party shall die, or become incapable, or refuse, or for fourteen days neglect to act as arbitrator, the party by whom such arbitrator was appointed may nominate and appoint in writing some other person to act in his place, and if for the space of seven days after notice in writing from the other party for that purpose he fail to do so, the remaining or other arbitrator may proceed alone; and every arbitrator so to be substituted as aforesaid, shall have the same powers and authorities as were vested in the former arbitrator at the time of such his death, refusal, neglect, or disability as aforesaid.

Proceedings in case of disability of arbitrator.

Appointment of umpire.

Where more than one arbitrator shall have been appointed, such arbitrators shall, before they enter upon the matters referred to them, nominate and appoint in writing under their hands an umpire, to decide any matters on which they shall differ, or which shall be referred to them under the provisions of this Act, and if such umpire shall die, or refuse, or for seven days neglect to act after being called upon so to do by the arbitrators, or either of them, they shall forthwith after such death, refusal, or neglect, appoint another umpire in his place, and the decision of every such umpire upon the matters so referred to him shall be final.

Neglect to appoint umpire.

If in either of the cases aforesaid the arbitrators shall refuse, or for seven days after request of either party to such arbitrators neglect to appoint an umpire, it shall be lawful for the Attorney-General for the time being, on the application of either party to such arbitration, to appoint an umpire, and the decision of such umpire on the matters on which the arbitrators differ or which shall be referred to him under this Act shall be final.

If

Hillgrove and Armidale Water-power Electric.

If when a single arbitrator shall have been appointed, such arbitrator shall die or become incapable, or shall refuse, or for fourteen days neglect to act before he shall have made his award, the matters referred to him shall be determined by arbitration under the provisions of this Act, in the same manner as if such arbitrator had not been appointed.

In case of disability of single arbitrator.

If when more than one arbitrator shall have been appointed, and when neither of them shall die, become incapable, refuse, or neglect to act as aforesaid, such arbitrators shall fail to make their award within fourteen days after the day on which the last of such arbitrators shall have been appointed, or within such extended term (if any) as shall have been appointed for that purpose by both of such arbitrators, under their hands, the matters referred to them shall be determined by the umpire to be appointed as aforesaid.

Arbitrators failing to make their award, matters referred to umpire.

The said arbitrator or arbitrators, or his or their umpire, may call for the production of any documents in the possession or power of either party, which they or he may think necessary for determining the question in dispute, and may examine the parties or their witnesses on oath, and administer the oaths necessary for that purpose.

Arbitrators may order production of documents, &c.

Before any arbitrator or umpire shall enter upon the consideration of any matter referred to him, he shall in the presence of a Justice of the Peace make and subscribe the following declaration, that is to say:—

Declaration by arbitrators or umpire.

I, A.B., do solemnly and sincerely declare that I will faithfully and honestly, and to the best of my skill and ability, hear and determine the matters referred to me under the provisions of the "Hillgrove and Armidale Water-power Electric Company (Limited) Act."

Made and subscribed in the presence of

C.D.

And such declaration shall be annexed to award when made, and if any arbitrator or umpire having made such declaration shall wilfully act contrary thereto, he shall be guilty of misdemeanour.

All the costs of any such arbitration and incident thereto shall be in the discretion of the arbitrators, and the costs of the arbitrators shall be borne by the parties in equal proportions, unless the amount awarded shall be one-fourth or more less than the amount which shall have been offered by the said company, in which case the whole costs of the arbitration, and also the costs of and incident to the said arbitration, shall be paid by the claimant: Provided that, if either party shall be dissatisfied with the costs allowed by the said arbitrators as aforesaid, the costs may be taxed by the prothonotary or other proper officer of the Supreme Court, and the amount allowed by such officer shall be the amount of costs to be paid.

Costs of arbitration, how to be borne.

Costs may be taxed.

The arbitrator, arbitrators, or umpire shall deliver their or his award in writing to the said company who shall retain the same, and shall forthwith, on demand, at his or their own expense, furnish a copy to the other party, and shall at all times, on demand, at the cost of the said party, produce the said award, and allow the same to be inspected or examined by such party or any person appointed by him for that purpose, and the amount awarded shall be paid within sixty days after the publication of the award.

Arbitrators or umpire to deliver award to company.

Compensation to be paid within sixty days after publication of award.

The submission to any such arbitration may be made a rule of the Supreme Court on the application of either of the parties.

Submission may be made a rule of Supreme Court.

No award made with respect to any question referred to arbitration under the provisions of this Act shall be set aside for irregularity or error in matter of form.

Award not to be set aside for irregularity.

14. The company may supply, let, hire, and sell to any corporation, person, mine, or building, electric-power or electricity upon such terms and conditions as may be agreed upon: And the company may let

The company may supply, &c.

Company may let meters.

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| | |
|---|--|
| Meters not distrainable, &c. | let for hire to any consumer of electricity supplied by measure, any meter or instrument for measuring the quantity of electricity supplied and consumed, and any conduits and apparatus for the conveyance, reception, and storage of the electricity, for such remuneration in money as may be agreed upon between the company and the consumer, which shall be recoverable in the manner hereinafter mentioned. Such meters, instruments, conduits, and apparatus shall not be subject to distress for rent of the premises where the same are used, or to be attached or taken in execution under any process of any Court of law or equity, or under or in pursuance of any adjudication, sequestration, or order in bankruptcy, or other legal proceedings against or affecting the consumer of the electricity, or the occupier of the premises or other the person in whose possession the meters, conduits, instruments, and apparatus may be ; and |
| Meter to be supplied and maintained by consumer. | Every person who shall have agreed with the company for a supply of electricity by measure shall, at his own expense, unless he hire a meter from the company, provide a meter, and keep and maintain the same in good working order or condition, to the satisfaction of such officer as may be appointed by the company ; and in the event of any repairs being required, notice in writing shall be immediately given by such person to the company, and a registration of the quantity used shall be taken before such repairs are effected ; and |
| Notice of removal, &c., of meter. | Every person requiring to remove or alter the position of any meter shall give six days' notice in writing to that effect to the company, and a registration of the quantity of electricity shall be taken before such removal or alteration is made ; and |
| Penalty for neglect to provide meter. | If any person who, under the provisions hereinbefore contained ought to provide any meter, neglect or refuse, after having been required by the company so to do, to provide such meter, he shall for every such day, during which such neglect or refusal continues, forfeit a sum not exceeding two pounds ; and |
| Penalty for neglecting to give notice of repairs of meters. | If any person, who has provided any meter as aforesaid, fail to give the notice hereinbefore required of any repairs required for such meter, he shall forfeit a sum not exceeding ten pounds, and a further sum not exceeding five pounds for each day (if more than one) that such meter remains unrepaired ; and |
| Electricity may be shut off if meter not in order. | If any person refuse or delay to have such meter properly repaired and put in correct working order after having been required by any officer of the company so to do, the company may shut off the supply of electricity from the premises of such person, either by cutting the conduits or service-pipe, or otherwise, until such meter shall have been properly repaired and certified by some officer of the company to be in proper working order ; and |
| Penalty for fixing uncertified meter. | If any plumber or other person fix or refix any meter upon any premises supplied with electric-power by the company, without having first obtained a certificate from the company that the said meter has been examined and found correct, or in correct working order, he shall forfeit a sum of ten pounds ; and |
| For removing meter without notice. | If any person remove or alter the position of, or in any way interfere with, any meter, without giving such notice as aforesaid, he shall for each such offence forfeit a sum not exceeding ten pounds over and above the damage which he may be found liable to pay in any action at law, at the suit of the company ; and |
| Power to officers of the company to inspect meters. | The officers of the company may enter any house, building, or lands, to, through, or into which electricity is supplied by the company by measure, in order to inspect the meters, instruments, conduits, and apparatus for the measuring, conveyance, reception, or storage of electricity, or for the purpose of ascertaining the quantity of electricity supplied or consumed, and may, from time to time, enter any house, building, |

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building, or lands for the purpose of removing any meter, instrument, conduit, or apparatus, the property of the company; and if any person hinders any such officer from entering or making such inspection, or effecting such removal, he shall for each such offence be liable to a penalty not exceeding five pounds.

15. If any person supplied by electricity by the company wrongfully does, or causes or permits to be done, anything in contravention of any of the provisions of this Act, or wrongfully fails to do anything which under any of those provisions ought to be done for the prevention of the waste, misuse, or undue consumption of electricity, the company (without prejudice to any remedy against him in respect thereof) may cut off any of the conduits or wires by or through which electricity is supplied to him or for his use, and may cease to supply him with electricity as long as the cause of injury remains, or is not remedied; and

Protection of the motive-power; in case of any breach of this Act motive-power may be cut off.

If any person supplied with electricity by the company wilfully or negligently causes or suffers any conduit or other apparatus to be out of repair, or to be so used or contrived that the electricity supplied to him by the company is or is likely to be wasted, misused, or unduly consumed, he shall for every such offence be liable to a penalty not exceeding twenty-five pounds, and a further sum not exceeding five pounds for each day (if more than one) that such offence continues; and

Penalty for waste of motive-power.

If any person shall wilfully and maliciously destroy, injure, or damage, or attempt to destroy, injure, or damage any conduit pipe, wire, or apparatus, or any of the works constructed under the authority of this Act, or wilfully and maliciously do any act calculated to render any part or parts of the machinery or works of the company, or their assigns, unworkable or defective, or whereby any electricity is or may be lost, wasted, misused, destroyed, or interrupted in any way, he shall be deemed guilty of a felony, and liable to imprisonment, with or without hard labour, for any term not exceeding two years; and

Penalty for destroying works, &c.

It shall not be lawful for the owner or occupier of any premises supplied with electricity by the company, or any consumer of electricity of the company, or any other person, to affix, or cause or permit to be affixed, any conduit, wire, or apparatus to a conduit or wire, belonging to or used by such owner or occupier, consumer, or any other person, or to make any alteration in any such communication, or conduit, or wire, or in any apparatus connected therewith, without the consent, in every such case, of the company. And if any person acts in any respect in contravention of the provisions of this section, he shall for every such offence be liable to a penalty not exceeding five pounds, or the company may recover damages in respect of any injury done to their property, and, without prejudice to their right, to recover from him the value of any electricity wasted, misused, or unduly consumed.

No wire to be fixed to consumer's wire without permission of company.

If any person, to the injury of the company, wrongfully takes or uses any water from any reservoir, conduit, or any water-power from any pipe or conduit, belonging to the company, or from any pipe or conduit leading to or from any such reservoir, water-course, conduit, or pipe, or from any cistern, or other like place, containing water or water-power belonging to the company, or supplied by them for the use of any consumer of the electricity of the company, he shall for every such offence be liable to a penalty not exceeding five pounds; and

Penalty for unlawfully taking water from reservoirs

The surveyor or other person appointed for that purpose by the company, may, between the hours of nine o'clock in the forenoon and four o'clock in the afternoon, enter into any house or premises supplied with electricity by the company, in order to examine if there be any waste or misuse of such motive power; and if such surveyor or other such person at any such time be refused admittance

Inspection of premises supplied with electricity.

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into such dwelling-house or premises for the purpose aforesaid, or be prevented from making such examination as aforesaid, the company may turn off the motive-power supplied by it from such house or other premises.

Where several houses supplied by one conduit, each to pay.

16. Where several houses or parts of houses, buildings, or mines in the separate occupation of several persons are supplied by one common conduit or wire, or where electricity is supplied to courts, alleys, and rights-of-way by conduits or otherwise, the several owners or occupiers of such houses or parts of houses, buildings, or mines, or of the several houses or parts of houses, in every court, alley, or right-of-way, shall be liable to the payment of the same rates for the supply of motive-power as they would have been liable to if each of such several houses or parts of houses, buildings, or mines had been supplied with motive-power from the works of the company by a separate pipe.

Company may make charges.

17. The company are hereby authorised to make such charges, rates, and tolls for the supply of electricity as may be agreed upon by them and the persons to whom such electricity is supplied by the company: Provided that in no case will the charge exceed one shilling per unit.

Rates to be recoverable from occupier.

And the rates, charges, and tolls for electricity, and all sums due to the company under this Act, shall be paid by and be recoverable from the occupier of the premises, or the person requiring, receiving, or using the supply of electricity.

Recovery of rates and charges.

And if any person refuse or neglect to pay on demand to the company any rate, charge, or sum due to the company under this Act, the company may stop the electricity from flowing or going into or on the premises in respect of which such rate, charge, or toll is payable by cutting off the conduit or wire to such premises by such means as the company shall think fit; and the company may sue for and recover the rate, charge, or toll due from such person with costs, and with the expenses of cutting off the electricity.

Power to award costs.

And in all proceedings whatever for the recovery of any rates or charges under this Act, and in all other proceedings before justices in pursuance of this Act, it shall be lawful for the justice or justices in his or their discretion to award and order that the defendant shall pay such costs as to such justice or justices shall seem just and reasonable in that behalf; and the sums so allowed for costs shall in all cases be recoverable in the same manner and under the same warrants as any penalty or sum of money adjudged to be paid in and by such order is to be recoverable; and in cases where there is no such penalty or sum to be thereby recovered, then such costs shall be recoverable by distress and sale of goods and chattels of the party, and every warrant for the recovery of any so adjudged to be paid shall be in the form set forth in the Schedule hereto.

Entry by agents.

18. Wherever by this Act authority is conferred on the company to enter upon any land for the purposes of this Act, or to do any act in or relating to the construction or maintenance of any work, the same authority shall extend to all persons acting by direction of the company, and to all necessary agents, assistants, servants, workmen, means, and appliances whatsoever.

Penalties &c., to be summarily recovered before two justices.

19. All offences against this Act or any by-law made hereunder shall be heard and determined in a summary way by any two justices of the peace, or by any police or stipendiary magistrate.

Damage to be made good in addition to penalty.

20. If through any act, neglect, or default on account whereof any person shall have incurred any penalty imposed by this Act, any damage to any conduit, main, pipe, wire, or other property of the company used in connection therewith shall have been committed by such person, he shall be liable to make good such damage; and if no penalty be imposed, then the amount of such damages shall, in case of dispute,

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dispute, be determined by the justices by whom the party incurring such penalty shall have been convicted; and on non-payment of such damages on demand, the same shall be levied by distress, and such justices, or one of them, shall issue the warrant accordingly.

21. Any notice required by this Act, or any by-law or regulation Notices. made thereunder, to be served on or given to any owner or occupier of any building, land, mine, or premises, or to any person, may be in writing or partly printed, or may be wholly printed. And it shall be sufficient for all purposes of this Act, unless the said Act in any case prescribes a different course to be pursued, if any such notice is sent by post to the owner by registered letter addressed to his last known place of abode or business, or is served on the owner or occupier of such building, land, or premises, or left with some inmate apparently over the age of fourteen years, living at the place of abode of such owner or occupier, or (if there be no occupier) if such notice be posted on some conspicuous part of such building or land; and any notice required to be served or given in respect of any public street, road, or lane may be served on or sent by post as aforesaid to the secretary or clerk, or left at the office of the local authority having control of such street, road, or lane, or the portion thereof affected by the notice. Any notice required to be given by the company under this Act, shall Signature of notices. be sufficient if signed by the legal manager of the company or by its solicitors.

22. It shall be lawful for the company, at any time after the passing hereof, to assign, transfer, convey, and release to any company Rights, powers, &c., under this Act may be assigned, &c., to incorporated companies. duly incorporated for that purpose, or to any local authority, association, syndicate, partnership, person, or persons, all or any of the rights, powers, authorities, privileges, liabilities, and obligations conferred and imposed upon them by this Act, together with all or any of the lands, tenements, and hereditaments, estates, chattels, and effects of every kind acquired by them under or in pursuance thereof, and purchased, occupied, or used in connection with the construction, maintenance, and working of the works hereby authorised; and upon and after the completion of such assignment, transfer, conveyance, and release, the said company, local authority, association, syndicate, partnership, person, or persons, their officers, agents, and servants may lawfully exercise and enjoy all the rights, powers, authorities, and privileges, and shall be and continue to be subject to all liabilities, obligations, penalties, and forfeitures to which the company or their officers, agents, or servants would have been entitled or subject had no such assignment, transfer, conveyance, and release been completed: Provided, however, that nothing herein contained shall prejudice or affect any rights accrued, actions or proceedings taken against, or liabilities, obligations, penalties, or forfeitures incurred by the company before the completion of the said assignment, transfer, conveyance, and release.

23. It shall be lawful for the Minister, with the consent of the Minister may resume land upon notice. Governor in Council, at any time after the expiration of twenty-one years from the date of this Act being assented to by the Governor, to give the company notice of the intention of the Crown to resume any land comprised in any lease granted under the authority of this Act, and of the intention of the Crown to purchase the whole or any part of the land, machinery, and works belonging to the company, and which have been acquired, made, or erected under the authority of this Act. The amount of compensation to be paid to the company upon the Compensation upon resumption of land comprised in lease. resumption by the Crown of the land comprised in any lease, and the purchase of such land, machinery, and works shall not exceed the actual cost of *bond fide* construction of such machinery and works, which shall be determined as provided in clause thirteen of this Act, with an amount added equal to two years' profit calculated on the basis of the last five years return.

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Company may make by-laws.

24. The company may from time to time make, alter, and repeal by-laws :—

For regulating the form of contract to be entered into with the company and any other person, and generally for carrying into effect the purposes of this Act.

As to supplying electricity.

For determining the time at which any charge for electricity shall be payable, and whether in advance or not.

For regulating the form, material, dimensions, construction, and arrangement of pipes, conductors, conduits, wires, and other works supplying electricity from the pipes, conduits, or wires of the company to adjacent premises; the time of executing and the notices to be given for such works; the superintendence thereof; the making good and replacing ground which may be displaced in the course of such works; and for inspecting all works or appliances at reasonable times, whether situate within any building or otherwise.

For regulating the construction, disposition, custody, and inspection of meters.

For preventing the use, directly or indirectly, of electricity supplied by the company, by persons unauthorised by the company.

For preventing the waste or misuse of electricity supplied by the company.

For preventing persons from wilfully breaking, injuring, or interfering with any conduit, lock, valve, cock, engine, or work belonging to the company, and from doing any other wilful act whereby the electricity supplied by the company may be wasted.

Provided that such by-laws shall be subject to the approval of the Governor, and shall be published in the *Gazette* and a newspaper circulating in the district.

Penalties in by-laws.

25. Every such by-law shall state a maximum penalty for the breach thereof, not in any case exceeding ten pounds.

All reasonable precautions to be taken against danger.

26. In the exercise of the powers conferred by this Act, it shall be the duty of the company to make all reasonable provision for the prevention of danger to life arising from the generating, making, and transmitting or supplying of electricity as aforesaid.

Penalty for not carrying out works.

27. In the event of the said company not commencing their works within six months and bringing the same into practical operation within eighteen months from the passing of this Act, all the rights hereby conferred upon the said company shall lapse.

SCHEDULE.

Warrant of Distress.

To constable at
 WHEREAS of in New South Wales, is liable to pay the sum of due to the "Hillgrove and Armidale Water-power Electric Company (Limited)," as the lessee of a meter in or on a certain house, building, tenement, land, or premises situated in street in , and now occupied by : And whereas the sum of being due and payable on account of the use, supply, or consumption of motive-power or electric-power (as the case may be), and as is made to appear to me on the signing of this my warrant was duly recovered in manner provided by the Act in that behalf by the said company on the day of in the year against the said who has not yet paid the same : These are therefore to require and authorise you forthwith to levy the said sum of , together with the costs of these presents, by distress and sale of the goods found by you in or on the said house, building, tenement, land, or premises, according to law, and that you certify to me on the day of what you shall do by virtue of this warrant

Given under my hand and seal this day of , in the year of our Lord one thousand eight hundred and

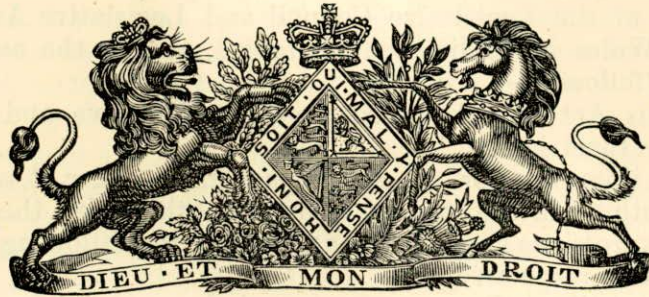
(L.S.) J.P.

I Certify that this PRIVATE BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

*Legislative Assembly Chamber,
Sydney, 7 March, 1893.* }

F. W. WEBB,
Clerk of the Legislative Assembly.

New South Wales.



ANNO QUINQUAGESIMO SEXTO

VICTORIÆ REGINÆ.

An Act to enable the "Hillgrove and Armidale Water-power Electric Company (Limited)," a company registered in Sydney, in the Colony of New South Wales, under the provisions of the Companies Acts, to construct and maintain machinery, works, and other appliances for making, generating, and transmitting electricity and supplying the same to any city, town, mine, company, co-partnership, person, or persons whatsoever, within the county of Sandon, in the said Colony of New South Wales, and for other purposes therein mentioned. [Assented to, 10th March, 1893.]

WHEREAS a certain company called the "Hillgrove and Armidale Water-power Electric Company (Limited)" has lately been formed at Sydney, in the Colony of New South Wales, under the provisions of the "Companies Act" thirty-seventh Victoria number nineteen, and under and subject to a certain memorandum of association bearing date the twenty-eighth day of July, one thousand eight hundred and ninety-two: And whereas the said company is desirous of acquiring the right to construct and maintain machinery and works and other appliances for generating, making, and transmitting electricity, and to control and manage the said works, and for other purposes: And whereas

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

NINIAN MELVILLE,
Chairman of Committees of the Legislative Assembly.

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whereas it would be for the benefit of the Colony of New South Wales that the said "Hillgrove and Armidale Water-power Electric Company (Limited)" should be enabled to construct and maintain the said machinery and works as aforesaid, and that the powers authorised and concessions hereinafter proposed to be conferred on the said "Hillgrove and Armidale Water-power Electric Company (Limited)" should be granted to the said "Hillgrove and Armidale Water-power Electric Company (Limited)": And whereas such objects cannot be obtained without the authority of Parliament: 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:—

Short title.

1. This Act may be cited as the "Hillgrove and Armidale Water-power Electric Act."

Interpretation.

2. In this Act, and in any by-law made under it, save where there is something in the context inconsistent therewith, the following words and expressions shall have and include the following meanings attached thereto respectively:—

"Conductor" shall mean and include cable, wire, or other apparatus for transmitting electrical power.

"Conduit" shall mean and include the canals, tunnels, aqueducts, cuttings, pipes, or wires by means of which the main supply of water, water-power, or electricity is supplied to any city, town, persons, or building, or property.

"Crown land" shall mean and include any land or lands in the County of Sandon, in the said Colony, which are or may become vested in the Crown, and includes all lands of the Crown in the said County which are or may be occupied for pastoral or mining or other purposes under any lease or license issued in pursuance of any Act of the Parliament of this Colony.

"Company" means the "Hillgrove and Armidale Water-power Electric Company (Limited)," registered under the "Companies Act" thirty-seventh Victoria number nineteen, and its successors and assigns.

"County" shall mean the county of Sandon.

"First lessee" means any person entitled to occupy any land previously leased.

"Gazette" means the *Government Gazette*.

"Governor" means the Governor for the time being of the Colony of New South Wales, with the advice of the Executive Council.

"Local Authority" means the Board of Health, Municipal Council, Road Trust, Town Board, or body of persons or person having the control or management of the street in respect of which such expression shall be used, if the same shall be used in respect of any particular street; but if the same shall not be used in respect of any street, it shall mean the Municipal Council or body corporate having the local government of any city, town, or district in which any of the works hereby authorised may be situate, or in default of any such local authority the Minister for Lands.

"Machinery" means any appliance for carrying into effect any of the objects authorised by this Act.

"Meter" means any instrument, apparatus, or appliance for measuring and ascertaining the quantity of water, water-power, motive-power, or electricity used or supplied to any person.

"Minister" means the Minister for Lands and Works for the time being of the Colony of New South Wales.

"Motive-

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“Motive-power” means the power derived from water passing through machinery, or the electrical power derived therefrom.

“Owner” means the person for the time being in the actual receipt of or entitled to receive the rents and profits of any house, manufactory, or building of whatsoever kind, or of any land.

“Person” includes corporation, company, association, syndicate, partnership, and local authority.

“Private lands” means any land which shall have been granted by the Crown in fee simple or by lease for a longer term than ninety-nine years to any person.

“Property” means lands or buildings and lands and buildings.

“Street” means any public and common highway, main road, road, bridge, footway, square, court, alley, lane, thoroughfare, or Public way, Place or Passage.

“Town and City,” means any settlement, camp, or collection of houses, whether proclaimed as a city or town or not, and situate within the said county.

“Water-works” means and includes all reservoirs, wells, cisterns, tanks, aqueducts, water-courses, tunnels, feeders, drains, channels, engines, cuts, flood-gates, sluices, conduit-pipes, pipe-breaks, engines, buildings, and other works of what kind soever which are from time to time necessary or used for effecting the purposes of this Act.

“Works” mean and include reservoirs, pen-stocks, conduits, cables, poles for carrying cables, and wires.

3. It shall be lawful for the company, and it is hereby ^{Power to divert water.} empowered and authorised, to take, divert, and appropriate for any of the purposes hereinafter mentioned, the water flowing at the point of intake on the course of the Guyra River, in the said colony, at the point specified in the application for special lease of the Guyra River, known as the Great Falls, and from time to time to enter upon the said river at the point of intake aforesaid for the purpose of constructing and erecting on and in that portion of the said river, at the said point of intake, any works, dams, weirs, flumes, or races for the purposes of such taking, diversion, and appropriation of the said water of the river aforesaid: Provided that the water so taken, diverted, appropriated, and utilised as aforesaid shall be in due course returned to the stream again unpolluted.

4. It shall be lawful for the said company to use all or any of ^{Power to use water.} the waters aforesaid for any of the purposes hereinafter specified:—

To work any machinery that may be erected by the company for ^{Purposes for which water may be taken.} generating, making, and transmitting electricity to the cities, towns, streets, mines, and buildings of any of the towns of the said county.

To work any machinery that may be erected by the company for generating, making, and transmitting electricity for the purpose of supplying the inhabitants of any of the cities and towns of the said county with electricity for any purpose.

To work any machinery that may be erected for drawing or propelling trams, tramways, carriages, and other vehicles in, over, along, and upon any street or streets of any of the cities and towns of the said county or elsewhere in the said county.

To work any machinery that may be erected by the company for the purpose of executing or exercising any of the powers or authorities now or hereinafter vested in or imposed upon the the said company.

To supply any mines or batteries in the said county with electric light or motive-power for lighting, winding, pumping, working, or any other purpose.

To

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To make, generate, and transmit motive or electric power for the purpose of telpherage or any other electrical appliance or machine to which electricity can be applied.

Company empowered to exercise powers, &c.

5. The company is hereby empowered to exercise the several powers and authorities hereby vested in and conferred upon the company in manner hereinafter set forth.

Lease of Crown lands may be granted.

6. It shall be lawful for the Minister, with the consent of the Governor-in-Council, to grant to the company from time to time for any term not exceeding thirty years at a yearly rental a lease of any Crown lands situated in the said county that the company may consider necessary for the purposes of this Act. Every such lease as aforesaid shall operate and take effect merely as

Effect of lease.

Protection to the rights of first lessee.

a license to the said company to construct and maintain the works hereby contemplated, and shall not confer any right or title to any mines or minerals; and in case any such lease as aforesaid comprises any Crown land previously leased, then such lease shall not affect the rights of the first lessee except so far as may be necessary for carrying out the objects of such lease, and the first lessee may accordingly exercise all powers conferred upon him in respect of the land previously leased: Provided that he shall not carry on any mining operations upon any land comprised in the said lease in such a way as to damage the works of the company; and in case any such lease shall comprise any Crown land previously leased, then the company shall serve upon the first lessee a notice indicating with all reasonable accuracy, by means of a plan or otherwise referred to in such notice, the proposed course, direction, or situation of the said works; and the company may, for the purpose of surveying and taking levels, after giving not less than three days' notice to the first lessee, enter upon Crown land of the first lessee which may be comprised in such lease, without the previous consent of any person or persons.

Notice of intention to construct works.

Company may enter after notice.

Power to take temporary possession of land.

7. It shall be lawful for the company and all persons by them authorised, after not less than three days' notice to the occupier or occupiers, to enter upon any lands, not being a garden, orchard, or plantation attached or belonging to a house, nor a park, planted walk, avenue, or ground ornamentally planted, and not being nearer to the house of the owner of any such lands than one hundred yards therefrom, and to occupy the said lands so long as may be necessary for the construction of any works authorised by this Act, or of the accommodation works connected therewith hereinafter mentioned, and to use the same for any of the following purposes, that is to say:—

For the purpose of constructing, building, or putting thereon any machinery;

For the purpose of taking earth or soil by side-cuttings therefrom;

For the purpose of depositing soil thereon;

For the purpose of obtaining materials therefrom for the construction of the water-works or such accommodation works as aforesaid; or

For the purpose of forming roads thereon to or from or by the side of the said works.

Provided that the company shall have the right of immediate entry, without notice, upon any such lands at any time for the purpose of repairing any of the works aforesaid.

Company may manufacture and work upon lands.

8. In the exercise of any of the foregoing powers, it shall be lawful for the company and all other persons employed by the company to deposit, and also to manufacture and work upon such lands, materials of every kind used in constructing the said works, and also to take from any such lands any timber, and also to dig and take from or out thereof any clay, stone, gravel, sand or other things that may be found therein useful or proper for constructing the said works or any

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any such roads as aforesaid, and for the purposes aforesaid to erect thereon workshops, sheds, and other buildings of a temporary nature, or any steam-engines or other machinery: Provided that before any work shall be commenced as aforesaid, under the authority of the Act, the owner of such land shall be paid such compensation, if any, for the loss or injury or inconvenience sustained by reason of the occupation of such lands and the construction of such works as shall be determined by agreement between the owner and the company, and if such compensation shall not be fixed by agreement as aforesaid within one calendar month after the service of the notice before-mentioned, then such compensation, if any, shall be determined by arbitration in manner hereinafter provided.

Compensation to be paid before commencement of work.

9. The company may, from time to time, for the purposes of this Act fell timber and use and carry away the same, and dig and use clay, stone, and other materials upon any Crown land, and may fell all timber which, in the opinion of the company, it may be necessary to remove for the safety of the works hereby contemplated, notwithstanding anything contained in section six of this Act.

Materials from Crown lands.

10. It shall be lawful for the company from time to time to make, construct, erect, lay down, maintain, alter, repair, or discontinue upon any land purchased by the company under the provisions of this Act, or upon any land now or hereafter to be vested in the company, such water-works, machinery, steam-engines, water-wheels, and other works as the company may think necessary for the purposes of this Act.

Construction of water-works.

11. Every person who shall wilfully obstruct any person acting under the authority of the company in setting out the line of any works undertaken under the authority of this Act, or pull up or remove any poles or stakes driven into the ground for the purpose of setting out the line of such works, or destroy or injure any works undertaken as aforesaid, shall incur a penalty not exceeding five pounds for every such offence.

Penalty for obstructing construction of works.

12. The company may, upon having obtained the consent in writing of the Minister or local authority, open and break up the soil and pavement of the several streets and bridges within the limits of the said county, and may open and break up any sewers, drains, or tunnels within or under such streets and bridges, and lay down and place within the said limits, conduits, service-pipes, and other works and engines, and erect telegraph posts or poles, and stretch and put conduits and wires thereon, and carry and run electricity or any motive-power on and through such conduits and wires, and from time to time repair, or alter, or remove the same; and for the purposes aforesaid remove and use all earth and materials in and under such streets and bridges, and do all other acts which the company shall, from time to time, deem necessary for supplying motive-power by electricity to the mines, persons, or inhabitants of the said county: And when the company shall open or break up the road or pavement of any street or bridge, or any sewer, drain, or tunnel they shall, with all convenient speed, complete the work for which the same shall be broken up, and fill in the ground and reinstate and make good the road or pavement, or the sewer, drain, or tunnel so opened or broken up, and carry away the rubbish occasioned thereby to the satisfaction of the Minister or local authority; and shall at all times, whilst such road or pavement shall be so open or broken up, cause the same to be fenced and guarded, and shall cause light sufficient for the warning of passengers to be set up and kept there for every night during which such road or pavement shall be continued open or broken up. If in the exercise of the powers hereby granted it be found necessary to cross-cut through, raise, sink, or use any part of any road, whether carriage-road, horse-road, or tram-road,

Power to open streets, &c., of any city or town.

Reinstatement of streets, &c.

or

Hillgrove and Armidale Water-power Electric.

or railway, either public or private, so as to render it impassible for, or dangerous, or more than usually inconvenient to passengers or carriages, or to the persons entitled to the use thereof, the company shall, before the commencement of any such operations, cause a road to be made to the satisfaction of the Minister or local authority, instead of the road to be interfered with.

Compensation to be settled by arbitration.

13. If, at the expiration of one calendar month from the date of the service of the notice mentioned in section seven of this Act, the owner of any such lands and the said company shall not agree as to the amount of compensation to be paid by the said company to the said owner in respect of such occupation as is mentioned in the said seventh section of this Act, the amount of such compensation shall be settled by arbitrators in manner hereinafter mentioned, that is to say, unless both parties concur in the appointment of a single arbitrator, each party, on the request of the other, shall nominate and appoint an arbitrator, to whom such dispute or other matter shall be referred; and any appointment of an arbitrator shall be under the hand and seal of such person or persons respectively; and such appointment shall be delivered to the arbitrator or arbitrators, and shall be deemed a submission to arbitration on the part of the party by whom the same shall be made. And after any such appointment shall have been made, neither party shall have power to revoke the same without the consent of the other, nor shall the death of either party operate as a revocation. And if for the space of fourteen days after a request in writing shall have been served by one party on the other party to appoint an arbitrator such last-mentioned party shall fail to appoint such arbitrator, then upon such failure it shall be lawful for the Attorney-General for the time being of the said Colony, on the application of the party who has himself appointed an arbitrator, to appoint such arbitrator to act on behalf of both parties; and such arbitrator may proceed to hear and determine the matters which shall be in dispute, and in such case the award or determination of such single arbitrator shall be final and conclusive. And if before the matter so referred shall be determined any arbitrator appointed by either party shall die, or become incapable, or refuse, or for fourteen days neglect to act as arbitrator, the party by whom such arbitrator was appointed may nominate and appoint in writing some other person to act in his place, and if for the space of seven days after notice in writing from the other party for that purpose he fail to do so, the remaining or other arbitrator may proceed alone; and every arbitrator so to be substituted as aforesaid, shall have the same powers and authorities as were vested in the former arbitrator at the time of such his death, refusal, neglect, or disability as aforesaid.

Proceedings in case of disability of arbitrator.

Appointment of umpire.

Where more than one arbitrator shall have been appointed, such arbitrators shall, before they enter upon the matters referred to them, nominate and appoint in writing under their hands an umpire, to decide any matters on which they shall differ, or which shall be referred to them under the provisions of this Act, and if such umpire shall die, or refuse, or for seven days neglect to act after being called upon so to do by the arbitrators, or either of them, they shall forthwith after such death, refusal, or neglect, appoint another umpire in his place, and the decision of every such umpire upon the matters so referred to him shall be final.

Neglect to appoint umpire.

If in either of the cases aforesaid the arbitrators shall refuse, or for seven days after request of either party to such arbitrators neglect to appoint an umpire, it shall be lawful for the Attorney-General for the time being, on the application of either party to such arbitration, to appoint an umpire, and the decision of such umpire on the matters on which the arbitrators differ or which shall be referred to him under this Act shall be final.

If

Hillgrove and Armidale Water-power Electric.

If when a single arbitrator shall have been appointed, such arbitrator shall die or become incapable, or shall refuse, or for fourteen days neglect to act before he shall have made his award, the matters referred to him shall be determined by arbitration under the provisions of this Act, in the same manner as if such arbitrator had not been appointed.

In case of disability of single arbitrator.

If when more than one arbitrator shall have been appointed, and when neither of them shall die, become incapable, refuse, or neglect to act as aforesaid, such arbitrators shall fail to make their award within fourteen days after the day on which the last of such arbitrators shall have been appointed, or within such extended term (if any) as shall have been appointed for that purpose by both of such arbitrators, under their hands, the matters referred to them shall be determined by the umpire to be appointed as aforesaid.

Arbitrators failing to make their award, matters referred to umpire.

The said arbitrator or arbitrators, or his or their umpire, may call for the production of any documents in the possession or power of either party, which they or he may think necessary for determining the question in dispute, and may examine the parties or their witnesses on oath, and administer the oaths necessary for that purpose.

Arbitrators may order production of documents, &c.

Before any arbitrator or umpire shall enter upon the consideration of any matter referred to him, he shall in the presence of a Justice of the Peace make and subscribe the following declaration, that is to say:—

Declaration by arbitrators or umpire.

I, A.B., do solemnly and sincerely declare that I will faithfully and honestly, and to the best of my skill and ability, hear and determine the matters referred to me under the provisions of the "Hillgrove and Armidale Water-power Electric Company (Limited) Act."

Made and subscribed in the presence of

C.D.

And such declaration shall be annexed to award when made, and if any arbitrator or umpire having made such declaration shall wilfully act contrary thereto, he shall be guilty of misdemeanour.

All the costs of any such arbitration and incident thereto shall be in the discretion of the arbitrators, and the costs of the arbitrators shall be borne by the parties in equal proportions, unless the amount awarded shall be one-fourth or more less than the amount which shall have been offered by the said company, in which case the whole costs of the arbitration, and also the costs of and incident to the said arbitration, shall be paid by the claimant: Provided that, if either party shall be dissatisfied with the costs allowed by the said arbitrators as aforesaid, the costs may be taxed by the prothonotary or other proper officer of the Supreme Court, and the amount allowed by such officer shall be the amount of costs to be paid.

Costs of arbitration, how to be borne.

Costs may be taxed.

The arbitrator, arbitrators, or umpire shall deliver their or his award in writing to the said company who shall retain the same, and shall forthwith, on demand, at his or their own expense, furnish a copy to the other party, and shall at all times, on demand, at the cost of the said party, produce the said award, and allow the same to be inspected or examined by such party or any person appointed by him for that purpose, and the amount awarded shall be paid within sixty days after the publication of the award.

Arbitrators or umpire to deliver award to company.

Compensation to be paid within sixty days after publication of award.

The submission to any such arbitration may be made a rule of the Supreme Court on the application of either of the parties.

Submission may be made a rule of Supreme Court.

No award made with respect to any question referred to arbitration under the provisions of this Act shall be set aside for irregularity or error in matter of form.

Award not to be set aside for irregularity.

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The company may supply, &c.

Company may let meters.

Meters not distrainable, &c.

Meter to be supplied and maintained by consumer.

Notice of removal, &c., of meter.

Penalty for neglect to provide meter.

Penalty for neglecting to give notice of repairs of meters.

Electricity may be shut off if meter not in order.

Penalty for fixing uncertified meter.

For removing meter without notice.

Power to officers of the company to inspect meters.

14. The company may supply, let, hire, and sell to any corporation, person, mine, or building, electric-power or electricity upon such terms and conditions as may be agreed upon: And the company may let for hire to any consumer of electricity supplied by measure, any meter or instrument for measuring the quantity of electricity supplied and consumed, and any conduits and apparatus for the conveyance, reception, and storage of the electricity, for such remuneration in money as may be agreed upon between the company and the consumer, which shall be recoverable in the manner hereinafter mentioned. Such meters, instruments, conduits, and apparatus shall not be subject to distress for rent of the premises where the same are used, or to be attached or taken in execution under any process of any Court of law or equity, or under or in pursuance of any adjudication, sequestration, or order in bankruptcy, or other legal proceedings against or affecting the consumer of the electricity, or the occupier of the premises or other the person in whose possession the meters, conduits, instruments, and apparatus may be; and

Every person who shall have agreed with the company for a supply of electricity by measure shall, at his own expense, unless he hire a meter from the company, provide a meter, and keep and maintain the same in good working order or condition, to the satisfaction of such officer as may be appointed by the company; and in the event of any repairs being required, notice in writing shall be immediately given by such person to the company, and a registration of the quantity used shall be taken before such repairs are effected; and

Every person requiring to remove or alter the position of any meter shall give six days' notice in writing to that effect to the company, and a registration of the quantity of electricity shall be taken before such removal or alteration is made; and

If any person who, under the provisions hereinbefore contained ought to provide any meter, neglect or refuse, after having been required by the company so to do, to provide such meter, he shall for every such day, during which such neglect or refusal continues, forfeit a sum not exceeding two pounds; and

If any person, who has provided any meter as aforesaid, fail to give the notice hereinbefore required of any repairs required for such meter, he shall forfeit a sum not exceeding ten pounds, and a further sum not exceeding five pounds for each day (if more than one) that such meter remains unrepaired; and

If any person refuse or delay to have such meter properly repaired and put in correct working order after having been required by any officer of the company so to do, the company may shut off the supply of electricity from the premises of such person, either by cutting the conduits or service-pipe, or otherwise, until such meter shall have been properly repaired and certified by some officer of the company to be in proper working order; and

If any plumber or other person fix or refix any meter upon any premises supplied with electric-power by the company, without having first obtained a certificate from the company that the said meter has been examined and found correct, or in correct working order, he shall forfeit a sum of ten pounds; and

If any person remove or alter the position of, or in any way interfere with, any meter, without giving such notice as aforesaid, he shall for each such offence forfeit a sum not exceeding ten pounds over and above the damage which he may be found liable to pay in any action at law, at the suit of the company; and

The officers of the company may enter any house, building, or lands, to, through, or into which electricity is supplied by the company by measure, in order to inspect the meters, instruments, conduits, and

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and apparatus for the measuring, conveyance, reception, or storage of electricity, or for the purpose of ascertaining the quantity of electricity supplied or consumed, and may, from time to time, enter any house, building, or lands for the purpose of removing any meter, instrument, conduit, or apparatus, the property of the company; and if any person hinders any such officer from entering or making such inspection, or effecting such removal, he shall for each such offence be liable to a penalty not exceeding five pounds.

15. If any person supplied by electricity by the company wrongfully does, or causes or permits to be done, anything in contravention of any of the provisions of this Act, or wrongfully fails to do anything which under any of those provisions ought to be done for the prevention of the waste, misuse, or undue consumption of electricity, the company (without prejudice to any remedy against him in respect thereof) may cut off any of the conduits or wires by or through which electricity is supplied to him or for his use, and may cease to supply him with electricity as long as the cause of injury remains, or is not remedied; and

Protection of the motive-power; in case of any breach of this Act motive-power may be cut off.

If any person supplied with electricity by the company wilfully or negligently causes or suffers any conduit or other apparatus to be out of repair, or to be so used or contrived that the electricity supplied to him by the company is or is likely to be wasted, misused, or unduly consumed, he shall for every such offence be liable to a penalty not exceeding twenty-five pounds, and a further sum not exceeding five pounds for each day (if more than one) that such offence continues; and

Penalty for waste of motive-power.

If any person shall wilfully and maliciously destroy, injure, or damage, or attempt to destroy, injure, or damage any conduit pipe, wire, or apparatus, or any of the works constructed under the authority of this Act, or wilfully and maliciously do any act calculated to render any part or parts of the machinery or works of the company, or their assigns, unworkable or defective, or whereby any electricity is or may be lost, wasted, misused, destroyed, or interrupted in any way, he shall be deemed guilty of a felony, and liable to imprisonment, with or without hard labour, for any term not exceeding two years; and

Penalty for destroying works, &c.

It shall not be lawful for the owner or occupier of any premises supplied with electricity by the company, or any consumer of electricity of the company, or any other person, to affix, or cause or permit to be affixed, any conduit, wire, or apparatus to a conduit or wire, belonging to or used by such owner or occupier, consumer, or any other person, or to make any alteration in any such communication, or conduit, or wire, or in any apparatus connected therewith, without the consent, in every such case, of the company. And if any person acts in any respect in contravention of the provisions of this section, he shall for every such offence be liable to a penalty not exceeding five pounds, or the company may recover damages in respect of any injury done to their property, and, without prejudice to their right, to recover from him the value of any electricity wasted, misused, or unduly consumed.

No wire to be fixed to consumer's wire without permission of company.

If any person, to the injury of the company, wrongfully takes or uses any water from any reservoir, conduit, or any water-power from any pipe or conduit, belonging to the company, or from any pipe or conduit leading to or from any such reservoir, water-course, conduit, or pipe, or from any cistern, or other like place, containing water or water-power belonging to the company, or supplied by them for the use of any consumer of the electricity of the company, he shall for every such offence be liable to a penalty not exceeding five pounds; and

Penalty for unlawfully taking water from reservoirs.

The surveyor or other person appointed for that purpose by the company, may, between the hours of nine o'clock in the forenoon and four o'clock in the afternoon, enter into any house or

Inspection of premises supplied with electricity.

premises

Hillgrove and Armidale Water-power Electric.

premises supplied with electricity by the company, in order to examine if there be any waste or misuse of such motive power; and if such surveyor or other such person at any such time be refused admittance into such dwelling-house or premises for the purpose aforesaid, or be prevented from making such examination as aforesaid, the company may turn off the motive-power supplied by it from such house or other premises.

Where several houses supplied by one conduit, each to pay.

16. Where several houses or parts of houses, buildings, or mines in the separate occupation of several persons are supplied by one common conduit or wire, or where electricity is supplied to courts, alleys, and rights-of-way by conduits or otherwise, the several owners or occupiers of such houses or parts of houses, buildings, or mines, or of the several houses or parts of houses, in every court, alley, or right-of-way, shall be liable to the payment of the same rates for the supply of motive-power as they would have been liable to if each of such several houses or parts of houses, buildings, or mines had been supplied with motive-power from the works of the company by a separate pipe.

Company may make charges.

17. The company are hereby authorised to make such charges, rates, and tolls for the supply of electricity as may be agreed upon by them and the persons to whom such electricity is supplied by the company: Provided that in no case will the charge exceed one shilling per unit.

Rates to be recoverable from occupier.

And the rates, charges, and tolls for electricity, and all sums due to the company under this Act, shall be paid by and be recoverable from the occupier of the premises, or the person requiring, receiving, or using the supply of electricity.

Recovery of rates and charges.

And if any person refuse or neglect to pay on demand to the company any rate, charge, or sum due to the company under this Act, the company may stop the electricity from flowing or going into or on the premises in respect of which such rate, charge, or toll is payable by cutting off the conduit or wire to such premises by such means as the company shall think fit; and the company may sue for and recover the rate, charge, or toll due from such person with costs, and with the expenses of cutting off the electricity.

Power to award costs.

And in all proceedings whatever for the recovery of any rates or charges under this Act, and in all other proceedings before justices in pursuance of this Act, it shall be lawful for the justice or justices in his or their discretion to award and order that the defendant shall pay such costs as to such justice or justices shall seem just and reasonable in that behalf; and the sums so allowed for costs shall in all cases be recoverable in the same manner and under the same warrants as any penalty or sum of money adjudged to be paid in and by such order is to be recoverable; and in cases where there is no such penalty or sum to be thereby recovered, then such costs shall be recoverable by distress and sale of goods and chattels of the party, and every warrant for the recovery of any so adjudged to be paid shall be in the form set forth in the Schedule hereto.

Entry by agents

18. Wherever by this Act authority is conferred on the company to enter upon any land for the purposes of this Act, or to do any act in or relating to the construction or maintenance of any work, the same authority shall extend to all persons acting by direction of the company, and to all necessary agents, assistants, servants, workmen, means, and appliances whatsoever.

Penalties &c., to be summarily recovered before two justices.

19. All offences against this Act or any by-law made hereunder shall be heard and determined in a summary way by any two justices of the peace, or by any police or stipendiary magistrate.

Damage to be made good in addition to penalty.

20. If through any act, neglect, or default on account whereof any person shall have incurred any penalty imposed by this Act, any damage

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damage to any conduit, main, pipe, wire, or other property of the company used in connection therewith shall have been committed by such person, he shall be liable to make good such damage; and if no penalty be imposed, then the amount of such damages shall, in case of dispute, be determined by the justices by whom the party incurring such penalty shall have been convicted; and on non-payment of such damages on demand, the same shall be levied by distress, and such justices, or one of them, shall issue the warrant accordingly.

21. Any notice required by this Act, or any by-law or regulation Notices. made thereunder, to be served on or given to any owner or occupier of any building, land, mine, or premises, or to any person, may be in writing or partly printed, or may be wholly printed. And it shall be sufficient for all purposes of this Act, unless the said Act in any case prescribes a different course to be pursued, if any such notice is sent by post to the owner by registered letter addressed to his last known place of abode or business, or is served on the owner or occupier of such building, land, or premises, or left with some inmate apparently over the age of fourteen years, living at the place of abode of such owner or occupier, or (if there be no occupier) if such notice be posted on some conspicuous part of such building or land; and any notice required to be served or given in respect of any public street, road, or lane may be served on or sent by post as aforesaid to the secretary or clerk, or left at the office of the local authority having control of such street, road, or lane, or the portion thereof affected by the notice. Any notice required to be given by the company under this Act, shall Signature of notices. be sufficient if signed by the legal manager of the company or by its solicitors.

22. It shall be lawful for the company, at any time after the passing hereof, to assign, transfer, convey, and release to any company duly incorporated for that purpose, or to any local authority, association, syndicate, partnership, person, or persons, all or any of the rights, powers, authorities, privileges, liabilities, and obligations conferred and imposed upon them by this Act, together with all or any of the lands, tenements, and hereditaments, estates, chattels, and effects of every kind acquired by them under or in pursuance thereof, and purchased, occupied, or used in connection with the construction, maintenance, and working of the works hereby authorised; and upon and after the completion of such assignment, transfer, conveyance, and release, the said company, local authority, association, syndicate, partnership, person, or persons, their officers, agents, and servants may lawfully exercise and enjoy all the rights, powers, authorities, and privileges, and shall be and continue to be subject to all liabilities, obligations, penalties, and forfeitures to which the company or their officers, agents, or servants would have been entitled or subject had no such assignment, transfer, conveyance, and release been completed: Provided, however, that nothing herein contained shall prejudice or affect any rights accrued, actions or proceedings taken against, or liabilities, obligations, penalties, or forfeitures incurred by the company before the completion of the said assignment, transfer, conveyance, and release. Rights, powers, &c., under this Act may be assigned, &c., to incorporated companies.

23. It shall be lawful for the Minister, with the consent of the Governor in Council, at any time after the expiration of twenty-one years from the date of this Act being assented to by the Governor, to give the company notice of the intention of the Crown to resume any land comprised in any lease granted under the authority of this Act, and of the intention of the Crown to purchase the whole or any part of the land, machinery, and works belonging to the company, and which have been acquired, made, or erected under the authority of this Act. The amount of compensation to be paid to the company upon the resumption by the Crown of the land comprised in any lease, and the Minister may resume land upon notice. Compensation upon resumption of land comprised in lease.

Hillgrove and Armidale Water-power Electric.

the purchase of such land, machinery, and works shall not exceed the actual cost of *bond fide* construction of such machinery and works, which shall be determined as provided in clause thirteen of this Act, with an amount added equal to two years' profit calculated on the basis of the last five years return.

Company may make by-laws.

24. The company may from time to time make, alter, and repeal by-laws :—

For regulating the form of contract to be entered into with the company and any other person, and generally for carrying into effect the purposes of this Act.

As to supplying electricity.

For determining the time at which any charge for electricity shall be payable, and whether in advance or not.

For regulating the form, material, dimensions, construction, and arrangement of pipes, conductors, conduits, wires, and other works supplying electricity from the pipes, conduits, or wires of the company to adjacent premises; the time of executing and the notices to be given for such works; the superintendence thereof; the making good and replacing ground which may be displaced in the course of such works; and for inspecting all works or appliances at reasonable times, whether situate within any building or otherwise.

For regulating the construction, disposition, custody, and inspection of meters.

For preventing the use, directly or indirectly, of electricity supplied by the company, by persons unauthorised by the company.

For preventing the waste or misuse of electricity supplied by the company.

For preventing persons from wilfully breaking, injuring, or interfering with any conduit, lock, valve, cock, engine, or work belonging to the company, and from doing any other wilful act whereby the electricity supplied by the company may be wasted.

Provided that such by-laws shall be subject to the approval of the Governor, and shall be published in the *Gazette* and a newspaper circulating in the district.

Penalties in by-laws.

25. Every such by-law shall state a maximum penalty for the breach thereof, not in any case exceeding ten pounds.

All reasonable precautions to be taken against danger.

26. In the exercise of the powers conferred by this Act, it shall be the duty of the company to make all reasonable provision for the prevention of danger to life arising from the generating, making, and transmitting or supplying of electricity as aforesaid.

Penalty for not carrying out works.

27. In the event of the said company not commencing their works within six months and bringing the same into practical operation within eighteen months from the passing of this Act, all the rights hereby conferred upon the said company shall lapse.

Hillgrove and Armidale Water-power Electric.

SCHEDULE.

Warrant of Distress.

To constable at
 WHEREAS of in New South Wales, is liable to pay the sum of
 due to the "Hillgrove and Armidale Water-power Electric Company (Limited)," as the
 lessee of a meter in or on a certain house, building, tenement, land, or premises situated
 in street in , and now occupied by : And whereas the sum
 of being due and payable on account of the use, supply, or consumption of
 motive-power or electric-power (as the case may be), and as is made to appear to me on
 the signing of this my warrant was duly recovered in manner provided by the Act in
 that behalf by the said company on the day of in the
 year against the said who has not yet paid the same :
 These are therefore to require and authorise you forthwith to levy the said sum
 of , together with the costs of these presents, by distress and sale of the goods
 found by you in or on the said house, building, tenement, land, or premises, according
 to law, and that you certify to me on the day of what you shall do by
 virtue of this warrant
 Given under my hand and seal this day of , in the year of our
 Lord one thousand eight hundred and (L.S.) J.P.

In the name and on the behalf of Her Majesty I assent to this Act.

*Government House,
 Sydney, 10th March, 1893.*

FREDK. M. DARLEY,
Lieutenant-Governor.

1870

Received of the Treasurer of the
County of ... the sum of ...
for ...

Witness my hand and seal this ... day of ... 1870

1

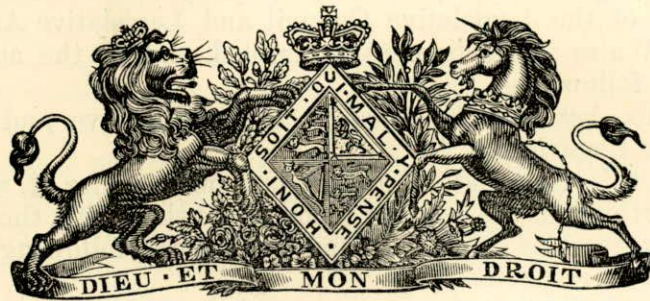
1

I Certify that this PRIVATE BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

*Legislative Assembly Chamber,
Sydney, 7 March, 1893.* }

F. W. WEBB,
Clerk of the Legislative Assembly.

New South Wales.



ANNO QUINQUAGESIMO SEXTO

VICTORIÆ REGINÆ.

An Act to enable the "Hillgrove and Armidale Water-power Electric Company (Limited)," a company registered in Sydney, in the Colony of New South Wales, under the provisions of the Companies Acts, to construct and maintain machinery, works, and other appliances for making, generating, and transmitting electricity and supplying the same to any city, town, mine, company, co-partnership, person, or persons whatsoever, within the county of Sandon, in the said Colony of New South Wales, and for other purposes therein mentioned. [Assented to, 10th March, 1893.]

WHEREAS a certain company called the "Hillgrove and Armidale Water-power Electric Company (Limited)" has lately been formed at Sydney, in the Colony of New South Wales, under the provisions of the "Companies Act" thirty-seventh Victoria number nineteen, and under and subject to a certain memorandum of association bearing date the twenty-eighth day of July, one thousand eight hundred and ninety-two: And whereas the said company is desirous of acquiring the right to construct and maintain machinery and works and other appliances for generating, making, and transmitting electricity, and to control and manage the said works, and for other purposes: And whereas

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

NINIAN MELVILLE,
Chairman of Committees of the Legislative Assembly.

Hillgrove and Armidale Water-power Electric.

whereas it would be for the benefit of the Colony of New South Wales that the said "Hillgrove and Armidale Water-power Electric Company (Limited)" should be enabled to construct and maintain the said machinery and works as aforesaid, and that the powers authorised and concessions hereinafter proposed to be conferred on the said "Hillgrove and Armidale Water-power Electric Company (Limited)" should be granted to the said "Hillgrove and Armidale Water-power Electric Company (Limited)": And whereas such objects cannot be obtained without the authority of Parliament: 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:—

Short title.

1. This Act may be cited as the "Hillgrove and Armidale Water-power Electric Act."

Interpretation.

2. In this Act, and in any by-law made under it, save where there is something in the context inconsistent therewith, the following words and expressions shall have and include the following meanings attached thereto respectively:—

"Conductor" shall mean and include cable, wire, or other apparatus for transmitting electrical power.

"Conduit" shall mean and include the canals, tunnels, aqueducts, cuttings, pipes, or wires by means of which the main supply of water, water-power, or electricity is supplied to any city, town, persons, or building, or property.

"Crown land" shall mean and include any land or lands in the County of Sandon, in the said Colony, which are or may become vested in the Crown, and includes all lands of the Crown in the said County which are or may be occupied for pastoral or mining or other purposes under any lease or license issued in pursuance of any Act of the Parliament of this Colony.

"Company" means the "Hillgrove and Armidale Water-power Electric Company (Limited)," registered under the "Companies Act" thirty-seventh Victoria number nineteen, and its successors and assigns.

"County" shall mean the county of Sandon.

"First lessee" means any person entitled to occupy any land previously leased.

"Gazette" means the *Government Gazette*.

"Governor" means the Governor for the time being of the Colony of New South Wales, with the advice of the Executive Council.

"Local Authority" means the Board of Health, Municipal Council, Road Trust, Town Board, or body of persons or person having the control or management of the street in respect of which such expression shall be used, if the same shall be used in respect of any particular street; but if the same shall not be used in respect of any street, it shall mean the Municipal Council or body corporate having the local government of any city, town, or district in which any of the works hereby authorised may be situate, or in default of any such local authority the Minister for Lands.

"Machinery" means any appliance for carrying into effect any of the objects authorised by this Act.

"Meter" means any instrument, apparatus, or appliance for measuring and ascertaining the quantity of water, water-power, motive-power, or electricity used or supplied to any person.

"Minister" means the Minister for Lands and Works for the time being of the Colony of New South Wales.

"Motive-

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“Motive-power” means the power derived from water passing through machinery, or the electrical power derived therefrom.

“Owner” means the person for the time being in the actual receipt of or entitled to receive the rents and profits of any house, manufactory, or building of whatsoever kind, or of any land.

“Person” includes corporation, company, association, syndicate, partnership, and local authority.

“Private lands” means any land which shall have been granted by the Crown in fee simple or by lease for a longer term than ninety-nine years to any person.

“Property” means lands or buildings and lands and buildings.

“Street” means any public and common highway, main road, road, bridge, footway, square, court, alley, lane, thoroughfare, or Public way, Place or Passage.

“Town and City,” means any settlement, camp, or collection of houses, whether proclaimed as a city or town or not, and situate within the said county.

“Water-works” means and includes all reservoirs, wells, cisterns, tanks, aqueducts, water-courses, tunnels, feeders, drains, channels, engines, cuts, flood-gates, sluices, conduit-pipes, pipe-breaks, engines, buildings, and other works of what kind soever which are from time to time necessary or used for effecting the purposes of this Act.

“Works” mean and include reservoirs, pen-stocks, conduits, cables, poles for carrying cables, and wires.

3. It shall be lawful for the company, and it is hereby ^{Power to divert} empowered and authorised, to take, divert, and appropriate for any of ^{water.} the purposes hereinafter mentioned, the water flowing at the point of intake on the course of the Guyra River, in the said colony, at the point specified in the application for special lease of the Guyra River, known as the Great Falls, and from time to time to enter upon the said river at the point of intake aforesaid for the purpose of constructing and erecting on and in that portion of the said river, at the said point of intake, any works, dams, weirs, flumes, or races for the purposes of such taking, diversion, and appropriation of the said water of the river aforesaid: Provided that the water so taken, diverted, appropriated, and utilised as aforesaid shall be in due course returned to the stream again unpolluted.

4. It shall be lawful for the said company to use all or any of ^{Power to use water.} the waters aforesaid for any of the purposes hereinafter specified:—

To work any machinery that may be erected by the company for ^{Purposes for which} generating, making, and transmitting electricity to the cities, ^{water may be taken.} towns, streets, mines, and buildings of any of the towns of the said county.

To work any machinery that may be erected by the company for generating, making, and transmitting electricity for the purpose of supplying the inhabitants of any of the cities and towns of the said county with electricity for any purpose.

To work any machinery that may be erected for drawing or propelling trams, tramways, carriages, and other vehicles in, over, along, and upon any street or streets of any of the cities and towns of the said county or elsewhere in the said county.

To work any machinery that may be erected by the company for the purpose of executing or exercising any of the powers or authorities now or hereinafter vested in or imposed upon the the said company.

To supply any mines or batteries in the said county with electric light or motive-power for lighting, winding, pumping, working, or any other purpose.

To

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To make, generate, and transmit motive or electric power for the purpose of telpherage or any other electrical appliance or machine to which electricity can be applied.

Company empowered to exercise powers, &c.

5. The company is hereby empowered to exercise the several powers and authorities hereby vested in and conferred upon the company in manner hereinafter set forth.

Lease of Crown lands may be granted.

6. It shall be lawful for the Minister, with the consent of the Governor-in-Council, to grant to the company from time to time for any term not exceeding thirty years at a yearly rental a lease of any Crown lands situated in the said county that the company may consider necessary for the purposes of this Act. Every such lease as aforesaid shall operate and take effect merely as a license to the said company to construct and maintain the works hereby contemplated, and shall not confer any right or title to any mines or minerals; and in case any such lease as aforesaid comprises any Crown land previously leased, then such lease shall not affect the rights of the first lessee except so far as may be necessary for carrying out the objects of such lease, and the first lessee may accordingly exercise all powers conferred upon him in respect of the land previously leased: Provided that he shall not carry on any mining operations upon any land comprised in the said lease in such a way as to damage the works of the company; and in case any such lease shall comprise any Crown land previously leased, then the

Effect of lease.

Protection to the rights of first lessee.

company shall serve upon the first lessee a notice indicating with all reasonable accuracy, by means of a plan or otherwise referred to in such notice, the proposed course, direction, or situation of the said works; and the company may, for the purpose of surveying and taking levels, after giving not less than three days' notice to the first lessee, enter upon Crown land of the first lessee which may be comprised in such lease, without the previous consent of any person or persons.

Notice of intention to construct works.

Company may enter after notice.

Power to take temporary possession of land.

7. It shall be lawful for the company and all persons by them authorised, after not less than three days' notice to the occupier or occupiers, to enter upon any lands, not being a garden, orchard, or plantation attached or belonging to a house, nor a park, planted walk, avenue, or ground ornamentally planted, and not being nearer to the house of the owner of any such lands than one hundred yards therefrom, and to occupy the said lands so long as may be necessary for the construction of any works authorised by this Act, or of the accommodation works connected therewith hereinafter mentioned, and to use the same for any of the following purposes, that is to say:—

For the purpose of constructing, building, or putting thereon any machinery;

For the purpose of taking earth or soil by side-cuttings therefrom;

For the purpose of depositing soil thereon;

For the purpose of obtaining materials therefrom for the construction of the water-works or such accommodation works as aforesaid; or

For the purpose of forming roads thereon to or from or by the side of the said works.

Provided that the company shall have the right of immediate entry, without notice, upon any such lands at any time for the purpose of repairing any of the works aforesaid.

Company may manufacture and work upon lands.

8. In the exercise of any of the foregoing powers, it shall be lawful for the company and all other persons employed by the company to deposit, and also to manufacture and work upon such lands, materials of every kind used in constructing the said works, and also to take from any such lands any timber, and also to dig and take from or out thereof any clay, stone, gravel, sand or other things that may be found therein useful or proper for constructing the said works or

any

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any such roads as aforesaid, and for the purposes aforesaid to erect thereon workshops, sheds, and other buildings of a temporary nature, or any steam-engines or other machinery: Provided that before any work shall be commenced as aforesaid, under the authority of the Act, the owner of such land shall be paid such compensation, if any, for the loss or injury or inconvenience sustained by reason of the occupation of such lands and the construction of such works as shall be determined by agreement between the owner and the company, and if such compensation shall not be fixed by agreement as aforesaid within one calendar month after the service of the notice before-mentioned, then such compensation, if any, shall be determined by arbitration in manner hereinafter provided.

Compensation to be paid before commencement of work.

9. The company may, from time to time, for the purposes of this Act fell timber and use and carry away the same, and dig and use clay, stone, and other materials upon any Crown land, and may fell all timber which, in the opinion of the company, it may be necessary to remove for the safety of the works hereby contemplated, notwithstanding anything contained in section six of this Act.

Materials from Crown lands.

10. It shall be lawful for the company from time to time to make, construct, erect, lay down, maintain, alter, repair, or discontinue upon any land purchased by the company under the provisions of this Act, or upon any land now or hereafter to be vested in the company, such water-works, machinery, steam-engines, water-wheels, and other works as the company may think necessary for the purposes of this Act.

Construction of water-works.

11. Every person who shall wilfully obstruct any person acting under the authority of the company in setting out the line of any works undertaken under the authority of this Act, or pull up or remove any poles or stakes driven into the ground for the purpose of setting out the line of such works, or destroy or injure any works undertaken as aforesaid, shall incur a penalty not exceeding five pounds for every such offence.

Penalty for obstructing construction of works.

12. The company may, upon having obtained the consent in writing of the Minister or local authority, open and break up the soil and pavement of the several streets and bridges within the limits of the said county, and may open and break up any sewers, drains, or tunnels within or under such streets and bridges, and lay down and place within the said limits, conduits, service-pipes, and other works and engines, and erect telegraph posts or poles, and stretch and put conduits and wires thereon, and carry and run electricity or any motive-power on and through such conduits and wires, and from time to time repair, or alter, or remove the same; and for the purposes aforesaid remove and use all earth and materials in and under such streets and bridges, and do all other acts which the company shall, from time to time, deem necessary for supplying motive-power by electricity to the mines, persons, or inhabitants of the said county: And when the company shall open or break up the road or pavement of any street or bridge, or any sewer, drain, or tunnel they shall, with all convenient speed, complete the work for which the same shall be broken up, and fill in the ground and reinstate and make good the road or pavement, or the sewer, drain, or tunnel so opened or broken up, and carry away the rubbish occasioned thereby to the satisfaction of the Minister or local authority; and shall at all times, whilst such road or pavement shall be so open or broken up, cause the same to be fenced and guarded, and shall cause light sufficient for the warning of passengers to be set up and kept there for every night during which such road or pavement shall be continued open or broken up. If in the exercise of the powers hereby granted it be found necessary to cross-cut through, raise, sink, or use any part of any road, whether carriage-road, horse-road, or tram-road,

Power to open streets, &c., of any city or town.

Reinstatement of streets, &c.

or

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or railway, either public or private, so as to render it impassible for, or dangerous, or more than usually inconvenient to passengers or carriages, or to the persons entitled to the use thereof, the company shall, before the commencement of any such operations, cause a road to be made to the satisfaction of the Minister or local authority, instead of the road to be interfered with.

Compensation to be settled by arbitration.

13. If, at the expiration of one calendar month from the date of the service of the notice mentioned in section seven of this Act, the owner of any such lands and the said company shall not agree as to the amount of compensation to be paid by the said company to the said owner in respect of such occupation as is mentioned in the said seventh section of this Act, the amount of such compensation shall be settled by arbitrators in manner hereinafter mentioned, that is to say, unless both parties concur in the appointment of a single arbitrator, each party, on the request of the other, shall nominate and appoint an arbitrator, to whom such dispute or other matter shall be referred; and any appointment of an arbitrator shall be under the hand and seal of such person or persons respectively; and such appointment shall be delivered to the arbitrator or arbitrators, and shall be deemed a submission to arbitration on the part of the party by whom the same shall be made. And after any such appointment shall have been made, neither party shall have power to revoke the same without the consent of the other, nor shall the death of either party operate as a revocation. And if for the space of fourteen days after a request in writing shall have been served by one party on the other party to appoint an arbitrator such last-mentioned party shall fail to appoint such arbitrator, then upon such failure it shall be lawful for the Attorney-General for the time being of the said Colony, on the application of the party who has himself appointed an arbitrator, to appoint such arbitrator to act on behalf of both parties; and such arbitrator may proceed to hear and determine the matters which shall be in dispute, and in such case the award or determination of such single arbitrator shall be final and conclusive. And if before the matter so referred shall be determined any arbitrator appointed by either party shall die, or become incapable, or refuse, or for fourteen days neglect to act as arbitrator, the party by whom such arbitrator was appointed may nominate and appoint in writing some other person to act in his place, and if for the space of seven days after notice in writing from the other party for that purpose he fail to do so, the remaining or other arbitrator may proceed alone; and every arbitrator so to be substituted as aforesaid, shall have the same powers and authorities as were vested in the former arbitrator at the time of such his death, refusal, neglect, or disability as aforesaid.

Proceedings in case of disability of arbitrator.

Appointment of umpire.

Where more than one arbitrator shall have been appointed, such arbitrators shall, before they enter upon the matters referred to them, nominate and appoint in writing under their hands an umpire, to decide any matters on which they shall differ, or which shall be referred to them under the provisions of this Act, and if such umpire shall die, or refuse, or for seven days neglect to act after being called upon so to do by the arbitrators, or either of them, they shall forthwith after such death, refusal, or neglect, appoint another umpire in his place, and the decision of every such umpire upon the matters so referred to him shall be final.

Neglect to appoint umpire.

If in either of the cases aforesaid the arbitrators shall refuse, or for seven days after request of either party to such arbitrators neglect to appoint an umpire, it shall be lawful for the Attorney-General for the time being, on the application of either party to such arbitration, to appoint an umpire, and the decision of such umpire on the matters on which the arbitrators differ or which shall be referred to him under this Act shall be final.

If

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If when a single arbitrator shall have been appointed, such arbitrator shall die or become incapable, or shall refuse, or for fourteen days neglect to act before he shall have made his award, the matters referred to him shall be determined by arbitration under the provisions of this Act, in the same manner as if such arbitrator had not been appointed.

In case of disability of single arbitrator.

If when more than one arbitrator shall have been appointed, and when neither of them shall die, become incapable, refuse, or neglect to act as aforesaid, such arbitrators shall fail to make their award within fourteen days after the day on which the last of such arbitrators shall have been appointed, or within such extended term (if any) as shall have been appointed for that purpose by both of such arbitrators, under their hands, the matters referred to them shall be determined by the umpire to be appointed as aforesaid.

Arbitrators failing to make their award, matters referred to umpire.

The said arbitrator or arbitrators, or his or their umpire, may call for the production of any documents in the possession or power of either party, which they or he may think necessary for determining the question in dispute, and may examine the parties or their witnesses on oath, and administer the oaths necessary for that purpose.

Arbitrators may order production of documents, &c.

Before any arbitrator or umpire shall enter upon the consideration of any matter referred to him, he shall in the presence of a Justice of the Peace make and subscribe the following declaration, that is to say:—

Declaration by arbitrators or umpire.

I, A.B., do solemnly and sincerely declare that I will faithfully and honestly, and to the best of my skill and ability, hear and determine the matters referred to me under the provisions of the "Hillgrove and Armidale Water-power Electric Company (Limited) Act."

Made and subscribed in the presence of

C.D.

And such declaration shall be annexed to award when made, and if any arbitrator or umpire having made such declaration shall wilfully act contrary thereto, he shall be guilty of misdemeanour.

All the costs of any such arbitration and incident thereto shall be in the discretion of the arbitrators, and the costs of the arbitrators shall be borne by the parties in equal proportions, unless the amount awarded shall be one-fourth or more less than the amount which shall have been offered by the said company, in which case the whole costs of the arbitration, and also the costs of and incident to the said arbitration, shall be paid by the claimant: Provided that, if either party shall be dissatisfied with the costs allowed by the said arbitrators as aforesaid, the costs may be taxed by the prothonotary or other proper officer of the Supreme Court, and the amount allowed by such officer shall be the amount of costs to be paid.

Costs of arbitration, how to be borne.

Costs may be taxed.

The arbitrator, arbitrators, or umpire shall deliver their or his award in writing to the said company who shall retain the same, and shall forthwith, on demand, at his or their own expense, furnish a copy to the other party, and shall at all times, on demand, at the cost of the said party, produce the said award, and allow the same to be inspected or examined by such party or any person appointed by him for that purpose, and the amount awarded shall be paid within sixty days after the publication of the award.

Arbitrators or umpire to deliver award to company.

Compensation to be paid within sixty days after publication of award.

The submission to any such arbitration may be made a rule of the Supreme Court on the application of either of the parties.

Submission may be made a rule of Supreme Court.

No award made with respect to any question referred to arbitration under the provisions of this Act shall be set aside for irregularity or error in matter of form.

Award not to be set aside for irregularity.

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The company may supply, &c.

Company may let meters.

Meters not distrainable, &c.

Meter to be supplied and maintained by consumer.

Notice of removal, &c., of meter.

Penalty for neglect to provide meter.

Penalty for neglecting to give notice of repairs of meters.

Electricity may be shut off if meter not in order.

Penalty for fixing uncertified meter.

For removing meter without notice.

Power to officers of the company to inspect meters.

14. The company may supply, let, hire, and sell to any corporation, person, mine, or building, electric-power or electricity upon such terms and conditions as may be agreed upon: And the company may let for hire to any consumer of electricity supplied by measure, any meter or instrument for measuring the quantity of electricity supplied and consumed, and any conduits and apparatus for the conveyance, reception, and storage of the electricity, for such remuneration in money as may be agreed upon between the company and the consumer, which shall be recoverable in the manner hereinafter mentioned. Such meters, instruments, conduits, and apparatus shall not be subject to distress for rent of the premises where the same are used, or to be attached or taken in execution under any process of any Court of law or equity, or under or in pursuance of any adjudication, sequestration, or order in bankruptcy, or other legal proceedings against or affecting the consumer of the electricity, or the occupier of the premises or other the person in whose possession the meters, conduits, instruments, and apparatus may be; and

Every person who shall have agreed with the company for a supply of electricity by measure shall, at his own expense, unless he hire a meter from the company, provide a meter, and keep and maintain the same in good working order or condition, to the satisfaction of such officer as may be appointed by the company; and in the event of any repairs being required, notice in writing shall be immediately given by such person to the company, and a registration of the quantity used shall be taken before such repairs are effected; and

Every person requiring to remove or alter the position of any meter shall give six days' notice in writing to that effect to the company, and a registration of the quantity of electricity shall be taken before such removal or alteration is made; and

If any person who, under the provisions hereinbefore contained ought to provide any meter, neglect or refuse, after having been required by the company so to do, to provide such meter, he shall for every such day, during which such neglect or refusal continues, forfeit a sum not exceeding two pounds; and

If any person, who has provided any meter as aforesaid, fail to give the notice hereinbefore required of any repairs required for such meter, he shall forfeit a sum not exceeding ten pounds, and a further sum not exceeding five pounds for each day (if more than one) that such meter remains unrepaired; and

If any person refuse or delay to have such meter properly repaired and put in correct working order after having been required by any officer of the company so to do, the company may shut off the supply of electricity from the premises of such person, either by cutting the conduits or service-pipe, or otherwise, until such meter shall have been properly repaired and certified by some officer of the company to be in proper working order; and

If any plumber or other person fix or refix any meter upon any premises supplied with electric-power by the company, without having first obtained a certificate from the company that the said meter has been examined and found correct, or in correct working order, he shall forfeit a sum of ten pounds; and

If any person remove or alter the position of, or in any way interfere with, any meter, without giving such notice as aforesaid, he shall for each such offence forfeit a sum not exceeding ten pounds over and above the damage which he may be found liable to pay in any action at law, at the suit of the company; and

The officers of the company may enter any house, building, or lands, to, through, or into which electricity is supplied by the company by measure, in order to inspect the meters, instruments, conduits, and

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and apparatus for the measuring, conveyance, reception, or storage of electricity, or for the purpose of ascertaining the quantity of electricity supplied or consumed, and may, from time to time, enter any house, building, or lands for the purpose of removing any meter, instrument, conduit, or apparatus, the property of the company; and if any person hinders any such officer from entering or making such inspection, or effecting such removal, he shall for each such offence be liable to a penalty not exceeding five pounds.

15. If any person supplied by electricity by the company wrongfully does, or causes or permits to be done, anything in contravention of any of the provisions of this Act, or wrongfully fails to do anything which under any of those provisions ought to be done for the prevention of the waste, misuse, or undue consumption of electricity, the company (without prejudice to any remedy against him in respect thereof) may cut off any of the conduits or wires by or through which electricity is supplied to him or for his use, and may cease to supply him with electricity as long as the cause of injury remains, or is not remedied; and

Protection of the motive-power; in case of any breach of this Act motive-power may be cut off.

If any person supplied with electricity by the company wilfully or negligently causes or suffers any conduit or other apparatus to be out of repair, or to be so used or contrived that the electricity supplied to him by the company is or is likely to be wasted, misused, or unduly consumed, he shall for every such offence be liable to a penalty not exceeding twenty-five pounds, and a further sum not exceeding five pounds for each day (if more than one) that such offence continues; and

Penalty for waste of motive-power.

If any person shall wilfully and maliciously destroy, injure, or damage, or attempt to destroy, injure, or damage any conduit pipe, wire, or apparatus, or any of the works constructed under the authority of this Act, or wilfully and maliciously do any act calculated to render any part or parts of the machinery or works of the company, or their assigns, unworkable or defective, or whereby any electricity is or may be lost, wasted, misused, destroyed, or interrupted in any way, he shall be deemed guilty of a felony, and liable to imprisonment, with or without hard labour, for any term not exceeding two years; and

Penalty for destroying works, &c.

It shall not be lawful for the owner or occupier of any premises supplied with electricity by the company, or any consumer of electricity of the company, or any other person, to affix, or cause or permit to be affixed, any conduit, wire, or apparatus to a conduit or wire, belonging to or used by such owner or occupier, consumer, or any other person, or to make any alteration in any such communication, or conduit, or wire, or in any apparatus connected therewith, without the consent, in every such case, of the company. And if any person acts in any respect in contravention of the provisions of this section, he shall for every such offence be liable to a penalty not exceeding five pounds, or the company may recover damages in respect of any injury done to their property, and, without prejudice to their right, to recover from him the value of any electricity wasted, misused, or unduly consumed.

No wire to be fixed to consumer's wire without permission of company.

If any person, to the injury of the company, wrongfully takes or uses any water from any reservoir, conduit, or any water-power from any pipe or conduit, belonging to the company, or from any pipe or conduit leading to or from any such reservoir, water-course, conduit, or pipe, or from any cistern, or other like place, containing water or water-power belonging to the company, or supplied by them for the use of any consumer of the electricity of the company, he shall for every such offence be liable to a penalty not exceeding five pounds; and

Penalty for unlawfully taking water from reservoirs.

The surveyor or other person appointed for that purpose by the company, may, between the hours of nine o'clock in the forenoon and four o'clock in the afternoon, enter into any house or

Inspection of premises supplied with electricity.

premises

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premises supplied with electricity by the company, in order to examine if there be any waste or misuse of such motive power; and if such surveyor or other such person at any such time be refused admittance into such dwelling-house or premises for the purpose aforesaid, or be prevented from making such examination as aforesaid, the company may turn off the motive-power supplied by it from such house or other premises.

Where several houses supplied by one conduit, each to pay.

16. Where several houses or parts of houses, buildings, or mines in the separate occupation of several persons are supplied by one common conduit or wire, or where electricity is supplied to courts, alleys, and rights-of-way by conduits or otherwise, the several owners or occupiers of such houses or parts of houses, buildings, or mines, or of the several houses or parts of houses, in every court, alley, or right-of-way, shall be liable to the payment of the same rates for the supply of motive-power as they would have been liable to if each of such several houses or parts of houses, buildings, or mines had been supplied with motive-power from the works of the company by a separate pipe.

Company may make charges.

17. The company are hereby authorised to make such charges, rates, and tolls for the supply of electricity as may be agreed upon by them and the persons to whom such electricity is supplied by the company: Provided that in no case will the charge exceed one shilling per unit.

Rates to be recoverable from occupier.

And the rates, charges, and tolls for electricity, and all sums due to the company under this Act, shall be paid by and be recoverable from the occupier of the premises, or the person requiring, receiving, or using the supply of electricity.

Recovery of rates and charges.

And if any person refuse or neglect to pay on demand to the company any rate, charge, or sum due to the company under this Act, the company may stop the electricity from flowing or going into or on the premises in respect of which such rate, charge, or toll is payable by cutting off the conduit or wire to such premises by such means as the company shall think fit; and the company may sue for and recover the rate, charge, or toll due from such person with costs, and with the expenses of cutting off the electricity.

Power to award costs.

And in all proceedings whatever for the recovery of any rates or charges under this Act, and in all other proceedings before justices in pursuance of this Act, it shall be lawful for the justice or justices in his or their discretion to award and order that the defendant shall pay such costs as to such justice or justices shall seem just and reasonable in that behalf; and the sums so allowed for costs shall in all cases be recoverable in the same manner and under the same warrants as any penalty or sum of money adjudged to be paid in and by such order is to be recoverable; and in cases where there is no such penalty or sum to be thereby recovered, then such costs shall be recoverable by distress and sale of goods and chattels of the party, and every warrant for the recovery of any so adjudged to be paid shall be in the form set forth in the Schedule hereto.

Entry by agents

18. Wherever by this Act authority is conferred on the company to enter upon any land for the purposes of this Act, or to do any act in or relating to the construction or maintenance of any work, the same authority shall extend to all persons acting by direction of the company, and to all necessary agents, assistants, servants, workmen, means, and appliances whatsoever.

Penalties &c., to be summarily recovered before two justices.

19. All offences against this Act or any by-law made hereunder shall be heard and determined in a summary way by any two justices of the peace, or by any police or stipendiary magistrate.

Damage to be made good in addition to penalty.

20. If through any act, neglect, or default on account whereof any person shall have incurred any penalty imposed by this Act, any damage

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damage to any conduit, main, pipe, wire, or other property of the company used in connection therewith shall have been committed by such person, he shall be liable to make good such damage; and if no penalty be imposed, then the amount of such damages shall, in case of dispute, be determined by the justices by whom the party incurring such penalty shall have been convicted; and on non-payment of such damages on demand, the same shall be levied by distress, and such justices, or one of them, shall issue the warrant accordingly.

21. Any notice required by this Act, or any by-law or regulation Notices. made thereunder, to be served on or given to any owner or occupier of any building, land, mine, or premises, or to any person, may be in writing or partly printed, or may be wholly printed. And it shall be sufficient for all purposes of this Act, unless the said Act in any case prescribes a different course to be pursued, if any such notice is sent by post to the owner by registered letter addressed to his last known place of abode or business, or is served on the owner or occupier of such building, land, or premises, or left with some inmate apparently over the age of fourteen years, living at the place of abode of such owner or occupier, or (if there be no occupier) if such notice be posted on some conspicuous part of such building or land; and any notice required to be served or given in respect of any public street, road, or lane may be served on or sent by post as aforesaid to the secretary or clerk, or left at the office of the local authority having control of such street, road, or lane, or the portion thereof affected by the notice. Any notice required to be given by the company under this Act, shall Signature of notices. be sufficient if signed by the legal manager of the company or by its solicitors.

22. It shall be lawful for the company, at any time after the passing hereof, to assign, transfer, convey, and release to any company Rights, powers, &c., under this Act may be assigned, &c., to incorporated companies. duly incorporated for that purpose, or to any local authority, association, syndicate, partnership, person, or persons, all or any of the rights, powers, authorities, privileges, liabilities, and obligations conferred and imposed upon them by this Act, together with all or any of the lands, tenements, and hereditaments, estates, chattels, and effects of every kind acquired by them under or in pursuance thereof, and purchased, occupied, or used in connection with the construction, maintenance, and working of the works hereby authorised; and upon and after the completion of such assignment, transfer, conveyance, and release, the said company, local authority, association, syndicate, partnership, person, or persons, their officers, agents, and servants may lawfully exercise and enjoy all the rights, powers, authorities, and privileges, and shall be and continue to be subject to all liabilities, obligations, penalties, and forfeitures to which the company or their officers, agents, or servants would have been entitled or subject had no such assignment, transfer, conveyance, and release been completed: Provided, however, that nothing herein contained shall prejudice or affect any rights accrued, actions or proceedings taken against, or liabilities, obligations, penalties, or forfeitures incurred by the company before the completion of the said assignment, transfer, conveyance, and release.

23. It shall be lawful for the Minister, with the consent of the Minister may resume land upon notice. Governor in Council, at any time after the expiration of twenty-one years from the date of this Act being assented to by the Governor, to give the company notice of the intention of the Crown to resume any land comprised in any lease granted under the authority of this Act, and of the intention of the Crown to purchase the whole or any part of the land, machinery, and works belonging to the company, and which have been acquired, made, or erected under the authority of this Act. The amount of compensation to be paid to the company upon the Compensation upon resumption of land comprised in lease. resumption by the Crown of the land comprised in any lease, and the

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the purchase of such land, machinery, and works shall not exceed the actual cost of *bonâ fide* construction of such machinery and works, which shall be determined as provided in clause thirteen of this Act, with an amount added equal to two years' profit calculated on the basis of the last five years return.

Company may make
by-laws.

24. The company may from time to time make, alter, and repeal by-laws :—

For regulating the form of contract to be entered into with the company and any other person, and generally for carrying into effect the purposes of this Act.

As to supplying electricity.

For determining the time at which any charge for electricity shall be payable, and whether in advance or not.

For regulating the form, material, dimensions, construction, and arrangement of pipes, conductors, conduits, wires, and other works supplying electricity from the pipes, conduits, or wires of the company to adjacent premises; the time of executing and the notices to be given for such works; the superintendence thereof; the making good and replacing ground which may be displaced in the course of such works; and for inspecting all works or appliances at reasonable times, whether situate within any building or otherwise.

For regulating the construction, disposition, custody, and inspection of meters.

For preventing the use, directly or indirectly, of electricity supplied by the company, by persons unauthorised by the company.

For preventing the waste or misuse of electricity supplied by the company.

For preventing persons from wilfully breaking, injuring, or interfering with any conduit, lock, valve, cock, engine, or work belonging to the company, and from doing any other wilful act whereby the electricity supplied by the company may be wasted.

Provided that such by-laws shall be subject to the approval of the Governor, and shall be published in the *Gazette* and a newspaper circulating in the district.

Penalties in by-laws.

25. Every such by-law shall state a maximum penalty for the breach thereof, not in any case exceeding ten pounds.

All reasonable
precautions to be
taken against danger.

26. In the exercise of the powers conferred by this Act, it shall be the duty of the company to make all reasonable provision for the prevention of danger to life arising from the generating, making, and transmitting or supplying of electricity as aforesaid.

Penalty for not
carrying out works.

27. In the event of the said company not commencing their works within six months and bringing the same into practical operation within eighteen months from the passing of this Act, all the rights hereby conferred upon the said company shall lapse.

Hillgrove and Armidale Water-power Electric.

SCHEDULE.

Warrant of Distress.

To constable at
 WHEREAS of in New South Wales, is liable to pay the sum of
 due to the "Hillgrove and Armidale Water-power Electric Company (Limited)," as the
 lessee of a meter in or on a certain house, building, tenement, land, or premises situated
 in street in , and now occupied by : And whereas the sum
 of being due and payable on account of the use, supply, or consumption of
 motive-power or electric-power (as the case may be), and as is made to appear to me on
 the signing of this my warrant was duly recovered in manner provided by the Act in
 that behalf by the said company on the day of in the
 year against the said who has not yet paid the same :
 These are therefore to require and authorise you forthwith to levy the said sum
 of , together with the costs of these presents, by distress and sale of the goods
 found by you in or on the said house, building, tenement, land, or premises, according
 to law, and that you certify to me on the day of what you shall do by
 virtue of this warrant
 Given under my hand and seal this day of , in the year of our
 Lord one thousand eight hundred and (L.S.) J.P.

In the name and on the behalf of Her Majesty I assent to this Act.

FREDK. M. DARLEY,
Lieutenant-Governor.

*Government House,
 Sydney, 10th March, 1893.*

THE HISTORY OF THE UNITED STATES OF AMERICA

The history of the United States of America is a story of growth and expansion. It begins with the first European settlers in the early 17th century, who established colonies along the Atlantic coast. These colonies grew into a nation that would eventually span across a vast continent. The story is one of struggle and triumph, of a people who fought for their freedom and their right to self-determination. The American Revolution was a pivotal moment in the nation's history, leading to the birth of a new republic. The years following the Revolution were a time of rapid growth and development, as the United States expanded its territory and its influence across the world. The nation's history is a testament to the power of the American dream and the strength of the American people.

THE HISTORY OF THE UNITED STATES OF AMERICA

THE HISTORY OF THE UNITED STATES OF AMERICA

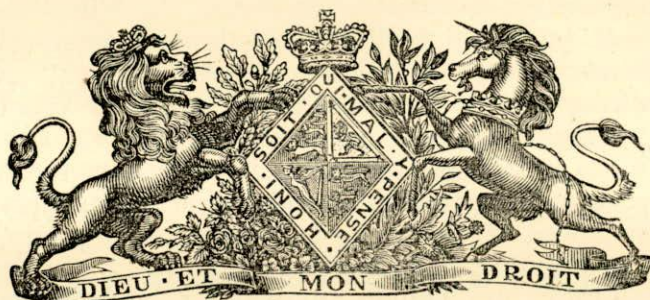
THE HISTORY OF THE UNITED STATES OF AMERICA

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, 23 February, 1893.* }

F. W. WEBB,
Clerk of the Legislative Assembly.

New South Wales.



ANNO QUINQUAGESIMO SEXTO

VICTORIÆ REGINÆ.

An Act to enable the "Hillgrove and Armidale Water-power Electric Company (Limited)," a company registered in Sydney, in the Colony of New South Wales, under the provisions of the Companies Acts, to construct and maintain machinery, works, and other appliances for making, generating, and transmitting electricity and supplying the same to any city, town, mine, company, co-partnership, person, or persons whatsoever, within the county of Sandon, in the said Colony of New South Wales, and for other purposes therein mentioned.

WHEREAS a certain company called the "Hillgrove and Armidale Preamble. Water-power Electric Company (Limited)" has lately been formed at Sydney, in the Colony of New South Wales, under the provisions of the "Companies Act" thirty-seventh Victoria number nineteen, and under and subject to a certain memorandum of association bearing date the twenty-eighth day of July, one thousand eight hundred and ninety-two: And whereas the said company is desirous of acquiring the right to construct and maintain machinery and works and other appliances for generating, making, and transmitting electricity, and to control and manage the said works, and for other purposes: And

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whereas it would be for the benefit of the Colony of New South Wales that the said "Hillgrove and Armidale Water-power Electric Company (Limited)" should be enabled to construct and maintain the said machinery and works as aforesaid, and that the powers authorised and concessions hereinafter proposed to be conferred on the said "Hillgrove and Armidale Water-power Electric Company (Limited)" should be granted to the said "Hillgrove and Armidale Water-power Electric Company (Limited)": And whereas such objects cannot be obtained without the authority of Parliament: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Hillgrove and Armidale Short title.
15 Water-power Electric Act."

2. In this Act, and in any by-law made under it, save where Interpretation. there is something in the context inconsistent therewith, the following words and expressions shall have and include the following meanings attached thereto respectively:—

20 "Conductor" shall mean and include cable, wire, or other apparatus for transmitting electrical power.

"Conduit" shall mean and include the canals, tunnels, aqueducts, cuttings, pipes, or wires by means of which the main supply of water, water-power, or electricity is supplied to any city, town, persons, or building, or property.

25 "Crown land" shall mean and include any land or lands in the County of Sandon, in the said Colony, which are or may become vested in the Crown, and includes all lands of the Crown in the said County which are or may be occupied for pastoral or mining or other purposes under any lease or license issued in pursuance of any Act of the Parliament of this Colony.

30 "Company" means the "Hillgrove and Armidale Water-power Electric Company (Limited)," registered under the "Companies Act" thirty-seventh Victoria number nineteen, and its successors and assigns.

35 "County" shall mean the county of Sandon.

"First lessee" means any person entitled to occupy any land previously leased.

40 "*Gazette*" means the *Government Gazette*.

"Governor" means the Governor for the time being of the Colony of New South Wales, with the advice of the Executive Council.

45 "Local Authority" means the Board of Health, Municipal Council, Road Trust, Town Board, or body of persons or person having the control or management of the street in respect of which such expression shall be used, if the same shall be used in respect of any particular street; but if the same shall not be used in respect of any street, it shall mean the Municipal Council or body corporate having the local government of any city, town, or district in which any of the works hereby authorised may be situate, or in default of any
50 such local authority the Minister for Lands.

"Machinery" means any appliance for carrying into effect any of the objects authorised by this Act.

55 "Meter" means any instrument, apparatus, or appliance for measuring and ascertaining the quantity of water, water-power, motive-power, or electricity used or supplied to any person.

"Minister" means the Minister for Lands and Works for the time being of the Colony of New South Wales.

"Motive-

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- “Motive-power” means the power derived from water passing through machinery, or the electrical power derived therefrom.
- “Owner” means the person for the time being in the actual receipt of or entitled to receive the rents and profits of any house, manufactory, or building of whatsoever kind, or of any land.
- “Person” includes corporation, company, association, syndicate, partnership, and local authority.
- “Private lands” means any land which shall have been granted by the Crown in fee simple or by lease for a longer term than ninety-nine years to any person.
- “Property” means lands or buildings and lands and buildings.
- “Street” means any public and common highway, main road, road, bridge, footway, square, court, alley, lane, thoroughfare, or Public way, Place or Passage.
- “Town and City,” means any settlement, camp, or collection of houses, whether proclaimed as a city or town or not, and situate within the said county.
- “Water-works” means and includes all reservoirs, wells, cisterns, tanks, aqueducts, water-courses, tunnels, feeders, drains, channels, engines, cuts, flood-gates, sluices, conduit-pipes, pipe-breaks, engines, buildings, and other works of what kind soever which are from time to time necessary or used for effecting the purposes of this Act.
- “Works” mean and include reservoirs, pen-stocks, conduits, cables, poles for carrying cables, and wires.
3. It shall be lawful for the company, and it is hereby ^{Power to divert} empowered and authorised, to take, divert, and appropriate for any of ^{of water.} the purposes hereinafter mentioned, the water flowing at the point of intake on the course of the Guyra River, in the said colony, at the point specified in the application for special lease of the Guyra River, known as the Great Falls, and from time to time to enter upon the said river at the point of intake aforesaid for the purpose of constructing and erecting on and in that portion of the said river, at the said point of intake, any works, dams, weirs, flumes, or races for the purposes of such taking, diversion, and appropriation of the said water of the river aforesaid: Provided that the water so taken, diverted, appropriated, and utilised as aforesaid shall be in due course returned to the stream again unpolluted.
4. It shall be lawful for the said company to use all or any of ^{Power to use water.} the waters aforesaid for any of the purposes hereinafter specified:—
- To work any machinery that may be erected by the company for ^{Purposes for which} generating, making, and transmitting electricity to the cities, ^{water may be taken.} towns, streets, mines, and buildings of any of the towns of the said county.
- To work any machinery that may be erected by the company for generating, making, and transmitting electricity for the purpose of supplying the inhabitants of any of the cities and towns of the said county with electricity for any purpose.
- To work any machinery that may be erected for drawing or propelling trams, tramways, carriages, and other vehicles in, over, along, and upon any street or streets of any of the cities and towns of the said county or elsewhere in the said county.
- To work any machinery that may be erected by the company for the purpose of executing or exercising any of the powers or authorities now or hereinafter vested in or imposed upon the the said company.
- To supply any mines or batteries in the said county with electric light or motive-power for lighting, winding, pumping, working, or any other purpose.

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To make, generate, and transmit motive or electric power for the purpose of telpherage or any other electrical appliance or machine to which electricity can be applied.

5. The company is hereby empowered to exercise the several powers and authorities hereby vested in and conferred upon the company in manner hereinafter set forth. Company empowered to exercise powers, &c.

6. It shall be lawful for the Minister, with the consent of the Governor-in-Council, to grant to the company from time to time for any term not exceeding thirty years at a yearly rental a lease of any Crown lands situated in the said county that the company may consider necessary for the purposes of this Act. Every such lease as aforesaid shall operate and take effect merely as a license to the said company to construct and maintain the works hereby contemplated, and shall not confer any right or title to any mines or minerals; and in case any such lease as aforesaid comprises any Crown land previously leased, then such lease shall not affect the rights of the first lessee except so far as may be necessary for carrying out the objects of such lease, and the first lessee may accordingly exercise all powers conferred upon him in respect of the land previously leased: Provided that he shall not carry on any mining operations upon any land comprised in the said lease in such a way as to damage the works of the company; and in case any such lease shall comprise any Crown land previously leased, then the company shall serve upon the first lessee a notice indicating with all reasonable accuracy, by means of a plan or otherwise referred to in such notice, the proposed course, direction, or situation of the said works; and the company may, for the purpose of surveying and taking levels, after giving not less than three days' notice to the first lessee, enter upon Crown land of the first lessee which may be comprised in such lease, without the previous consent of any person or persons. Lease of Crown lands may be granted. Effect of lease. Protection to the rights of first lessee. Notice of intention to construct works. Company may enter after notice.

7. It shall be lawful for the company and all persons by them authorised, after not less than three days' notice to the occupier or occupiers, to enter upon any lands, not being a garden, orchard, or plantation attached or belonging to a house, nor a park, planted walk, avenue, or ground ornamentally planted, and not being nearer to the house of the owner of any such lands than one hundred yards therefrom, and to occupy the said lands so long as may be necessary for the construction of any works authorised by this Act, or of the accommodation works connected therewith hereinafter mentioned, and to use the same for any of the following purposes, that is to say:— Power to take temporary possession of land.

For the purpose of constructing, building, or putting thereon any machinery;

For the purpose of taking earth or soil by side-cuttings therefrom;

For the purpose of depositing soil thereon;

45 For the purpose of obtaining materials therefrom for the construction of the water-works or such accommodation works as aforesaid; or

For the purpose of forming roads thereon to or from or by the side of the said works.

50 Provided that the company shall have the right of immediate entry, without notice, upon any such lands at any time for the purpose of repairing any of the works aforesaid.

8. In the exercise of any of the foregoing powers, it shall be lawful for the company and all other persons employed by the company to deposit, and also to manufacture and work upon such lands, materials of every kind used in constructing the said works, and also to take from any such lands any timber, and also to dig and take from or out thereof any clay, stone, gravel, sand or other things that may be found therein useful or proper for constructing the said works or any Company may manufacture and work upon lands.

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any such roads as aforesaid, and for the purposes aforesaid to erect thereon workshops, sheds, and other buildings of a temporary nature, or any steam-engines or other machinery: Provided that before any work shall be commenced as aforesaid, under the authority of the Act, Compensation to be paid before commencement of work.
 5 the owner of such land shall be paid such compensation, if any, for the loss or injury or inconvenience sustained by reason of the occupation of such lands and the construction of such works as shall be determined by agreement between the owner and the company, and if such compensation shall not be fixed by agreement as aforesaid within one
 10 calendar month after the service of the notice before-mentioned, then such compensation, if any, shall be determined by arbitration in manner hereinafter provided.

9. The company may, from time to time, for the purposes of this Act fell timber and use and carry away the same, and dig and use Materials from Crown lands.
 15 clay, stone, and other materials upon any Crown land, and may fell all timber which, in the opinion of the company, it may be necessary to remove for the safety of the works hereby contemplated, notwithstanding anything contained in section six of this Act.

10. It shall be lawful for the company from time to time to Construction of water-works.
 20 make, construct, erect, lay down, maintain, alter, repair, or discontinue upon any land purchased by the company under the provisions of this Act, or upon any land now or hereafter to be vested in the company, such water-works, machinery, steam-engines, water-wheels, and other works as the company may think necessary for the purposes of this Act.

25 11. Every person who shall wilfully obstruct any person acting under the authority of the company in setting out the line of any works undertaken under the authority of this Act, or pull up or remove any poles or stakes driven into the ground for the purpose of setting out the line of such works, or destroy or injure any works Penalty for obstructing construction of works.
 30 undertaken as aforesaid, shall incur a penalty not exceeding five pounds for every such offence.

12. The company may, upon having obtained the consent in Power to open streets, &c., of any city or town.
 writing of the Minister or local authority, open and break up the soil and pavement of the several streets and bridges within the limits of the
 35 said county, and may open and break up any sewers, drains, or tunnels within or under such streets and bridges, and lay down and place within the said limits, conduits, service-pipes, and other works and engines, and erect telegraph posts or poles, and stretch and put conduits and wires thereon, and carry and run electricity or
 40 any motive-power on and through such conduits and wires, and from time to time repair, or alter, or remove the same; and for the purposes aforesaid remove and use all earth and materials in and under such streets and bridges, and do all other acts which the company shall, from time to time, deem necessary for supplying motive-power by
 45 electricity to the mines, persons, or inhabitants of the said county: And when the company shall open or break up the road or pavement of any street or bridge, or any sewer, drain, or tunnel they Reinstatement of streets, &c.
 shall, with all convenient speed, complete the work for which the same shall be broken up, and fill in the ground and reinstate and
 50 make good the road or pavement, or the sewer, drain, or tunnel so opened or broken up, and carry away the rubbish occasioned thereby to the satisfaction of the Minister or local authority; and shall at all times, whilst such road or pavement shall be so open or broken up, cause the same to be fenced and guarded, and shall cause
 55 light sufficient for the warning of passengers to be set up and kept there for every night during which such road or pavement shall be continued open or broken up. If in the exercise of the powers hereby granted it be found necessary to cross-cut through, raise, sink, or use any part of any road, whether carriage-road, horse-road, or tram-road,

or

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or railway, either public or private, so as to render it impassible for, or dangerous, or more than usually inconvenient to passengers or carriages, or to the persons entitled to the use thereof, the company shall, before the commencement of any such operations, cause a road to be made to
 5 the satisfaction of the Minister or local authority, instead of the road to be interfered with.

13. If, at the expiration of one calendar month from the date of the service of the notice mentioned in section seven of this Act, the owner of any such lands and the said company shall not agree as to
 10 the amount of compensation to be paid by the said company to the said owner in respect of such occupation as is mentioned in the said seventh section of this Act, the amount of such compensation shall be settled by arbitrators in manner hereinafter mentioned, that is to say, unless
 15 both parties concur in the appointment of a single arbitrator, each party, on the request of the other, shall nominate and appoint an arbitrator, to whom such dispute or other matter shall be referred; and any appointment of an arbitrator shall be under the hand and seal of such person or persons respectively; and such appointment shall be delivered to the arbitrator or arbitrators, and shall be deemed a sub-
 20 mission to arbitration on the part of the party by whom the same shall be made. And after any such appointment shall have been made, neither party shall have power to revoke the same without the consent of the other, nor shall the death of either party operate as a revocation. And if for the space of fourteen days after a request in writing shall
 25 have been served by one party on the other party to appoint an arbitrator such last-mentioned party shall fail to appoint such arbitrator, then upon such failure it shall be lawful for the Attorney-General for the time being of the said Colony, on the application of the party who has himself appointed an arbitrator, to appoint such arbitrator to act
 30 on behalf of both parties; and such arbitrator may proceed to hear and determine the matters which shall be in dispute, and in such case the award or determination of such single arbitrator shall be final and conclusive. And if before the matter so referred shall be determined any arbitrator appointed by either party shall die, or become incapable, or
 35 refuse, or for fourteen days neglect to act as arbitrator, the party by whom such arbitrator was appointed may nominate and appoint in writing some other person to act in his place, and if for the space of seven days after notice in writing from the other party for that purpose he fail to do so, the remaining or other arbitrator may proceed alone;
 40 and every arbitrator so to be substituted as aforesaid, shall have the same powers and authorities as were vested in the former arbitrator at the time of such his death, refusal, neglect, or disability as aforesaid.

Compensation to be settled by arbitration.

Proceedings in case of disability of arbitrator.

Where more than one arbitrator shall have been appointed, such arbitrators shall, before they enter upon the matters referred to them,
 45 nominate and appoint in writing under their hands an umpire, to decide any matters on which they shall differ, or which shall be referred to them under the provisions of this Act, and if such umpire shall die, or refuse, or for seven days neglect to act after being called upon so to do by the arbitrators, or either of them, they shall forthwith
 50 after such death, refusal, or neglect, appoint another umpire in his place, and the decision of every such umpire upon the matters so referred to him shall be final.

Appointment of umpire.

If in either of the cases aforesaid the arbitrators shall refuse, or for seven days after request of either party to such arbitrators neglect
 55 to appoint an umpire, it shall be lawful for the Attorney-General for the time being, on the application of either party to such arbitration, to appoint an umpire, and the decision of such umpire on the matters on which the arbitrators differ or which shall be referred to him under this Act shall be final.

Neglect to appoint umpire.

If

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- If when a single arbitrator shall have been appointed, such arbitrator shall die or become incapable, or shall refuse, or for fourteen days neglect to act before he shall have made his award, the matters referred to him shall be determined by arbitration under the provisions of this Act, in the same manner as if such arbitrator had not been appointed. In case of disability of single arbitrator.
- If when more than one arbitrator shall have been appointed, and when neither of them shall die, become incapable, refuse, or neglect to act as aforesaid, such arbitrators shall fail to make their award within fourteen days after the day on which the last of such arbitrators shall have been appointed, or within such extended term (if any) as shall have been appointed for that purpose by both of such arbitrators, under their hands, the matters referred to them shall be determined by the umpire to be appointed as aforesaid. Arbitrators failing to make their award, matters referred to umpire.
- The said arbitrator or arbitrators, or his or their umpire, may call for the production of any documents in the possession or power of either party, which they or he may think necessary for determining the question in dispute, and may examine the parties or their witnesses on oath, and administer the oaths necessary for that purpose. Arbitrators may order production of documents, &c.
- Before any arbitrator or umpire shall enter upon the consideration of any matter referred to him, he shall in the presence of a Justice of the Peace make and subscribe the following declaration, that is to say:— Declaration by arbitrators or umpire.
- I, A.B., do solemnly and sincerely declare that I will faithfully and honestly, and to the best of my skill and ability, hear and determine the matters referred to me under the provisions of the "Hillgrove and Armidale Water-power Electric Company (Limited) Act."
- Made and subscribed in the presence of C.D.
- And such declaration shall be annexed to award when made, and if any arbitrator or umpire having made such declaration shall wilfully act contrary thereto, he shall be guilty of misdemeanour.
- All the costs of any such arbitration and incident thereto shall be in the discretion of the arbitrators, and the costs of the arbitrators shall be borne by the parties in equal proportions, unless the amount awarded shall be one-fourth or more less than the amount which shall have been offered by the said company, in which case the whole costs of the arbitration, and also the costs of and incident to the said arbitration, shall be paid by the claimant: Provided that, if either party shall be dissatisfied with the costs allowed by the said arbitrators as aforesaid, the costs may be taxed by the prothonotary or other proper officer of the Supreme Court, and the amount allowed by such officer shall be the amount of costs to be paid. Costs of arbitration, how to be borne. Costs may be taxed.
- The arbitrator, arbitrators, or umpire shall deliver their or his award in writing to the said company who shall retain the same, and shall forthwith, on demand, at his or their own expense, furnish a copy to the other party, and shall at all times, on demand, at the cost of the said party, produce the said award, and allow the same to be inspected or examined by such party or any person appointed by him for that purpose, and the amount awarded shall be paid within sixty days after the publication of the award. Arbitrators or umpire to deliver award to company. Compensation to be paid within sixty days after publication of award.
- The submission to any such arbitration may be made a rule of the Supreme Court on the application of either of the parties. Submission may be made a rule of Supreme Court.
- No award made with respect to any question referred to arbitration under the provisions of this Act shall be set aside for irregularity or error in matter of form. Award not to be set aside for irregularity.

Hillgrove and Armidale Water-power Electric.

14. The company may supply, let, hire, and sell to any corpora-
 tion, person, mine, or building, electric-power or electricity upon such
 terms and conditions as may be agreed upon: And the company may
 let for hire to any consumer of electricity supplied by measure, any
 5 meter or instrument for measuring the quantity of electricity supplied
 and consumed, and any conduits and apparatus for the conveyance,
 reception, and storage of the electricity, for such remuneration in
 money as may be agreed upon between the company and the consumer,
 which shall be recoverable in the manner hereinafter mentioned.
- 10 Such meters, instruments, conduits, and apparatus shall not be sub-
 ject to distress for rent of the premises where the same are used, or
 to be attached or taken in execution under any process of any Court of
 law or equity, or under or in pursuance of any adjudication, seques-
 tration, or order in bankruptcy, or other legal proceedings against or
 15 affecting the consumer of the electricity, or the occupier of the
 premises or other the person in whose possession the meters, conduits,
 instruments, and apparatus may be; and
- Every person who shall have agreed with the company for a
 supply of electricity by measure shall, at his own expense, unless he
 20 hire a meter from the company, provide a meter, and keep and main-
 tain the same in good working order or condition, to the satisfaction
 of such officer as may be appointed by the company; and in the event
 of any repairs being required, notice in writing shall be immediately
 given by such person to the company, and a registration of the
 25 quantity used shall be taken before such repairs are effected; and
- Every person requiring to remove or alter the position of any
 meter shall give six days' notice in writing to that effect to the
 company, and a registration of the quantity of electricity shall be
 taken before such removal or alteration is made; and
- 30 If any person who, under the provisions hereinbefore contained
 ought to provide any meter, neglect or refuse, after having been
 required by the company so to do, to provide such meter, he shall
 for every such day, during which such neglect or refusal continues,
 forfeit a sum not exceeding two pounds; and
- 35 If any person, who has provided any meter as aforesaid, fail to
 give the notice hereinbefore required of any repairs required for such
 meter, he shall forfeit a sum not exceeding ten pounds, and a further
 sum not exceeding five pounds for each day (if more than one) that
 such meter remains unrepaired; and
- 40 If any person refuse or delay to have such meter properly
 repaired and put in correct working order after having been required
 by any officer of the company so to do, the company may shut off
 the supply of electricity from the premises of such person, either by
 cutting the conduits or service-pipe, or otherwise, until such meter
 45 shall have been properly repaired and certified by some officer of the
 company to be in proper working order; and
- If any plumber or other person fix or refix any meter upon any
 premises supplied with electric-power by the company, without
 having first obtained a certificate from the company that the said
 50 meter has been examined and found correct, or in correct working
 order, he shall forfeit a sum of ten pounds; and
- If any person remove or alter the position of, or in any way
 interfere with, any meter, without giving such notice as aforesaid, he
 shall for each such offence forfeit a sum not exceeding ten pounds
 55 over and above the damage which he may be found liable to pay in
 any action at law, at the suit of the company; and
- The officers of the company may enter any house, building, or
 lands, to, through, or into which electricity is supplied by the company
 by measure, in order to inspect the meters, instruments, conduits,
 and

The company may supply, &c.

Company may let meters.

Meters not distrainable, &c.

Meter to be supplied and maintained by consumer.

Notice of removal, &c., of meter.

Penalty for neglect to provide meter.

Penalty for neglecting to give notice of repairs of meters.

Electricity may be shut off if meter not in order.

Penalty for fixing uncertified meter.

For removing meter without notice.

Power to officers of the company to inspect meters.

Hillgrove and Armidale Water-power Electric.

and apparatus for the measuring, conveyance, reception, or storage of electricity, or for the purpose of ascertaining the quantity of electricity supplied or consumed, and may, from time to time, enter any house, building, or lands for the purpose of removing any meter, instrument, conduit, or apparatus, the property of the company; and if any person hinders any such officer from entering or making such inspection, or effecting such removal, he shall for each such offence be liable to a penalty not exceeding five pounds.

15. If any person supplied by electricity by the company wrongfully does, or causes or permits to be done, anything in contravention of any of the provisions of this Act, or wrongfully fails to do anything which under any of those provisions ought to be done for the prevention of the waste, misuse, or undue consumption of electricity, the company (without prejudice to any remedy against him in respect thereof) may cut off any of the conduits or wires by or through which electricity is supplied to him or for his use, and may cease to supply him with electricity as long as the cause of injury remains, or is not remedied; and

Protection of the motive-power; in case of any breach of this Act motive-power may be cut off.

If any person supplied with electricity by the company wilfully or negligently causes or suffers any conduit or other apparatus to be out of repair, or to be so used or contrived that the electricity supplied to him by the company is or is likely to be wasted, misused, or unduly consumed, he shall for every such offence be liable to a penalty not exceeding twenty-five pounds, and a further sum not exceeding five pounds for each day (if more than one) that such offence continues; and

Penalty for waste of motive-power.

If any person shall wilfully and maliciously destroy, injure, or damage, or attempt to destroy, injure, or damage any conduit pipe, wire, or apparatus, or any of the works constructed under the authority of this Act, or wilfully and maliciously do any act calculated to render any part or parts of the machinery or works of the company, or their assigns, unworkable or defective, or whereby any electricity is or may be lost, wasted, misused, destroyed, or interrupted in any way, he shall be deemed guilty of a felony, and liable to imprisonment, with or without hard labour, for any term not exceeding two years; and

Penalty for destroying works, &c.

It shall not be lawful for the owner or occupier of any premises supplied with electricity by the company, or any consumer of electricity of the company, or any other person, to affix, or cause or permit to be affixed, any conduit, wire, or apparatus to a conduit or wire, belonging to or used by such owner or occupier, consumer, or any other person, or to make any alteration in any such communication, or conduit, or wire, or in any apparatus connected therewith, without the consent, in every such case, of the company. And if any person acts in any respect in contravention of the provisions of this section, he shall for every such offence be liable to a penalty not exceeding five pounds, or the company may recover damages in respect of any injury done to their property, and, without prejudice to their right, to recover from him the value of any electricity wasted, misused, or unduly consumed.

No wire to be fixed to consumer's wire without permission of company.

If any person, to the injury of the company, wrongfully takes or uses any water from any reservoir, conduit, or any water-power from any pipe or conduit, belonging to the company, or from any pipe or conduit leading to or from any such reservoir, water-course, conduit, or pipe, or from any cistern, or other like place, containing water or water-power belonging to the company, or supplied by them for the use of any consumer of the electricity of the company, he shall for every such offence be liable to a penalty not exceeding five pounds; and

Penalty for unlawfully taking water from reservoirs.

The surveyor or other person appointed for that purpose by the company, may, between the hours of nine o'clock in the forenoon and four o'clock in the afternoon, enter into any house or

Inspection of premises supplied with electricity.

Hillgrove and Armidale Water-power Electric.

premises supplied with electricity by the company, in order to examine if there be any waste or misuse of such motive power; and if such surveyor or other such person at any such time be refused admittance into such dwelling-house or premises for the purpose aforesaid, or be
 5 prevented from making such examination as aforesaid, the company may turn off the motive-power supplied by it from such house or other premises.

16. Where several houses or parts of houses, buildings, or
 10 mines in the separate occupation of several persons are supplied by one common conduit or wire, or where electricity is supplied to courts, alleys, and rights-of-way by conduits or otherwise, the several owners or occupiers of such houses or parts of houses, buildings, or mines, or of the several houses or parts of houses, in every court, alley, or right-of-way, shall be liable to the payment of the same rates for the
 15 supply of motive-power as they would have been liable to if each of such several houses or parts of houses, buildings, or mines had been supplied with motive-power from the works of the company by a separate pipe.

Where several houses supplied by one conduit, each to pay.

17. The company are hereby authorised to make such charges,
 20 rates, and tolls for the supply of electricity as may be agreed upon by them and the persons to whom such electricity is supplied by the company: Provided that in no case will the charge exceed one shilling per unit.

Company may make charges.

And the rates, charges, and tolls for electricity, and all sums
 25 due to the company under this Act, shall be paid by and be recoverable from the occupier of the premises, or the person requiring, receiving, or using the supply of electricity.

Rates to be recoverable from occupier.

And if any person refuse or neglect to pay on demand to the
 30 company any rate, charge, or sum due to the company under this Act, the company may stop the electricity from flowing or going into or on the premises in respect of which such rate, charge, or toll is payable by cutting off the conduit or wire to such premises by such means as the company shall think fit; and the company may sue for and recover the rate, charge, or toll due from such person with costs, and with the
 35 expenses of cutting off the electricity.

Recovery of rates and charges.]

And in all proceedings whatever for the recovery of any rates
 or charges under this Act, and in all other proceedings before justices in pursuance of this Act, it shall be lawful for the justice or justices in his or their discretion to award and order that the defendant shall
 40 pay such costs as to such justice or justices shall seem just and reasonable in that behalf; and the sums so allowed for costs shall in all cases be recoverable in the same manner and under the same warrants as any penalty or sum of money adjudged to be paid in and by such order is to be recoverable; and in cases where there is no such
 45 penalty or sum to be thereby recovered, then such costs shall be recoverable by distress and sale of goods and chattels of the party, and every warrant for the recovery of any so adjudged to be paid shall be in the form set forth in the Schedule hereto.

Power to award costs.

18. Wherever by this Act authority is conferred on the company
 50 to enter upon any land for the purposes of this Act, or to do any act in or relating to the construction or maintenance of any work, the same authority shall extend to all persons acting by direction of the company, and to all necessary agents, assistants, servants, workmen, means, and appliances whatsoever.

Entry by agents.

19. All offences against this Act or any by-law made hereunder
 55 shall be heard and determined in a summary way by any two justices of the peace, or by any police or stipendiary magistrate.

Penalties &c., to be summarily recovered before two justices.

20. If through any act, neglect, or default on account whereof
 any person shall have incurred any penalty imposed by this Act, any
 damage

Damage to be made good in addition to penalty.

Hillgrove and Armidale Water-power Electric.

damage to any conduit, main, pipe, wire, or other property of the company used in connection therewith shall have been committed by such person, he shall be liable to make good such damage; and if no penalty be imposed, then the amount of such damages shall, in case of
 5 dispute, be determined by the justices by whom the party incurring such penalty shall have been convicted; and on non-payment of such damages on demand, the same shall be levied by distress, and such justices, or one of them, shall issue the warrant accordingly.

21. Any notice required by this Act, or any by-law or regulation
 10 made thereunder, to be served on or given to any owner or occupier of any building, land, mine, or premises, or to any person, may be in writing or partly printed, or may be wholly printed. And it shall be sufficient for all purposes of this Act, unless the said Act in any case prescribes a different course to be pursued, if any such notice is sent by
 15 post to the owner by registered letter addressed to his last known place of abode or business, or is served on the owner or occupier of such building, land, or premises, or left with some inmate apparently over the age of fourteen years, living at the place of abode of such owner or occupier, or (if there be no occupier) if such notice be posted
 20 on some conspicuous part of such building or land; and any notice required to be served or given in respect of any public street, road, or lane may be served on or sent by post as aforesaid to the secretary or clerk, or left at the office of the local authority having control of such street, road, or lane, or the portion thereof affected by the notice.
 25 Any notice required to be given by the company under this Act, shall be sufficient if signed by the legal manager of the company or by its solicitors.

22. It shall be lawful for the company, at any time after the
 30 passing hereof, to assign, transfer, convey, and release to any company duly incorporated for that purpose, or to any local authority, association, syndicate, partnership, person, or persons, all or any of the rights, powers, authorities, privileges, liabilities, and obligations conferred and imposed upon them by this Act, together with all or any of the
 35 lands, tenements, and hereditaments, estates, chattels, and effects of every kind acquired by them under or in pursuance thereof, and purchased, occupied, or used in connection with the construction, maintenance, and working of the works hereby authorised; and upon and after the completion of such assignment, transfer, conveyance, and release, the said company, local authority, association, syndicate,
 40 partnership, person, or persons, their officers, agents, and servants may lawfully exercise and enjoy all the rights, powers, authorities, and privileges, and shall be and continue to be subject to all liabilities, obligations, penalties, and forfeitures to which the company or their officers, agents, or servants would have been entitled or subject had no
 45 such assignment, transfer, conveyance, and release been completed: Provided, however, that nothing herein contained shall prejudice or affect any rights accrued, actions or proceedings taken against, or liabilities, obligations, penalties, or forfeitures incurred by the company before the completion of the said assignment, transfer, conveyance, and release.

50 23. It shall be lawful for the Minister, with the consent of the Governor in Council, at any time after the expiration of twenty-one years from the date of this Act being assented to by the Governor, to give the company notice of the intention of the Crown to resume any land comprised in any lease granted under the authority of this Act,
 55 and of the intention of the Crown to purchase the whole or any part of the land, machinery, and works belonging to the company, and which have been acquired, made, or erected under the authority of this Act. The amount of compensation to be paid to the company upon the
 resumption by the Crown of the land comprised in any lease, and the

Notices.

Signature of notices.

Rights, powers, &c., under this Act may be assigned, &c., to incorporated companies.

Minister may resume land upon notice.

Compensation upon resumption of land comprised in lease.

Hillgrove and Armidale Water-power Electric.

the purchase of such land, machinery, and works shall not exceed the actual cost of *bonâ fide* construction of such machinery and works, which shall be determined as provided in clause thirteen of this Act, with an amount added equal to two years' profit calculated on the basis of the last five years return.

24. The company may from time to time make, alter, and repeal by-laws :— Company may make by-laws.

10 For regulating the form of contract to be entered into with the company and any other person, and generally for carrying into effect the purposes of this Act.

As to supplying electricity.

For determining the time at which any charge for electricity shall be payable, and whether in advance or not.

15 For regulating the form, material, dimensions, construction, and arrangement of pipes, conductors, conduits, wires, and other works supplying electricity from the pipes, conduits, or wires of the company to adjacent premises; the time of executing and the notices to be given for such works; the superintendence thereof; the making good and replacing ground which may be displaced in the course of such works; and for inspecting all works or appliances at reasonable times, whether situate within any building or otherwise.

20 For regulating the construction, disposition, custody, and inspection of meters.

25 For preventing the use, directly or indirectly, of electricity supplied by the company, by persons unauthorised by the company.

For preventing the waste or misuse of electricity supplied by the company.

30 For preventing persons from wilfully breaking, injuring, or interfering with any conduit, lock, valve, cock, engine, or work belonging to the company, and from doing any other wilful act whereby the electricity supplied by the company may be wasted.

35 Provided that such by-laws shall be subject to the approval of the Governor, and shall be published in the *Gazette* and a newspaper circulating in the district.

25. Every such by-law shall state a maximum penalty for the breach thereof, not in any case exceeding ten pounds. Penalties in by-laws.

40 26. In the exercise of the powers conferred by this Act, it shall be the duty of the company to make all reasonable provision for the prevention of danger to life arising from the generating, making, and transmitting or supplying of electricity as aforesaid. All reasonable precautions to be taken against danger.

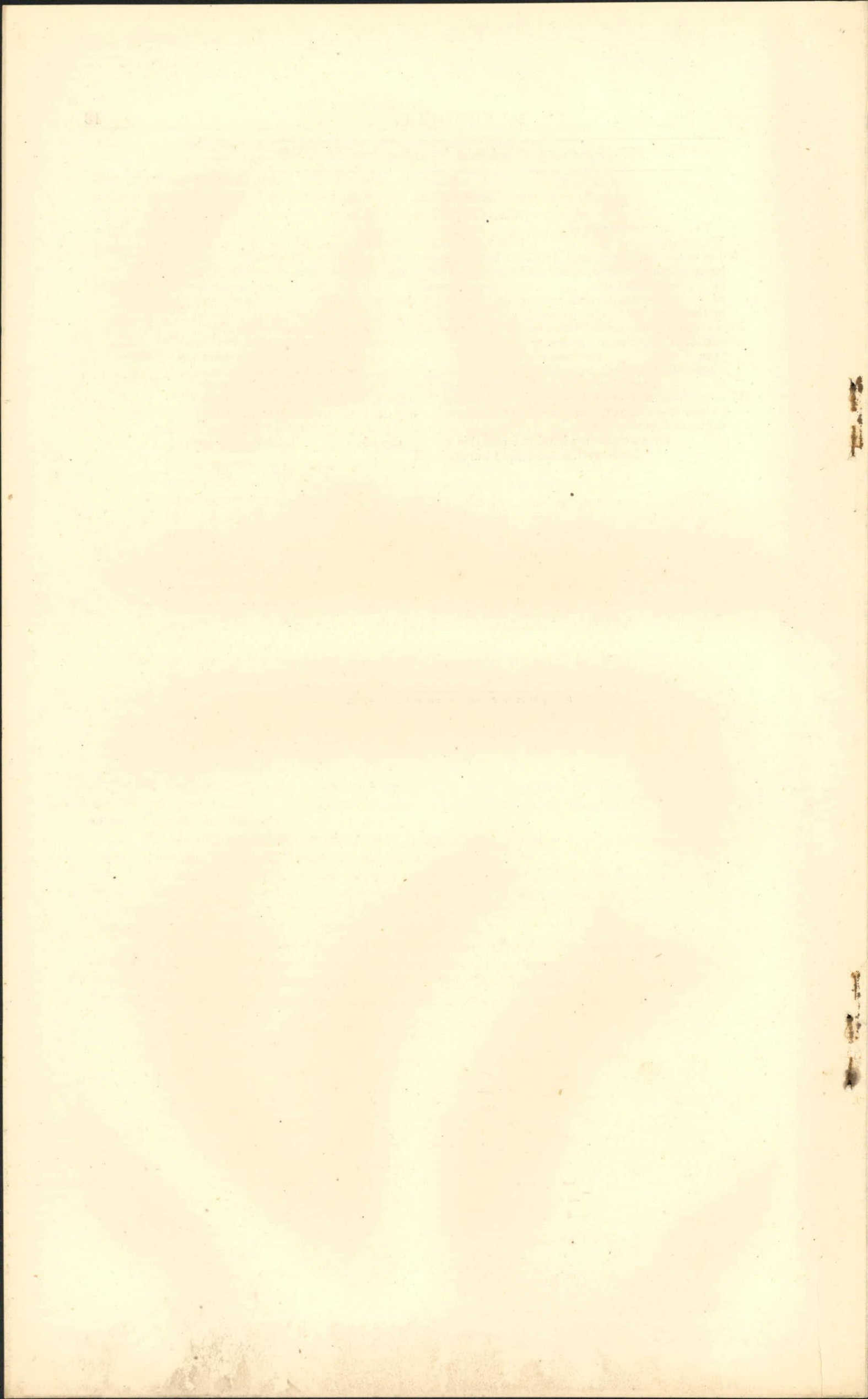
27. In the event of the said company not commencing their works within six months and bringing the same into practical operation within eighteen months from the passing of this Act, all the rights hereby conferred upon the said company shall lapse. Penalty for not carrying out works.

Hillgrove and Armidale Water-power Electric.

SCHEDULE.

Warrant of Distress.

To constable at
 WHEREAS of in New South Wales, is liable to pay the sum of
 5 due to the "Hillgrove and Armidale Water-power Electric Company (Limited)," as the
 lessee of a meter in or on a certain house, building, tenement, land, or premises situated
 in street in , and now occupied by : And whereas the sum
 of being due and payable on account of the use, supply, or consumption of
 motive-power or electric-power (as the case may be), and as is made to appear to me on
 10 the signing of this my warrant was duly recovered in manner provided by the Act in
 that behalf by the said company on the day of in the
 year against the said who has not yet paid the same:
 These are therefore to require and authorise you forthwith to levy the said sum
 of , together with the costs of these presents, by distress and sale of the goods
 15 found by you in or on the said house, building, tenement, land, or premises, according
 to law, and that you certify to me on the day of what you shall do by
 virtue of this warrant
 Given under my hand and seal this day of , in the year of our
 Lord one thousand eight hundred and (L.S.) J.P.

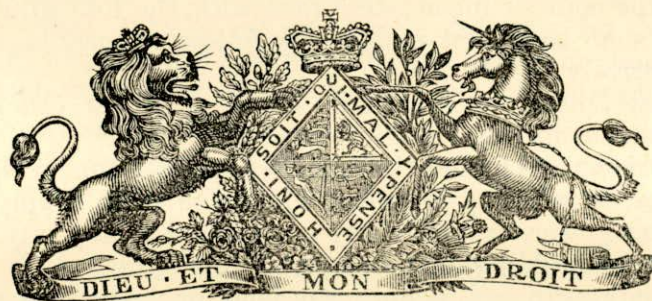


This PRIVATE BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

*Legislative Assembly Chamber,
Sydney, 23 February, 1893.* }

F. W. WEBB,
Clerk of the Legislative Assembly.

New South Wales.



ANNO QUINQUAGESIMO SEXTO

VICTORIÆ REGINÆ.

An Act to enable the "Hillgrove and Armidale Water-power Electric Company (Limited)," a company registered in Sydney, in the Colony of New South Wales, under the provisions of the Companies Acts, to construct and maintain machinery, works, and other appliances for making, generating, and transmitting electricity and supplying the same to any city, town, mine, company, co-partnership, person, or persons whatsoever, within the county of Sandon, in the said Colony of New South Wales, and for other purposes therein mentioned.

WHEREAS a certain company called the "Hillgrove and Armidale Water-power Electric Company (Limited)" has lately been formed at Sydney, in the Colony of New South Wales, under the provisions of the "Companies Act" thirty-seventh Victoria number nineteen, and under and subject to a certain memorandum of association bearing date the twenty-eighth day of July, one thousand eight hundred and ninety-two: And whereas the said company is desirous of acquiring the right to construct and maintain machinery and works and other appliances for generating, making, and transmitting electricity, and to control and manage the said works, and for other purposes: And

Preamble.

Hillgrove and Armidale Water-power Electric.

whereas it would be for the benefit of the Colony of New South Wales that the said "Hillgrove and Armidale Water-power Electric Company (Limited)" should be enabled to construct and maintain the said machinery and works as aforesaid, and that the powers authorised
 5 and concessions hereinafter proposed to be conferred on the said "Hillgrove and Armidale Water-power Electric Company (Limited)" should be granted to the said "Hillgrove and Armidale Water-power Electric Company (Limited)": And whereas such objects cannot
 10 be obtained without the authority of Parliament: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Hillgrove and Armidale Short title.
 15 Water-power Electric Act."

2. In this Act, and in any by-law made under it, save where Interpretation.
 there is something in the context inconsistent therewith, the following words and expressions shall have and include the following meanings attached thereto respectively:—

20 "Conductor" shall mean and include cable, wire, or other apparatus for transmitting electrical power.

"Conduit" shall mean and include the canals, tunnels, aqueducts, cuttings, pipes, or wires by means of which the main supply of water, water-power, or electricity is supplied to any city,
 25 town, persons, or building, or property.

"Crown land" shall mean and include any land or lands in the County of Sandon, in the said Colony, which are or may become vested in the Crown, and includes all lands of the Crown in the said County which are or may be occupied for pastoral or mining or other purposes under any lease or license issued
 30 in pursuance of any Act of the Parliament of this Colony.

"Company" means the "Hillgrove and Armidale Water-power Electric Company (Limited)," registered under the "Companies Act" thirty-seventh Victoria number nineteen, and its successors and assigns.
 35

"County" shall mean the county of Sandon.

"First lessee" means any person entitled to occupy any land previously leased.

"Gazette" means the *Government Gazette*.

40 "Governor" means the Governor for the time being of the Colony of New South Wales, with the advice of the Executive Council.

"Local Authority" means the Board of Health, Municipal Council, Road Trust, Town Board, or body of persons or person having the control or management of the street in respect of which such expression shall be used, if the same shall be used in respect of any particular street; but if the same shall not be used in respect of any street, it shall mean the Municipal Council or body corporate having the local government of any city, town, or district in which any of the works hereby authorised may be situate, or in default of any
 45 such local authority the Minister for Lands.
 50

"Machinery" means any appliance for carrying into effect any of the objects authorised by this Act.

55 "Meter" means any instrument, apparatus, or appliance for measuring and ascertaining the quantity of water, water-power, motive-power, or electricity used or supplied to any person.

"Minister" means the Minister for Lands and Works for the time being of the Colony of New South Wales.

"Motive-

Hillgrove and Armidale Water-power Electric.

- “Motive-power” means the power derived from water passing through machinery, or the electrical power derived therefrom.
- “Owner” means the person for the time being in the actual receipt of or entitled to receive the rents and profits of any house, manufactory, or building of whatsoever kind, or of any land.
- “Person” includes corporation, company, association, syndicate, partnership, and local authority.
- “Private lands” means any land which shall have been granted by the Crown in fee simple or by lease for a longer term than ninety-nine years to any person.
- “Property” means lands or buildings and lands and buildings.
- “Street” means any public and common highway, main road, road, bridge, footway, square, court, alley, lane, thoroughfare, or Public way, Place or Passage.
- “Town and City,” means any settlement, camp, or collection of houses, whether proclaimed as a city or town or not, and situate within the said county.
- “Water-works” means and includes all reservoirs, wells, cisterns, tanks, aqueducts, water-courses, tunnels, feeders, drains, channels, engines, cuts, flood-gates, sluices, conduit-pipes, pipe-breaks, engines, buildings, and other works of what kind soever which are from time to time necessary or used for effecting the purposes of this Act.
- “Works” mean and include reservoirs, pen-stocks, conduits, cables, poles for carrying cables, and wires.
3. It shall be lawful for the company, and it is hereby ^{Power to divert} empowered and authorised, to take, divert, and appropriate for any of ^{water.} the purposes hereinafter mentioned, the water flowing at the point of intake on the course of the Guyra River, in the said colony, at the point specified in the application for special lease of the Guyra River, known as the Great Falls, and from time to time to enter upon the said river at the point of intake aforesaid for the purpose of constructing and erecting on and in that portion of the said river, at the said point of intake, any works, dams, weirs, flumes, or races for the purposes of such taking, diversion, and appropriation of the said water of the river aforesaid: Provided that the water so taken, diverted, appropriated, and utilised as aforesaid shall be in due course returned to the stream again unpolluted.
4. It shall be lawful for the said company to use all or any of ^{Power to use water.} the waters aforesaid for any of the purposes hereinafter specified:—
- To work any machinery that may be erected by the company for ^{Purposes for which} generating, making, and transmitting electricity to the cities, ^{water may be taken.} towns, streets, mines, and buildings of any of the towns of the said county.
- To work any machinery that may be erected by the company for generating, making, and transmitting electricity for the purpose of supplying the inhabitants of any of the cities and towns of the said county with electricity for any purpose.
- To work any machinery that may be erected for drawing or propelling trams, tramways, carriages, and other vehicles in, over, along, and upon any street or streets of any of the cities and towns of the said county or elsewhere in the said county.
- To work any machinery that may be erected by the company for the purpose of executing or exercising any of the powers or authorities now or hereinafter vested in or imposed upon the the said company.
- To supply any mines or batteries in the said county with electric light or motive-power for lighting, winding, pumping, working, or any other purpose.

Hillgrove and Armidale Water-power Electric.

To make, generate, and transmit motive or electric power for the purpose of telpherage or any other electrical appliance or machine to which electricity can be applied.

5 5. The company is hereby empowered to exercise the several powers and authorities hereby vested in and conferred upon the company in manner hereinafter set forth. Company empowered to exercise powers, &c.

6. It shall be lawful for the Minister, with the consent of the Governor-in-Council, to grant to the company from time to time for any term not exceeding thirty years at a yearly rental a lease of any Crown lands situated in the said county that the company may consider necessary for the purposes of this Act. Every Lease of Crown lands may be granted.

10 such lease as aforesaid shall operate and take effect merely as a license to the said company to construct and maintain the works hereby contemplated, and shall not confer any right or Effect of lease.

15 title to any mines or minerals; and in case any such lease as aforesaid comprises any Crown land previously leased, then such lease shall not affect the rights of the first lessee except so far as may be necessary for carrying out the objects of such lease, and the first lessee may accordingly exercise all powers conferred upon him in respect Protection to the rights of first lessee.

20 of the land previously leased: Provided that he shall not carry on any mining operations upon any land comprised in the said lease in such a way as to damage the works of the company; and in case any such lease shall comprise any Crown land previously leased, then the company shall serve upon the first lessee a notice indicating with all Notice of intention to construct works.

25 reasonable accuracy, by means of a plan or otherwise referred to in such notice, the proposed course, direction, or situation of the said works; and the company may, for the purpose of surveying and taking levels, after giving not less than three days' notice to the first lessee, enter upon Crown land of the first lessee which may be comprised in Company may enter after notice.

30 such lease, without the previous consent of any person or persons. Power to take temporary possession of land.

7. It shall be lawful for the company and all persons by them authorised, after not less than three days' notice to the occupier or occupiers, to enter upon any lands, not being a garden, orchard, or plantation attached or belonging to a house, nor a park, planted walk, Power to take temporary possession of land.

35 avenue, or ground ornamentally planted, and not being nearer to the house of the owner of any such lands than one hundred yards therefrom, and to occupy the said lands so long as may be necessary for the construction of any works authorised by this Act, or of the accommodation works connected therewith hereinafter mentioned, and to use

40 the same for any of the following purposes, that is to say:—

For the purpose of constructing, building, or putting thereon any machinery;

For the purpose of taking earth or soil by side-cuttings therefrom;

45 For the purpose of depositing soil thereon;

For the purpose of obtaining materials therefrom for the construction of the water-works or such accommodation works as aforesaid; or

For the purpose of forming roads thereon to or from or by the side of the said works.

50 Provided that the company shall have the right of immediate entry, without notice, upon any such lands at any time for the purpose of repairing any of the works aforesaid.

8. In the exercise of any of the foregoing powers, it shall be lawful for the company and all other persons employed by the company Company may manufacture and work upon lands.

55 to deposit, and also to manufacture and work upon such lands, materials of every kind used in constructing the said works, and also to take from any such lands any timber, and also to dig and take from or out thereof any clay, stone, gravel, sand or other things that may be found therein useful or proper for constructing the said works or

any

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any such roads as aforesaid, and for the purposes aforesaid to erect thereon workshops, sheds, and other buildings of a temporary nature, or any steam-engines or other machinery: Provided that before any work shall be commenced as aforesaid, under the authority of the Act, Compensation to be paid before commencement of work.

5 the owner of such land shall be paid such compensation, if any, for the loss or injury or inconvenience sustained by reason of the occupation of such lands and the construction of such works as shall be determined by agreement between the owner and the company, and if such compensation shall not be fixed by agreement as aforesaid within one

10 calendar month after the service of the notice before-mentioned, then such compensation, if any, shall be determined by arbitration in manner hereinafter provided.

9. The company may, from time to time, for the purposes of this Act fell timber and use and carry away the same, and dig and use Materials from Crown lands.

15 clay, stone, and other materials upon any Crown land, and may fell all timber which, in the opinion of the company, it may be necessary to remove for the safety of the works hereby contemplated, notwithstanding anything contained in section six of this Act.

10. It shall be lawful for the company from time to time to Construction of water-works.

20 make, construct, erect, lay down, maintain, alter, repair, or discontinue upon any land purchased by the company under the provisions of this Act, or upon any land now or hereafter to be vested in the company, such water-works, machinery, steam-engines, water-wheels, and other works as the company may think necessary for the purposes of this Act.

25 11. Every person who shall wilfully obstruct any person acting under the authority of the company in setting out the line of any works undertaken under the authority of this Act, or pull up or remove any poles or stakes driven into the ground for the purpose of setting out the line of such works, or destroy or injure any works Penalty for obstructing construction of works.

30 undertaken as aforesaid, shall incur a penalty not exceeding five pounds for every such offence.

12. The company may, upon having obtained the consent in writing of the Minister or local authority, open and break up the soil and pavement of the several streets and bridges within the limits of the Power to open streets, &c., of any city or town.

35 said county, and may open and break up any sewers, drains, or tunnels within or under such streets and bridges, and lay down and place within the said limits, conduits, service-pipes, and other works and engines, and erect telegraph posts or poles, and stretch and put conduits and wires thereon, and carry and run electricity or

40 any motive-power on and through such conduits and wires, and from time to time repair, or alter, or remove the same; and for the purposes aforesaid remove and use all earth and materials in and under such streets and bridges, and do all other acts which the company shall, from time to time, deem necessary for supplying motive-power by

45 electricity to the mines, persons, or inhabitants of the said county: And when the company shall open or break up the road or pavement of any street or bridge, or any sewer, drain, or tunnel they shall, with all convenient speed, complete the work for which the same shall be broken up, and fill in the ground and reinstate and Reinstatement of streets, &c.

50 make good the road or pavement, or the sewer, drain, or tunnel so opened or broken up, and carry away the rubbish occasioned thereby to the satisfaction of the Minister or local authority; and shall at all times, whilst such road or pavement shall be so open or broken up, cause the same to be fenced and guarded, and shall cause

55 light sufficient for the warning of passengers to be set up and kept there for every night during which such road or pavement shall be continued open or broken up. If in the exercise of the powers hereby granted it be found necessary to cross-cut through, raise, sink, or use any part of any road, whether carriage-road, horse-road, or tram-road,

or

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or railway, either public or private, so as to render it impassible for, or dangerous, or more than usually inconvenient to passengers or carriages, or to the persons entitled to the use thereof, the company shall, before the commencement of any such operations, cause a road to be made to the satisfaction of the Minister or local authority, instead of the road to be interfered with.

13. If, at the expiration of one calendar month from the date of the service of the notice mentioned in section seven of this Act, the owner of any such lands and the said company shall not agree as to the amount of compensation to be paid by the said company to the said owner in respect of such occupation as is mentioned in the said seventh section of this Act, the amount of such compensation shall be settled by arbitrators in manner hereinafter mentioned, that is to say, unless both parties concur in the appointment of a single arbitrator, each party, on the request of the other, shall nominate and appoint an arbitrator, to whom such dispute or other matter shall be referred; and any appointment of an arbitrator shall be under the hand and seal of such person or persons respectively; and such appointment shall be delivered to the arbitrator or arbitrators, and shall be deemed a submission to arbitration on the part of the party by whom the same shall be made. And after any such appointment shall have been made, neither party shall have power to revoke the same without the consent of the other, nor shall the death of either party operate as a revocation. And if for the space of fourteen days after a request in writing shall have been served by one party on the other party to appoint an arbitrator such last-mentioned party shall fail to appoint such arbitrator, then upon such failure it shall be lawful for the Attorney-General for the time being of the said Colony, on the application of the party who has himself appointed an arbitrator, to appoint such arbitrator to act on behalf of both parties; and such arbitrator may proceed to hear and determine the matters which shall be in dispute, and in such case the award or determination of such single arbitrator shall be final and conclusive. And if before the matter so referred shall be determined any arbitrator appointed by either party shall die, or become incapable, or refuse, or for fourteen days neglect to act as arbitrator, the party by whom such arbitrator was appointed may nominate and appoint in writing some other person to act in his place, and if for the space of seven days after notice in writing from the other party for that purpose he fail to do so, the remaining or other arbitrator may proceed alone; and every arbitrator so to be substituted as aforesaid, shall have the same powers and authorities as were vested in the former arbitrator at the time of such his death, refusal, neglect, or disability as aforesaid.

Where more than one arbitrator shall have been appointed, such arbitrators shall, before they enter upon the matters referred to them, nominate and appoint in writing under their hands an umpire, to decide any matters on which they shall differ, or which shall be referred to them under the provisions of this Act, and if such umpire shall die, or refuse, or for seven days neglect to act after being called upon so to do by the arbitrators, or either of them, they shall forthwith after such death, refusal, or neglect, appoint another umpire in his place, and the decision of every such umpire upon the matters so referred to him shall be final.

If in either of the cases aforesaid the arbitrators shall refuse, or for seven days after request of either party to such arbitrators neglect to appoint an umpire, it shall be lawful for the Attorney-General for the time being, on the application of either party to such arbitration, to appoint an umpire, and the decision of such umpire on the matters on which the arbitrators differ or which shall be referred to him under this Act shall be final.

If

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If when a single arbitrator shall have been appointed, such arbitrator shall die or become incapable, or shall refuse, or for fourteen days neglect to act before he shall have made his award, the matters referred to him shall be determined by arbitration under the provisions of this Act, in the same manner as if such arbitrator had not been appointed.

In case of disability of single arbitrator.

If when more than one arbitrator shall have been appointed, and when neither of them shall die, become incapable, refuse, or neglect to act as aforesaid, such arbitrators shall fail to make their award within fourteen days after the day on which the last of such arbitrators shall have been appointed, or within such extended term (if any) as shall have been appointed for that purpose by both of such arbitrators, under their hands, the matters referred to them shall be determined by the umpire to be appointed as aforesaid.

Arbitrators failing to make their award, matters referred to umpire.

The said arbitrator or arbitrators, or his or their umpire, may call for the production of any documents in the possession or power of either party, which they or he may think necessary for determining the question in dispute, and may examine the parties or their witnesses on oath, and administer the oaths necessary for that purpose.

Arbitrators may order production of documents, &c.

Before any arbitrator or umpire shall enter upon the consideration of any matter referred to him, he shall in the presence of a Justice of the Peace make and subscribe the following declaration, that is to say:—

Declaration by arbitrators or umpire.

I, A.B., do solemnly and sincerely declare that I will faithfully and honestly, and to the best of my skill and ability, hear and determine the matters referred to me under the provisions of the "Hillgrove and Armidale Water-power Electric Company (Limited) Act."

Made and subscribed in the presence of

C.D.

And such declaration shall be annexed to award when made, and if any arbitrator or umpire having made such declaration shall wilfully act contrary thereto, he shall be guilty of misdemeanour.

All the costs of any such arbitration and incident thereto shall be in the discretion of the arbitrators, and the costs of the arbitrators shall be borne by the parties in equal proportions, unless the amount awarded shall be one-fourth or more less than the amount which shall have been offered by the said company, in which case the whole costs of the arbitration, and also the costs of and incident to the said arbitration, shall be paid by the claimant: Provided that, if either party shall be dissatisfied with the costs allowed by the said arbitrators as aforesaid, the costs may be taxed by the prothonotary or other proper officer of the Supreme Court, and the amount allowed by such officer shall be the amount of costs to be paid.

Costs of arbitration, how to be borne.

Costs may be taxed.

The arbitrator, arbitrators, or umpire shall deliver their or his award in writing to the said company who shall retain the same, and shall forthwith, on demand, at his or their own expense, furnish a copy to the other party, and shall at all times, on demand, at the cost of the said party, produce the said award, and allow the same to be inspected or examined by such party or any person appointed by him for that purpose, and the amount awarded shall be paid within sixty days after the publication of the award.

Arbitrators or umpire to deliver award to company.

Compensation to be paid within sixty days after publication of award.

The submission to any such arbitration may be made a rule of the Supreme Court on the application of either of the parties.

Submission may be made a rule of Supreme Court.

No award made with respect to any question referred to arbitration under the provisions of this Act shall be set aside for irregularity or error in matter of form.

Award not to be set aside for irregularity.

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14. The company may supply, let, hire, and sell to any corpora-
 tion, person, mine, or building, electric-power or electricity upon such
 terms and conditions as may be agreed upon: And the company may
 let for hire to any consumer of electricity supplied by measure, any
 5 meter or instrument for measuring the quantity of electricity supplied
 and consumed, and any conduits and apparatus for the conveyance,
 reception, and storage of the electricity, for such remuneration in
 money as may be agreed upon between the company and the consumer,
 which shall be recoverable in the manner hereinafter mentioned.
- 10 Such meters, instruments, conduits, and apparatus shall not be sub-
 ject to distress for rent of the premises where the same are used, or
 to be attached or taken in execution under any process of any Court of
 law or equity, or under or in pursuance of any adjudication, seques-
 tration, or order in bankruptcy, or other legal proceedings against or
 15 affecting the consumer of the electricity, or the occupier of the
 premises or other the person in whose possession the meters, conduits,
 instruments, and apparatus may be; and
- Every person who shall have agreed with the company for a
 supply of electricity by measure shall, at his own expense, unless he
 20 hire a meter from the company, provide a meter, and keep and main-
 tain the same in good working order or condition, to the satisfaction
 of such officer as may be appointed by the company; and in the event
 of any repairs being required, notice in writing shall be immediately
 given by such person to the company, and a registration of the
 25 quantity used shall be taken before such repairs are effected; and
- Every person requiring to remove or alter the position of any
 meter shall give six days' notice in writing to that effect to the
 company, and a registration of the quantity of electricity shall be
 taken before such removal or alteration is made; and
- 30 If any person who, under the provisions hereinbefore contained
 ought to provide any meter, neglect or refuse, after having been
 required by the company so to do, to provide such meter, he shall
 for every such day, during which such neglect or refusal continues,
 forfeit a sum not exceeding two pounds; and
- 35 If any person, who has provided any meter as aforesaid, fail to
 give the notice hereinbefore required of any repairs required for such
 meter, he shall forfeit a sum not exceeding ten pounds, and a further
 sum not exceeding five pounds for each day (if more than one) that
 such meter remains unrepaired; and
- 40 If any person refuse or delay to have such meter properly
 repaired and put in correct working order after having been required
 by any officer of the company so to do, the company may shut off
 the supply of electricity from the premises of such person, either by
 cutting the conduits or service-pipe, or otherwise, until such meter
 45 shall have been properly repaired and certified by some officer of the
 company to be in proper working order; and
- If any plumber or other person fix or refix any meter upon any
 premises supplied with electric-power by the company, without
 having first obtained a certificate from the company that the said
 50 meter has been examined and found correct, or in correct working
 order, he shall forfeit a sum of ten pounds; and
- If any person remove or alter the position of, or in any way
 interfere with, any meter, without giving such notice as aforesaid, he
 shall for each such offence forfeit a sum not exceeding ten pounds
 55 over and above the damage which he may be found liable to pay in
 any action at law, at the suit of the company; and
- The officers of the company may enter any house, building, or
 lands, to, through, or into which electricity is supplied by the company
 by measure, in order to inspect the meters, instruments, conduits,
 and

The company may supply, &c.

Company may let meters.

Meters not distrainable, &c.

Meter to be supplied and maintained by consumer.

Notice of removal, &c., of meter.

Penalty for neglect to provide meter.

Penalty for neglecting to give notice of repairs of meters.

Electricity may be shut off if meter not in order.

Penalty for fixing uncertified meter.

For removing meter without notice.

Power to officers of the company to inspect meters.

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and apparatus for the measuring, conveyance, reception, or storage of electricity, or for the purpose of ascertaining the quantity of electricity supplied or consumed, and may, from time to time, enter any house, building, or lands for the purpose of removing any meter, instrument, conduit, or apparatus, the property of the company; and if any person hinders any such officer from entering or making such inspection, or effecting such removal, he shall for each such offence be liable to a penalty not exceeding five pounds.

15. If any person supplied by electricity by the company wrongfully does, or causes or permits to be done, anything in contravention of any of the provisions of this Act, or wrongfully fails to do anything which under any of those provisions ought to be done for the prevention of the waste, misuse, or undue consumption of electricity, the company (without prejudice to any remedy against him in respect thereof) may cut off any of the conduits or wires by or through which electricity is supplied to him or for his use, and may cease to supply him with electricity as long as the cause of injury remains, or is not remedied; and

Protection of the motive-power; in case of any breach of this Act motive-power may be cut off.

If any person supplied with electricity by the company wilfully or negligently causes or suffers any conduit or other apparatus to be out of repair, or to be so used or contrived that the electricity supplied to him by the company is or is likely to be wasted, misused, or unduly consumed, he shall for every such offence be liable to a penalty not exceeding twenty-five pounds, and a further sum not exceeding five pounds for each day (if more than one) that such offence continues; and

Penalty for waste of motive-power.

If any person shall wilfully and maliciously destroy, injure, or damage, or attempt to destroy, injure, or damage any conduit pipe, wire, or apparatus, or any of the works constructed under the authority of this Act, or wilfully and maliciously do any act calculated to render any part or parts of the machinery or works of the company, or their assigns, unworkable or defective, or whereby any electricity is or may be lost, wasted, misused, destroyed, or interrupted in any way, he shall be deemed guilty of a felony, and liable to imprisonment, with or without hard labour, for any term not exceeding two years; and

Penalty for destroying works, &c.

It shall not be lawful for the owner or occupier of any premises supplied with electricity by the company, or any consumer of electricity of the company, or any other person, to affix, or cause or permit to be affixed, any conduit, wire, or apparatus to a conduit or wire, belonging to or used by such owner or occupier, consumer, or any other person, or to make any alteration in any such communication, or conduit, or wire, or in any apparatus connected therewith, without the consent, in every such case, of the company. And if any person acts in any respect in contravention of the provisions of this section, he shall for every such offence be liable to a penalty not exceeding five pounds, or the company may recover damages in respect of any injury done to their property, and, without prejudice to their right, to recover from him the value of any electricity wasted, misused, or unduly consumed.

No wire to be fixed to consumer's wire without permission of company.

If any person, to the injury of the company, wrongfully takes or uses any water from any reservoir, conduit, or any water-power from any pipe or conduit, belonging to the company, or from any pipe or conduit leading to or from any such reservoir, water-course, conduit, or pipe, or from any cistern, or other like place, containing water or water-power belonging to the company, or supplied by them for the use of any consumer of the electricity of the company, he shall for every such offence be liable to a penalty not exceeding five pounds; and

Penalty for unlawfully taking water from reservoirs.

The surveyor or other person appointed for that purpose by the company, may, between the hours of nine o'clock in the forenoon and four o'clock in the afternoon, enter into any house or

Inspection of premises supplied with electricity.

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premises supplied with electricity by the company, in order to examine if there be any waste or misuse of such motive power; and if such surveyor or other such person at any such time be refused admittance into such dwelling-house or premises for the purpose aforesaid, or be
5 prevented from making such examination as aforesaid, the company may turn off the motive-power supplied by it from such house or other premises.

16. Where several houses or parts of houses, buildings, or mines in the separate occupation of several persons are supplied by
10 one common conduit or wire, or where electricity is supplied to courts, alleys, and rights-of-way by conduits or otherwise, the several owners or occupiers of such houses or parts of houses, buildings, or mines, or of the several houses or parts of houses, in every court, alley, or right-of-way, shall be liable to the payment of the same rates for the
15 supply of motive-power as they would have been liable to if each of such several houses or parts of houses, buildings, or mines had been supplied with motive-power from the works of the company by a separate pipe.

Where several houses supplied by one conduit, each to pay.

17. The company are hereby authorised to make such charges,
20 rates, and tolls for the supply of electricity as may be agreed upon by them and the persons to whom such electricity is supplied by the company: Provided that in no case will the charge exceed one shilling per unit.

Company may make charges.

And the rates, charges, and tolls for electricity, and all sums
25 due to the company under this Act, shall be paid by and be recoverable from the occupier of the premises, or the person requiring, receiving, or using the supply of electricity.

Rates to be recoverable from occupier.

And if any person refuse or neglect to pay on demand to the
30 company any rate, charge, or sum due to the company under this Act, the company may stop the electricity from flowing or going into or on the premises in respect of which such rate, charge, or toll is payable by cutting off the conduit or wire to such premises by such means as the company shall think fit; and the company may sue for and recover the rate, charge, or toll due from such person with costs, and with the
35 expenses of cutting off the electricity.

Recovery of rates and charges.]

And in all proceedings whatever for the recovery of any rates
40 or charges under this Act, and in all other proceedings before justices in pursuance of this Act, it shall be lawful for the justice or justices in his or their discretion to award and order that the defendant shall pay such costs as to such justice or justices shall seem just and reasonable in that behalf; and the sums so allowed for costs shall in all cases be recoverable in the same manner and under the same warrants as any penalty or sum of money adjudged to be paid in and by such order is to be recoverable; and in cases where there is no such
45 penalty or sum to be thereby recovered, then such costs shall be recoverable by distress and sale of goods and chattels of the party, and every warrant for the recovery of any so adjudged to be paid shall be in the form set forth in the Schedule hereto.

Power to award costs.

18. Wherever by this Act authority is conferred on the company
50 to enter upon any land for the purposes of this Act, or to do any act in or relating to the construction or maintenance of any work, the same authority shall extend to all persons acting by direction of the company, and to all necessary agents, assistants, servants, workmen, means, and appliances whatsoever.

Entry by agents.

19. All offences against this Act or any by-law made hereunder
55 shall be heard and determined in a summary way by any two justices of the peace, or by any police or stipendiary magistrate.

Penalties &c., to be summarily recovered before two justices.

20. If through any act, neglect, or default on account whereof
any person shall have incurred any penalty imposed by this Act, any
damage

Damage to be made good in addition to penalty.

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damage to any conduit, main, pipe, wire, or other property of the company used in connection therewith shall have been committed by such person, he shall be liable to make good such damage; and if no penalty be imposed, then the amount of such damages shall, in case of
 5 dispute, be determined by the justices by whom the party incurring such penalty shall have been convicted; and on non-payment of such damages on demand, the same shall be levied by distress, and such justices, or one of them, shall issue the warrant accordingly.

21. Any notice required by this Act, or any by-law or regulation
 10 made thereunder, to be served on or given to any owner or occupier of any building, land, mine, or premises, or to any person, may be in writing or partly printed, or may be wholly printed. And it shall be sufficient for all purposes of this Act, unless the said Act in any case prescribes a different course to be pursued, if any such notice is sent by
 15 post to the owner by registered letter addressed to his last known place of abode or business, or is served on the owner or occupier of such building, land, or premises, or left with some inmate apparently over the age of fourteen years, living at the place of abode of such owner or occupier, or (if there be no occupier) if such notice be posted
 20 on some conspicuous part of such building or land; and any notice required to be served or given in respect of any public street, road, or lane may be served on or sent by post as aforesaid to the secretary or clerk, or left at the office of the local authority having control of such street, road, or lane, or the portion thereof affected by the notice.
 25 Any notice required to be given by the company under this Act, shall be sufficient if signed by the legal manager of the company or by its solicitors.

22. It shall be lawful for the company, at any time after the
 30 passing hereof, to assign, transfer, convey, and release to any company duly incorporated for that purpose, or to any local authority, association, syndicate, partnership, person, or persons, all or any of the rights, powers, authorities, privileges, liabilities, and obligations conferred and imposed upon them by this Act, together with all or any of the lands, tenements, and hereditaments, estates, chattels, and effects of
 35 every kind acquired by them under or in pursuance thereof, and purchased, occupied, or used in connection with the construction, maintenance, and working of the works hereby authorised; and upon and after the completion of such assignment, transfer, conveyance, and release, the said company, local authority, association, syndicate,
 40 partnership, person, or persons, their officers, agents, and servants may lawfully exercise and enjoy all the rights, powers, authorities, and privileges, and shall be and continue to be subject to all liabilities, obligations, penalties, and forfeitures to which the company or their officers, agents, or servants would have been entitled or subject had no
 45 such assignment, transfer, conveyance, and release been completed: Provided, however, that nothing herein contained shall prejudice or affect any rights accrued, actions or proceedings taken against, or liabilities, obligations, penalties, or forfeitures incurred by the company before the completion of the said assignment, transfer, conveyance, and release.

50 23. It shall be lawful for the Minister, with the consent of the Governor in Council, at any time after the expiration of twenty-one years from the date of this Act being assented to by the Governor, to give the company notice of the intention of the Crown to resume any land comprised in any lease granted under the authority of this Act,
 55 and of the intention of the Crown to purchase the whole or any part of the land, machinery, and works belonging to the company, and which have been acquired, made, or erected under the authority of this Act. The amount of compensation to be paid to the company upon the resumption by the Crown of the land comprised in any lease, and
 the

Notices.

Signature of notices.

Rights, powers, &c., under this Act may be assigned, &c., to incorporated companies.

Minister may resume land upon notice.

Compensation upon resumption of land comprised in lease.

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the purchase of such land, machinery, and works shall not exceed the actual cost of *bonâ fide* construction of such machinery and works, which shall be determined as provided in clause thirteen of this Act, with an amount added equal to two years' profit calculated on the basis of the last five years return.

24. The company may from time to time make, alter, and repeal by-laws :— Company may make by-laws.

10 For regulating the form of contract to be entered into with the company and any other person, and generally for carrying into effect the purposes of this Act.

As to supplying electricity.

For determining the time at which any charge for electricity shall be payable, and whether in advance or not.

15 For regulating the form, material, dimensions, construction, and arrangement of pipes, conductors, conduits, wires, and other works supplying electricity from the pipes, conduits, or wires of the company to adjacent premises; the time of executing and the notices to be given for such works; the superintendence thereof; the making good and replacing ground which may be displaced in the course of such works; and for inspecting all works or appliances at reasonable times, whether situate within any building or otherwise.

20 For regulating the construction, disposition, custody, and inspection of meters.

25 For preventing the use, directly or indirectly, of electricity supplied by the company, by persons unauthorised by the company.

For preventing the waste or misuse of electricity supplied by the company.

30 For preventing persons from wilfully breaking, injuring, or interfering with any conduit, lock, valve, cock, engine, or work belonging to the company, and from doing any other wilful act whereby the electricity supplied by the company may be wasted.

35 Provided that such by-laws shall be subject to the approval of the Governor, and shall be published in the *Gazette* and a newspaper circulating in the district.

25. Every such by-law shall state a maximum penalty for the breach thereof, not in any case exceeding ten pounds. Penalties in by-laws.

40 26. In the exercise of the powers conferred by this Act, it shall be the duty of the company to make all reasonable provision for the prevention of danger to life arising from the generating, making, and transmitting or supplying of electricity as aforesaid. All reasonable precautions to be taken against danger.

45 27. In the event of the said company not commencing their works within six months and bringing the same into practical operation within eighteen months from the passing of this Act, all the rights hereby conferred upon the said company shall lapse. Penalty for not carrying out works.

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SCHEDULE.

Warrant of Distress.

To constable at
 WHEREAS of in New South Wales, is liable to pay the sum of
 5 due to the "Hillgrove and Armidale Water-power Electric Company (Limited)," as the
 lessee of a meter in or on a certain house, building, tenement, land, or premises situated
 in street in , and now occupied by : And whereas the sum
 of being due and payable on account of the use, supply, or consumption of
 motive-power or electric-power (as the case may be), and as is made to appear to me on
 10 the signing of this my warrant was duly recovered in manner provided by the Act in
 that behalf by the said company on the day of in the
 year against the said who has not yet paid the same :
 These are therefore to require and authorise you forthwith to levy the said sum
 of , together with the costs of these presents, by distress and sale of the goods
 15 found by you in or on the said house, building, tenement, land, or premises, according
 to law, and that you certify to me on the day of what you shall do by
 virtue of this warrant
 Given under my hand and seal this day of , in the year of our
 Lord one thousand eight hundred and (L.S.) J.P.

