Private Act.

An Act to incorporate a Company, to be called "The South Australian Gas Company (Limited)", and for other purposes.

[Assented to, 29th November, 1861.]

WHEREAS the City of Adelaide and the Town of Port Adelaide and the neighboring and intermediate towns and villages, in the Province of South Australia, are large and populous, and the convenience and advantage of the inhabitants thereof would be greatly promoted were a Company established and authorized to construct gas works, for supplying the said inhabitants with gas: And whereas the several persons hereinafter named, with others, are willing at their own expense to undertake the construction of the said works, but they cannot do so without the authority of Parliament—Be it therefore Enacted, by the Governor-in-Chief of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said Province, in this present Parliament assembled, as follows:—

1. The following words and expressions in this Act, and in the sections herewith incorporated, shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction—

The expression "The Company" shall mean the Company incorporated by this Act:

The expression "The undertaking" shall mean the making and supplying gas within the limits herein mentioned, and the making and constructing gas works for that purpose, with proper works and conveniences connected therewith, and all other works by this Act authorized to be executed:
The words "Directors and Secretary" shall respectively mean the Directors and Secretary for the time being of the Company:

The word "Lands" shall include messuages, lands, tenements, and hereditaments of any tenure:

The word "Person" shall include a corporation, whether aggregate or sole:

The word "Lease" shall include an agreement for a lease:

The word "Owner" shall be understood to mean any person or Corporation who under the provisions herein contained is enabled to sell and convey lands to the Company:

The word "Street" shall include any street, market-place, court or highway, lane, road, wharf, thoroughfare, or public passage or place within the limits of this Act:

The expression "The Gas Works" shall mean the gas works and the works connected therewith by this Act authorized to be constructed:

The expression "Gas rate" shall include any rent, reward, or payment to be made to the Company for a supply of gas:

The word "Building" shall include places of public worship or public amusement, public institutions, public or private offices, houses, manufactories, shops, courts, gardens, and yards:

The word "Oath" shall include a declaration and an affirmation in cases where persons are allowed by law to declare or affirm:

The word "Sheriff" shall include deputy-sheriff, or other legal competent deputy:

The word "Justice" shall mean a Justice of the Peace acting in and for the Province of South Australia, or in and for the district or place where matter requiring the cognizance of any such Justice shall arise.

2. The limits of this Act shall extend to and include the City of Adelaide, and the Town of Port Adelaide, and the neighboring and intermediate towns and villages; and the neighboring towns and villages shall, for the purposes of this Act, include every place within a circle described by a radius of eight miles from the General Post Office in Adelaide aforesaid.

3. The Honorable Henry Ayers; the Honorable George Hall; the Honorable Abraham Scott; Arthur Blyth, Esquire, M.P.; Randolph Isham Stow, Esquire, M.P.; Philip Levi, Esquire; Alfred Watts, Esquire; Samuel Tomkinson, Esquire; George Main, Esquire; John Hart, Esquire; George Peter Harris, Esquire; John Hodgkiss, Esquire; Francis Harding Faulding, Esquire; Thomas Graves, Esquire; George Young, Esquire; Emanuel Solomon, Esquire;

Isaac
Isaac Solomon Henry, Esquire; and Richard Bowen Colley, Esquire, who have already subscribed, or who shall hereafter subscribe to the undertaking, and their several and respective executors, administrators, successors, and assigns shall be, and they are hereby united into a Company for the purpose of making and supplying gas within the limits of this Act, and for making and maintaining gas works for that purpose, with proper works and conveniences connected therewith, according to the provisions in this Act contained, and for the purposes aforesaid such Company shall be incorporated by the name of the “South Australian Gas Company,” and by that name shall be a body corporate, with perpetual succession, and shall have a common seal, and by that name shall have power to purchase and hold lands for the purpose of the undertaking, and shall and may sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in all courts and places whatsoever.

4. The capital of the Company shall be Thirty Thousand Pounds, and the number of shares into which the said capital shall be divided shall be six thousand, and the amount of each share shall be Five Pounds, and Ten Shillings per share shall be the greatest amount of any one call which shall be made upon the shareholder, and one month at the least shall intervene between successive calls.

5. The Company, at a special general meeting to be called for that purpose, shall be at liberty to increase the said capital to the sum of Sixty Thousand Pounds, and the additional sum of Thirty Thousand Pounds shall be divided into equal shares of Five Pounds each, and shall be apportioned in such manner as the Company at such meeting shall think fit, amongst the parties who have executed or shall hereafter execute any deed subscribing such additional capital with the object of joining in this undertaking: Provided that the said additional shares shall be in the first instance offered to the parties who have already subscribed to the capital of Thirty Thousand Pounds.

6. It shall be lawful for the Company to borrow on mortgage or bond, such sum or sums of money as shall from time to time, by an order of a general meeting of the Company, be authorized to be borrowed, not exceeding at any time the amount of the capital of the Company then actually paid up, but no part of such money shall be borrowed until Five Thousand Pounds of the said capital shall have been paid up; and for securing the repayment of the money so to be borrowed with interest, it shall be lawful for the Company to mortgage the undertaking and the future calls on the shareholders, or to give bonds in manner hereinafter mentioned, and all and every part of the money so to be borrowed on mortgage or bond shall be applied only in carrying into execution the objects and purposes of this Act.

7. The certificate of a Justice that the specified and definite amount of the capital has been actually paid up, and a copy of the order of the general meeting of the Company authorizing the borrowing of money on mortgage or bond, certified by the chairman
chairman for the time being of the directors, and by the secretary, to be a true copy, shall be sufficient evidence of the fact of the specified amount of capital having been actually paid up, and of the order for borrowing money having been made; and upon production to any Justice of the books of the Company, and of such other evidence as he shall think sufficient, such Justice shall grant the certificate aforesaid.

8. It shall be lawful for the mortgagees of the Company to enforce the payment of the arrears of interest, or the arrears of principal and interest due on their mortgages, by the appointment of a receiver; but, to authorize the appointment of a receiver in respect of the non-payment of any principal money, the mortgage debt or debts in arrear shall amount to not less than the sum of One Thousand Pounds.

9. If any execution, either at law or in equity, shall have been issued against the property or effects of the Company, or if there cannot be found sufficient whereon to levy such execution, then such execution may be issued against any of the shareholders to the extent of double the amount of their shares respectively in the capital of the Company, giving them credit for the amount of capital paid up by them on the shares of the Company held by them respectively: Provided no such execution shall issue against any shareholders except upon an order of the Court in which the action, suit, or other proceeding, shall have been brought or instituted, made upon motion in open Court after sufficient notice in writing to the persons sought to be charged, and upon such motion, such Court may order execution to issue accordingly; and for the purpose of ascertaining the names of shareholders and the amount of capital remaining to be paid upon their respective shares, it shall be lawful for any person entitled to any such execution, at all reasonable times, to inspect the register of shareholders without fee.

10. If by reason of any such execution any shareholder shall have paid any sums of money beyond the amount then due from him in respect of calls, he shall forthwith be reimbursed such additional sum by the directors out of the funds of the Company.

11. The following sections of the Act of the Lieutenant-Governor of the Province of South Australia, with the advice and consent of the Legislative Council of the said Province, cited as the Companies' Clauses Consolidation Act, save so far as they shall be expressly varied by this Act, shall be and the same with the several Schedules referred to in the said sections are hereby incorporated with this Act, and shall (save as aforesaid) form part of this Act and be construed together herewith as forming one Act, that is to say—

With respect to the distribution of the capital of the Company into shares, "sections numbered respectively from 6 to 13, both inclusive:

With
With respect to the transfer or transmission of shares, sections numbered respectively from 14 to 20, both inclusive:

With respect to the payment of subscriptions and the means of the enforcing payment of calls, sections numbered respectively 21 and 22, and from 25 to 28, both inclusive:

With respect to the forfeiture of shares for nonpayment of calls, sections numbered respectively from 29 to 35, both inclusive:

With respect to the borrowing of money by the Company on mortgage or bond, section numbered 39, and sections numbered respectively from 41 to 55, both inclusive:

With respect to the conversion of borrowed money into capital, sections numbered respectively from 56 to 60, both inclusive:

With respect to the consolidation of shares into stock, sections numbered respectively from 61 to 64, both inclusive:

With respect to the application of the capital, section numbered 65:

With respect to the general meetings of the Company and the exercise of the right of voting by the shareholders, sections numbered respectively from 66 to 80, both inclusive:

With regard to the appointment and rotation of directors, sections numbered respectively from 83 to 89, both inclusive:

With respect to the powers of the directors, sections numbered respectively 90 and 91:

With respect to the proceedings and liabilities, sections numbered respectively from 92 to 100, both inclusive:

With respect to the appointment and duties of auditors, sections numbered respectively from 101 to 108, both inclusive:

With respect to the accountability of the officers of the Company, sections numbered respectively from 109 to 114, both inclusive:

With respect to the keeping of accounts and the right of inspection thereof by the shareholders, sections numbered respectively from 115 to 119, both inclusive:

With respect to the making of dividends, sections numbered respectively from 120 to 123, both inclusive:

With respect to the making of by-laws, sections numbered respectively from 124 to 127, both inclusive:

With respect to the settlement of disputes by arbitration, sections numbered respectively from 128 to 130, both inclusive; and sections numbered respectively from 132 to 134, both inclusive:

With respect to the giving of notices and to amends and payment into Court, sections numbered respectively from 135 to 161, both inclusive:

With
With respect to the recovery of damages not specially provided for, and penalties, sections numbered respectively from 142 to 151, both inclusive; and from 158 to 160, both inclusive.

12. In the sections hereinbefore incorporated herewith, the expressions "The Special Act," "This and the Special Act," and "This or the Special Act," shall respectively mean this Act, and the word "prescribed," shall be construed to refer to any matter prescribed or provided for by this Act, and the sentence in which such word shall occur, shall be construed as if instead of the word prescribed, the expression "prescribed for the purpose of this Act," "prescribed for that purpose in this Act," had been used, and the word "Directors" shall mean the directors of the Company hereby incorporated, and the word "Treasurer" shall be read as Secretary.

13. If, before or on the day appointed for the payment of any call, any shareholder shall not pay the amount of such call, he shall be liable to pay interest for the same at the rate of Twelve Pounds per centum per annum, from the day appointed for the payment of such call to the time of the actual payment thereof.

14. It shall be lawful for the Company, if they shall think fit, to receive from any of the shareholders willing to advance the same, all or any part of the moneys due upon their respective shares, beyond the sums actually called for, and to pay interest at a rate not exceeding Eight Pounds per centum per annum, upon the principal moneys so paid in advance, or so much thereof as shall from time to time exceed the amount of the call then made upon the shares in respect of which such advances shall be made.

15. There shall be five directors of the Company, and the qualification of a director shall be the possession in his own right of at least fifty shares in the Company's undertaking, and three shall be a quorum of the directors.

16. The following persons, that is to say—Henry Ayers, Thomas Graves, George Young, Arthur Blyth, and George Peter Harris, shall be the first directors of the Company, and such directors shall continue in office until the first ordinary general meeting of the Company to be held in the month of July, one thousand eight hundred and sixty-two, at which time the three of the said directors, who have attended the least number of meetings of the said directors, shall retire, and the shareholders present at such meeting, personally or by proxy, may elect new directors in the place of the three directors so retiring, and may either continue in office the remaining two directors appointed by this Act, or may elect a new body of directors to supply the place of the directors appointed by this Act; and at every ordinary general meeting of the Company, the three directors, who have attended the least number of meetings of directors during the then past year, shall retire, and the shareholders present at such meeting, personally or by proxy, may elect new directors.
directors in the place of the three directors so retiring, and may either continue in office the remaining two directors, or may elect a new body of directors to supply the place of those directors not continued in office; and no person shall be a director of the said Company for more than three years without re-election.

17. It shall be lawful for a general meeting of the Company, from time to time, after due notice for that purpose, to increase the number of directors, provided that the increased number of directors be not more than nine.

18. At the general meetings of the Company every shareholder shall be entitled to vote according to the scale following, that is to say—

For five and under ten shares he shall have one vote:
For ten and under twenty shares he shall have two votes:
For twenty and under fifty shares he shall have three votes:
For fifty and under one hundred shares he shall have four votes:
For one hundred and under two hundred shares he shall have five votes:
For two hundred and under three hundred shares he shall have six votes:
For three hundred shares and upwards he shall have seven votes:
And no shareholder shall be entitled to more than seven votes however great a number of shares he may hold.

19. The vote or votes of any shareholder may, during his absence from the said Province be given by his attorney legally constituted under a power or letter of attorney to vote and act generally at all meetings of the shareholders during such absence, or under a power or letter of attorney to act generally in all the affairs in the said Province of a shareholder during his absence abroad, and such attorney shall be deemed the lawful proxy of such absent shareholder, provided that such power or letter of attorney shall be left with the Secretary for inspection two clear days before the meeting at which the same is intended to be first acted upon, and the vote or votes of any shareholder not absent from the Province may be taken by proxy, provided that no person shall vote at any meeting as proxy for more than five shareholders.

20. The quorum for any general meeting of the Company shall be not less than ten shareholders, holding, in the aggregate, or representing by proxy not less than one thousand shares in the capital of the Company.

21. The remuneration of the directors and also of the auditors to be appointed under the sections herewith incorporated shall, from time to time, be fixed by a general meeting of the Company and be paid out of the funds of the Company.

22. The
22. The directors shall produce to the auditors, for the purpose of auditing and examining, the yearly or other periodical accounts and balance-sheet, and all books and vouchers of the Company.

23. Such accounts shall be open at all reasonable hours to the inspection of the public on payment of a fee of Two Shillings and Sixpence for such inspection.

24. Subject to the provisions of this Act, it shall be lawful for the Company to agree with the owners of any lands considered by the Company requisite to be purchased or taken for the purpose of the undertaking, and with all parties having any estate or interest in such lands or by this Act enabled to sell and convey the same for the absolute purchase for a consideration in money of any such lands, and of all estates and interests in such lands of what kind soever, and the power hereinafter given to release lands from any rent, charge, or incumbrance, and to agree for the apportionment of any such rent, charge, or incumbrance shall extend to and may lawfully be exercised by every party enabled in and by this Act to sell and convey or release lands to the Company.

25. The following sections of the Act of the Lieutenant-Governor of the Province of South Australia, with the advice and consent of the Legislative Council of the said Province, No. 6 of 1847, cited as the "Lands Clauses Consolidation Act, 1847" (save so far as they shall be expressly varied by this Act), shall be and the same with the several schedules referred to in the said sections are hereby incorporated with this Act, and shall (save as aforesaid) form part of this Act, and be construed together herewith as forming one Act (that is to say)—

Sections numbered respectively from 7 to 10, both inclusive:
Sections numbered respectively from 12 to 14, both inclusive:
Sections numbered respectively from 18 to 56, both inclusive:
Sections numbered respectively from 69 to 87, both inclusive:
Sections numbered respectively from 89 to 92, both inclusive:
Sections numbered respectively from 95 to 101, both inclusive:
Sections numbered respectively from 108 to 114, both inclusive:
Sections numbered respectively from 102 to 105, both inclusive:
Sections numbered respectively from 106 to 110, both inclusive:
Sections numbered respectively from 111 to 113, both inclusive.

26. In the sections lastly hereinbefore incorporated with this Act the expressions "The Special Act," "This and the Special Act," and "This or the Special Act," shall respectively mean this Act, and the word "prescribed" shall be construed to refer to any matter prescribed or provided for by this Act, and the sentence by which such word shall occur shall be construed as if instead of the word prescribed the expression "prescribed for that purpose in this Act" had been used, and the expression "The promoters of the undertaking," shall
shall apply to and be construed to mean the Company incorporated by this Act, and the word "Treasurer" shall be read as secretary.

27. Subject to the provisions of this Act, it shall be lawful for the Company from time to time to construct and maintain such gas works and apparatus, and such buildings, with approaches thereto, upon the lands belonging to the Company, or hereby authorized to be purchased or held by them, and to do all and such other acts and things as they shall think necessary for supplying the inhabitants within the limits of this Act with gas, and to supply such gas upon such terms as shall be agreed upon between the Company and the persons or corporations supplied therewith, and to sell and dispose of the coke and residuum arising from the materials used in the manufacture of gas in such manner as the Company may think proper; and all gas-tar or ammoniacal liquor created in the process of making gas shall be kept in covered tanks.

28. The Company, under such superintendence as hereinafter specified, may open and break up the soil and pavement of the several streets and roads within the limit of this Act, and may open and break up any sewers, drains, or tunnels within or under such streets, and lay down and place within the same limits pipes, conduits, service-pipes, and other works, and from time to time repair, alter, or remove the same, and also make and repair any sewers that may be necessary for carrying off the washings and waste liquids which may arise in the making of the gas, and for the purposes aforesaid may remove and use all earth and materials in and under such streets, and they may in any such streets erect any pillar-lamps and other works and do all other acts which the Company shall from time to time deem necessary for supplying gas to the inhabitants within the limits of this Act; and it shall also be lawful for the Company to lay any pipe, branch, or other apparatus from any main or branch pipes into, through, or against any building, for the purpose of lighting the same, and to provide and set up any apparatus necessary for securing to any building a proper and complete supply of gas, and for measuring and ascertaining the extent of such supply: Provided always, that nothing herein shall authorize or empower the Company to lay down or place any pipe or other works into, through, or against any building, or in any land not dedicated to public use, without the consent of the owners and occupiers thereof, except that the Company may at any time enter upon and lay or place any new pipe in the place of an existing pipe in any land wherein any pipe shall have been lawfully laid down or placed in pursuance of this Act, and may repair or alter any pipe so laid down.

29. Before the Company proceed to open or break up any street, sewer, drain, or tunnel, they shall give to the persons under whose control or management the same may be, or to their clerk, surveyor, or other officer, notice in writing of their intention to open or break up the same not less than seven clear days before beginning such work, except in cases of emergency arising in defects in any of the pipes
pipes or other works, and then so soon as is possible after the beginning of the work or the necessity for the same have arisen; and also, except for the purpose of connecting service-pipes to mains which have been previously laid, and in such cases one clear day’s notice shall be sufficient.

30. No such street, sewer, drain, or tunnel shall, except in the cases of emergency aforesaid, be opened or broken up, except under the superintendence of the persons having the control or management thereof, or of their officer, and according to such plan as shall be approved, or by such persons or their officer, or in case of any difference respecting such plan, then according to such plan as shall be determined by two Justices, and such Justices may, on the application of the persons having the control or management of any such sewer or drain, or their officer, require the Company to make such temporary or other works as they may think necessary for guarding against any interruption of the drainage during the execution of any works which interfere with any such sewer or drain: Provided always, that if the persons having such control or management as aforesaid, and their officer fail to attend at the time fixed for the opening of such street, sewer, drain, or tunnel, after having had such notice of the Company’s intention as aforesaid, or shall not propose any plan for breaking up or opening the same, or shall refuse or neglect to superintend the operation, the Company may perform the work specified in such notice without the superintendence of such persons or their officers.

31. When the Company open or break up the road or pavement of any street, or any sewer, drain, or tunnel, they shall with all possible 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; and shall at all times whilst any such road or pavement shall be so opened or broken up, cause the same to be fenced and guarded, and shall cause a light sufficient for the warning of passengers to be set up and maintained against or near such road or pavement, where the same shall be open or broken up, every night during which the same shall be continued open or broken up, and shall keep the road or pavement, which has been so broken, in good repair for three months after replacing and making good the same, and for such further time, if any, not being more than twelve months in the whole, as the soil so broken up shall continue to subside.

32. If the Company open or break up any street or sewer, drain, or tunnel, without giving such notice as aforesaid, or in a manner different from that which shall have been approved of or determined as aforesaid, or without making such temporary or other works as aforesaid, when so required (except in the cases in which the Company are hereby authorized to perform such works without any superintendence or notice), or if the Company make any delay in completing any such work, or in filling in the ground, or reinstituting any work, &c.
or making good the road or pavement, or the sewer, drain, or tunnel, so opened or broken up, or in carrying away the rubbish occasioned thereby, or if they neglect to cause the place where such road or pavement has been broken up to be fenced, guarded, and lighted, or neglect to keep the road or pavement in repair for the space of three months next after the same is made good, or such further time as aforesaid, they shall forfeit to the persons having the control or management of the street, road, sewer, drain, or tunnel, in respect of which such default is made, a sum not exceeding Ten Pounds for every such offence, and they shall forfeit an additional sum of Five Pounds for each day during which any such delay as aforesaid shall continue after they shall have received notice thereof.

33. If any such delay or omission as aforesaid take place, the persons having the control or management of the street, sewer, drain, or tunnel, in respect of which such delay or omission shall take place, may cause the work so delayed or omitted to be executed, and the expense of executing the same shall be repaid to such persons by the Company, and such expenses may be recoverable in the same manner as damages are recoverable under this Act.

34. The Company shall do as little damage as may be in the execution of the powers by this Act granted, and shall make compensation for any damage which may be done in the execution of such powers.

35. The Company may, from time to time, enter into any contract with any person for lighting or supplying with gas any public or private building, or for providing any person with pipes, burners, meters, or lamps, and other gas fittings and things and for the repairs thereof; and may also, from time to time, enter into any contract, with the Council of the Municipal District aforesaid, and with the trustees, or other persons having the control of the streets within the limits of this Act, for lighting the same or any of them with gas, and for providing any such Council or such trustees, or persons with lamps, lamp-posts, burners, and pipes, and other gas fittings and things for such purpose, and for the repairs thereof, in such manner and upon such terms as shall be agreed upon between the Company and the said Council, trustees, or other persons.

36. The Company may let for hire any meter for ascertaining the quantity of gas consumed or supplied, and any fittings for the gas, for such remuneration in money as shall be agreed upon between the Company and any person to whom the same may be let; and such remuneration shall be recoverable in the same manner as the rent or sums due to the Company for gas; and such meters and fittings shall not be subject to distress for rent or to be taken in execution under any process of any Court of Law or Equity against the person in whose possession the same may be, nor be affected by any order of sequestration of the estate of such person.

37. The maximum price at which gas shall be sold by the Company
Company to all persons who shall burn the same by meter, shall not exceed Thirty Shillings per thousand cubic feet, and the Company shall not be entitled to charge a higher rate for gas supplied by contract to any person; and the maximum rent on meters supplied by the Company shall not exceed Twenty-five Pounds per centum on the cost price in Adelaide of the meter used.

38. All the gas to be supplied by the Company shall be of such minimum quality as to produce from an argand burner, having fifteen holes and a seven-inch chimney, or other approved burner and chimney, and consuming five cubic feet of gas per hour, a light equal in intensity to the light produced by twelve sperm candles of six in the pound burning one hundred and twenty grains per hour.

39. It shall be lawful for the Municipal Council of Adelaide to appoint, and from time to time to remove and again appoint, an inspector of meters, to be paid by them, and such inspector shall have at all times, on the application and at the expense of any consumer of gas supplied by the Company, a right to inspect and test the meters erected by the Company on the premises of the person making such request, after giving forty-eight hours’ notice of such intended inspection to the Company, or to their secretary, superintendent, or other officer; and, before such inspection, the person requiring such examination shall deposit, in the hands of the inspector, all money due, or appearing to be due, by such person to the Company, on an account delivered; and, in case such deposit shall appear to be in excess of the sum found to be due to the Company, such excess shall be returned to the consumer, with all charges for inspection paid by him.

40. The clerk, engineer, or other officer or servant, duly appointed for the purpose by the Company, may, at all reasonable times, between the hours of eight a.m. and ten p.m., enter any building or place lighted with gas supplied by the Company, in order to inspect the meters, fittings, and works for regulating the supply of gas, and for the purpose of ascertaining the quantity of gas consumed or supplied; and if any person hinder such officer or servant as aforesaid from entering and making such inspection as aforesaid at any reasonable time, he shall, for every such offence, forfeit to the Company a sum not exceeding Five Pounds.

41. If any person supplied with gas by virtue of this Act neglect to pay the rent due to the Company for the same, the Company (having first demanded the amount due) may, after the expiration of forty-eight hours, stop the gas from entering the premises of such person by cutting off the service-pipe, or by such means as the Company shall think fit, and recover the rent due from such person, if less than Twenty Pounds, together with the expenses of cutting off the gas, and the costs of recovering the rent, in the same manner as any damages for the recovery of which no special provision is made are recoverable under this Act; or, if the rent
so due amount to Twenty Pounds or upwards, the Company may recover the same, together with the expenses of cutting off the gas, by action in any Court of competent jurisdiction.

42. In all cases in which the Company are authorized to cut off and take away the gas from any building or premises under the provisions of this Act, the Company, their agents, or workmen, after giving twenty-four hours’ previous notice to the occupier, may enter such building or premises between the hours of nine of the forenoon and four in the afternoon, and remove and carry away any pipe, meter, fittings, or other works the property of the Company: Provided that all damages to property, of whatever description, occasioned by such removal as aforesaid, shall be made good by and at the expense of the Company.

43. Every person who shall lay or cause to be laid, any pipe to communicate with any pipe belonging to the Company, without their consent, or shall fraudulently injure any such meter, as aforesaid, or who in case the gas supplied by the Company is not ascertained by meter, shall use any burner other than such as has been provided or approved of by the Company, or of larger dimensions than he has contracted to pay for, or shall keep the lights burning for a longer time than he has contracted to pay for, or shall otherwise improperly use or burn such gas, or shall supply any other person with any part of the gas supplied to him by the Company, shall forfeit to the Company the sum of Five Pounds for every such offence, and also the sum of Forty Shillings for every day such pipe shall so remain, or such works or burners shall be so used, or such excess be so committed or continued, or such supply furnished, and the Company may take off the gas from the building and premises of the person so offending, notwithstanding any contract which may have been previously entered into.

44. Every person who shall wilfully remove, destroy, or damage any pipe, pillar, post, plug, lamp, or other work of the Company for supplying gas, or who shall wilfully extinguish any of the public lamps or lights, or waste or improperly use any of the gas supplied by the Company, shall for each such offence forfeit to the Company any sum not exceeding Five Pounds in addition to the amount of damage done.

45. Every person who shall carelessly or accidentally break, throw down, or damage any pipe, pillar, lamp, lamp-post, lamp-iron, or other apparatus belonging to the Company, or under their control, shall pay such sum of money by way of satisfaction to the Company for the damage done, as any two Justices shall think reasonable.

46. The Justice who shall issue any warrant of distress may order that the costs of the proceedings for the recovery of the money due to the Company shall be paid by the person or persons, or corporation liable to pay such money, and such costs shall be ascertained by such Justice, and shall be included in the warrant of distress for the recovery of such money.

47. No person shall fit up any apparatus or fittings, whereby gas shall be connected with mains.
shall be obtained from any main or pipe of the Company, without the consent, in writing, of the secretary or other officer first obtained for that purpose.

48. If the Company shall at any time cause or suffer to be brought or to flow into any river, stream, brook, creek, canal, reservoir, aqueduct, waterway, feeder, pond, spring head, or well, or into any drain communicating therewith, any washing or other substance produced in the making or supplying gas, or shall wilfully do any act connected with the making or supplying of gas, whereby the water in any river, stream, brook, creek, canal, reservoir, aqueduct, waterway, feeder, pond, spring head, well, waterpipe or watermain, shall be fouled, the Company shall forfeit for every such offence the sum of Twenty Pounds.

49. The said penalty of Twenty Pounds shall be recovered, with full cost of suit, before any Justice in a summary way, or in any Court of competent jurisdiction by Her Majesty, or any person into whose water such washings or other substance shall be conveyed, or shall flow, or whose water shall be fouled by any such Act, as aforesaid, but such penalty shall not be recoverable, unless it be sued for during the continuance of the offence, or within six months after it shall have ceased.

50. In addition to the said penalty of Twenty Pounds (and whether such penalty shall have been recovered or not), the Company shall forfeit any sum not exceeding the sum of Ten Pounds (to be recovered in the like manner), for each day during which such washings or other substance shall be brought or flow, as aforesaid, or the Act by which such water shall be fouled, shall continue after the expiration of twenty-four hours from the time when notice of the offence shall have been served on the Company on behalf of Her Majesty, or by any person into whose water such washings or other substance shall be brought, or shall flow, or whose water shall be fouled thereby, and such penalty shall be paid to Her Majesty, or to such last mentioned person as the case may be.

51. Whenever any gas shall escape from any pipe laid down or set up by, or belonging to the Company, they shall, immediately after receiving notice thereof, in writing, prevent such gas from escaping; and in case the Company shall not, within twenty-four hours next after service of such notice, effectually prevent the gas from escaping and wholly remove the cause of complaint, they shall for every such offence forfeit the sum of Five Pounds for each day during which the gas shall be suffered to escape, after the expiration of twenty-four hours from the service of such notice.

52. Whenever any water, within the limits hereinbefore mentioned, shall be fouled by the gas of the Company, they shall forfeit to the person whose water shall be so fouled, for every such offence, a sum not exceeding Ten Pounds, and a further sum not exceeding Five Pounds for each day during which the offence shall continue after the expiration of twenty-four hours from the service of notice of such offence.

53. For
53. For the purpose of ascertaining whether such water be fouled by the gas of the Company, the person to whom the water supposed to be fouled shall belong may dig up the ground, and examine the pipes, conduits, and works of the Company: Provided that such person, before proceeding so to dig and examine, shall give twenty-four hours' notice, in writing, to the Company of the time at which such digging and examination is intended to take place; and shall give the like notice to the persons having the control or management of the road, pavement, or place where such digging is to take place; and they shall be subject to the like obligation of reinstating the said road and pavement, and the same penalties for delay, or any non-feasance or misfeasance therein as are hereinbefore provided with respect to roads and pavements broken up by the Company for the purpose of laying their pipes.

54. If upon any such examination it appears that such water has been fouled by any gas belonging to the Company, the expense of the digging, examination, and repair of the street or place disturbed in any such examination, shall be paid by the Company; but if, upon such examination, it appear that the water has not been fouled by the gas of the Company, the person causing such examination to be made shall pay all such expenses, and shall also make good to the Company any injury which may be occasioned to the works by such examination.

55. The amount of the expense of every such examination and repairs, and of any injury done to the Company shall, in case of any dispute about the same, together with the costs of ascertaining and recovering the same be ascertained and recovered in the same manner as damages for the ascertaining and recovery whereof no special provision is made, are to be ascertained and recovered.

56. No judgment or other special or simple contract creditor of the Company, shall, by or under any law, title, or pretence whatsoever, levy or seize in execution, or in any way attempt to recover payment of any sum of money due to him from the Company by taking or removing any of the pipes or lamps of the Company, laid, placed, or fixed in, under, upon, or through any street or road within the limits of this Act, or in any building not being in the occupation of the Company.

57. The Justices before whom any person shall be convicted of any offence against this Act may cause the conviction to be drawn up according to the following form (that is to say)—

To wit {Be it remembered, that on day of , A. D. } A. B. is convicted before us C. D. and E. F., two of Her Majesty's Justices of the Peace [here mention the Jurisdiction of the Justices of the Peace, and describe the offence generally, and the time and place when and where committed] contrary to the [here cite this Act].

Given under our hands and seals at, in the Colony of South Australia, the day and year first above-written.

C. D.
E. F.

58. Every
58. Every person who, upon examination on oath, under the provisions of this Act, shall wilfully and corruptly give false evidence, shall be liable to the penalties of wilful and corrupt perjury.

59. One moiety of all penalties of sums of money recovered under this Act shall, where the application thereof is not otherwise provided for, be paid to the informer, and the other moiety to Her Majesty for the public uses of the said Province, and for the support of the Government thereof.

60. The Company shall, if thereunto required, supply gas to any Municipal Council, or District Council within the limits of the Act, on such terms and conditions as shall be agreed upon between such Council and the Company: Provided that such supply shall not be compelled to be furnished beyond thirty yards from the Company's main.

61. Nothing in this Act contained shall prevent the Company from being liable to an indictment for nuisance, or to any other legal proceedings to which they may be liable in consequence of making or supplying gas.

62. Nothing in this Act contained shall be deemed to affect any right, title, or interest of Her Majesty, Her Heirs, or Successors.

63. If any money shall be payable from the Company to any shareholder or other person being a minor, idiot, or lunatic, the receipt of the guardian of such minor, or the committee of such idiot or lunatic, shall be sufficient discharge to the Company for the same.

64. This Act may be cited as “The South Australian Gas Company's Act.”

65. This Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others within the said Province, without being specially pleaded.

66. This Act shall take effect from the first day of December, 1861.

In the name and on behalf of the Queen I hereby assent to this Act.

RICHARD GRAVES MACDONNELL,
Governor.

Government House, Adelaide,
29th November, 1861.