

THE METERS AND GAS ACT, 1881.

No. 233 of 1881.

An Act to provide for regulating the testing and stamping of meters used in the sale of gas, and for testing the quality of gas sold, and for other purposes.

[Assented to 18th November, 1881.]

WHEREAS it is expedient that the measurement used in sales of gas for lighting, heating, and other purposes should be hereafter regulated by one uniform standard, and that all meters should be stamped as hereinafter provided, and that consumers of gas should have a means of testing the quality of gas supplied—Be it therefore Enacted by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said Province, in Parliament assembled, as follows:

1. This Act may be cited as “The Meters and Gas Act, 1881.”

Title.
U.K. 22 & 23
Vict. c. 66,
10 & 11
Geo. 5 c. 28

2. This Act is divided into three parts, as follows:—

Division of
Act into
parts.

PART I.—Relates to testing and stamping of meters.

PART II.—Relates to testing and quality of gas.

PART III.—Definitions.

PART I.

PART I.

3. After the passing of this Act the only legal standard or unit of measuring for the sale of gas by meter shall be the cubic foot, containing 62.321 pounds avoirdupois weight of distilled or rain water weighed in air at the temperature of sixty-two degrees of Fahrenheit's thermometer, the barometer being at thirty inches, except as relates to contracts made before the passing of this Act by which a different unit of measure is adopted, which contracts shall not be renewed.

Fixing unit
of measure.
U.K. 22 & 23
Vict. c. 66,
s. 2;
10 & 11
Geo. 5 c. 28.
s. 1.

Application of Act: This Act does not apply to the South Australian Gas Company: Gas Act, 1924, s. 4. As to the operation of the Weights and Measures Act, 1934, in relation to this Act, see Weights and Measures Act, 1934, s. 61.

PART I.

Models of measures to be made and verified under the direction of the Commissioner of Crown Lands.

U.K. 22 & 23
Vict. c. 66,
s. 3.

4. Within six months next after the passing of this Act models of gasholders measuring the said cubic foot, and such multiples and decimal parts of the said cubic foot as the Commissioner of Crown Lands for the time being shall judge expedient, and from time to time, after the expiration of the aforesaid period of six months, models of such further multiples and decimal parts of the said cubic foot as the Commissioner shall from time to time think expedient shall be carefully made with proper balances, indices, and apparatus for testing the measurement and registration of meters; and such models shall be verified under the direction of the said Commissioner, and when so made and verified shall be deposited in the Surveyor-General's Office in Adelaide, and copies of the models so from time to time deposited, verified as aforesaid, shall be sent to the Mayor of Adelaide and the mayors of such municipalities as the aforesaid Commissioner may from time to time direct; and the said Commissioner of Crown Lands shall appoint a competent person or persons to design and make, subject to approval and by the direction of such Commissioner, stamps of a uniform design, to be used for stamping meters throughout the State, with only such variations of numbers or marks thereon as shall be sufficient to distinguish each inspector's municipality or district.

Council may appoint inspectors of meters.

Cf. U.K.
10 & 11
Geo. 5 c. 28,
s. 4.

5. It shall be lawful for the council of any municipality to appoint an inspector of meters at such salary and for such terms as to such council shall seem fit.

Officers in the Surveyor-General's Office to stamp copies of models.

Cf. U.K.
22 & 23
Vict. c. 66,
s. 6;
10 & 11
Geo. 5 c. 28,
s. 13

6. The copies of the said models so directed by the said Commissioner to be verified and stamped at the Surveyor-General's Office shall be compared with the models deposited with the Surveyor-General as aforesaid, and if correct shall be verified and stamped by some officer duly authorised by the Surveyor-General.

Expense of providing copies of models and remuneration of inspectors.

Cf. U.K.
22 & 23
Vict. c. 66,
s. 7.

7. The expense of providing and transmitting such copies of models of gasholders, with proper balances, indices, and apparatus aforesaid, and of the stamp to be used by the inspectors, and the remuneration which shall be paid to the inspectors shall be paid out of the lighting rate raised in such municipality applicable to lighting purposes; and if no such rates are imposed, then out of the general fund raised by the municipality.

s. 4. "State" substituted for "province" pursuant to the Acts Republication Act, 1934.

8. No maker, repairer, or seller of meters or of gas, or persons employed in making, repairing, or selling of meters or gas shall be an inspector of meters under the provisions of this Act; and every inspector shall forthwith enter into a bond or recognizance to the council or body appointing him, to be sued for in any court of record having jurisdiction, in such sum and either with or without surety or sureties as the council by whom he may have been appointed shall fix for the due and punctual performance of the duties of his office, and for the due and punctual payment at such time or times as he may be directed by the council by whom he may have been appointed, of all fees received by him under the authority of this Act, and for the safety of the said copies of models and stamps committed to his charge, and for their due restoration and surrender to such person or persons as may be appointed to receive them by the council aforesaid immediately on his removal or other cessation from office.

No maker or seller of meter, or person in the service of any gas company or manufacturers of meters or gas, to be an inspector.

Inspector to enter into recognizance.
U.K. 22 & 23
Vict. c. 66,
s. 8.

9. The council shall determine and appoint on what days, what hours, and what places each and every inspector shall attend with the said copies of models and stamps in his custody at each of the several places within their jurisdiction as they shall deem expedient, and every such inspector so attending shall examine, test, and, if found correct, stamp all such meters as shall be required under the provisions of this Act to be so examined, tested, and stamped, and shall deface or destroy the stamps of any meter tested and found incorrect under the provisions of this Act; and he shall keep a book wherein he shall enter minutes of all such examinations and testings, with the numbers of identity and capacity marked by the manufacturer on such meters, and give, if required, a certificate under his hand of every such stamping and defacing; and every inspector shall twice in every week account to the treasurer of the municipality or the person for the time being acting as treasurer, or to any such other person as shall be duly authorised by those by whom he may have been appointed, for all fees received by him under this Act, and shall pay the amount thereof to such treasurer as aforesaid, who shall account for the same.

Inspector to attend at places where gas is consumed when required by the Council.

Cf. U.K.
22 & 23
Vict. c. 66,
s. 9.

Inspector to pay fees to the treasurer of the municipality.

10. No meter duly stamped under authority of this Act shall be liable to be restamped, although the same be used in another place than that at which the same was originally stamped, but shall be considered as a legal meter, unless found to be incorrect within the meaning of this Act.

Meters when stamped need not be restamped.

U.K. 22 & 23
Vict. c. 66,
s. 10.

PART I.

Penalty on
inspector for
misconduct.
U.K. 22 & 23
Vict. c. 66,
s. 11.

11. In case any inspector of meters shall stamp any meter without duly testing and finding the same to be correct, or shall refuse, or for three days after being so required under the provisions of this Act neglect, without lawful excuse, to test any meter, or to stamp any meter found to be correct on being so tested, or shall be guilty of a breach of any duty imposed upon him by this Act, or shall otherwise misconduct himself in the execution of his office, every such offender shall, upon conviction, forfeit a sum not exceeding five pounds for every such offence.

Meters not to
be stamped
if more than
two per cent.
incorrect in
favor of the
seller, or three
per cent. in
favor of the
buyer, and to
be stamped if
erroneous to
no greater
extent.

U.K. 22 & 23
Vict. c. 66,
s. 12.

12. No meter shall be stamped which shall be found by the inspector to register, or be capable of being made by any contrivance for that purpose, or by increase or by decrease of the water in such meter, or by any other means practically prevented in good meters, to register quantities varying from the true standard measure of gas more than two per centum in favour of the seller, or three per centum in favour of the consumer; and every meter, whether stamped or unstamped, which shall be found by such inspector to register, or to be so capable of being made to register, quantities varying beyond the limits aforesaid, shall be deemed incorrect within the meaning of this Act; and every meter which shall be found by such inspector to measure and register quantities accurately or not varying beyond the limits aforesaid, and shall be found incapable by any such means as aforesaid of being made to register quantities varying beyond the limits aforesaid, shall be considered to be correct, and be stamped as aforesaid in such manner and on such part of the meter as shall be specially directed by the authority appointing him, or, in default of such directions, as shall in his opinion prevent fraud: Provided always that every meter bearing a measuring capacity at one revolution, or complete action of the meter of not less than five cubic feet, and having prominently marked upon it in some conspicuous place the words "without float," shall be stamped by the inspectors if found correct within the meaning of this Act in all other respects except that it is capable of being made by abstraction of water to register incorrectly against the seller of gas; but it shall not be lawful after the time aforesaid to use in the sale of gas any such meter when so stamped by the inspector except by written agreement between the buyer and seller specifying that this description of meter shall be used.

Certain meters
incorrect
against the
seller of gas
may be used
by agreement.

Rules for
testing meters.
U.K. 22 & 23
Vict. c. 66,
s. 13;
10 & 11
Geo. 5 c. 28,
s. 5.

13. The following rules shall be observed by the inspectors in testing meters under the provisions of this Act—Firstly, the meter shall be tested for soundness or leakage only, and not for percentage of error, when fixed on a horizontal base,

and with gas under a pressure equal to a column of water three inches high with a light or lights consuming not more than one-twentieth part of its measuring capacity per hour marked thereon, nor less than one-half of a cubic foot per hour for all meters of a measuring capacity not exceeding one hundred cubic feet per hour, and not more than one-fortieth part of its said measuring capacity per hour for all meters of any greater measuring capacity per hour than one hundred cubic feet; and all meters found to work under such test shall be deemed sound meters, and any meters found not to work under such test shall not be stamped. The meter to be tested for percentage of error shall be fixed on a horizontal base, and shall be tested at a pressure equal to a column of water five-tenths of an inch high, and passing the quantity of gas or atmospheric air per hour which shall be marked thereon as its measuring power per hour; and the water used in such testing, and the air of the room in which such testing shall be made, shall be as nearly as practicable of the same temperature as the gas or air passed through the meter.

14. If any person or persons shall make, except under the authority of this Act, or forge or counterfeit or cause or procure to be made, except as aforesaid, or forged or counterfeited, or knowingly act or assist in the making, except as aforesaid, or forging or counterfeiting any stamp or mark, which may be hereafter used for the stamping or marking of any meter under this Act, every person so offending shall, for every such offence, forfeit, on conviction, a sum not exceeding fifty pounds nor less than ten pounds; and if any person shall knowingly sell, utter, or dispose of, let, lend, or expose to sale any meter with such forged stamp or mark thereon; every person so offending shall, for every such offence, forfeit, on conviction, a sum not exceeding ten pounds nor less than forty shillings; and all meters with such forged or counterfeit stamps shall be forfeited and destroyed.

Penalty for
counterfeit-
ing stamps.

Cf. U.K.
22 & 23
Vict. c. 66,
s. 14.

15. Any person who shall knowingly repair or alter, or knowingly cause to be repaired or altered, or knowingly tamper with or do any act in relation to any stamped meter so as to cause such meter to register unjustly or fraudulently, or who shall prevent or refuse to allow lawful access to any meter in his possession or control or the supply of water thereto as hereinafter provided, or shall obstruct or hinder any examination or testing authorised by this Act of any such meter, shall, on conviction, forfeit a sum not exceeding five pounds, pay the fees for removing and testing, and the expenses of purchasing and fixing new meters: Provided

Penalty for
obstructing
inspector.

U.K. 22 & 23
Vict. c. 66,
s. 15.

PART I.

that the payment of any such penalty as aforesaid shall not exempt the person paying from liability to indictment or other proceedings at law to which he would be liable, or deprive any person of the right to recover damages against such persons for any loss or injury sustained by each act or default.

Consumer may
use any
stamped meter.
U.K. 22 & 23
Vict. c. 66,
s. 16.

16. Every consumer of gas may purchase and use for measurement of the gas supplied to him any meter duly stamped under the authority of this Act, and may connect such meter with the supply pipe leading immediately out of any meter affixed by the company or person supplying the gas: Provided that the gas to be consumed per hour shall not exceed the quantity per hour the meter is intended to measure so marked on the outside thereof as aforesaid.

Within a
period of four
years all
meters to be
stamped.
U.K. 22 & 23
Vict. c. 66,
s. 17.

17. Within a period of four years from the passing of this Act all meters whatsoever not previously stamped which shall be used for buying and selling gas, or for the collecting of any rates or duties, or for making any charges on the passage, transmission, or conveyance of gas, shall be examined and tested under the authority of this Act, and stamped if found correct; and every person who shall, after the time respectively fixed by this Act, knowingly use any meter which has not been so stamped as aforesaid shall, on conviction, forfeit a sum not exceeding five pounds; and any contract, bargain, or sale made by any such meter shall be void, and every such meter so used shall, on being discovered by any inspector so appointed as aforesaid, be seized, and on conviction of the person knowingly using or possessing the same, shall be forfeited and destroyed.

After twelve
months no
meter to be
sold, &c.,
unless stamped
—and un-
stamped may
be stamped
if required
or stamped
meter substi-
tuted at the
expense of the
person requir-
ing it.
U.K. 22 & 23
Vict. c. 66,
s. 18.

18. No meter for the purpose of ascertaining the quantity of gas sold shall be used or fixed for use after the expiration of twelve months after the passing of this Act unless the same shall have its measuring capacity at one revolution or complete action of the meter, and also the quantity per hour it is intended to measure in cubic feet or multiples or decimal parts of a cubic foot denominated or marked on the outside thereof in legible letters or figures, and shall be stamped by an inspector of meters under the provisions of this Act; and every person who, after the expiration of such twelve months, shall use or fix for use any such meter before it has been stamped, shall be liable to a penalty of five pounds for every such unstamped meter, and all meters required to be tested and stamped, except as hereinafter mentioned, shall be delivered to the inspector at the place where his testing gasholder and

apparatus may be kept, and every purchaser and seller of gas by meter may at his own expense, at any time after the expiration of the said twelve months, require any unstamped meter by which his gas is measured to be examined, tested, and, if found correct, stamped; or he may at his own expense substitute a stamped meter in the place of such unstamped meter: Provided always that such purchaser or seller of gas shall, before removal of any such unstamped meter for the purpose aforesaid, give twenty-four hours notice in writing of such intended removal to the other party to the contract.

19. The fees for examination, comparison, and testing with or without stamping meters shall be sixpence for each meter delivering a cubic foot of gas in four or more revolutions or complete repetitions of the action of the meter, and one shilling for such meter delivering a cubic foot of gas by any less number of revolutions or complete action, and for each meter delivering more than one cubic foot of gas by one revolution or complete action, the further sum of one shilling for every cubic foot of gas delivered at one revolution or complete action beyond the first cubic foot.

Fees for
testing and
stamping
meters.
Of. U.K.
10 & 11
Geo. 5 c. 28.
s. 11.

20. It shall be lawful for any inspector, authorised in writing under the hand of the mayor or town clerk of any municipality, at the request and expense of any buyer or seller of gas, who shall have given twenty-four hours' notice in writing to the other party to the contract, at all reasonable times to enter any house, or shop, store, warehouse, still, yard, or place whatsoever within his jurisdiction where any meter, whether stamped or unstamped, shall be fixed or used, and to examine and test the same, and, if necessary for such purpose, to remove such meter, doing as little damage thereby as may be; and if, upon such examination and testing, it shall appear that any such meter is incorrect within the meaning of this Act, or fraudulent, the same shall not be refixed or used again unless and until altered and repaired so as to measure and register correctly, and stamped; and the fees on such removal, examination, and testing of a meter, whether stamped and replaced or not, shall be double the fees hereinbefore made payable for testing and stamping, and shall be payable by the buyer or seller of gas as the council shall determine, and shall be recoverable accordingly: Provided always that, in case the head office of the person or company to whom such notice is to be given shall be more than twenty miles distant from the meter referred to in such notice, three days' notice in writing shall be given instead

Power to
inspectors to
enter houses,
&c., and
inspect gas
measures and
meters.
U.K. 22 & 23
Vict. c. 66,
s. 20.

of twenty-four hours' notice as aforesaid; and provided also that any person duly authorised by any company or persons selling gas by meter may supply water to any meter, so as to keep the water at the correct level.

Disputed
decision of
inspector to
be referred
to two inspec-
tors of adjoin-
ing districts,
&c.

U.K. 22 & 23
Vict. c. 66,
s. 21.

21. In case of any dispute between the buyer and seller of gas by meter, or between any owner of a meter and any inspector of meters under this Act, respecting the correctness of any meter, the inspector shall, if required by any such person dissatisfied with his decision, give such party his reasons in writing for such decision, and such party may require such meter to be examined and re-tested by two inspectors of adjoining or neighbouring districts, to be named by any justice of the peace; and the unanimous decision of such last-mentioned inspectors shall be final as to the correctness or incorrectness of such meter, except in case of appeal to a local court of full jurisdiction nearest to the place where such meter was fixed; and in case such two inspectors shall not agree, the decision of the inspector of the district to which such meter belongs shall be considered final, except in case of appeal to a local court, as hereinbefore mentioned; and the expenses of the proceedings to be taken under the powers hereby granted shall be ascertained by the said court, who shall also determine by and to whom the same shall be paid.

Persons
aggrieved may
appeal to
Local Court
of Full
Jurisdiction.

U.K. 22 & 23
Vict. c. 66,
s. 22.

22. All persons who may think themselves aggrieved by any act or decision of any inspector or inspectors of meters, or by any order, judgment, or determination of any justice of the peace relating to any matter or thing in this Act mentioned or contained, may appeal to the nearest local court of full jurisdiction at the then next practicable sitting to be held by the said local court of full jurisdiction nearest to which the alleged case of appeal shall arise, first giving seven days' notice in writing of such intention to appeal, and the grounds and nature thereof, to the party against whom such complaint is intended to be made, and forthwith after such notice entering into a recognizance before some justice of the peace, with two sufficient sureties, conditioned to try such appeal, and abide the order and award of the said court thereon; and the said local court shall either hear and determine the said complaints at such next sitting of the said court or, if they think proper, shall adjourn the hearing thereof till the following sitting of the said court; and the said local court may, if they see cause, reverse or alter such decision, and mitigate any penalty or forfeiture, and may order any money to be returned which may have been levied

in pursuance of such order or determination, and may also order any such further satisfaction to be made to the party injured as they shall judge reasonable, and may also order such costs to be paid by the party complained against to the party appealing, or *vice versa*, as they shall think reasonable.

23. Where any municipal corporation or person now have powers of appointing inspectors of meters, and they or such inspectors now have powers of stamping, re-stamping, examining, or testing meters, those powers and the provisions of this Act shall not be cumulative, but, on the passing of this Act, the provisions of this Act shall supersede all such powers.

This Act and existing powers not to be cumulative.
U.K. 22 & 23
Vict. c. 66,
s. 23.

24. No proceedings to be had or taken in pursuance of this Act shall be quashed or vacated for want of form, or be removed by *certiorari* or by any other writ or proceeding whatsoever into Her Majesty's Supreme Court of the State, any law or statute to the contrary notwithstanding.

Proceedings not to be quashed for want of form, or removed.
U.K. 22 & 23
Vict. c. 66,
s. 24.

25. All fees and penalties received and recovered under this Act shall be applied in aid of the fund out of which the expenses of carrying the Act into effect shall be defrayed, and all penalties incurred under the provisions of this Act shall be recoverable, with expenses, in a summary way before two or more justices of the peace, and the whole penalties, after deducting all charges, and such remuneration to the person prosecuting as the said justices shall think fit, shall be applied in aid of the funds liable under the provisions of this Act to the cost of providing or maintaining copies of the said models in the place where such penalties shall be awarded.

As to recovery and application of penalties.
U.K. 22 & 23
Vict. c. 66;
s. 25.

26. In all actions brought against any person for anything done in pursuance of this Act, or in the execution of the powers or authorities thereof, such action shall be laid and brought into the nearest local court within which the cause of action shall have arisen, and the defendant or defendants in such action may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon, and that the acts were done in pursuance or by the authority of this Act; and if they shall appear to have been so done, or that such action shall have been brought otherwise than as hereinafter directed, then, and in every such case, the jury shall find for the defendant or defendants upon which verdict, or if the plaintiff or plaintiffs shall

Limitation of actions, &c.

PART I.

become nonsuited or shall suffer a discontinuance of his, her, or their action after the defendant or defendants shall have appeared thereto, or if a verdict shall pass against the plaintiff or plaintiffs therein, or if upon demurrer or otherwise judgment shall be given against the plaintiff or plaintiffs therein, the defendant or defendants shall have his, her, or their costs, and shall have such remedy for recovering the same, as defendants have for recovering costs of suit by law in other cases.

Plaintiff not
to recover
after tender
of amends.

27. No plaintiff shall recover in any action for any irregularity, trespass, or otherwise, wrongful proceeding made or committed in the execution of this Act, if tender of sufficient amends shall have been made by or on behalf of the party or parties who shall commit such irregularities, trespass, or other wrongful proceedings before such action brought; and in case no tender shall have been made it shall be lawful for the defendant or defendants in any such action, by leave of the court wherein such action shall depend, at any time before issue joined, to pay into court such sum or sums of money as he, she, or they shall think fit, whereupon proceedings, order, and adjudication shall be had and made in and by such court as in other actions when defendants are allowed to pay money into court.

PART II.

PART II.

On complaints
as to the
quality and
quantity.

May appoint
a person as
examiner to
inquire and
report.

Cf. U.K.
34 & 35.
Vict. c. 41,
s. 30.

28. If at any time complaints as to the quantity or quality of the gas supplied by any company be made to the council by any householder supplied with gas by any gas company, it shall be lawful for the said council, at any time within one month of the receipt of such complaint, to direct an examiner after to inquire into and concerning the grounds of such complaint, and to report to the said council thereon.

Power of
examiner so
appointed.

29. When an examiner has been so appointed as aforesaid the town clerk shall give notice of such appointment in writing to the company, and at any time after twenty-four hours from the time of giving such notice as aforesaid the examiner shall have power to inspect and examine the gasworks of the company, and to inquire into and concerning the grounds of such complaint, and the company and their officers shall afford all reasonable facilities for such inspection, examination, and inquiry.

30. Any person obstructing such examiner in the due prosecution of such inspection, examination, or inquiry shall forfeit and pay any sum not exceeding ten pounds.

Penalty on obstructing examiner.

31. If, after receipt of such report, it shall appear to the said council that the said complaint is well founded, the said council shall give notice thereof in writing to the company.

Notice, if complaint well founded.

32. After the receipt of such notice the company shall, and they are hereby required within a reasonable time to, remove the grounds of such complaint.

Company to remove ground of complaint.

33. Every gas company shall in all things obey the orders of the said council, made in pursuance of this Act, and in default of their so doing they shall be liable to a penalty not exceeding fifty pounds for each offence.

Gas companies to obey orders of Council.

34. All the costs, charges, and expenses of and incident to any inquiry and decision of the said council, under this Act, shall from time to time be borne and paid by such parties as the said council shall direct, and such decision may, upon an *ex parte* application, be made a rule of any of Her Majesty's superior courts of law within the State.

Acts of altering district.

35. If the gas supplied by the gas company be at any time of a less illuminating power, or of less purity than according to this Act it ought to be, the gas company shall, for each offence, on a summary conviction before two or more justices, forfeit a sum not exceeding fifty pounds, and a further sum of ten pounds for every day, after notice in writing from the council, during which the offence continues: Provided that such justices shall not convict under this section if it shall be proved to their satisfaction that such defect of gas was occasioned by any unavoidable cause or accident.

Penalty for deficient illuminating power or impurity.
Cf. U.K. 10 & 11 Geo. 5 c. 28, s. 9.

36. The council of any municipality in which gas shall be supplied shall provide all proper and sufficient apparatus, machinery, and instruments for testing the illuminating power and purity of the gas, and from time to time shall appoint and, out of any funds applicable by them for their local purposes, may pay a chemical examiner or gas engineer or other competent person to be an examiner for the purposes of this Act; and every gas company shall, within twelve months after the passing of this Act, cause to be erected in some suitable testing place to be provided by the council of the district within which the mains of the company may for

Appointment by local authority of examiner of gas.
Cf. U.K. 24 & 25 Vict. c. 41, ss. 30-33; 10 & 11 Geo. 5 c. 28, s. 4.

s. 34. "State" substituted for "said province" pursuant to the Acts Republishation Act, 1934.

the time being be laid or otherwise upon the company's land, and in case of dispute between the company and the council as to the place, the same shall be fixed by a special magistrate upon the application of either party after hearing the parties thereon, an experimental meter furnished with a suitable burner capable of consuming five cubic feet of gas per hour, with other necessary apparatus for the purposes following—

- i. For testing the illuminating power of the gas supplied:
- ii. For testing the presence of sulphuretted hydrogen in the gas supplied:

The said apparatus shall be in accordance with the regulations prescribed in schedule A hereto, and shall be so situated and arranged as to be used for the purpose of testing the illuminating power and purity of the gas supplied by the company, and the company shall at all times thereafter keep and maintain such testing place and apparatus in good repair and working order.

The gas supplied by any person or company shall not exhibit any trace of sulphuretted hydrogen when tested in accordance with the rules prescribed by this Act, and shall be of such minimum quality as when so tested to produce from an argand burner having twenty-four holes and a seven-inch chimney, or other approved burner and chimney, a light equal in intensity to the light produced by fifteen sperm candles of six in the pound.

The company may, if they think fit, on each occasion of the testing of the gas by the gas examiner, be represented by some officer, but such officer shall not interfere in the testing.

Any tests taken in pursuance of this Act shall be taken in accordance with the rules prescribed in schedule B hereto.

The gas examiner shall, on the day immediately following that on which the testing of the illuminating power or purity of the gas has been conducted, make and deliver a report of the results of his testing to the council by whom he was appointed, and to the undertakers, and such report shall be receivable in evidence, and shall *prima facie* be deemed to be correct.

37. Whenever the undertakers neglect or refuse to give a supply of gas to any owner or occupier of premises within the limits of the special Act entitled to the same under such pressure as is prescribed, they shall be liable to a penalty not exceeding forty shillings for each day during which such default continues.

Cf. U.K.
10 & 11
Geo. 5 c. 28,
s. 5.

Penalties.
Cf. U.K.
24 & 25
Vict. c. 41,
s. 36.

If it shall be proved to the satisfaction of any two or more justices, not being shareholders in the undertaking, after hearing the parties, that on any day the gas supplied by the undertakers is under less pressure, of less illuminating power, or of less purity than it ought to be according to the provisions of this or the special Act, the undertakers shall in every such case forfeit and pay to the person or persons making application for testing the gas such sum, not exceeding twenty pounds, as the justices shall determine.

Penalties imposed on the suppliers or consumers of gas for one and the same offence by several Acts of Parliament shall not be cumulative.

38. The examiner shall, on giving three hours' notice to the secretary or engineer of the company, have access at all times to such experimental meter, and when and so often as it is necessary, or he is so directed by the council appointing him, shall examine the illuminating power and the purity of the gas supplied, and shall present to the council so often as they require a report stating the number of examinations on which the report is founded, and the maximum, minimum, and average illuminating power and gas supplied during the whole period to which the report relates, with such other information and remarks thereon as may be deemed necessary.

Examination of
gas and
report thereon.

39. Provided that two or more councils if they think fit may join in providing the apparatus, machinery, and instruments, and in appointing and paying the examiner, and he shall make his reports to every council so joining in appointing and paying him.

Two or more
local authorities
may join
in the appoint-
ment.

40. The examiner, on payment to him of a fee of ten shillings and sixpence by any consumer, shall at his request examine and report to him on the illuminating power and the purity of the gas supplied as hereinbefore mentioned, and any consumer may make complaint to any magistrate with respect to the illuminating power or purity of the gas supplied to the complainant, and the magistrate may entertain and hear the complaint and proceed thereon according to the provisions of this Act.

Complaint to
a Magistrate
as to supply
of gas.

41. Any magistrate may direct that notice be given to the complainant and the gas company to appear and be heard on the complaint at such time as he appoints, and each party shall thereupon appear and may be heard before a magistrate by themselves, their counsel, or solicitors.

Hearing on
report.

PART II.

Order on
hearing.

42. Where on the hearing, and whether or not the gas company have appeared, it appears to the magistrate that the complaint of any part thereof is well founded, he shall make an order declaring that the same is well-founded, and ordering the gas company to pay any penalty or penalties thereby incurred, and to remove within a reasonable time the grounds of complaint; and he may by the order direct that any specific acts shall be done by the gas company for removing the grounds of complaint, and may make any order as to costs, and all orders so made shall be final and binding on all parties.

Gas company
to obey order.

43. Where the gas company are served with any order so made, they shall within the time limited by the order remove the grounds of complaint thereby declared to be well founded, and pay the penalty or penalties, and the damages (if any), and costs (if any), thereby ordered to be paid by them.

Gas companies
to afford
facilities for
examination
under this Act.

44. The gas company and their officers, agents, and servants, and when there is any complaint made, the complainant shall afford to every examiner appointed by the council all reasonable facilities for the respective inspection, examination, and inquiry, and any person obstructing such examiner so appointed in the exercise of his duties under this Act shall for every such offence forfeit not exceeding ten pounds.

Incoming
tenant not to
pay arrears
of outgoing
tenant unless
by express
agreement.
U.K. 34 & 35
Vict c. 41,
s. 39.

45. In case any consumer leave the premises where gas was supplied to him without paying to the gas company the rate or meter rent due from him, the gas company shall not require from the next tenant of the premises payment of the arrears so left unpaid unless the incoming tenant agreed with the defaulting consumer to pay the arrears; but the gas company shall notwithstanding any such arrears, in the absence of collusion between the outgoing and incoming tenant supply gas to the incoming tenant, as required by this Act on being required by him so to do.

Recovery and
application of
penalties.

46. Every penalty imposed by this Act the recovery and application of which is not otherwise specially provided for by this Act, shall be recovered in a summary way before two or more justices, and shall be paid to the treasurer of the corporation.

Saving general
jurisdiction of
Courts of
law and equity.

47. No special remedy or provision for giving relief to any person given by this Act shall prejudice or diminish the general jurisdiction of any court of law or equity over or with respect to the acts or defaults in respect of which the special remedies or provisions are so given.

PART III.

PART III.

Definitions.

48. In construing this Act the word "meter" shall mean gas meter, and shall include every kind of machine used for measuring gas; and the word "person" shall include corporations; "council" shall mean the council of any municipal corporation; "municipality" or "municipal bounds" shall mean the area contained within the boundaries of any city or town incorporated under "The Municipal Corporations Acts" in force within the State of South Australia.

49. The provisions of this Act shall apply to every gas undertaking authorised by any special Act heretofore passed or hereafter to be passed.

Application of provisions.

SCHEDULE A.

Regulations in Respect of Testing Apparatus.

1. The apparatus for testing the illuminating power of the gas shall consist of the improved form of Bunsen's photometer, known as Letheby's open 60-inch photometer, or Evans's enclosed 100-inch photometer, together with a proper meter minute clock governor, pressure, gauge, and balance.

The burner to be used for testing the gas shall be such as shall be prescribed by the special Act.

The candles used for testing the gas shall be sperm candles of six to the pound, and two candles shall be used together.

2. The apparatus—

a. For testing the presence in the gas of sulphuretted hydrogen—A glass containing a strip of bibulous paper, moistened with a solution of acetate of lead containing 60 grains of crystallized acetate of lead dissolved in one fluid ounce of water

SCHEDULE B.

Rules as to Mode of Testing Gas.

I.—MODE OF TESTING FOR ILLUMINATING POWER.

The gas in the photometer is to be lighted at least fifteen minutes before the testing begins, and it is to be kept continuously burning from the beginning to the end of the tests.

Each testing shall include ten observations of the photometer, made at intervals of a minute.

The consumption of the gas is to be carefully adjusted to five cubic feet per hour.

The candles are to be lighted at least ten minutes before beginning each testing, so as to arrive at their normal rate of burning, which is shown when the wick is slightly bent and the top glowing. The standard rate of consumption for the candles shall be 120 grains each per hour. Before and after making each set of ten observations of the photometer, the gas examiner shall weigh the candles, and if the combustion shall have been more or less per candle than 120 grains per hour he shall make and record the calculations requisite to neutralise the effects of this difference.

The average of each set of ten observations is to be taken as representing the illuminating power of that testing.

MODE OF TESTING.

a. For sulphuretted hydrogen—The glass shall be passed through the glass vessel containing the strip of bibulous paper, moistened with the solution of acetate of lead, for a period of three minutes, and if any discoloration of the test paper is found to have taken place, this is to be held conclusive as to the presence of sulphuretted hydrogen in the gas.