

(W Whyte)

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Auckland Gas Company's Act Amendment.

“THE AUCKLAND GAS COMPANY'S ACT, 1871,”
AMENDMENT.

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SCHEDULE.

A BILL INTITULED

AN ACT to amend “The Auckland Gas Company's Act, 1871.” Title.

WHEREAS a Joint Stock Company was some time since incorporated Preamble.
 under the provisions of “The Joint Stock Companies Act, 1860” by the
 5 name of “The Auckland Gas Company, Limited,” having for its object
 the production of gas and the supply thereof within the city of Auckland
 and its vicinity : AND WHEREAS by “The Auckland Gas Company's Act,
 1871,” provision was made for authorising the Auckland Gas Company,
 Limited, to carry out the objects for which the said Company had been
 10 established : AND WHEREAS since the passing of “The Auckland Gas
 Company's Act, 1871,” certain inventions and discoveries have been and
 are from time to time being made as to the use of electricity for lighting,
 heating, motive, and other purposes : AND WHEREAS it will be for the
 convenience and advantage of the public and for the benefit of the said
 15 Company that the said Company should be in a position to
 supply electricity for lighting, heating, motive and other power,
 and for any other purposes to which the use of electricity

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is or may hereafter be applied or found to be applicable : AND WHEREAS the Shareholders of the said Company, by resolution duly passed at an extraordinary general meeting of the Company called for the purpose, have authorised the Directors of the said Company to apply to Parliament for a Private Bill to enable the Company to obtain the necessary powers : AND WHEREAS it is expedient to amend "The Auckland Gas Company's Act, 1871," also to extend and apply certain of its provisions to the production and supply of electricity, and to make additional provisions and regulations relating to the production and supply of gas and electricity by the Company and for other purposes incidental thereto. 10

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows :—

Short Title.

1. The Short Title of this Act is "The Auckland Gas Company's Act, 1871, Amendment Act, 1889." 15

Commencement of Act

This Act shall come into operation on the first day of January, One thousand eight hundred and ninety.

This Act is divided into the several parts as follows :—

Part I.—Preliminary.

Part II.—Electricity.

Part III.—Gas.

Part IV.—Miscellaneous.

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Part I.—PRELIMINARY.

Interpretation.

2. The following words and expressions in this Act shall have the meanings hereby respectively assigned to them unless there be something in the subject or context repugnant to such construction :— 25

The expression "the said Act" shall mean "The Auckland Gas Company's Act, 1871."

The word "Company" shall mean the Auckland Gas Company, Limited. 30

The expressions "local authority" or "local authorities" shall mean and include such of the local bodies as shall have control of the streets, roads, or public places, in such part of the limits of this Act as hereinafter defined as the particular matter with regard to which such expressions "local authority" or "local authorities" may refer or relate. 35

The word "district" in relation to a local authority shall mean the area within the jurisdiction of such local authority.

The word "rent" or expression "gas rent" used in the said Act or this Act shall include any reward or payment to be made to the said Company for the supply of gas or electricity or for the hire of any gas or electrical apparatus or machinery. 40

The word "wire" shall mean a wire, or wires, conductor, or other means used for the purpose of conveying, transmitting, or distributing electricity with any casing, coating, covering, tube, pipe, or insulator, enclosing, surrounding, or supporting the same, or any part thereof, or any apparatus connected therewith for the purpose of conveying, transmitting, or distributing electricity or electric currents. 45

3. The limits of this Act shall be the same as those prescribed by Limits of Act. the forty-sixth section of the said Act.

Part II.—ELECTRICITY.

4. From and after the coming into operation of this Act, all the Powers, &c., granted by Gas Act to extend to electricity. 5 rights, powers, and privileges heretofore granted to, and all the penalties, stipulations, and obligations imposed upon the Company by the said Act for and relating to the manufacture and supply of gas, shall, so far as the same are applicable, be and the same are hereby granted to and imposed upon the Company, for and relating to the production and 10 supply of electricity for lighting, heating, motive, and other power or other purposes.

5. In addition to the powers granted by the said Act it shall be lawful for the Company, under the superintendence specified in the said Act and of the Superintendent, or other officer having the control 15 or management of Electric Lines in New Zealand, and with the consent of the local authority of the district, to erect all posts, electric light elevators, and standards, together with all wires and appliances necessary for supplying electricity, within the limits of this Act for all purposes, and for connecting electric apparatus at 20 a distance with other electric apparatus, and for the formation of electric exchanges or centres, and, if necessary, to form centres at which electric power may be generated or accumulated and from which the same may be distributed for the purposes of affording light, heat, motive, and other power or for other purposes for public 25 and private use : Provided always that all wires and appliances as aforesaid, crossing any street, shall, if above the surface, be placed at least sixteen feet from the ground, and that the free use and enjoyment of any street over, along, or across which any such wire may pass be not hindered or obstructed further than is absolutely necessary for the pro- 30 per construction and repair of such wires and appliances.

Power to erect posts, elevators, and standards

Proviso.

6. From and after the coming into operation of this Act the said Construction of Gas Co.'s Act. Act shall be read and construed and take effect as though

In the third section after the words "service pipes" in the fifth 35 and seventh lines thereof, the words "wires and apparatus necessary for supplying electricity" were inserted in each instance ; and after the words "pillar lamps" in the twelfth line thereof, the words "posts, electric light elevators, and standards," were inserted ; and after the word "gas" in the thirteenth line thereof the words "and electricity" were 40 inserted.

In the fourth section of the said Act after the word "pipe" in the second, fifth, sixth, and eighth lines thereof, the words "wire or apparatus" were inserted in each instance.

In the fifth section of the said Act, after the word "pipe" in the 45 third and ninth lines thereof, the words "or wire or apparatus" were inserted in each instance ; and after the word "lamp," in the twelfth line of the said section, the words "or the supply of electricity for any purpose" were inserted.

In the sixth section of the said Act, after the word "pipes" in 50 the seventh line thereof, the words "wires or apparatus" were inserted.

- In the seventh section of the said Act, after the word "tunnel" in the fourteenth line thereof, the words, "and no posts, electric light elevators, or standards supporting wires, or other necessary apparatus for the purpose of supplying electricity, shall be erected in any street or public place, 5 except under the superintendence of the local authority or local authorities having the control or management thereof, and under the direction and superintendence of the superintendent or other officer having the control or management of electric lines," were inserted; and after the 10 word "tunnel" in the seventeenth line thereof, the words "or the erection of such posts, elevators, or standards as aforesaid," were inserted; and after the word "same" in the nineteenth line thereof, the words, "or erecting any post, elevator, or standard," were inserted. 15
- In the ninth section of the said Act, after the words "or tunnel" in the second line thereof, the words "or erect any posts, electric light elevators, or standards as aforesaid," were inserted.
- In the fifteenth section of the said Act, after the word "gas" in 20 the second and sixth lines thereof, the words "or electricity" were inserted in each instance; and after the word "pipes" in the third, and the word "burners" in the seventh line thereof the word "wires" was inserted in each instance; and after the word "lamps" in the fourth and the word 25 "pipes" in the seventh line thereof the words "and all apparatus necessary for the supply of electricity" were inserted in each instance.
- In the seventeenth section of the said Act, after the word "gas" in the third, fourth, and fifth lines thereof, the words "or 30 electricity" were inserted in each instance.
- In the eighteenth section of the said Act, after the word "gas" in the first, second, and sixth lines thereof, the words "or electricity" were inserted in each instance, and after the words "main pipe" in the third line the words "or service 35 wire" were inserted.
- In the nineteenth section of the said Act, after the word "gas" in the second line thereof, the words "or electricity" were inserted.
- In the twentieth section of the said Act, after the word "gas" in 40 the second line thereof, the words "or electricity" were inserted; and after the word "fittings" in the seventh line of the said section the words "wire, apparatus," were inserted.
- In the twenty-first section of the said Act, after the word "gas" in the fifth, sixth, tenth, eleventh, and sixteenth lines, 45 the words "or electricity" were inserted in each instance; and after the word "pipe," in the first, second, and fourteenth lines, the words "wire or apparatus" were inserted in each instance.
- In the twenty-second section of the said Act, after the word 50 "gas" in the second line thereof, the words "or electricity" were inserted.

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In the twenty-third section of the said Act, after the word "gas" in the first and sixth lines thereof, the words "or electricity" were inserted in each instance.

5 In the twenty-fourth section of the said Act, after the word "gas" in the third and fourth lines thereof, the words "or electricity" were inserted in each instance; and after the word "lamp" in the second line of the said section, the words "wire, elevator, standard" were inserted.

10 In the twenty-fifth section of the said Act, after the word "lamp" in the second line thereof, the words, "wire, elevator, standard, or other apparatus," were inserted.

15 In the twenty-sixth section of the said Act, after the word "gas" in the first and third lines thereof, the words "or electricity" were inserted in each instance; and after the expression "gas-fitting" in the second line thereof, the words, "wire, lamp, or apparatus for supplying electricity," were inserted.

7. Subject to the provisions of the said Act and this Act, it shall be lawful for the Company from time to time to construct and maintain such electric works, machinery, and apparatus, and to do such other acts and things as they shall think necessary for producing, generating, and supplying electricity within the limits of this Act, and to supply and contract for the supply of such electricity upon such terms as shall be agreed upon between the Company and the persons or corporations supplied therewith.

Power to construct electric works.

25 8. The Company may buy or hire and may manufacture and supply, sell, or let, wire, apparatus, appliances, and machinery of all descriptions, and all materials and fittings for the use of electricity, and also engines and machines for domestic, manufacturing, industrial, commercial, or any other purposes whatever to be worked by means of electricity for the production of lighting, heating, motive, or other power, or for any other purpose for which electricity may now or hereafter be used, and any materials or fittings to be used in connection therewith.

Power to supply wire, etc.

30 9. The Company may charge for any wire, machines, engines, apparatus, appliances, materials, fittings, and other things manufactured, supplied, sold, or let under the powers of this Act, such price, rent, or sum as may be agreed upon between the Company and the other party to any such agreement.

Charges for machines, etc.

40 10. Nothing in this Act contained shall be deemed to imply any agreement or undertaking on the part of Parliament not to grant powers similar to those granted by this Act in respect to electricity, to any other person or Corporation.

Monopoly not granted.

45 11. Nothing in this Act contained shall empower, or be deemed to empower, the Company to establish telegraphs or telephones, or send telegraphic or telephonic messages.

Act not to establish telegraphs and telephones.

Part III.—GAS.

12. Section 16 of the said Act is hereby repealed.

50 13. The Company may buy or hire, and may supply, sell, or let, meters, burners, tubes, and stoves, or ranges for lighting, heating, or cooking by means of gas and any other materials or fittings of any kind whatsoever for the use of gas for domestic or other purposes; and also engines and machines for domestic manufacturing, industrial or any other

Repeal of Section 16 of Gas Act. Power to supply gas fittings, engines and other apparatus.

purposes whatever, to be worked by means of gas for the production of motive power, and any materials or fittings to be used in connection therewith.

Charges for fittings, etc.

14. The Company may charge for any stoves, engines, machines, fittings, and other materials and things supplied, sold or let under the powers of this Act, such price, rent or sum as may be agreed upon between the Company and the other party to any such agreement. 5

Power to utilise residual products.

15. The Company may utilise and distribute materials used in and about the manufacture of gas and the residual products arising from such manufacture, and may convert such products into other materials, and may deal with, sell, and dispose of lime, coke, tar, asphaltum, chemicals, and other residual and manufactured products. 10

Power to manufacture gas apparatus, etc.

16. The Company may manufacture and supply gas meters, fittings, gas stoves, and cooking and other apparatus, and may also manufacture, deal in, and contract for doing work in connection with fittings, tubes, meters, pipes, apparatus, stoves, ranges, and apparatus for heating; and also engines and machines for the production of motive power for domestic, agricultural, manufacturing, and other purposes by means of gas, and all articles and things in any way connected with gasworks, or with the supply, use, or consumption of gas, and may take charges and remuneration in respect thereof. 15 20

Reserve Fund.

17. Subject to the proviso hereinafter contained, the Company may, from time to time, set aside out of its profits or out of premiums received on sale of shares such sums as may seem proper towards a reserve fund to meet contingencies or for equalising dividends or extending and improving the Company's works, or for buying or otherwise acquiring any land, or for providing any plant, machinery, apparatus, or other property which the Company may deem necessary for any of its purposes, or for insuring any of the Company's property, and may, from time to time, invest the sums so set apart in Government securities or upon mortgage of real estate in the Colony of New Zealand, or in debentures of the Corporation of the City of Auckland, or any other Municipal Corporation, or by depositing the same at interest with the banker of the Company or any bank the Company may approve, and may accumulate the accruing income at compound interest: Provided that the Reserve Fund shall never be permitted to exceed a sum equal to one-tenth of the combined amount of the paid up capital of the Company (including premiums capitalised as hereinafter provided), and of the principal sums secured upon the property and revenues of the Company for the time being, and that the Company shall not carry to the Reserve Fund in any year more than a sum equal to three per cent. on such combined amount. 25 30 35 40

Distribution of profits limited.

18. Section forty-five of the said Act is hereby repealed, and, except as herein provided, the profits to be divided amongst the members in any year shall not exceed the rate of twelve per centum (and which rate is in this Act hereafter referred to as "the standard rate of dividend") on the paid up capital of the Company, for the time being (including premiums capitalised as aforesaid). 45

Fixing standard price of gas with sliding scale as to dividends.

19. The standard price (except as hereinafter provided) to be charged by the Company for gas supplied by it from mains at present laid, or which may hereafter be laid by the Company within the present boundaries of the places mentioned in the Schedule to this 50

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Act, and of any places, within the limits of this Act, vested by five Crown Grants in the Auckland Harbour Board (and which Crown Grants are dated respectively the 23rd day of March, 1858, the 15th day of December, 1876, the said 15th day of December, 1876, the 3rd day of August, 1876, and the 14th day of December, 1887), shall be eight shillings and fourpence per one thousand cubic feet, provided that the Company shall allow a discount of tenpence per one thousand cubic feet for payment of gas rents, made at the Company's registered office in Auckland, at the periods from time to time notified on the Company's accounts : Provided further that the Company may increase or diminish such standard price (but without prejudice to the allowance of such discount as aforesaid), subject (except as in section 20 of this Act expressly provided) to a decrease or increase in the standard rate of dividend, to be calculated as follows :

15 For every five farthings or part thereof charged in excess or in diminution of such standard price in any year, the standard rate of dividend shall for such year be reduced or increased by five shillings in the hundred pounds per annum.

And provided also that the Company may charge for gas supplied by it to any borough, district, or other place within the limits of this Act, other than those named in the said Schedule and such places vested in the Auckland Harbour Board as aforesaid, a higher price per one thousand cubic feet than the said standard price of eight shillings and fourpence as aforesaid.

20 20. If for any one calendar month the average wholesale price in Auckland of gas coal (other than cannel coal) delivered at the works of the Company shall exceed thirty shillings per ton the Company may, so long as such average price shall continue above thirty shillings per ton, charge a proportionately higher price or rate than the said standard price of eight shillings and fourpence per thousand cubic feet either to persons who burn by meter or to persons supplied by contract, but it is hereby expressly provided that the charging of such proportionately higher price or rate shall not involve or render necessary a decrease in the standard rate of dividend as aforesaid.

Power to increase standard price of gas if price of gas coal exceed certain sum.

35 Part IV.—MISCELLANEOUS.

21. Where any gas or electric apparatus, wire, meters, stoves, engines, machines, materials, appliances, or any fittings for the gas or electricity belonging to the Company are placed in or upon any premises, not being in the possession of the Company, for the purposes of supplying gas or electricity under this Act or the said Act, such gas or electric apparatus, wire, meters, stoves, engines, machines, materials, appliances, or fittings for the gas or electricity, shall not be subject to distress, or to the landlord's remedy for rent of the premises where the same may be used, nor to be taken in execution under any process of a Court of law, or any proceedings in bankruptcy against the person or persons in whose possession the same may be.

Electric apparatus and gas fittings, etc., not subject to distress.

22. The Company may, subject to the provisions of this Act, but only for the purposes of the Company's business within the limits of this Act (and not so as to acquire any exclusive right therein) contract for, take, and use any leave, license, or authority to work, use, exercise,

Power to take licenses for patents.

and put in practice any invention, under letters patent, heretofore made or hereafter to be made, granting any right or privilege of working, using, or vending any invention in relation to the manufacture, supply, use and distribution of gas or electricity, or the conversion, manufacture, or utilisation of any products obtainable in, or arising from the manufacture of gas, or from the materials used therein. 5

Saving of existing contracts.

23. Except as is by this Act otherwise specially provided nothing in this Act contained shall alter, vary, or affect any contract or agreement duly made, or any liability incurred before the commencement of this Act. 10

Proviso as to General Acts.

24. Nothing in this Act shall exempt the Company from the provisions of any general act relating to the supply of electricity which may be passed in this or any future session of the General Assembly of New Zealand.

Incorporation and powers of Company, except so far as specifically altered, to remain.

25. Nothing in this Act contained shall be construed to affect the constitution or incorporation of the Company, but the Company shall continue under its original incorporation with the powers and privileges by this Act conferred, and subject to the additional duties and liabilities by this Act imposed. 15

Saving of provisions of prior Acts, except where expressly altered.

26. Nothing in this Act contained shall be taken to repeal or pre-20 judicially affect anything contained in the said Act, or "The Gas Companies' and Consumers' Liability Act, 1882," except where the same may be expressly altered or modified by the provisions of this Act.

Expenses of Act.

27. All the costs, charges, and expenses of incident and preliminary to the preparing and applying for, obtaining, and passing of this Act 25 and otherwise in relation thereto shall be paid by the Company.

Moneys received for premiums on shares sold to be capitalised.

28. Whereas the Company has, in exercise of the powers vested in it from time to time, increased its capital, and there are now twenty thousand seven hundred and fifty-seven shares of the Company undisposed of: and whereas the Company has at different times received various 30 premiums on shares sold by it, and such premiums have amounted in the aggregate to the sum of Fifty-five thousand seven hundred and forty pounds eight shillings and sixpence, which sum has been expended in extending the works of the Company and acquiring additional plant therefor: And whereas there is still a liability of One pound five 35 shillings for unpaid premiums on thirteen thousand seven hundred and forty-three shares issued by the Company: And whereas it is considered advisable and equitable to cancel the liability for such unpaid premiums as aforesaid, and also to capitalise the said sum of fifty-five thousand seven hundred and forty pounds eight shillings and sixpence, 40 and to add to such last-mentioned sum, out of the reserve fund of the Company, the sum of one hundred and eighty-eight pounds six shillings and sixpence, in order to provide for the payment in full of the number of shares required for the purpose of distribution amongst shareholders as hereinafter mentioned:— 45

Be it therefore further enacted that the said sum of fifty-five thousand seven hundred and forty pounds eight shillings and sixpence, and the said sum of one hundred and eighty-eight pounds six shillings and sixpence to be taken out of the reserve fund of the Company as

aforesaid, making together the sum of fifty-five thousand nine hundred and twenty eight pounds fifteen shillings, shall be and the same are hereby capitalised.

29. It shall be lawful for the Company to divide into half shares of two pounds ten shillings each as many of the said shares so undisposed of as aforesaid as may be necessary for the purposes hereinafter mentioned, and to issue and divide in manner hereinafter mentioned, as many of such shares and half shares as may be necessary for division and distribution amongst the shareholders of the Company as is hereinafter directed.

Power to divide shares into half shares.

30. It shall be lawful for the Company to apply the said sum of fifty-five thousand nine hundred and twenty-eight pounds fifteen shillings towards payment for the said shares so to be issued, and divided so that such shares shall be fully paid-up or half paid-up as the case may require; and to issue and divide such shares in manner following, that is to say:—Every shareholder shall be entitled to receive one new share of five pounds for every two shares held by him, provided that in the case of holders of fully paid-up shares, such new shares shall be deemed to be fully paid-up shares, and in the case of holders of half paid-up shares such new shares shall be deemed to be only half paid-up, and subject to a liability of two pounds ten shillings per share. Provided further that any holder of half paid-up shares may elect to take half the number of fully paid-up new shares instead of half paid-up shares, to which he otherwise would be entitled.

Shares to value of amount capitalised may be divided amongst shareholders.

31. In order to carry out the said division the Company may issue and distribute half shares either fully paid-up or half paid-up, as the case may require, provided that no more half shares shall be issued than may be found necessary to meet the exigencies of each case. Provided also that if at any time two or any multiple of two of such half shares shall become vested in the same proprietor, such half shares shall immediately thereupon become *ipso facto* consolidated into whole shares and shall thereafter be dealt with accordingly.

Company may issue half shares where necessary.

When half shares to become consolidated.

SCHEDULE.

City of Auckland.

Boroughs of Devonport, Newmarket, Newton, Onehunga, and Parnell.

Highway Districts of Arch Hill, Eden Terrace, Epsom, Mount Albert, Mount

Eden, Mount Roskill, One Tree Hill, Point Chevalier, and Remuera.