

New Zealand.



ANALYSIS.

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1895, No. 11.—*Local.*

Title.

AN ACT to make Further Provision for the Drainage and Sewerage of the City of Dunedin, and to confer Extended Powers on the Local Authority thereof. [12th September, 1895.]

BE IT 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 Dunedin Drainage and Sewerage Act, 1895."

2. In this Act, if not inconsistent with the context,—

Interpretation.

“City” means the City of Dunedin, as the same is now or may hereafter be constituted by law, and includes the area of land for the time being included in the said city :

“Council” means the Council of the said city :

“Corporation” means the Mayor, Councillors, and Citizens of the City of Dunedin :

“Public drain” means a public drain within the meaning of “The Municipal Corporations Act, 1886,” now or hereafter to be vested in the Corporation within the meaning of that Act, and includes every channel used by the Corporation for carrying sewage and drainage :

“Private drain” means any drain, not being a public drain, whereby drainage or sewage of any land or building, or lands or buildings, is or are drained into a public drain, covered or other watercourse, or street channel :

“Right-of-way” shall include any land over which any right of way may exist, or by which access is given from any street or private street to any house or houses, and any lane or place popularly or usually called a right-of-way :

“Sewage” means all sewage and drainage, not being surface-water, arising from any building :

“Surface-water” includes rain-water from any roof :

“Owner” of any land or building means the person named as owner in the valuation-roll for the time being in force in the district in which such land or building is situate :

“Covered watercourse” means any stream or watercourse into which any sewage or surface-water is led, and which, for any portion of its length, is enclosed or partly enclosed in any drive, tunnel, or piping, or by timber-work, brick-work, ironwork, or otherwise; but no portion of the length that is neither wholly nor partly enclosed shall be included in the term :

“Public notice” has the meaning assigned to these words in “The Municipal Corporations Act, 1886” :

“Drainage Engineer” means the officer of the Council for the time being in charge of the main drainage works of the city, and in the absence of any proof that such officer has been appointed, or failing such appointment, shall mean the City Surveyor for the time being.

POWERS OF COUNCIL.

3. It shall be lawful for the Council, notwithstanding anything contained in any public Act of the General Assembly, or in any by-law heretofore made by the Council under any such Act, by notice in writing, to require the owner of any premises situate within the city to do all or any of the following things, that is,—

Council can compel private drains and appliances to be constructed or altered.

- (1.) Provide, construct, and lay any new private drains from any part or parts of such premises, and connect such new private drains with such public drain or covered watercourse or street-channel as the Council shall direct.

New private drains.

Alter existing drains.

(2.) Cleanse and repair, and relay and alter the course and direction and outfall of, or take up and disconnect, any existing private drain of or belonging to such premises.

Connections.

(3.) Connect any existing private drain with any public drain, or with any covered watercourse or street-channel other than the public drain, covered watercourse, or street-channel with which the same shall previously have been connected.

Sanitary appliances.

(4.) Provide and affix in or to any such existing private drain, and in or to any such new private drain, all such traps, methods of ventilation, and other sanitary appliances whatever, as the Council shall direct.

Connections of closets, &c.

(5.) Connect or disconnect any existing or new private drain with or from any bath, water-closet, urinal, sink, grease-trap, or other sanitary appliance.

General.

(6.) Execute, provide, and do generally any works, materials, and things which, in the opinion of the Council, shall be necessary or expedient for the efficient drainage of such premises, and every part thereof.

Notice to specify work.

Every such notice as aforesaid shall specify the works, materials, and things to be executed, provided, or done thereunder, and the public drain, or covered watercourse, or street-channel with which any private drain shall be required to be connected, and shall limit a time within which the same works, materials, and things shall be so executed, provided, and done.

Separation of sewage from surface-water.

The foregoing powers shall, amongst other things, enable the Council to require any owner of premises to cause the sewage and surface-water respectively arising therefrom to be drained by separate drains to separate outfalls: Provided always that the Council shall not in any such notice require any sewage to be carried into any street-channel.

Any notice, order, or direction purporting to be given or made by or with the authority of the Council, or any officer thereof, shall be deemed to be a notice within the meaning of this Act and of "The Municipal Corporations Act, 1886," touching any matter connected with the subject of this Act, or of any by-law under this Act or the said Act, without proof of such authority. Any notice served in the same manner in which a demand for the payment of rates may be served shall be deemed to have been duly served.

Case of several separately-owned premises.

4. In any case in which any such existing private drain passes through or serves several separately-owned premises, or any such new private drain is to pass through or serve several such separately-owned premises, the Council may notify the respective owners of such premises to execute, provide, and do such parts of the works, materials, and things under section three hereof as the Council shall in and by the respective notices served on such owners direct. The Council may, in any such case, elect to do the whole of the work without notifying such respective owners as aforesaid, such election to be signified by notice in writing served on each such owner. The Council may, by any such notice as last aforesaid, declare that any existing or new drain in question shall, as from the time to be mentioned in that behalf in the notice, become a public drain, and the same shall without

any other proceeding become a public drain accordingly. Neither such election nor such declaration as aforesaid shall prevent the Council from imposing upon the said owners all or any part of the cost of such work under the provisions hereinafter contained.

5. The Council may enclose and cover in any stream or watercourse within the city which, by reason of sewage or other offensive matter therein, or from any other cause whatever has, or, in the opinion of the Council, may become a nuisance or become offensive or dangerous to the public health, and for such purpose may make, construct, and lay down such drains, or do such other works, as may in the opinion of the Council be necessary for the covering of such stream or watercourse, and the removal therefrom of any sewage or other matter which in the opinion of the Council it may be advisable to exclude therefrom; and in connection with such works may straighten or otherwise alter the course and direction of such stream or watercourse, and take up, disconnect, alter, relay, or otherwise deal with any private drains communicating with such stream or watercourse; and the Council shall not be liable to pay compensation in respect of any one being deprived of the water flowing in such stream or watercourse, or of the right to such water, nor for any damage or inconvenience occasioned to the owners or occupiers of such lands or premises, but shall nevertheless make good any damage or injury caused during the construction of the works.

The Council may cover in watercourses.

6. Every sum of money payable by an owner of any premises under or by virtue of any provision of this Act hereinbefore or hereinafter contained, for or in respect of any work, materials, or things executed, provided, or done by the Council in pursuance of this Act, or of any by-law made hereunder, may be divided into instalments extending over five, ten, or fifteen years as the Council may determine, with interest on any balance at the rate of five per centum per annum added; and each such instalment and any such interest shall be recoverable in like manner in every respect as if it were a general rate of the city duly made in respect of the premises in question under the statutory provisions under which the general rate of the city should or might for the time being be made, and shall generally be deemed to be a general rate within such statutory provisions, subject nevertheless to the following conditions:—

Moneys payable by owners to be collected in instalments as rates.

- (1.) The owner for the time being of the premises in question shall in all cases be deemed the person primarily liable for payment of all instalments already due or falling due during his ownership:
- (2.) The first instalment shall become due on the first day for payment of such general rate after the date, to be certified in writing by the Drainage Engineer, of the completion of the work in respect whereof payment is to be made. The remaining instalments shall respectively become due on the succeeding days for payment of the general rates until the whole sum with interest is paid:
- (3.) A separate book shall be kept by the Collector of Rates to the Council, in which particulars of all such instalments, and of the works in respect whereof they are payable, and of the dates for payment thereof, and of the names of the

Owners primarily liable.

Dates of instalments.

Rate-book.

persons paying the same, shall be entered, which book shall be *prima facie* evidence of the correctness of its contents :

Rebates on
payment off.

- (4.) The owner for the time being may at any time, on giving to the Council one calendar month's previous written notice, pay to the Corporation, and the Corporation may receive, the whole of the unpaid parts of such sum of money, and such owner shall be entitled to a rebate representing the future interest.

By-laws.

7. The Council may, in manner provided by "The Municipal Corporations Act, 1886," from time to time make, alter, and repeal, and bring into force, all such by-laws as it shall think proper and reasonable for the purpose of carrying out or giving further effect to the provisions of sections three, four, five, and six hereof; and in particular, but not so as to limit the foregoing general power, or any power vested in the Council by virtue of any law for the time being in force, the Council may by any such by-law—

- (1.) Prescribe the forms of any notices, orders, and directions required or contemplated by this Act or by "The Municipal Corporations Act, 1886," touching matters connected with the subject of this Act, and direct by whom the same shall or may be signed, and the manner of service thereof :
- (2.) Direct in what cases the expense of the works described in all or any of such sections shall be borne by the Council, and in what cases by the owner or owners of the premises, and in what cases, if any, partly by the Council and partly by such owner or owners :
- (3.) Provide for the conclusive ascertainment of the expenses of such works, and of the portion payable by any owner or owners, and of the proportions payable by the respective owners of separately-owned premises :
- (4.) Direct the mode of calculating and conclusively ascertaining the amount of the said instalments of principal and interest in respect of sums payable by owners, and the interest to be allowed on payment-off of the unpaid parts of any sum as aforesaid :
- (5.) Prescribe the form and mode of demand for such instalments, and direct by whom the same shall or may be signed, and the mode of service thereof :

Proviso.

Provided always that nothing herein contained shall authorise the Council to charge any owner with the cost of constructing and laying any new drain in place of, or making any alteration or addition to, any drain which, subsequently to the coming into operation of "The Municipal Corporations Act, 1886," was laid in accordance with the by-laws of the city for the time being in force.

BY-LAWS.

General by-laws as
to drainage.

8. The Council may, in manner provided by "The Municipal Corporations Act, 1886," make, alter, repeal, and bring into force, all such by-laws as they shall think proper and reasonable with respect to the subject of drainage, sewerage, and sanitation; and in particular,

but without limiting the generality of this section, and without restrictively affecting any power now or at any time possessed by it, the Council may by any such by-law provide as to all or any of the following matters :—

- (1.) For prescribing the size, materials, construction, grade, ventilation, and other particulars of all private drains laid or to be laid within the city, and compelling the providing and laying of private drains by the owners or occupiers of private premises, and compelling the connecting thereof with any public drain. Private drains.
- (2.) For issuing licenses for the erection of water-closets and urinals in private premises, and for the connection thereof with the Corporation waterworks and public drains respectively. Water-closets and urinals.
- (3.) For prescribing the materials, construction, and ventilation of water-closets and urinals, and cisterns connected therewith respectively, and compelling the providing and affixing thereof by the owners or occupiers of private premises, and the removal or disuse of privies, or earth or other closets. Materials, &c.
- (4.) For prescribing the traps, ventilation-pipes and shafts, and any other sanitary appliances to be provided and affixed in such premises in connection with private drains, water-closets, urinals, or otherwise, and for compelling the providing and affixing thereof by the owners or occupiers. Appliances.
- (5.) For prescribing the times, modes, and conditions of connecting and disconnecting private drains with or from public drains, and of connecting or disconnecting closets, urinals, drains, baths, sinks, rain-water pipes, and other sanitary conveniences and appliances, and stables, factories, workshops, workrooms, and other buildings, with or from private drains, and for compelling such connection and disconnection by the owners or occupiers of private premises. Connections.
- (6.) For compelling the maintenance, repairs, cleansing, and renewal of all private drains, water-closets, urinals, and other sanitary conveniences now or hereafter to be laid, erected, or affixed, and the appliances thereof respectively. Maintenance.
- (7.) For providing that any work to be done by any owners or occupiers of private premises in connection with the drainage or sanitation thereof shall only be done subject to the direction of some officer of the Council. Inspection.
- (8.) For requiring owners or occupiers of private premises to alter the existing drainage and sanitation works of or connected with such premises in such manner as the Council may determine, and also in such manner as may be necessary to bring any private drain, water-closet, urinal, cistern, or other work into conformity with such requirements as to size, material, construction, grade, and ventilation, as may be required for any new appliance or work of a similar character. Alterations.
- (9.) To provide for any injury to any part of a public drain, or any displacement of the ground in which the same is laid, Injury.

- being made good by or at the expense of the person doing or causing such injury or displacement.
- Trespass. (10.) For protecting the public drains and covered watercourses, and pumping stations and machinery, and all ventilating-shafts, traps, manholes, gratings, and other appliances and works respectively from trespass or injury.
- Pollution of drains. (11.) For preventing the sweeping, raking, or placing of dust, earth, or rubbish into or in public drains, covered watercourses, water-closets, urinals, drains, or any other appliances directly or indirectly connected therewith respectively.
- Rights-of-way. (12.) For directing in what manner and under what conditions private streets and rights-of-way shall be drained into the public drains and covered or other watercourses.
- Levels. (13.) For prescribing the lowest levels, either for the city generally or as to certain parts or streets of the city, and either with or without leaving such levels to be ascertained in particular cases by the Council, or any officer of the Council or other person, at which any part of any building, erection, cellar, or structure may with regard to interference with public or private drains, or covered watercourses, be erected within the city.
- Qualified persons. (14.) For qualifying and authorising qualified persons to do work comprised in any of the foregoing subsections, and any other work connected with drainage or sanitation, and for preventing persons not possessed of such qualification or authority as may be prescribed from doing any such work.
- Fees. (15.) For appointing fees payable to the Borough Fund for any inspection, superintendence, or other service performed by the City Surveyor, Drainage Engineer, or other officer of the Council, under any by-law, and for the licenses of qualified persons, and any other matter or thing specified in any such by-law.

By-laws may require works, &c. to be done to approval.

9. Any by-law made under this Act may require any works or things to be done of materials, or within a time, or in a manner, to be directed or approved of by the Council, or any officer of the Council or other person nominated or designated in that behalf in such by-law, and may authorise any matter or thing to be determined, applied, or regulated by the Council by resolution in that behalf. And for any failure to comply with any such by-law, or with any such direction, the Council may, in addition to any other remedy, obtain a writ of *mandamus* to compel any person in default to comply with such by-law or direction. Every by-law made under this Act shall take effect and be construed as if the same were part of this Act.

Proof of by-laws.

10. The production of any document purporting to be a copy of any by-law made in whole or in part under the authority of this Act, and to be sealed by the common seal of the Corporation, shall, in so far as the by-law of which the same purports to be a copy is authorised to be made by this Act, be conclusive evidence of such by-law having been duly made, and that the same duly came into force on the day mentioned in that behalf in such copy of by-law, or in any certificate attached thereto.

11. Subject to the special provisions of this Act, all the provisions of "The Municipal Corporations Act, 1886," relative to the making, bringing into force, and enforcing of by-laws, and providing penalties and continuing penalties for the breach thereof, and to application for an injunction to restrain the further continuance of such breach, shall, so far as applicable, extend and apply to the case of all by-laws made under the authority of this Act.

Municipal
Corporations Act
to apply to by-laws.

12. If any owner shall, by the order or direction of the Council, execute any work under this Act or under any by-law made in pursuance thereof, or shall pay any instalment under section six thereof, and at the time (to be certified under the hand of the Drainage Engineer) of the completion of such work the premises whereon or for which such work has been executed shall be held by a tenant under him having a term of at least three years then unexpired, such owner may recover from such tenant, in like manner as if the same were rent reserved under the tenancy, five per centum per annum during the unexpired term of such tenancy on the cost of the work so executed by him, or, as the case may be, on each such instalment paid by him, such percentage to be computed from the date of the payment of such cost or instalment, and to be payable at the end of each year during the residue of the said term. If the tenant paying such percentage shall, at the time of such payment, have a tenant under him with at least three years' unexpired tenancy, he may recover the amount so paid by him from such last-mentioned tenant.

Owner may recover
percentage of
instalment from
three years' tenant.

SPECIAL POWERS OF COUNCIL.

13. The Council may also, without liability to compensation, erect and use any buildings, structures, machinery, manholes, and other entrances, light- and lamp-holes, ventilating-grids, furnaces, destructors, buildings, and places for the generation and distribution of electricity and electrical power, and other works and things of every description in connection with drainage, sewerage, and sanitation, in, upon, or under any public or private street or public place and other place within the city; and may in like manner treat and deal with, in such manner as to it shall seem best, all sewage, refuse, and other matter, whether for the purpose of deodorising or disinfecting or destroying such sewage, refuse, or other matter, or for disposing of the same; and in particular, and without restricting the general powers herein given, it shall have power to treat sewage, refuse, and other matter by the precipitation process and by electricity: Provided that before the erection of a destructor and furnace within a suburban borough the consent of the Council of such borough shall be obtained. The foregoing powers and privileges may be exercised by the Council outside the city, subject to a right to compensation as prescribed by "The Public Works Act, 1894."

Council may erect
structures on or
under public places.

14. The Council shall not be liable in damages for any injury or nuisance created or caused by the exercise of any of the powers conferred by this Act, nor shall the Council be restrained by injunction from the exercise of any such powers, or from the execution or continuance of any works performed or intended to be performed under the authority of this Act; but compensation shall be payable by the Corporation in respect of any damage or injury to property, or

Compensation.

nuisance, caused by the execution of any works in respect of which, but for the provisions of this section, the owner of such property, or the person injured by such nuisance, would have been entitled to recover damages or to claim an injunction.

As to private streets and rights-of-way.

15. Section two hundred and sixty-four of "The Municipal Corporations Act, 1886," shall, so far as regards the Corporation and the Council and the city, extend and apply to all rights-of-way, as defined in that Act or in this Act, used or intended to be used as an access to three or more buildings. The Council, in exercising the powers conferred by the said section two hundred and sixty-four, may require any works that are to be done thereunder to be constructed at such levels and generally in such manner as to avoid interference or possible interference with any public or private drain, or any covered watercourse or street-channel.

Council may execute works on owner's default.

16. Whenever under this or any other Act, or any by-law of the city, any owner or occupier of private premises in the city shall be liable to execute, provide, or do any works, materials, or things, on or in connection with such premises with respect to the drainage, sewerage, or sanitation thereof, and shall make default in commencing so to do for seven days after the expiration of the notice requiring him to do the work, or, if the work shall be certified in writing by any duly-qualified medical practitioner, or any officer of the Council, to be of an urgent nature, and the contents of such certificate shall have been communicated to such owner or occupier, then, if such default shall be made for twenty-four hours from the time of such communication, and if, in either case, such owner or occupier shall not thenceforth proceed with such work with all reasonable expedition, then the Council may, if it shall think fit, itself execute, provide, or do such works, materials, and things, and recover the cost thereof, to be conclusively certified in writing under the hand of the Drainage Engineer, with interest thereon at six per centum per annum, from such owner or occupier in any Court of competent jurisdiction. Such cost and interest shall, until payment thereof, be a charge upon the said premises. The Council may, if the work comes within sections three to seven hereof, both inclusive, elect to recover such cost and interest under section six hereof.

Council may agree with owners to do works.

17. It shall be lawful for the Council, if it shall think fit, by agreement with and at the expense of the owner or occupier of any premises within the city, to execute on or in connection with such premises any works in connection with the drainage or sanitation thereof which such owner or occupier may be desirous of having executed, or may be liable under this or any other Act or under any by-law of the city to execute; and, in the case of such an agreement with an owner, the Council may stipulate that the expense of the work shall come within the operation of section six hereof.

Council may cause owners to treat sewage before admitting it into the sewers.

18. The Council may, in its discretion, require any person whose premises are or are intended to be connected with any public drain or covered watercourse to construct such work, or to do such things as may be by the said Council deemed necessary for deodorising, disinfecting, or rendering as innocuous as possible any sewage, refuse, or other matter, other than ordinary household sewage or drainage, before it enters the same.

19. The Council may refuse to admit into any public drain or covered watercourse any solid or liquid matter (other than ordinary household sewage or drainage) which would, in the opinion of the Council, prejudicially affect the same, or which would, from its temperature or nature or otherwise, be, in the like opinion, injurious. For the purposes of this section, the Council may direct any private drains to be disconnected or closed by the owners or occupiers thereof without being liable to pay any compensation therefor. Every person who, after being notified in writing by the Council or the Drainage Engineer of its objection to receive any such matter as aforesaid into any public drain or covered watercourse, shall lead or cause or suffer any such matter to be led into the same, shall, for each such offence, be liable to a penalty not exceeding five pounds for every day or part of a day during which such offence shall continue.

Council may refuse to admit matter into the sewers.

20. The Council, subject to payment of compensation in respect of so doing, may make and erect such dams, tanks, reservoirs, and other works and appliances, as it may think fit, across and in the bed of any stream or watercourse within the city or contiguous thereto, for the purpose of retaining water to flush and cleanse any public drain or covered or open watercourse, and may lay pipes therefrom for the purpose of conducting water to any of the said drains and watercourses.

Council may make dams, &c., in streams.

21. If any person wilfully or negligently destroys or injures any public or private drain or covered watercourse, or any building, erection, structure, method of ventilation, machinery, dam, tank, reservoir, or other work, appliance, or thing, being part of or connected with any drainage, sewerage, or sanitation works vested in or under the control of the Council, or, not having the written authority of the Council in that behalf, makes any private drain connected with a public or private drain or covered watercourse, or in any way stops or obstructs or otherwise interferes with the same, he shall be liable to a penalty of not more than twenty pounds; and the Council may replace or repair the property so destroyed or injured, or remove or alter, as it thinks fit, such private drain, and may recover from such person in any Court of competent jurisdiction the full cost of any such work, or of removing any stoppage or obstruction effected by him, and of all damage done or caused by such person, the amount of such cost and damage to be conclusively ascertained by writing under the hand of the Drainage Engineer.

Penalty for interfering with public and private drains.

22. The Council may lead any surface-water into any stream or watercourse, whether covered or open.

Surface-water may be led into water-courses.

23. If the occupier of any premises shall refuse or neglect to allow the owner thereof to carry into effect with respect to such premises any of the provisions of this Act, or of any by-law made hereunder, he shall be liable to a penalty not exceeding five pounds for every day during the continuance of such refusal or neglect; and if the occupier of any premises, when requested by any officer of the Council to state the name and address of the owner thereof, shall refuse or wilfully omit to disclose or wilfully misstate the same, he shall be liable to a penalty not exceeding five pounds.

Penalty on occupiers obstructing works.

24. Whenever the Council shall, under the authority of this or any other Act, or of any by-law heretofore made or hereafter to be made by the Council, execute any drainage, sewerage, or sanitation

Cost of supervision of works to be added.

works by agreement with any person, or in consequence of any default or offence by any person, there shall be added to the actual cost of such work, in respect of the supervision thereof by the Council or its officers, a sum equal to five per centum of such actual cost, such sum, for all purposes of this Act, to be deemed part of such cost, and to be recoverable accordingly.

Council may allow suburban boroughs to use city drains.

25. The Council of the City of Dunedin may agree in writing with the Council of any suburban borough or boroughs to allow the drainage of such borough or boroughs, or any part thereof respectively, to be carried in the drains or sewers of the city.

BORROWING.

General authority to borrow.

26. The Council may, for the purposes of this Act, from time to time borrow such money, not exceeding in the whole the sum of one hundred thousand pounds, as may be authorised, in manner required by "The Municipal Corporations Act, 1886," and to such loans the provisions of the said Act shall apply, save in so far as the same are modified by this Act.

Conditions applicable to borrowing.

27. The following provisions shall apply to any loan to be raised under the powers herein contained :—

- (1.) The proposal or proposals to borrow such moneys shall, notwithstanding the provisions of section one hundred and eighty-two of "The Municipal Corporations Act, 1886," be deemed to be carried if the votes given in favour thereof shall exceed in number those given against the same, otherwise the said proposal shall be deemed to be rejected; but such rejection shall not prevent the renewal thereof.
- (2.) Successive loans to the amount limited by section twenty-four hereof shall rank equally with each other.
- (3.) Notwithstanding the terms of subsection three of section one hundred and eighty-one of "The Municipal Corporations Act, 1886," the poll shall be taken at such convenient places as the Returning Officer shall appoint; but it shall not be obligatory upon him to appoint more than one.
- (4.) No debenture issued under this Act shall be sold at a price that will produce to the purchaser a greater interest than five per centum per annum.

Application of borrowed moneys.

28. The moneys so borrowed shall be appropriated as follows :—

- (1.) In providing, in exercise of the power given to the Council by this Act and of all other powers enabling it in that behalf, of an efficient system of drainage for the city, whereby the sewage and drainage thereof, and of such districts beyond the city as the Council may be authorised to drain, may be conveyed away, treated, destroyed, or otherwise dealt with.
- (2.) In the acquisition by purchase, lease, or taking of land, and of any interest in land, within or without the city convenient for the collecting, treating, destroying, or otherwise dealing with and of utilising and selling sewage and other matter conveyed thereto, or for fertilising or improving the land so acquired.

- (3.) In providing the cost of the connection of private premises, situate within the city, with new sewers and drains, in cases where existing connections made by private owners or occupiers at their own expense will be interfered with.
- (4.) In the acquisition, in connection with such system of drainage, of lands situate within or without the city, and of rights, easements, or appurtenances in respect of any land situate within or without the city, and of any buildings, engines, machinery, appliances, and other things.
- (5.) In the payment of compensation to any person legally entitled thereto for land taken or injuriously affected under or by the operation of this Act.
- (6.) In the establishment, within or without the city, of furnaces or destructors for the purpose of destroying refuse matter.
- (7.) For any other purpose incidental to or in relation to any of the purposes hereinbefore defined.

29. The Council may, by special order, make and levy as security for any such loan such special rate or special rates as it may deem necessary, and may pledge the same as security for any such loan, and in so doing its authority shall not be limited to the making and pledging of a special rate or special rates estimated as sufficient to cover the interest and sinking-fund of such loan, but it may make and pledge a rate or rates of a greater amount: Provided that it shall not be required to levy more in any year during the currency of such loan than shall be sufficient to provide such interest, so long as such interest shall be punctually paid. Security of loans.

30. The Council, for the purpose of the immediate payment for work, the cost whereof the owner or occupier is by this Act required to repay by instalments, may from time to time borrow at interest not exceeding the rate of seven per centum per annum, and upon such terms and conditions as it shall think fit, any sums of money not exceeding in the whole twenty-five thousand pounds, and shall apply any moneys and interest payable to the Corporation by owners or occupiers under the provisions of this Act, or of any by-law made hereunder, to the repayment of the moneys so borrowed, and may execute and do such instruments and things for securing the sums so borrowed and the interest thereon as the Council shall think fit, and may by any such instrument covenant for the repayment thereof respectively. The resolution to so borrow shall be passed by way of special order within the meaning of "The Municipal Corporations Act, 1886," but the provisions of that Act shall not otherwise apply to such borrowing. No lender shall be concerned to inquire as to the purposes for which the money is raised, nor as to the proposed expenditure thereof; and the receipt by the Corporation for such money shall effectually discharge the lender therefrom, and from being concerned to see to the application thereof. Council may borrow on security of moneys payable by owners.

MISCELLANEOUS.

31. All by-laws of the Council in force on the coming into operation of this Act, and which would have been valid if made under this Act, shall be and, as from the original coming into force thereof, shall be deemed to have been valid, and may be proved under section ten hereof, or in any manner now allowed by law. Existing by-laws validated.

Powers of Municipal Corporations Act saved and extended.

32. This Act shall be deemed to have incorporated with it the provisions of "The Municipal Corporations Act, 1886," so that the same shall be read as part hereof, and this Act shall not be construed to divest or deprive the Corporation or the Council, or any officer of the Council, of or to diminish any power, right, remedy, authority, or discretion vested in or given to it or him by the said Act, or any other Act, or by any by-law heretofore made by the Council under the same respectively. Unless otherwise provided, all notices under this Act, or any by-law made hereunder, may be served in manner provided by section seven of the said Act. The provisions of sections two hundred and seventy-nine and two hundred and eighty-two of the said Act shall, as regards the Council, extend to authorise the construction of ventilating-shafts and other methods of ventilation, manholes, and other entrances, light, and lamp-holes, and other appliances and works in, upon, or under any lands and roads outside the city.

Application of sections 83, 84, 85, and 86 of "The Public Works Act, 1894."

33. The provisions of "The Public Works Act, 1894," so far as the same are consistent with this Act, shall be deemed to be incorporated herewith, and especially sections eighty-three, eighty-four, eighty-five, and eighty-six thereof shall be so incorporated, and shall extend and apply to any case in which any compensation may become payable by the Corporation in respect of any land, situate within or without the city, taken by it for any purpose in connection with drainage, sewerage, or sanitation, or in respect of any damage done by reason of the construction or use of any work, either within or without the city, constructed by it for any such purpose which may properly form the subject of compensation, "the Corporation" being deemed substituted for "the Minister," "the Governor," and "the Government" respectively, and the provisoes at the end of sections eighty-three, eighty-five, and eighty-six being deemed to be omitted.

Acquisition of lands.

34. All lands or other property which the Council is hereby authorised to acquire may be acquired either by purchase or under the provisions of "The Public Works Act, 1894."

Extended purpose for which lands may be acquired.

35. The power to acquire land given by subsection two of section twenty-six thereof shall include the power to acquire by license permission to use the same for the purposes for which land may be acquired; and any land so acquired may be let or leased by the Council by public auction, or public tender, or private contract, as it shall deem proper, for such term or terms and at such rent or rents, upon and subject to such terms and conditions in every respect as the Council shall think fit. The power of letting and leasing hereby given shall be in addition to all other powers of letting or leasing for the time being conferred by law in respect of lands vested in or belonging to boroughs generally, or in particular possessed by the Council.

Leasing powers.

36. In any lease of any lands acquired as last aforesaid, or any part thereof, the Council may stipulate that the lessee shall, on such terms and subject to such conditions in every respect as the Council shall think fit, receive all or any part of the sewage-matter discharged at such lands or at any part thereof and, dispose of the same upon all or any part of such lands for fertilisation or other purposes.

General powers as to lands.

37. Subject to the provisions of this Act, all lands acquired by the Corporation in virtue of this Act for the purpose of disposing of sewage

matter by means of fertilising or otherwise improving the same shall be held by the Corporation subject to the provisions of "The Municipal Corporations Act, 1886."

38. All works and appliances authorised to be constructed, provided, executed, or acquired, and all lands and other property authorised to be acquired out of moneys to be raised under this Act, whether within or without the city, shall be deemed and taken to be respectively constructed, provided, executed, and acquired under the provisions of "The Municipal Corporations Act, 1886"; and, in particular, the Council shall, in relation to such constructing, providing, and acquiring of works, land, and property, have all the powers, authorities, and discretions by the said Act expressly or by references given or conferred, in addition to those given by this Act.

Powers as to construction of works.

39. All the fines and penalties imposed by this Act, or by any by-law made under the authority thereof, may be recovered in a summary manner under "The Justices of the Peace Act, 1882."

Recovery of penalties.

40. Wherever there shall be any provision of any public Act contrary to any provision of this Act such latter provision shall prevail.

As to conflicting public Acts.