

New Zealand.



ANALYSIS.

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1900, No. 1.—*Private.*

AN ACT to enable the Establishment of Gasworks at the Borough of Pahiatua, in the Provincial District of Wellington, to supply the said Borough with Gas. Title.
[29th August, 1900.]

WHEREAS Henry William Briggs, of the Borough of Pahiatua, in the said district, settler, proposes to produce and supply gas in and for the Borough of Pahiatua, and also to manufacture and supply other products incidental to the manufacture of gas, or to which gas is applicable, and to do all such other acts, deeds, matters, and things as from time to time may be incidental or conducive to the carrying-out fully and effectually the said proposals: And whereas it is expedient that provision should be made authorising the said Henry William Briggs to break up the soil, pavement, and flooring Preamble.

of streets and bridges in and through the said Borough of Pahiatua, and to open and break up any sewers, drains, or tunnels within or under any such streets or bridges within the said borough, lay down and place pipes, conduits, service-pipes, and to make and construct and maintain other works for producing and supplying the said borough with gas, and for the manufacture and supply of other products incidental to the manufacture of gas, or to which gas is applicable, and to do all such other acts, deeds, matters, and things from time to time as are hereinafter more specifically enumerated, including such as are incidental or conducive to carrying out fully and effectually the proposals as aforesaid of the said Henry William Briggs :

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 Pahiatua Gasworks Act, 1900.”

Interpretation.

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

The words “Henry William Briggs” shall include the executors, administrators, and assigns of the said Henry William Briggs :

The word “person” shall include corporations, whether aggregate or sole :

The word “lands” shall include messuages, lands, tenements, and hereditaments :

The word “street” shall include any street, court, alley, highway, lane, road, thoroughfare, public passage, or place within the limits of this Act :

The expression “the gasworks” shall mean the gasworks belonging to the said Henry William Briggs, at the Borough of Pahiatua aforesaid, and the works connected therewith :

The expression “rent” shall include any reward or payment to be made to the said Henry William Briggs for a supply of gas :

The expression “two Justices” shall mean two or more Justices of the Peace met and acting together, or a Stipendiary Magistrate :

The word “district” shall mean any lands within the limits of this Act.

The limits of this Act shall extend to and include all lands lying within the said Borough of Pahiatua.

Power to construct works.

3. The said Henry William Briggs may construct and maintain works for the production and supplying of gas, and also for the manufacture and supply of other products incidental to the manufacture of gas, or to which gas is applicable, and may do all such other acts, deeds, matters, and things as may be incidental or conducive to carrying out fully and effectually the proposals as aforesaid of the said Henry William Briggs, upon a piece of land containing about half an acre, being Allotments numbered Fifty-seven and Fifty-eight, Section Twenty-one, Block VIII., Mangahao Survey District, fronting Sedcole Street in the said borough.

4. The said Henry William Briggs, under such superintendence as is hereinafter specified, may open and break up the soil, pavement, and flooring of the several streets and bridges within the limits of this Act, and may also open and break up any sewers, drains, or tunnels within or under any such streets and bridges, and lay down and place within the same limits pipes, conduits, service-pipes, and other works, and from time to time repair, alter, or remove the same, and also make any sewers that may be necessary for carrying off the washings and waste liquids which may arise in the making of the gas; and for the purposes aforesaid may remove and use all earth and material in and under such streets and bridges, and may in such streets erect any pillars, lamps, and other works, and do all other acts which the said Henry William Briggs shall from time to time deem necessary for supplying gas within the limits aforesaid, doing as little damage and interrupting traffic as little as may be in the execution of the powers hereby granted, and making any compensation for any damage which may be done in the execution of such powers.

Power to break up streets, &c., under superintendence, and to open drains.

5. No street, sewer, bridge, drain, or tunnel shall, except in cases of emergency, be opened or broken up except under the superintendence of the persons having the control or management thereof, or of the part thereof which may be opened or broken up, or of their officer, and according to such plans as shall be approved of by such persons or their officers, or, in case of any difference respecting such plan, then according to such plan as shall be determined by two Justices; and such Justices may, on the application of the persons having the control or management of any such street, bridge, sewer, drain, or tunnel, or their officer, require the said Henry William Briggs to make such temporary or other works as such Justices may think necessary for guarding against any interruption of the traffic or drainage during the execution of any works which interfere with any such street, bridge, sewer, drain, or tunnel:

Streets or drains not to be opened up except under superintendence of persons having control of same.

Provided always that if the persons having such control or management as aforesaid, or their officer, fail to attend at the time and place mentioned in such notice for the opening or breaking up of any such street, bridge, sewer, drain, or tunnel, or shall not give notice of any objection to the plan for breaking up or opening the same, or shall refuse or neglect to superintend the operation, the said Henry William Briggs may perform the work specified in such notice without the superintendence of such persons or their officers.

If persons having control of same fail to superintend, Henry William Briggs may perform the work.

6. Provided always that nothing herein shall authorise or empower the said Henry William Briggs to lay down or place any pipe or other works into, through, or against any buildings or in any land not dedicated to public use without the consent of the owners or occupiers thereof, except that the said Henry William Briggs may at any time enter upon and lay or place any new pipe in the place of any existing pipe in any land wherein any pipe has been already lawfully laid down or placed by the said Henry William Briggs in pursuance of this Act, and may repair or alter any pipes so laid down.

Not to enter on private lands without consent.

7. Provided further that it shall be lawful for any owner or occupier of any building or land not dedicated to public use, in, to, through, or against or in which any pipe or other works shall have

Owners and occupiers of private grounds may alter the position of pipes.

been laid down or placed with such consent as aforesaid, at any time thereafter, if such owner or occupier shall deem it necessary or expedient, upon giving forty-eight hours' notice in writing to the said Henry William Briggs, at his own cost and charges, but under the superintendence of the said Henry William Briggs, to alter and vary the position of such pipes or other works, and to relay and place the same so that full compensation be made for any damage done thereby to the said Henry William Briggs, or for any hindrance or obstruction which may thereby be occasioned to the lighting of any public or private lamp.

Streets, &c., broken up to be reinstated without delay.

8. When the said Henry William Briggs opens or breaks up the road or pavement of any street, bridge, sewer, drain, or tunnel, the said Henry William Briggs shall, with all convenient speed, complete the work for which the same shall be broken up, and fill in the ground, and reinstate and make good the road or pavement, or the bridge, sewer, drain, or tunnel so opened or broken up, and carry away the rubbish occasioned thereby, and shall at all times, whilst any such road or pavement shall be opened or broken up, cause the same to be fenced in and guarded, and shall cause a light sufficient for the warning of passengers to be set up and maintained against or near such road or pavement, where the same shall be open or broken up, every night during which the same shall be continued open or broken up, from daylight to daylight.

In case of delay, Pahiatua Borough Council may reinstate, and recover the expenses.

9. If any delay or omission shall be allowed by the said Henry William Briggs to take place in filling in the ground, reinstating and making good any road, or pavement, or bridge, sewer, drain, or tunnel, or in the removal of rubbish, or in the fencing of opened or broken roads or pavements, or in setting up and maintaining lights, as mentioned in section eight of this Act, the Pahiatua Borough Council may cause the work so damaged or omitted to be executed, and the expenses of executing the same shall be repaid to the said Council by the said Henry William Briggs; and such expenses may be recovered in the same manner as damages are recoverable by an action or plaint in any Court of law of competent jurisdiction.

Alteration of pipes on notice from Pahiatua Borough Council.

10. The Pahiatua Borough Council, or other person under whose control or management the portion so to be opened or broken up may be, if they or he deem it necessary to raise, sink, or otherwise alter the situation of any gaspipes or other gasworks laid in any of the streets, may from time to time, by notice in writing, require the said Henry William Briggs to cause forthwith, or as soon as conveniently may be, any such pipes or works to be raised, sunk, or otherwise altered in position in such manner as the Council or other such person as aforesaid may direct, provided that such alteration be not such as to permanently injure such works, or to prevent the gas from flowing as freely and conveniently as before; and the expenses attending such raising, sinking, or altering, and full compensation for every damage done thereby, shall be paid by the Council or other such person as aforesaid as well to the said Henry William Briggs as to all other persons.

Pahiatua Borough Council may act on default.

11. If the said Henry William Briggs do not proceed forthwith, or as soon as conveniently may be after receipt of such notice, to cause the same to be raised, sunk, or altered in such manner as the

Pahiatua Borough Council, or other person under whose control or management the portions so to be opened or broken up may be, may require, the Council or other person as aforesaid may themselves cause such pipes or works to be raised, sunk, or altered as they think fit: Provided that such works be not permanently injured thereby, or the gas prevented from flowing as freely and conveniently as before.

12. The rent to be charged by the said Henry William Briggs for gas supplied shall be payable monthly, and at all times when the output of gas is less than fifteen thousand feet in twenty-four hours shall not exceed fifteen shillings per thousand feet; and at all times when the output of gas amounts to fifteen thousand feet but is less than thirty thousand feet in twenty-four hours, shall not exceed thirteen shillings and sixpence per thousand feet; and at all times when the output of gas exceeds thirty thousand feet in twenty-four hours, shall not exceed twelve shillings per thousand feet: Provided that at all times a discount amounting to one shilling and sixpence per thousand feet shall be allowed on all gas accounts which shall be paid not later than ten days after due date.

Maximum rent of gas.

13. The said Henry William Briggs may let for hire any meter for ascertaining the quantity of gas consumed or supplied, and any fittings for gas, for such remuneration in money as shall be agreed upon between the said Henry William Briggs and any person to whom the same may be so let; and such remuneration shall be recoverable in the same manner as the rents or sums due to the said Henry William Briggs for gas; and such meters and fittings shall not be subject to distress for rent of the premises where the same may be used, nor to be taken in execution under any process or proceeding of any Court of law or equity, or in bankruptcy, against the person in whose possession the same may be.

Power of the said Henry William Briggs to let meters.

14. The clerk, engineer, or other employé duly appointed for the purpose by the said Henry William Briggs may at all reasonable times enter any building or place lighted with gas by the said Henry William Briggs in order to inspect the meter, fittings, and works for regulating the supply of gas, and for the purpose of ascertaining the quantity of gas consumed or supplied; and if any person hinder such employé as aforesaid from entering and making such inspection as aforesaid at any reasonable time he shall for every such offence forfeit to the said Henry William Briggs a sum not exceeding five pounds.

Meters not liable to distress for rent, &c.

The said Henry William Briggs may enter buildings for ascertaining quantity of gas consumed.

15. If any person supplied with gas neglect to pay the rent due for the same to the said Henry William Briggs, the said Henry William Briggs may stop the gas from entering the premises of such person by cutting off the service-pipe, or by such means as the said Henry William Briggs shall think fit, and recover the rent due from such person, together with the expense of cutting off the gas, and the cost of recovering the rent, by action in any Court of law of competent jurisdiction.

Recovery of rents due for gas.

16. In all cases in which the said Henry William Briggs is authorised to cut off and take away the supply of gas from any house, building, or premises under the provisions of this Act, the said Henry William Briggs, his agents or workmen, after giving forty-eight hours' previous notice in writing to the occupier, or, if

Power to take away pipes, &c., when supply of gas is discontinued.

no occupier, then after leaving such notice on any portion of the premises, may enter into any such house, building, or premises, between the hours of nine in the forenoon and four in the afternoon, and remove and carry away any pipe, meter, fittings, or other works the property of the said Henry William Briggs.

Consumer to give notice to the said Henry William Briggs in writing when he intends discontinuing to use gas.

Penalty for fraudulently using gas.

17. Notice to the said Henry William Briggs from a consumer for the discontinuance of a supply of gas shall not be of any effect unless it be in writing, and be left at the office for the time being of the said Henry William Briggs, or at the office of his manager at the works of the said Henry William Briggs, at Pahiatua aforesaid.

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

Notice to be given to the said Henry William Briggs before meter connected or disconnected, under a penalty of £5.

19. Before any person connects or disconnects any meter through which any of the gas supplied by the said Henry William Briggs is intended to be or has been registered, he shall give not less than twenty-four hours' notice in writing to the said Henry William Briggs of his intention to do so; and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding five pounds.

No remedy against incoming tenants for arrears of gas-rent.

20. In case any consumer of gas supplied by the said Henry William Briggs leaves the premises where such gas has been supplied to him without paying the gas-rent or meter-rent due from him, the said Henry William Briggs shall not be entitled to require from the next tenant of such premises the arrears left unpaid by the former tenant, if such incoming tenant, before he consumes any gas, shall have given to the said Henry William Briggs twenty-four hours' notice of his intention to consume gas, or unless such incoming tenant has undertaken with the former tenant to pay or exonerate him from the payment of such arrears.

Penalty for wilfully damaging pipes.

21. Every person who shall wilfully disconnect, remove, destroy, break, throw down, or damage any pipe, pillar, plug, post, lamp, or other work of the said Henry William Briggs for supplying gas, or who shall wilfully extinguish any of the public lamps or lights, or waste or improperly use any of the gas supplied by the said Henry William Briggs, shall for each such offence forfeit to the said Henry

William Briggs any sum not exceeding five pounds, in addition to the amount of the damage done.

22. Every person who shall carelessly or accidentally break, throw down, or damage any pipe, pillar, or lamp belonging to the said Henry William Briggs, or under his control, shall pay such sum of money by way of satisfaction to the said Henry William Briggs for the damage done as any two Justices shall think reasonable.

Satisfaction for accidentally damaging pipes.

23. It shall be lawful for any person acting by or under the authority of the Pahiatua Borough Council, at any time or times in the day-time, after giving twenty-four hours' notice to the said Henry William Briggs, to enter into any manufactory or other building belonging to the said gasworks in order to inspect and examine if there be any escape of gas, or any washing or other substance produced in the making or supplying of gas, into any river, stream, public sewer, or drain, reservoir, well, pond, or place of water; and if such person, having given such notice as aforesaid, be refused admittance into any such manufactory or building, or be prevented from or obstructed in making such inspection or examination as aforesaid, the said Henry William Briggs shall forfeit and pay for every such offence a sum not exceeding five pounds, to be recoverable with costs by the Pahiatua Borough Council before two Justices.

Power to Pahiatua Borough Council to enter and inspect gasworks to ascertain origin of nuisance.

24. Whenever any gas shall escape from any pipe laid down or set up by or belonging to the said Henry William Briggs, he shall, immediately after receiving notice thereof in writing, prevent such gas from escaping; and in case the said Henry William Briggs shall not, within forty-eight hours next after service of such notice, effectually prevent the gas from escaping, and wholly remove the cause of complaint, he shall for every such offence forfeit to Her Majesty, her heirs and successors, the sum of five pounds for each day during which the gas shall be suffered to escape after the expiration of forty-eight hours from the service of such notice, unless reasonable cause for such delay be shown to two Justices of the Peace.

Penalty on the said Henry William Briggs for escape of gas after notice.

25. Nothing contained in this Act shall prevent the said Henry William Briggs from being liable to an indictment for nuisance, or to any action or other legal proceeding to which, but for this Act, he would be liable in respect of any nuisance committed by him.

Nothing to exempt the said Henry William Briggs from being indicted for a nuisance.

26. No person shall be liable to the payment of any penalty or forfeiture imposed by or by virtue of this Act unless the information or complaint respecting the offence shall have been made before a Stipendiary Magistrate or two Justices of the Peace within six months from the commission thereof.

Penalties to be sued for within six months.

27. If, through any act, neglect, or default on account whereof any person shall have recovered any penalty imposed by this Act, any damage to the property of the said Henry William Briggs shall have been committed by such person, he shall be liable to make good such damage, as well as pay such penalty. The amount of such damage shall, in case of dispute, be determined by the Stipendiary Magistrate or two Justices of the Peace by whom the party incurring such penalties shall have been convicted, and shall be leviable by distress and sale as in the case of a judgment by a Stipendiary Magistrate.

Damage to be made good in addition to penalties.

Form of conviction.

28. Any conviction for any offence under this Act may be drawn as in the form in the Schedule to this Act annexed.

Copy of Act to be kept by the said Henry William Briggs in his office, and deposited in office of Clerk of Magistrate's Court, Pahiatua, and in office of the Clerk for Borough of Pahiatua.

29. The said Henry William Briggs shall at all times after the expiration of six months from the passing of this Act, or of any future Act amending or repealing the same, or otherwise empowering the said Henry William Briggs, keep in his principal office of business a copy of this Act and of such future Act, printed under the authority of the Government of New Zealand; and shall also, within the space aforesaid, deposit in the office of the Clerk of the Stipendiary Magistrate at the said Borough of Pahiatua, and in the office of the Clerk of the Pahiatua Borough Council, a copy of this Act and of such future Act, so printed as aforesaid: and the said Henry William Briggs, Clerk of the Court, and Town Clerk, respectively, shall keep the said copies, and shall permit all persons interested to inspect the same, and shall furnish copies thereof or extracts therefrom at all reasonable hours of the day, upon payment of one shilling for every such inspection, and sixpence per folio for every folio of seventy-two words thereof copied or extracted.

Penalty on failure to keep or deposit such copies.

30. In case the said Henry William Briggs shall fail to keep any copy of this Act, or shall not permit any person interested to inspect the same, or shall fail to furnish copies thereof or extracts therefrom at any reasonable hour of the day upon such payment as aforesaid, the said Henry William Briggs shall for every such offence forfeit and pay the sum of five pounds, to be recovered with costs in a summary way by such person interested.

Pahiatua Borough Council may purchase gasworks at a valuation after 18th March, 1907.

31. (1.) The Pahiatua Borough Council shall be entitled, at any time after the eighteenth day of March, one thousand nine hundred and seven, to purchase the gasworks, land, pipes, plant, and machinery in connection therewith, at a price to be determined by arbitration.

(2.) The provisions of "The Arbitration Act, 1890," shall apply to any arbitration held under this section, and this Act shall be deemed to be a submission within that Act, if and when the Pahiatua Borough Council shall give notice to the said Henry William Briggs of their intention to exercise the power of purchase hereby conferred.

Schedule.

SCHEDULE.

PROVINCIAL DISTRICT OF WELLINGTON, }
NEW ZEALAND, TO WIT: }

BE it remembered that, on the day of , in the year of our Lord one thousand hundred and , is convicted before me, a Stipendiary Magistrate [or before us, two Justices of the Peace for the Colony of New Zealand], for that [Here describe the offence generally, and the place and time when and where committed] contrary to "The Pahiatua Gasworks Act, 1900."

Given under my hand and seal [or our hands and seals] the day and year first above written.

Stipendiary Magistrate
[or Justices of the Peace].