

This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and, having this day passed as now printed, is transmitted to the LEGISLATIVE COUNCIL for its concurrence.

*House of Representatives,
31st October, 1898.*

[AS AMENDED BY THE LEGISLATIVE COUNCIL.]

Mr. Wilson.

**PETONE CORPORATION LIGHTING AND SANITATION
LOANS EMPOWERING.**

[LOCAL BILL.]

ANALYSIS.

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| <p>Title.</p> <ol style="list-style-type: none"> 1. Short Title. 2. Interpretation. 3. Council may raise money by way of special loan. 4. Three-fifths majority to carry proposals. 5. Polling booths. 6. Purposes to which money is to be applied. 7. Council may pledge special rate. Proviso, sinking fund to be provided. 8. Limits of Act. 9. Power to construct works. 10. Power to break up streets, &c., and open drains. 11. Not to enter on private grounds without consent. 12. Owners and occupiers of private grounds may alter position of pipes. 13. Notice to be served on persons having control &c., before breaking up street or opening drains. 14. Streets or drains not to be broken up, except under superintendence of persons having control of same. If persons having control of same fail to superintend, Council may perform the work. 15. Streets, &c., broken up to be reinstated without delay. 16. Penalty for delay in reinstating streets. 17. In case of delay other parties may reinstate and recover the expenses. 18. Alteration of pipes on notice from local bodies. 19. Local bodies may act on default. 20. A majority of the inhabitants of any district may require the Council to extend their gaspipes. 21. Penalty on Council refusing or neglecting to do so. 22. Power of the Council to contract for lighting streets, &c. 23. Powers of the Council to let meters. 24. Council may enter buildings for ascertaining quantity of gas consumed. 25. Recovery of rents due for gas. | <ol style="list-style-type: none"> 26. Power to take away pipes, &c., when supply of gas is discontinued. 27. Consumer to give notice in writing to Council when he intends discontinuing to use gas. 28. Penalty for fraudulently using gas. 29. Notice to be given to Council before meter connected or disconnected under penalty of £5. 30. No remedy against incoming tenant for arrears of gas-rent. 31. Penalty for wilfully damaging pipes. 32. Satisfaction for accidentally damaging pipes. 33. Penalty on Council for causing water to be polluted. 34. Daily penalty for continuance of offence. 35. Penalty on consumer for wasting gas. 36. Penalty on Council for escape of gas after notice. 37. Power to examine gaspipes to ascertain cause of contamination of water, if notice be given of the same. 38. Expenses to abide result of examination. 39. How expenses to be ascertained. 40. Nothing to exempt from being indicted for a nuisance. 41. Council may make by-laws and regulations. 42. Publication of penalties. 43. Penalties for defacing board used for such publication. 44. Penalties, &c., how to be recovered. 45. Penalties to be sued for within six months. 46. Damages to be made good in addition to penalty. 47. Form of conviction. 48. Conviction not to be quashed for want of form. 49. No one to supply gas or electric lighting without consent of local bodies. Proviso in regard to Wellington Gas Company and works of private persons. 50. Act to apply to supply of electricity. Schedule. 51. Act subject to provisions of "Electric Lines Act, 1884." Schedule. |
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A BILL INTITULED

AN ACT to empower the Mayor, Councillors, and Burgesses of the Borough of Petone, a Corporation constituted under the Provisions of "The Municipal Corporations Act, 1886," to Produce and Supply Gas or Electric Lighting in and for the Boroughs of Lower Hutt and Petone, and certain Portions of the Hutt County, and to raise certain Moneys by way of Special Loan for

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that purpose, and also for the purpose of procuring a Depot for the disposal of Nightsoil, and acquiring the Land, Plant, and Material required in connection therewith, and for doing all such acts as are incidental or conducive to the attainment of the above objects. 5

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 Petone Corporation Lighting and Sanitation Loans Empowering Act, 1898." 10

Interpretation.

2. In this Act, unless inconsistent with the context,—

"Council" shall mean the Petone Borough Council:

"Borough" shall mean the Borough of Petone, including any extension thereof to be hereafter made:

"The said Act" shall mean "The Municipal Corporations Act, 1886": 15

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

The word "lands" shall include messuages, lands, tenements, and hereditaments: 20

The words "street" and "road" shall include any street, court, or alley, highway, lane, road, thoroughfare, or public passage or place within the limits of this Act:

The word "month" shall mean calendar month.

Council may raise money by way of special loan.

3. The Petone Borough Council may raise by way of special loan, under the provisions of Part IX. of the said Act, a sum not exceeding nine thousand two hundred pounds, to be appropriated to the respective purposes set forth in section *six* hereof: Provided always that the provisions of section *four* hereof shall apply to every poll taken under the authority of this Act, in substitution for the provisions of section one hundred and eighty-two of the said Act. 25 30

Three-fifths majority to carry proposals.

4. If, upon the taking of any poll under the authority of this Act, the number of votes given in favour of the proposal be not less than three-fifths of the votes recorded upon the taking of such poll, then the proposal shall be deemed carried, and the Council may proceed with such proposal accordingly; but if not, the said proposal shall be deemed rejected, and the Council shall not so proceed. 35

Polling-booths.

5. Any poll taken under the authority of this Act may be taken at polling-booths situate within the borough, and at one polling-booth in the City of Wellington, such polling-booths to be at such convenient places in the said borough and city as the Returning Officer shall appoint, anything in subsection three of section one hundred and eighty-one of the said Act notwithstanding. 40

Purposes to which money is to be applied.

6. The purposes to which the moneys which the Council is hereby authorised to raise are to be appropriated shall be the following, that is to say,— 45

(1.) Any sum or sums not exceeding in the whole eight thousand five hundred pounds for all or any of the purposes next hereinafter mentioned, namely:— 50

(a.) In acquiring land and erecting buildings within or without the borough;

(b.) In acquiring water-rights within or without the borough, and in constructing works to make the same available for electric lighting purposes or motive-power;

5 (c.) In procuring and constructing all machinery and plant necessary for gasworks, or electric lighting, and for the carrying out of any works of whatsoever kind authorised by this Act, or any other Act for the time being in force relating thereto;

10 (d.) In doing all things necessary to keep the gasworks or electric lighting plant and everything appertaining to the supply of gas or electric light in good repair;

(e.) Generally for all purposes necessary for the due exercise by the Council of its powers, and fulfilment of its obligations, as defined by this Act.

15 (2.) Any sum or sums not exceeding seven hundred pounds,—

(f.) In providing a depot for the deposit of night-soil and refuse;

20 (g.) In acquiring land, plant, and machinery in connection with the collection, cleansing, and disposal of the same;

25 (h.) Generally in doing all things necessary for the carrying out of the above-mentioned purposes, and the exercise of the powers relating thereto, as defined by "The Municipal Corporations Act, 1886," and the amendments thereof.

7. The Council may pledge, as security for the interest and sinking fund upon any or every special loan hereby authorised to be raised, any special rate or special rates within the meaning of the said Act, and may, by special order, make and levy every special rate so pledged in manner as in the said Act is provided. The Council may
30 pledge a special rate exceeding in amount the estimated amount required to provide such interest and sinking fund, and shall not be required to levy more in any year during the currency of such loan than shall be sufficient to provide such interest and sinking fund, so
35 long as such interest and sinking fund shall be punctually paid: Provided, however, that in regard to any special loan raised for lighting purposes, the gasworks or other lighting plant shall be the first security for such loan, any special rate pledged under this section being in addition to such security: And provided, further, that there shall be a
40 sinking fund provided for such loan by the Council of not less than one-half per centum per annum of the total amount of the loan.

Council may pledge special rate.

Proviso, sinking fund to be provided.

8. The limits of this Act shall extend to and include all lands lying within a radius of five miles from the post-offices at Petone and the Lower Hutt respectively.

Limits of Act.

45 9. The Council may construct and maintain works for the manufacture and distribution of gas, and the manufacture and supply of coke and other products incidental to the manufacture of gas, or to which gas is applicable, and buy and sell any materials requisite for or incidental to the manufacture thereof, and may do all things necessary
50 to light the streets and public places within the limits of this Act with electricity, and supply electricity for lighting purposes and for motive-power to the inhabitants thereof, or such of them as the Council may agree to supply; and the Council shall, in addition to the powers herein given, have all the powers within such limits which could be exercised

Power to construct works.

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within the Borough of Petone under section five of "The Municipal Corporations Act Amendment Act, 1887."

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

10. The Council may open and break up the soil and pavement of the several streets and bridges within the limits of this Act, and may 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 pillar lamps and other works, and do all other acts which the Council 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 compensation for any damage which may be done in the execution of such powers. 5 10 15

Not to enter on private grounds without consent.

11. Provided always that nothing herein shall authorise or empower the Council 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 and occupiers thereof, except that the Council 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 hath been already lawfully laid down or placed by the Council in pursuance of this Act or any other Act of the General Assembly of New Zealand, or any Act of the Imperial Parliament, and may repair or alter any pipes so laid down. 20 25

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

12. Provided, further, that it shall be lawful for any owner or occupier of any building or land not dedicated to public use, into, through, or against, or in which any pipe or other works shall have 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 Council, at his own cost and charges, but under the superintendence of the Council, 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 Council, or for any hindrance or obstruction which may thereby be occasioned to the lighting of any public or private lamp. 30 35

Notice to be served on persons having control, &c., before breaking up street or opening drains.

13. Before the Council proceed to open or break up any street, bridge, sewer, drain, or tunnel, the Council shall give to the Hutt Borough Council and the Hutt County Council respectively, or other person under whose control or management the portion so to be opened or broken up may be, or to their surveyor or other officer, notice in writing of the intention of the Council to open or break up the same, not less than forty-eight hours before such works shall be begun, except in cases of emergency. 40 45

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

14. 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 aforesaid 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 50

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 Council 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:

10 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 Council 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, Council may perform the work.

15 15. When the Council opens or breaks up the road or pavement of any street or bridge, sewer, drain, or tunnel, the Council shall with all reasonable 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, and shall keep the road or pavement which has been so opened or broken up in good repair for three months after replacing and making good the same, and for such further time if any, not being more than twelve months in the whole, as the soil so opened or broken up shall continue to subside.

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

35 16. If the Council open or break up any street, bridge, or any sewer, drain, or tunnel without giving such notice as aforesaid, or in a manner different from that which shall have been approved of or determined as aforesaid, or without making such temporary or other works as aforesaid when so required, except in the cases in which the Council are hereby authorised to perform such works without any superintendence or notice, or if the Council make any delay in completing any such work, or in filling in the ground or reinstating or making good the road or pavement, or the sewer, drain, or tunnel so opened or broken up, or in carrying away the rubbish occasioned thereby, or if they neglect to cause the place where such road or pavement has been broken up to be fenced, guarded, and lighted, or neglect to keep the road or pavement in repair for the space of three months next after the same is made good, or such further time as aforesaid, they shall forfeit to the persons having the control or management of the street, bridge, drain, sewer, or tunnel in respect of which such delay or omission is made a sum not exceeding five pounds for each day during which any such default, delay, or omission

Penalty for delay in reinstating streets.

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as aforesaid shall continue after they shall have received notice thereof.

In case of delay other parties may reinstate and recover the expenses.

17. If any such delay or omission as aforesaid take place, the persons having the control or management of the street, bridge, sewer, drain, or tunnel in respect of which such delay or omission shall take place, may cause the work so delayed or omitted to be executed, and the expenses of executing the same shall be repaid to such persons by the Council; and such expenses may be recovered in the same manner as damages are recoverable by action or plaint in any Court of law of competent jurisdiction. 5 10

Alteration of pipes on notice from local bodies.

18. If the Lower Hutt Borough Council, or the Hutt County Council, or other person under whose control or management the portion so to be opened or broken up may be, if they deem it necessary to raise, sink, or otherwise alter the situation of any gaspipes or other gas-works laid in any of the streets, may from time to time, by notice in writing, require the Council 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 Borough or County Council or such other 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 Lower Hutt Borough Council, or Hutt County Council, or other such person as aforesaid, as well to the Council as to all other persons. 15 20 25

Local bodies may act on default.

19. If the Council 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 Lower Hutt Borough Council, or Hutt County Council, or other person under whose control or management the portions so to be opened or broken up may be require, the Lower Hutt Borough Council, or Hutt County 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. 30 35

A majority of the inhabitants of any district may require the Council to extend their gaspipes.

20. The inhabitants of any district within the limits of this Act may require the Council to extend their gas-pipes to any distance within the said limits, being not less than half a mile in a continuous line, if they shall so desire, and a majority of the said inhabitants being ratepayers shall sign a memorial addressed to the Council requiring them to make such extension, and shall show to the satisfaction of two Justices of the Peace that the net profits of the Council to arise from such extension will not be less than fifteen pounds per centum per annum on the cost of such extension as aforesaid and on a reasonable proportion of the cost of all works connected therewith; and such two Justices may, upon being satisfied thereon, make an order requiring the Council to commence and prosecute the works necessary for such extension from a time to be mentioned in such order, and the Council shall from time to time use all due diligence in the prosecution of such works in compliance with such order. 40 45 50

21. If the Council shall refuse or neglect to comply with such order, the Council shall forfeit a sum not exceeding *five* pounds, to be recovered with costs in any Court of competent jurisdiction, for each day during which they shall refuse or neglect to comply with such order, from the time when notice of such neglect or refusal shall have been served on the said Council by any of such inhabitants, being ratepayers as aforesaid, unless it shall appear to such Court that the delay arose from circumstances beyond the control of the Council.

Penalty on Council refusing or neglecting to do so.

22. The Council may from time to time enter into any contract with any person for lighting or supplying with gas any public or private buildings, or for providing any person with pipes, burners, meters, and lamps, and for the repair thereof, or for supplying any person with any products incidental to the manufacture of gas, or for which gas is applicable; and may also from time to time enter into any contract with the Lower Hutt Borough Council or the Hutt County Council, or other persons having the control of any of the streets within the limits aforesaid, for lighting the same or any of them with gas, and providing such Borough Council or County Council or other persons with lamps, lamp-posts, burners, and pipes for such purpose, and for the repairs thereof, in such manner and upon such terms as shall be agreed upon between the Council and the said Borough Council or County Council or other persons.

Power of the Council to contract for lighting streets, &c.

And it is hereby provided that the laying down of mains and supply of gas, or the erection of posts and fixing of wires for supply of electricity, by the Council, for public and private purposes in the Lower Hutt Borough, may be upon any such terms and conditions in all respects (provided the same be not repugnant to this Act) as may have been mutually agreed on by deed of contract between the Council and the Lower Hutt Borough Council.

23. The Council may let for hire any meter for ascertaining the quantity of gas consumed or supplied, and any fittings for the gas, for such remuneration in money as shall be agreed upon between the Council 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 Council 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 a Court of law or equity or in bankruptcy against the person in whose possession the same may be.

Powers of the Council to let meters.

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

Council may enter buildings for ascertaining quantity of gas consumed.

25. If any person supplied with gas neglect to pay the rent due for the same to the Council, the Council may stop the gas from entering the premises of such person by cutting off the service-pipe, or by such means as the Council shall think fit, and recover the rent due from such person, together with the expense of cutting off the gas and

Recovery of rents due for gas.

the costs of recovering the rent, by action in any Court of law of competent jurisdiction.

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

26. In all cases in which the Council are authorised to cut off and take away the supply of gas from any house, building, or premises under the provisions of this Act, the Council, their agents or workmen, after giving forty-eight hours' previous notice in writing to the occupier, or, if 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 Council. 5 10

Consumer to give notice in writing to Council when he intends discontinuing to use gas.

27. Notice to the Council 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 registered office for the time being of the Council, or at the office of the Council's manager at the Council's works at Petone. 15

Penalty for fraudulently using gas.

28. Every person who shall lay or cause to be laid any pipe to communicate with any pipe belonging to the Council, without their consent, or shall fraudulently injure any such meter as aforesaid, or who, in case the gas supplied by the Council is not ascertained by meter, shall use any burner other than such as has been provided or approved of by the Council, 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 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 Council, shall forfeit to the Council 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 Council 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. 20 25 30

Notice to be given to Council before meter connected or disconnected under penalty of £5.

29. Before any person connects or disconnects any meter through which any gas of the Council is intended to be or has been registered, he shall give not less than twenty-four hours' notice in writing to the Council 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. 35

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

30. In case any consumer of gas supplied by the Council leaves the premises where such gas has been supplied to him without paying the gas-rent or meter-rent due from him, the Council 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 Council 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. 40 45

Penalty for wilfully damaging pipes.

31. Every person who shall wilfully disconnect, remove, destroy, break, throw down, or damage any pipe, pillar, plug, post, lamp, or other work of the Council 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 Council, shall, for each such offence, forfeit to the Council any sum not exceeding *five* pounds in addition to the amount of the damage done. 50

32. Every person who shall carelessly or accidentally break, throw down, or damage any pipe, pillar, or lamp belonging to the Council or under their control, shall pay such sum of money by way of satisfaction to the Council for the damage done, not exceeding *ten* pounds, as any two Justices shall think reasonable.

Satisfaction for accidentally damaging pipes.

33. If the Council shall at any time cause or suffer to be brought or to flow into any public river, stream, reservoir, well, pond, or place for water, or into any public drain communicating therewith, any washing or other substance produced in making or supplying gas, or shall do any act connected with the making or supplying of gas whereby the water in any such stream, river, reservoir, well, pond, or place for water shall be fouled, the Council shall forfeit to the Lower Hutt Borough Council, or Hutt County Council, or to any person or corporate body having the ownership or control of the waters into which such washing or other substance shall be brought or flow, or which shall be so fouled as aforesaid, for every such offence a sum not exceeding *two hundred* pounds, to be recoverable with full costs of suit in any Court of competent jurisdiction, and to be assessed on the principle of covering the reasonable expense of restoring and making free from pollution the river, stream, reservoir, well, pond, or place for water or drain into which such washing or other substance shall be brought or flow, or which shall be fouled as aforesaid; but such penalty shall not be recoverable unless it be sued for during the continuance of the offence, or within six months after it shall have ceased.

Penalty on Council for causing water to be polluted.

34. In addition to any sum which may be recovered as aforesaid, and whether any sum shall have been recovered or not, the Council shall forfeit the sum of *ten* pounds, to be recoverable with costs in any Court of competent jurisdiction, for each day during which such wash or other substance shall be brought or flow as aforesaid, or the act by which such water shall be fouled shall continue, after the expiration of forty-eight hours from the time when notice of the offence shall have been served on the Council by any person or corporate body having the ownership or control of the water aforesaid, or being the owners of the banks along which such river or stream as last aforesaid shall flow.

Daily penalty for continuance of offence.

35. Every person supplied with gas by the Council who wilfully suffers any pipe, meter, or other gas-fitting to be out of repair, so that the gas supplied to him is wasted, shall for every such offence forfeit and pay to the Council any sum not exceeding *five* pounds, over and above the loss which the Council sustained by reason of such waste.

Penalty on consumer for wasting gas.

36. Whenever any gas shall escape from any pipe laid down or set up by or belonging to the Council, they shall, immediately after receiving notice thereof in writing, prevent such gas from escaping; and in case the Council 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, they shall for every such offence forfeit to Her Majesty, her heirs and successors, the sum of *five* pounds for every 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 Council for escape of gas after notice.

37. For the purpose of ascertaining whether water be fouled by the gas of the Council, the person to whom the water supposed to be

Power to examine gaspipes to ascertain

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cause of contamination of water, if notice be given of the same.

fouled shall belong may dig up the ground and examine the pipes, conduits, and works of the Council: Provided that such person, before proceeding so to dig up and examine, shall give forty-eight hours' notice to the Council of the time and place at which such digging and examination are intended to take place, and shall give the like notice to the persons aforesaid having the control and management of the road, pavement, or place where such digging is to take place, and shall be subject to the like obligation of fencing, guarding, lighting, and reinstating the said road and pavement, and the same penalty for delay or nonfeasance or misfeasance therein, as are hereinbefore provided with respect to roads and pavements broken up by the Council.

Expenses to abide result of examination.

38. If, upon any such examination it appears that such water has been fouled by any gas belonging to the Council, the expenses of the digging, examination, fencing, guarding, lighting, and reinstatement of the roads, pavement, or place disturbed in any such examination shall be paid by the Council; but if upon such examination it do not so appear, the person causing the examination to be made shall pay all such expenses, and shall also make good to the Council any injury which may be occasioned to the works by such examination.

How expenses to be ascertained.

39. The amount of the expenses of such digging, examination, fencing, guarding, lighting, and reinstatement, and of any injury done to the Council, shall, in case of any dispute about the same, together with the costs of ascertaining and recovering the same, be ascertained and recovered in the same manner as damages for the ascertaining and recovery whereof no special provision is made are to be ascertained and recovered.

Nothing to exempt from being indicted for a nuisance.

40. Nothing contained in this Act shall prevent the Council from being liable to an indictment for nuisance, or to any action or other legal proceeding to which, but for this Act, they would be liable in respect of any nuisance committed by them.

Council may make by-laws and regulations.

41. The Council may make by-laws and regulations, provided the same shall not be repugnant to this Act, or to any Act of the General Assembly, or to any by-laws made by any local authority having jurisdiction within the limits of this Act, and may impose any penalty not exceeding the sum of *five* pounds for the breach of any by-law or regulation of the Council.

Publication of penalties.

42. The Council shall publish the short-particulars of the several offences for which any penalty is imposed by any by-law of the Council, and of the amount of every such penalty, and shall cause such particulars to be painted on a board to be hung up or affixed on some conspicuous part of the principal place of business of the Council; and, when any of such penalties are of local application, shall cause such board to be fixed in some conspicuous place in the immediate neighbourhood to which such penalties are applicable or have reference; and the Council shall renew such particulars as often as the same or any part thereof are obliterated or destroyed, and no such penalty shall be recoverable unless such particulars shall have been published and kept published in the manner hereinbefore required.

Penalties for defacing board used for such publication.

43. If any person pull down or injure any board put up or affixed as required by this Act for the purpose of publishing any by-law or penalty, or shall obliterate any of the letters or figures thereon, he

shall forfeit for every such offence a sum not exceeding *five* pounds, and shall defray the expenses attending the restoration of such board.

44. All fines, penalties, forfeitures, or sums of money which, under or by virtue of this Act, or any by-law or regulation of the Council, are or shall be authorised or directed to be imposed on any person, shall and may be recovered in a summary way before any two Justices of the Peace, in the manner provided by "The Justices of the Peace Act, 1882," so far as the same relates to summary convictions, or by any Act repealing or amending the same, or for the like purposes.

Penalties, &c., how to be recovered.

45. No person shall be liable to the payment of any penalty or forfeiture imposed by or by virtue of this Act, or by any by-law made in pursuance thereof, unless the complaint respecting the offence shall have been made before a Stipendiary Magistrate or two Justices of the Peace within six months after the commission thereof.

Penalties to be sued for within six months.

46. If through any act, neglect, or default, on account whereof any person shall have recovered any penalty imposed by this Act, or by virtue of any by-law made in pursuance thereof, any damage to the property of the Council shall have been committed by such person, he shall be liable to make good such damage, as well as to 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 penalty shall have been convicted, and shall be leviable by distress and sale as in the case of a judgment by a Stipendiary Magistrate.

Damages to be made good in addition to penalty.

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

Form of conviction.

48. No proceeding under this Act shall be quashed or vacated for want of form.

Conviction not to be quashed for want of form.

49. Notwithstanding anything contained in any Act of the General Assembly, it shall not be lawful for any person or company, other than the Petone Borough Council or its successors or assigns, to establish gasworks, manufacture or supply gas for lighting, heating, or motive-power, or to establish works for the supply of electric lighting or power, within the limits prescribed by this Act, except by the joint consent of the Petone Borough Council, the Lower Hutt Borough Council, and the Hutt County Council, or the local authorities for the time being having jurisdiction within the said prescribed limits, such consent to be testified by special order of the said local authorities respectively.

No one to supply gas or electric lighting without consent of local bodies.

Provided, however, that nothing in the foregoing provisions of this section shall apply to the Wellington Gas Company (Limited), or be deemed to render the obtaining of any consent necessary before exercising its powers under "The Hutt and Petone Gas Company Act, 1886," and "The Wellington Gas Company (Limited) Extension Act, 1887." Nor shall any of such provisions render it necessary for any private person or company to obtain any such consent as above mentioned before constructing works or providing plant and machinery for the supply of gas or electricity for lighting, heat, or motive-power to be used only for the purposes of and in connection with the business or premises of the person or company constructing such works or providing such machinery, and not for the purpose of sale to other persons.

Proviso in regard to Wellington Gas Company and works of private persons.

12 *Petone Corporation Lighting and Sanitation Loans Empowering.*

Act to apply to
supply of electricity

50. The Council may exercise all the powers conferred upon the Council by sections *ten to forty-nine* of this Act, so far as such sections are applicable to the construction and maintenance of the works necessary for electric lighting, and to the supply of electricity as aforesaid; and all the provisions of the said sections shall, so far as applicable, extend and apply to such lighting by and supply of electricity in such manner as if such sections had provided for such lighting by and supply of electricity in addition to the lighting and supply of gas. 5

New clause.

Act subject to
provisions of
"Electric Lines
Act, 1884."

51. The powers conferred on the borough by this Act by which electric energy may be used for lighting or motive-power shall be subject to the provisions of "The Electric Lines Act, 1884." 10

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 eight 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 Petone Corporation Lighting and Sanitation Loans Empowering Act, 1898."

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

[L.S.]

A.B.,
Stipendiary Magistrate
[or Justices of the Peace].