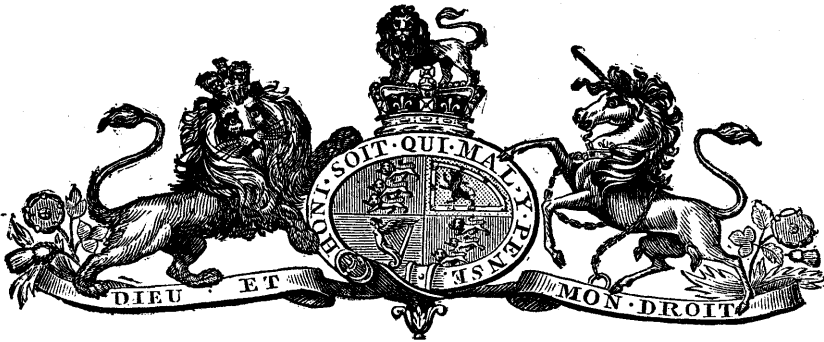


NEW ZEALAND.



TRICESIMO TERTIO ET TRICESIMO QUARTO
VICTORIÆ REGINÆ.

[*Local and Personal.*]

No. II.

ANALYSIS.

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AN ACT to authorize the Christchurch Gas Coal and Coke Company Limited to break up Streets and Bridges and to lay down and place Pipes Conduits Title.

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and Service-pipes and to make and construct other Works for supplying the City of Christchurch and Suburbs with Gas. [12th September 1870.]

Preamble.

WHEREAS a Joint Stock Company has been incorporated under the provisions of "The Joint Stock Companies Act 1860" by the name of "The Christchurch Gas Coal and Coke Company Limited" having for the objects for which the Company has been established the manufacturing and producing of inflammable air or gas from coal or other material and the supplying of the same to the City of Christchurch and for lighting the same city or for any other purpose to which such air or gas is or shall be applicable and also the manufacturing and preparing for sale of coke and other products incidental to the manufacture of such air or gas as the Directors of the Company shall from time to time determine

And whereas it is expedient that provision should be made authorizing the said Company to break up streets and bridges in and through the City of Christchurch and the suburbs thereof and to lay down and place pipes conduits service-pipes and to make and construct other works for supplying the said City of Christchurch and suburbs with gas and for other purposes relating thereto and to the objects for which the said Company has been established

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 shall be "The Christchurch Gas Act 1870."

Interpretation.

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

Words importing the singular number only shall include the plural number and words importing the plural number only shall include also the singular number

Words importing the masculine gender shall include females

The word "person" shall include Corporation whether aggregate or sole

The word "Company" shall mean the Christchurch Gas Coal and Coke Company Limited

The word "lands" shall include messuages lands tenements and hereditaments

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

The expression "rent" shall include any reward or payment to be made to the Company for a supply of gas

The word "month" shall mean calendar month

The expression "two Justices" shall mean two or more Justices met and acting together or a Resident Magistrate

The word "oath" shall include affirmation in the case of Quakers and any declaration lawfully substituted for an oath in the case of any other person allowed by law to make a declaration instead of taking an oath

The word "district" shall mean any lands within the limits of this Act comprising an area of not less than six hundred and forty acres

"The limits of this Act" shall extend to and include all lands lying within a radius of five miles from the centre of the Market-place in the City of Christchurch.

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3. The Company under such superintendence as is hereinafter specified 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 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 materials 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 Company shall from time to time deem necessary for supplying gas within the limits aforesaid doing as little damage 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.

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

4. Provided always that nothing herein shall authorize or empower the Company 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 Company may at any time enter upon and lay or place any new pipe in the place of an existing pipe in any land wherein any pipe hath been already lawfully laid down or placed by the Company 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 pipe so laid down.

Not to enter on private land without consent.

5. 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 to the Company at his own costs and charges but under the superintendence of the Company to alter and vary the position of such pipe or other works and to relay and replace the same so that full compensation be made for any damage done thereby to the Company or for any hindrance or obstruction which may thereby be occasioned to the lighting of any public or private lamp.

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

6. Before the Company proceed to open or break up any street bridge sewer drain or tunnel the Company shall give to the Christchurch City Council Road Board or other person under whose control or management the portion so opened or broken up may be or to their Surveyor or other officer notice in writing of the intention of the Company to open or break up the same not less than forty-eight hours before such works shall be begun except in cases of emergency.

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

7. 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 such persons or their officer 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 Company 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 Provided always that if the persons having such control or management as afore-

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

If persons having control of same fail

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to superintend Com-
pany may perform
the work.

said 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 Company may perform the work specified in such notice without the superintendence of such persons or their officer.

Streets &c. broken up
to be reinstated with-
out delay.

8. When the Company opens or breaks up the road or pavement of any street or bridge or any sewer drain or tunnel the Company 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 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 so opened or broken up cause the same to be fenced 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.

Penalty for delay in
reinstating streets
&c.

9. If the Company open or break up any street or 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 Company are hereby authorized to perform such works without any superintendence or notice or if the Company 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 sewer drain 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 as aforesaid shall continue after they shall have received notice thereof.

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

10. 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 expense of executing the same shall be repaid to such persons by the Company 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
Christchurch City
Council.

11. The Christchurch City Council if they deem it necessary to raise sink or otherwise alter the situation of any gas pipes or other gas works laid in any of the streets may from time to time by notice in writing require the Company 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 direct Provided that such alteration be not such as permanently to injure such works or to prevent the gas from flowing as freely and conveniently as before and

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the expenses attending such raising sinking or altering and full compensation for every damage done thereby shall be paid by the Council as well to the Company as to all other persons.

12. If the Company do not proceed forthwith or as soon as conveniently may be after the receipt of such notice to cause the same to be raised sunk or altered in such manner as the Christchurch City Council require the Council 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.

Christchurch City Council may act on default.

13. The inhabitants of any district within the limits of this Act may require the Company to extend their gas pipes to any distance within the said limits being not less than one mile in a continuous line if they shall so desire and a majority of the said inhabitants being rate-payers shall sign a memorial addressed to the Company requiring them to make such extensions and shall show to the satisfaction of two Justices of the Peace that the net profits of the Company to arise from such extension will not be less than fifteen pounds per cent. 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 Company to commence and prosecute the works necessary for such extension from a time to be mentioned in such order and the Company shall from such time use all due diligence in the prosecution of such works in compliance with the said order.

A majority of the inhabitants of any district may require the Company to extend their gas pipes.

14. If the Company shall refuse or neglect to comply with such order the Company shall forfeit a sum not exceeding five pounds to be recoverable 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 Company by any of such inhabitants being rate-payers as aforesaid unless it shall appear to such Court that the delay arose from circumstances beyond the control of the Company.

Penalty on Company for refusing or neglecting to do so.

15. The Company 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 and may also from time to time enter into any contract with the Christchurch City Council Road Board 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 for providing such Council Road Boards or 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 Company and the said Council Road Board or other persons.

Power of the Company to contract for lighting streets &c.

16. The Company 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 Company 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 Company 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.

Power of the Company to let meters.

Meters not liable to distraint for rent &c.

17. The Clerk Engineer or other officer duly appointed for the purpose by the Company may at all reasonable times enter any building or place lighted with gas supplied by the Company in order to inspect the meters fittings and works for regulating the supply of gas and for

Company may enter buildings for ascertaining quantities of gas consumed.

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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 Company a sum not exceeding five pounds.

Recovery of rents due for gas.

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

19. In all cases in which the Company are authorized to cut off and take away the supply of gas from any house building or premises under the provisions of this Act the Company 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 Company.

Penalty for fraudulently using the gas of the Company.

20. Every person who shall lay or cause to be laid any pipe to communicate with any pipe belonging to the Company without their consent or shall fraudulently injure any such meter as aforesaid or who in case the gas supplied by the Company is not ascertained by meter shall use any burner other than such as has been provided or approved of by the Company or of larger dimensions than he has contracted to pay for or shall keep the lights burning for a longer time than he has contracted 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 Company shall forfeit to the Company 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 burner shall be so used or such excess be so committed or continued or such supply furnished and the Company may take off the gas from the house and premises of the person so offending notwithstanding any contract which may have been previously entered into.

Penalty for wilfully damaging pipes.

21. Every person who shall wilfully disconnect remove destroy or damage any pipe pillar post plug lamp or other work of the Company 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 Company shall for each such offence forfeit to the Company any sum not exceeding five pounds in addition to the amount of the damage done.

Satisfaction for accidentally damaging pipes.

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

Penalty on Company for causing water to be corrupted.

23. If the Company 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 river stream reservoir well pond or place for water shall be fouled the Company shall forfeit to the Christchurch City 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

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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 expenses 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.

24. In addition to any sum which may be recovered as aforesaid and whether any sum shall have been recovered or not the Company shall forfeit the sum of ten pounds to be recoverable with costs in any Court of competent jurisdiction for each day during which such washing 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 Company by any person or corporate body having the ownership or control of the water aforesaid or being the owner of the banks along which such river or stream as last aforesaid shall flow by such person or corporate body.

Daily penalty during the continuance of the offence.

25. It shall be lawful for the Surveyor or any other person acting by or under the authority of the Christchurch City Council at any time or times in the daytime after having given twenty-four hours' notice to the Company to enter into any manufactory gasometer receiver or other building belonging to the Company 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 well reservoir pond or place for water and if such surveyor or other person having given such notice as aforesaid be refused admittance into any such manufactory gasometer receiver or other building or be prevented from or obstructed in making such inspection or examination as aforesaid the Company shall forfeit and pay for every such offence the sum of five pounds to be recoverable with costs by the Christchurch City Council before two Justices.

Power to the Christchurch City Council to enter and inspect gas works to ascertain origin of nuisance.

26. Whenever any gas shall escape from any pipe laid down or set up by or belonging to the Company they shall immediately after receiving notice thereof in writing prevent such gas from escaping and in case the Company 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 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 Company during escape of gas after notice.

27. For the purpose of ascertaining whether water be fouled by the gas of the Company the person to whom the water supposed to be fouled shall belong may dig up the ground and examine the pipes conduits and works of the Company provided that such person before proceeding so to dig and examine shall give forty-eight hours' notice in writing to the Company of the time and place at which such digging and examination is intended to take place and shall give the like notice to the persons aforesaid having the control or 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 penalties for delay or any nonfeasance or misfeasance therein as are hereinbefore provided with respect to roads and pavements broken up by the Company.

Power to examine gas pipes to ascertain cause of contamination of water if notice be given of same.

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Expenses to abide
result of examination.

28. If upon any such examination it appear that such water has been fouled by any gas belonging to the Company the expenses of the digging examination fencing guarding lighting and reinstating of the street road pavement or place disturbed in any such examination shall be paid by the Company 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 Company any injury which may be occasioned to the works by such examination.

How expenses to be
ascertained.

29. The amount of the expenses of every such digging examination fencing guarding lighting and reinstatement and of any injury done to the Company 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
the Company from
being indicted for a
nuisance.

30. Nothing in this Act contained shall prevent the Company 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.

Company may make
by-laws and regula-
tions and impose
penalties not exceed-
ing £5 in case of
breach.

31. The Company may make by-laws and regulations for the management of the Company and its concerns provided the same shall not be repugnant to this Act or to "The Municipal Corporation Act 1867" or to any by-law or regulation which may now or hereafter be made thereunder or to any Road Board Act or Ordinance of the General Assembly or of the Provincial Council of the Province of Canterbury or to any by-law or regulation which may now or hereafter be made thereunder respectively and may impose any penalty not exceeding the sum of five pounds for the breach of any by-law or regulation of the Company.

Publication of
penalties.

32. The Company shall publish the short particulars of the several offences for which any penalty is imposed by this Act or by any by-law of the Company affecting other persons than the shareholders officers or servants of the Company 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 Company and where any such penalties are of local application shall cause such boards to be affixed in some conspicuous place in the immediate neighbourhood to which such penalties are applicable or have reference and the Company shall renew such particulars as often as the same or any part thereof is 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.

Penalty for defacing
boards used for such
publications.

33. 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.

Penalties &c. how to
be recovered.

34. All fines penalties forfeitures or sums of money which under or by virtue of this Act or any by-law or regulation of the Company are or shall be authorized 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 1866" so far as the same relates to summary convictions or by any Act repealing or amending the same or for the like purposes.

Penalties to be sued
for within six months.

35. No person shall be liable to the payment of any penalty or forfeiture imposed by or by virtue of this Act unless the complaint

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respecting such offence shall have been made before such two Justices within six months next after the commission of such offence.

36. If through any act neglect or default on account whereof any person shall have incurred any penalty imposed by or by virtue of this Act any damage to the property of the Company shall have been committed by such person he shall be liable to make good such damage as well as to pay such penalty and the amount of such damage shall in case of dispute be determined by the Justices by whom the party incurring such penalty shall have been convicted and shall be leviable by distress and sale as in the case of judgments by two Justices.

Damage to be made good in addition to penalty.

37. The Justices before whom any person shall be convicted of any offence against this Act may cause the conviction to be drawn up according to the form in the Schedule to this Act annexed.

Form of conviction.

38. No proceeding in pursuance of this Act shall be quashed or vacated for want of form.

Proceedings not to be quashed for want of form.

39. Every person who upon any examination upon oath under the provisions of this Act shall wilfully and corruptly give false evidence shall be liable to the penalties of wilful and corrupt perjury.

Persons giving false evidence.

40. The Company 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 Company keep in their 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 of such six months deposit in the office of the Registrar of the Supreme Court of New Zealand in the Canterbury District thereof and in the office of the Clerk to the Bench of the Resident Magistrate for the City of Christchurch in the said district and in the office of the Town Clerk of the Christchurch City Council a copy of this Act and of such future Act so printed as aforesaid. And the said Company Registrar Clerk to the Bench and Town Clerk respectively shall keep the said copies of this Act and of all such future Acts as aforesaid and shall permit all persons interested to inspect the same and shall furnish copies thereof or extracts therefrom at all reasonable hours in 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.

Copy of special Act to be kept by Company in their office and deposited with the Registrar of the Supreme Court of New Zealand in the Canterbury District and in the office of the Clerk to the Bench of the Resident Magistrate of the City of Christchurch and in the office of the Town Clerk of the Christchurch City Council.

41. In case the Company or any Registrar Clerk to the Bench or Town Clerk shall fail to keep any copy of this Act or of any future Act as aforesaid or shall not permit any person interested to inspect the same or to furnish copies thereof or extracts therefrom at any reasonable hour in the day upon such payment as aforesaid such Registrar Clerk to Bench or Town Clerk shall for every such offence forfeit and pay the sum of five pounds to be recovered with costs in a summary way before two Justices of the Peace by such interested person.

Penalty on failure to keep or deposit such copies.

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Schedule.

SCHEDULE REFERRED TO IN THE FOREGOING ACT.

Province of Canterbury, }
New Zealand, to wit. }

BE it remembered, that on the _____ day of _____ in the year of our Lord one thousand eight hundred and _____ A.B. is convicted before C. D., two of Her Majesty's Justices of the Peace for the Colony of New Zealand, or before E.F., Resident Magistrate for _____ [*Here describe offence generally, and the time and place when and where committed*], contrary to "The Christchurch Gas Act, 1870."

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

C. D. (Seal.)

or

E.F. (Seal.)

WELLINGTON, NEW ZEALAND:

Printed under the authority of the New Zealand Government, by GEORGE DIDSBUXY, Government Printer.