

inconsistent with the exercise of the present power, for any term not exceeding thirty-three years in possession, and not in reversion, and without taking any fine or premium, at such rent, and subject to such covenants and provisions, as the Trustees may deem reasonable; and may apply the rents of the property so leased to the purposes to which the annual income or proceeds of the trust property shall for the time being be properly applicable.

5. The receipt in writing of any of the Trustees, or of their agent duly authorized on that behalf, shall be a good and effectual discharge for all money paid to them or him, under or by virtue of the trusts in them reposed, and shall exonerate the person or persons paying such money from all obligation of seeing to the application thereof; and it shall not be incumbent on any purchaser or other person, to or with whom such sale, exchange, or lease as aforesaid shall be made, to inquire as to the necessity for, or propriety of, such sale, exchange, or lease.

6. Every Trustee shall be chargeable for such money only as he shall actually have received, although he shall have joined in any receipt for money received by any co-Trustee, and shall not be answerable for the act of any co-Trustee, nor for any loss which may arise by reason of any trust money being deposited in the hands of any banker, society, or agent, or for the insufficiency or deficiency of any security upon which the trust money, or any part thereof, may be invested, or for any loss in the execution of the trust, unless the same shall happen through his own wilful neglect or default.

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1881, No. 2.—*Private.*

AN ACT to confer certain Powers upon the Council of the County of Selwyn, in respect of a certain Water-race, to be known as the Hororata Water-race. [23rd September, 1881.]

HORORATA WATER-  
RACE.

WHEREAS a certain water-race has been partially constructed in that portion of the County of Selwyn lying between the Rivers Selwyn and Hororata, on the one hand, and the River Rakaia on the other hand: And whereas it is desired to complete the construction of the said water-race, and for that purpose, and also the more effectually enabling the Council of the County of Selwyn to use and maintain such water-race, it is expedient to confer upon the said Council the powers and authorities hereinafter conferred:

Preamble.

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

1. The Short Title of this Act is "The Hororata Water-race Act, 1881."
2. In this Act, if not inconsistent with the context,—

Short Title.

Interpretation.

"Council" means the Council of the County of Selwyn:

"Water-race" means the land occupied by the water-race, the exact limits of which may be defined as hereinafter mentioned, and also includes all streams, waters, and rights appertaining thereto, or used or held in connection therewith, and all buildings, reservoirs, dams, sluices, tanks, pumps, pipes, and all machinery and appliances of any kind connected therewith, acquired or constructed by the Council, either hereafter, by the authority of this Act, or already acquired or constructed, for conveying water to or through that portion of the County of Selwyn lying between the Rivers Selwyn and Hororata on the one hand and the River Rakaia on the other hand, and to be hereafter called "The Hororata Water-race."

3. For the purpose of avoiding all doubt as to the water-race referred to by this Act, it shall be lawful for the Governor from time to time, by Proclamation, to define within the boundaries of the country shown in the plan deposited in the Private Bill Office the exact limits of such water-race, and the streams for

Governor may, by  
Proclamation, define  
limits of water-race.

supplying the same, or so that such description may cover such portion of it as may not then be completed; and such water-race so defined may for all purposes be referred to as the Hororata Water-race.

Powers of Council.

4. The Council has hereby conferred upon it the following powers in respect of the water-race, and such powers are in addition to and not in substitution for any powers already vested in the Council and applicable to the water-race, or anything necessary to be done in connection therewith:—

- (1.) The Council may complete the construction of the water-race, and may extend or enlarge the same within the above limits, and keep the same in good repair:
- (2.) The Council may make such water-race, or any portion thereof, upon any private land conveyed to the Council by the owner for the purpose, or taken by the Council under its powers of taking land for public works:
- (3.) The Council may make the water-race, or any portion thereof, upon, over, under, or along any road or any public reserve:
- (4.) The Council may, in connection with and for the purpose of the construction or maintenance of the water-race, alter the course or level of any stream or river, or of any ditch or drain, and may make dams, sluices, reservoirs, or other works in any such stream or river:
- (5.) The Council may break up or dig into the surface of any public place or road within the county, and temporarily stop the traffic on any such public place or road, so far as is necessary for the construction or repair of any part of the water-race, and alter any drain or sewer on or under any public place or road, so far as is necessary for such construction or repair, and alter the course or level of such public place or road for such purpose:
- (6.) The Council may enter upon any lands and take therefrom any materials required for the construction or repair of the water-race, or may for such purpose temporarily occupy any lands, paying compensation for such taking or occupancy in accordance with the provisions of "The Public Works Act, 1876:—"
- (7.) The Council may construct all works, buildings, or machinery of every description and material, and generally may do all things necessary for the construction, repair, maintenance, and use of the water-race:

Provided that compensation shall be made by the County Council for any damage that shall be done by the execution of any of the works hereby authorized, such compensation to be ascertained according to the provisions of "The Public Works Act, 1876."

The powers hereby conferred upon the Council shall be held to have authorized any act already done by the Council which would be hereafter lawful owing to this Act.

Every occupier entitled to use of water.

5. Every occupier of land which can be supplied with water from the water-race shall be entitled to be so supplied, subject to the by-laws to be made by the Council, and subject to the equal right of other occupiers of such land to a share of such water, proportionate to the acreage of the land occupied by them.

Council may make by-laws.

6. The Council may from time to time make, alter, and repeal by-laws prescribing the terms and conditions upon which the water-race may be used, and prescribing the rates and charges to be paid for water supplied, and may fix a penalty of not exceeding ten pounds for any breach of such by-laws.

All such rates and charges may be recovered by the Council as an ordinary debt due to the Council in any Court of competent jurisdiction.

7. It shall not be lawful, without the consent of the Council, or of some person appointed by the Council, for any person to take or divert any water from the water-race; and any person who, without such consent as aforesaid, does or causes to be done any act whereby the water in such water-race is drawn off or diminished in quantity, shall be liable to a penalty of not more than five pounds for every day during which the supply of such water is so drawn off or diminished. The Council may recover from such person the amount of any damage sustained by reason of the taking or diverting of such water, including in such damage the water so drawn off, according to the rates and charges to be fixed as aforesaid.

Penalty for diverting water from race.

8. If any person wilfully or maliciously does or suffers to be done any damage to or destroys the water-race, or renders the water unfit for use, such person shall be liable to a penalty of not more than one hundred pounds, and, in addition, to pay the whole cost of restoring or repairing any damage which may thereby be done to the said water-race.

Penalty for wilful damage.

9. If any person unlawfully obtains water from the water-race without payment of the lawful charges, or in any other manner than as provided by the by-laws made by the Council, he shall be liable to a penalty of not more than fifty pounds.

Penalty for unlawfully obtaining water.

10. All penalties which shall be incurred under the provisions of this Act or any by-laws made hereunder may be recovered in a summary manner before two or more Justices of the Peace, in the manner provided by "The Justices of the Peace Act, 1866."

Recovery of penalties.