

New Zealand.



ANALYSIS.

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1886, No. 4.—*Private.*

Title.

AN ACT to enable the Hutt and Petone Gas Company (Limited,) to supply the Townships of the Hutt and Petone and their suburbs or vicinities with Gas. [17th August, 1886.]

Preamble.

WHEREAS a Joint-Stock Company has been incorporated under the provisions of "The Companies Act, 1882," and the amendments thereof, by the name of "The Hutt and Petone Gas Company, (Limited,)"

having for its object the production and supply of gas in and for the Townships of the Hutt and Petone, and their districts, and for doing all such other acts as are incidental or conducive to the attainment of the above objects: And whereas it is expedient that provision should be made authorizing the said Company to break up streets and bridges in and through the Townships of the Hutt and Petone, and their suburbs or vicinities, and to lay down and place pipes, conduits, service-pipes, and to make and construct other works for supplying the said Townships of the Hutt and Petone, and their suburbs or vicinities, 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:—

1. The Short Title of this Act is “The Hutt and Petone Gas Company Act, 1886.” Short Title.

2. The following words and expressions in this Act shall have the meaning hereby assigned to them, unless there be something in the subject or context repugnant to such a 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:— Interpretation.

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

The word “Company” shall mean the Hutt and Petone Gas Company (Limited).

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

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 expression “the gasworks” shall mean the gasworks belonging to the Company, and the works connected therewith.

The expression “the Townships of the Hutt and Petone” shall mean the respective Townships of the Hutt and Petone as constituted under “The Town Districts Act, 1881.”

The expression “suburbs or vicinities” shall mean and include the lands between the limits of the said Townships of the Hutt and Petone and all lands outside the said townships within the radii hereinafter mentioned.

The expression “rent” shall include any reward or payment to be made to the Company for a supply of gas, or for the use of any meter.

The word “month” shall mean calendar month.

The expression “two Justices” shall mean two or more Justices of the Peace met and acting together, or a Resident 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 a radii of five miles from the Post Offices at Petone and the Hutt respectively.

Power to construct works.

3. The Company 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, upon a piece of land containing about one acre, part of section numbered six on the plan of the Hutt District: Bounded on the South by a public road and sea-beach; and on the East, West, and North by other parts of the said section numbered six, the western boundary being distant five hundred links from section five on the said plan of the Hutt District.

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

4. 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 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 Company 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.

Not to enter on private grounds without consent.

5. 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 any 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 pipes so laid down.

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

6. 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 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 Company, at his own cost and charges, but under the superintendence of the Company, 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 Company, or for any hindrance or obstruction which may thereby be occasioned to the lighting of any public or private lamp.

Notice to be served on persons having control, &c., before

7. Before the Company proceed to open or break up any street, bridge, sewer, drain, or tunnel, the Company shall give to the Hutt and

Petone Town Board 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 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.

8. 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 officers, or, in cases 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 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 Company may perform the work specified in such notice without the superintendence of such persons or their officers.

9. When the Company opens or breaks up the road or pavement of any street or bridge, 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 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.

10. If the Company 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 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

breaking up streets or opening drains.

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, Company may perform the work.

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

Penalty for delay in reinstating streets.

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

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

11. 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 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 local bodies.

12. If the Hutt or Petone Town Boards, 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 rise, 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 Town Boards or 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 Hutt or Petone Town Boards, or Hutt County Council, or other such person as aforesaid, as well to the Company as to all other persons.

Local bodies may act on default.

13. If the Company 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 Hutt or Petone Town Boards, 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 Boards, or 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.

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

14. 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 ratepayers, 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 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 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 time to time use all due diligence in the prosecution of such works in compliance with such order.

15. If the Company shall refuse or neglect to comply with such order, the Company 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 Company 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 Company.

Penalty on Company for refusing or neglecting to do so.

16. 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, 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 Hutt and Petone Town Boards 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 Town Boards or 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 Company and the said Town Boards or Council or other persons.

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

17. 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.

Powers of the Company to let meters.

Meters not liable to distress for rent, &c.

18. 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 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.

Company may enter buildings for ascertaining quantity of gas consumed.

19. 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

Recovery of rents due for gas.

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 is discontinued.

20. 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.

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

21. Notice to the Company 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 Company, or at the office of the Company's Manager at the Company's works at Petone.

Penalty for fraudulently using gas.

22. 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 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 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 burners 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 or agreement which may have been previously entered into.

Notice to be given to the Company before meter connected or disconnected, under penalty of £5.

23. Before any person connects or disconnects any meter through which any of the gas of the Company is intended to be or has been registered, he shall give not less than twenty-four hours' notice in writing to the Company 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 tenant for arrears of gas-rent.

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

25. Every person who shall wilfully disconnect, remove, destroy, break, throw down, or damage any pipe, pillar, plug, post, 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.

26. 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.

Satisfaction for accidentally damaging pipes.

27. 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 stream, river, reservoir, well, pond, or place for water shall be fouled, the Company shall forfeit to the Hutt or Petone Town Board, 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 Company for causing water to be polluted.

28. 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 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 Company 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 during continuance of offence.

29. It shall be lawful for the Surveyor or any other person acting by or under the authority of the Petone Town Board, at any time or times in the day-time, after giving twenty-four hours' notice to the Company, to enter into any manufactory, gasometer, receiver, or other buildings 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, reservoir, well, 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 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 a sum not exceeding five pounds, to be recoverable with costs by the Petone Town Board before two Justices.

Power to Petone Town Board to enter and inspect gasworks to ascertain origin of nuisance.

Penalty on consumer for wasting gas.

30. Every person supplied with gas by the Company 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 Company any sum not exceeding five pounds over and above the loss which the Company sustained by reason of such waste.

Penalty on Company for escape of gas after notice.

31. 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 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.

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

32. 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 up and examine, shall give forty-eight hours' notice in writing to the Company 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 penalties for delay or any nonfeasance or misfeasance therein, as are hereinbefore provided with respect to roads and pavements broken up by the Company.

Expenses to abide result of examination.

33. If upon any such examination it appears 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 roads, 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.

34. The amount of the expenses of 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 Company from being indicted for a nuisance.

35. Nothing contained in this Act 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 regulations.

36. 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 Town Districts Act, 1881," or any amendment thereof, or to any by-law or regulation which

may now or shall hereafter be made thereunder, or to any Road Board, Borough Council, or County Council Act of the General Assembly, or to any by-law or regulation which may now or shall 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.

37. 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 when any 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 Company 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.

Publication of penalties.

38. 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 for defacing board used for such publication.

39. 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, 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.

40. 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 Resident Magistrate or two Justices of the Peace within six months after the commission thereof.

Penalties to be sued for within six months.

41. 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 Company 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 Resident 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 Resident Magistrate.

Damages to be made good in addition to penalty.

42. 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.

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

Conviction not to be quashed for want of form.

44. 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

Copy of Act to be kept by Company in

their office, and deposited with the Registrar of the Supreme Court at Wellington, in office of Clerk to Bench at Wellington, and in office of Clerks for Hutt and Petone Town Boards and Hutt County Council.

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 aforesaid, deposit in the office of the Registrar of the Supreme Court of New Zealand at Wellington, and in the office of the Clerk of the Bench of the Resident Magistrate at Wellington, and in the offices of the Clerks of the Hutt and Petone Town Boards and Hutt County Council respectively, a copy of this Act and of such future Act so printed as aforesaid; and the said Company, Registrar, Clerk to the Bench, and Clerks 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 in the day, upon payments 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.

45. In case the Company 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 Company 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.

Rateable reduction in the price of gas when profits exceed 20 per cent.

46. The profits of the undertaking to be divided amongst the shareholders shall not exceed twenty pounds per centum per annum on the paid-up capital of the Company, unless a larger dividend be at any time necessary to make up the deficiency of any previous dividend which shall have fallen short of the said yearly rate; and, if it shall appear that the profits of the Company are sufficient to pay a larger dividend than that above specified, then the Company shall make a rateable reduction in the price of gas to be furnished by them, so that such rates, when reduced, shall insure to the shareholders a profit as near as may be to the prescribed rate.

Right of local body to purchase gasworks.

47. Either of the Town Boards or other the local or corporate bodies for the time being exercising authority in place thereof over the Townships of the Hutt or Petone, may at any time after the expiration of five years from the passing of this Act purchase from the Company the gasworks of the Company on giving to the Company twelve months' previous notice of an intention to so purchase. The amount of purchase-money, and the terms of purchase, shall be determined by an arbitration between the Company and the Town Board, local or corporate body, giving such notice in the usual manner of arbitrations between private individuals.

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 Resident 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 Hutt and Petone Gas Company Act, 1886."

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

Resident Magistrate
[or Justices of the Peace].

WELLINGTON: Printed under authority of the New Zealand Government,
by GEORGE DIDSBURY, Government Printer.—1886.