

New Zealand.



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1897, No. 1.—*Private.*

Title.

AN ACT to enable the Establishment of Gasworks at the Borough of Hawera, in the Provincial District of Taranaki, to supply the said Borough and its Suburbs with Gas, and also to authorise the Hawera Gas Company (Limited) to break up or cross over Streets, Roads, Rivers, and Bridges, and to place Mains, Service-lines, and Distributing-mains either above or below ground, and to lay down and place Pipes, Conduits, and Service-pipes, and to erect Pillars, Arches, and Poles, and to make, construct, and do other Works and Things for supplying the Borough of Hawera and Suburbs with Electrical Energy.

[22nd December, 1897.]

Preamble.

WHEREAS a Company with limited liability has been incorporated under the provisions of "The Companies Act, 1882," and the amendments thereof, by the name of "The Hawera Gas Company (Limited)," having for its objects the production and supplying gas in and for the Borough of Hawera and its suburbs, and also to manufacture and supply coke and other products incidental to the manufacture of gas, or to which gas is applicable, and to do all such other acts, deeds, matters, and things as from time to time may be incidental or conducive to the carrying out fully and effectually the said objects; and also having for its objects the production of electricity and electrical energy, and supplying the same for lighting purposes and as a motive-power in the said Borough of Hawera and its suburbs: And whereas it is expedient that provision should be made authorising the said Hawera Gas Company (Limited) to break up the soil, pavement, and flooring of streets and bridges in and through the said Borough of Hawera and suburbs thereof, for a radius of five miles from the Post Office situated in the said Borough of Hawera, and to open and break up any sewers, drains, or tunnels within or under any such streets or bridges, and, within the same limits, lay down and place pipes, conduits, service-pipes, and to make and construct and maintain other works for producing and supplying the said Borough of Hawera and suburbs with gas, and for the manufacture and supply of coke and other products incidental to the manufacture of gas, or to which gas is applicable; and also to break up or cross over streets, roads, rivers, and bridges, and to place mains, service-lines, and distributing-mains either above or below ground, and to lay down and place pipes, conduits, and service-pipes, and to erect pillars, arches, and poles, and to make, construct, and do other works and things for supplying the Borough of Hawera and suburbs with electrical energy, and to do all such other acts, deeds, matters, and things from time to time as are hereinafter more specifically enumerated, including such as are incidental or conducive to carrying out fully and effectually the objects as aforesaid of the said Hawera Gas Company (Limited):

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

Short Title.

1. The Short Title of this Act is "The Hawera Gasworks and Electric Lighting Act, 1897."

2. This Act is divided into two Parts: Part I., containing powers with regard to gas; and Part II., containing powers with regard to electric lighting.

Division of Act into Parts.

PART I.

3. In this Part of this Act, if not inconsistent with the context,—

Interpretation.

The words "the Company" shall include The Hawera Gas Company (Limited), its successors and assigns:

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

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

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

The expression "the gasworks" shall mean the gasworks belonging to the said Hawera Gas Company (Limited) at the Borough of Hawera aforesaid, and the works connected therewith:

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

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

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

The limits of this Act shall extend to and include all lands lying within a radius of five miles from the site of the new Post Office in the Borough of Hawera.

4. The Company may construct and maintain works for the production and supplying of gas, and also for the manufacture and supply of coke and other products incidental to the manufacture of gas, or to which gas is applicable, and may do all such other acts, deeds, matters, and things as may be incidental or conducive to carrying out fully and effectually the objects as aforesaid of the Company upon a piece of land containing about three roods seventeen perches, being Allotments Numbers Thirteen, Fourteen, Fifteen, and Sixteen of Section Number One hundred and eighty-five on the Government plan of the Patea Survey District, the said land being situated in the County of Hawera, close to the Borough of Hawera, easterly of Tawhiti Road.

Power to construct works.

5. The Company, under such superintendence as is hereinafter specified, may open and break up the soil, pavement, and flooring of the several streets and roads within the limits of this Act, and may also open and break up any sewers, drains, or tunnels within or under any such streets and roads, 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

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

aforesaid, may remove and use all earth and material in and under such streets and roads, and may in such streets erect any pillars, 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 any compensation for any damage which may be done in the execution of such powers.

6. Provided always that nothing herein shall authorise 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 had been already lawfully laid down or placed by the Company in pursuance of this Act, and may repair or alter any pipes so laid down.

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

8. Before the Company proceed to open or break up any street, bridge, sewer, drain, or tunnel, the Company shall give to the Hawera Borough Council, or other person under whose control or management the portion so to be opened or broken up may be, or to their or his 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.

9. 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 the part thereof which may be opened or broken up, or of their officer, and according to such plans as shall be approved of by such persons or their officers, or, in case of any difference respecting such plan, then according to such plan as shall be determined by two Justices. 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

Not to enter upon private lands without consent.

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

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

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

If persons having control of same fail to superintend, Company may perform the work.

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.

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

11. 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 is hereby authorised to perform such works without any superintendence or notice; or if the Company makes 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 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 person 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.

Penalty for delay in reinstating streets.

12. If any such delay or omission as aforesaid take place, the person 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.

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

13. The Hawera Borough Council, or other person or authority under whose control or management the portion so to be opened or broken up may be, if they or he deem it necessary to raise, sink, or

Alteration of pipes on notice from Hawera Borough Council.

otherwise alter the situation of any gas-pipes or other gasworks 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 or other such person as aforesaid may direct, provided that such alteration be not such as to permanently injure such works, or to prevent the gas from flowing as freely and conveniently as before; and the expenses attending such raising, sinking, or altering, and full compensation for every damage done thereby, shall be paid by the Council or other such person as aforesaid as well to the Company as to all other persons.

Hawera Borough Council may act on default.

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

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

15. The inhabitants of any district within the limits of this Act may require the Company to extend their gaspipes to any distance within the said limits, being not less than one mile in a continuous line, if they shall so desire; and if a majority of the said inhabitants, being ratepayers, shall sign a memorial addressed to the Company requiring them to make such extension, 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 costs of all works connected therewith, then 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.

Penalty on Company for refusing or neglecting to do so.

16. 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 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.

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

17. 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 any other appliances connected with the lighting or supplying with gas, 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 Hawera Borough Council, or

with any Road Board, County Council, or other body, or any 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 Hawera Borough Council, Road Board, County Council, or other body, or any persons, with lamps, lamp-posts, burners, pipes, and any other appliances connected with the lighting or supplying with gas, 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, County Council, or other body, or any persons.

18. The Company may let for hire any meter for ascertaining the quantity of gas consumed or supplied, and any fittings for gas, for such remuneration in money as shall be agreed upon between the 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 by any 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.

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

The Company may enter buildings for ascertaining quantity of gas consumed.

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

Recovery of rents due for gas.

21. In all cases in which the Company is authorised to cut off and take away the supply of gas from any house, building, or premises under the provisions of this Act, the Company, its 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.

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

22. 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 Hawera.

Consumer to give notice to the Company in writing when he intends to discontinue using gas.

23. 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

Penalty for fraudulently using gas.

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 cut 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 a penalty of five pounds.

24. Before any person connects or disconnects any meter through which any of the gas supplied by 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 so to do, and any person offending against this enactment shall, for every such offence, be liable to a penalty not exceeding five pounds.

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

25. 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 to exonerate him from the payment of such arrears.

Penalty for wilfully damaging pipes.

26. 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.

Satisfaction for accidentally damaging pipes.

27. Every person who shall carelessly or accidentally break, throw down, or damage any pipe, pillar, or lamp belonging to the Company or under its 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 the Company for causing water to be polluted.

28. 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 the making or supplying of 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 of water shall be fouled, the Company shall forfeit to the Hawera Borough 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 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.

29. In addition to any sum which may be received 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 for continuance of offence.

30. It shall be lawful for the surveyor of, or any other person acting by or under the authority of, the Hawera Borough Council, at any time or times in the daytime, after giving 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, reservoir, well, pond, or place of water; and if such Surveyor or other person, having given such notice as aforesaid, be refused admission 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 Hawera Borough Council before two Justices.

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

31. Every person supplied with gas by the Company who wilfully suffers any pipe, meter, or other gas-fittings 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 consumer for wasting gas.

32. 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 the Company for escape of gas after notice.

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

33. 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 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.

34. 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.

35. 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 the Company from being indicted for a nuisance.

36. 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.

The Company may make by-laws and regulations.

37. The Company may, with the consent of the Hawera Borough Council, testified by resolution of such Council, make, and from time to time, with the like consent, vary, annul, or revoke, by-laws and regulations for the management of the Hawera Gasworks and its concerns: Provided the same shall not be repugnant to this Act, or to "The Municipal Corporations Act, 1886," or to any Act repealing or amending the same, or to any by-law or regulation which may now or shall hereafter be made thereunder, or to any Road Board or Counties 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 made as aforesaid by the Company.

Publication of penalties.

38. 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 employes 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 heretofore required.

39. 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 penalties, 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.

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 information or complaint respecting the offence shall have been made before a Stipendiary Magistrate, or two Justices of the Peace, within six months from the commission thereof.

Penalties to be sued for within six months.

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 pay such penalty. The amount of such damage shall, in case of dispute, be determined by the Stipendiary Magistrate or two Justices of the Peace by whom the party incurring such penalties shall have been convicted, and shall be leviable by distress and sale as in the case of a judgment by a Stipendiary Magistrate.

Damage to be made good in addition to penalties.

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. 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 aforesaid, deposit in the office of the Registrar of the Supreme Court of New Zealand, at the Town of New Plymouth, and in the office of the Clerk of the Bench of the Stipendiary Magistrate at the said Town of Hawera, and in the office of the Town Clerk of the Hawera Borough Council, a copy of this Act, and of such future Act, so printed as aforesaid; and the Company, Registrar, Clerk of the Bench, and Town Clerk respectively shall keep the said copies, and shall permit all persons interested to inspect the same, and shall furnish copies thereof or extracts therefrom at all reasonable hours 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 Act to be kept by the Company in their office, and deposited with the Registrar of the Supreme Court at New Plymouth, and in office of Clerk of Court at Borough of Hawera, and in office of Town Clerk for Borough of Hawera.

44. 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

Penalty on failure to keep or deposit such copies.

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 price of gas when profits exceed 10 per cent.

45. The profits of the undertaking to be divided amongst the shareholders shall not exceed ten pounds per centum per annum on the paid-up capital of the Company, unless a larger retention of profit be at any time necessary to make up the deficiency in the profits of any preceding year; and if it be that the profits of the Company, after providing for such deficiency as aforesaid, exceed ten pounds per centum per annum on the paid-up capital, 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 Company a profit as near as may be to the prescribed rate.

The Company to deposit balance-sheet, and to produce accounts.

46. The Company shall annually prepare a balance-sheet showing the receipts and expenditure for the past year, and the total amount of paid-up capital, and shall deposit a copy of such balance-sheet at the office of the Hawera Borough Council, on or before a day to be appointed for the purpose by the Borough Council. The Company shall, upon demand by the Town Clerk of the Borough Council, produce to any officer of the Borough Council all its books of account and vouchers, for the purpose of enabling the Town Clerk to verify such balance-sheet.

Hawera Borough Council may purchase gasworks at a valuation after twelve years.

47. (1.) The Hawera Borough Council shall be entitled, at any time after twelve months' previous notice in writing to the Company of intention so to do, to purchase the gasworks, including all plant, land, and corporeal or incorporeal rights connected therewith, at a price to be determined by arbitration.

(2.) If the Company shall not have received profit from the gasworks equivalent to an average of eight per centum per annum on the capital for the time being actually paid up, computed from the date when gas shall first be supplied from the gasworks until the date when the purchase by the Hawera Borough Council is completed by payment of the purchase-money, then the arbitrators shall add to the price determined as aforesaid a sum which, together with the profit actually received by the Company, would be the equivalent of such average annual profit of eight per centum.

(3.) The provisions of "The Arbitration Act, 1890," shall apply to any arbitration held under this section, and this Act shall be deemed to be a submission within that Act, if and when the Hawera Borough Council shall give notice to the Company of their intention to exercise the powers of purchase hereby conferred.

PART II.

48. In this Part of this Act, if not inconsistent with the context hereof, and unless there are words to exclude or restrict such meaning, the words and expressions following shall severally have the meanings hereinafter assigned to them, that is to say:—

Interpretation.

The expression "electricity" means electricity, electric current, or any like energy :

The expression "energy" means electrical energy, and for the purposes of this Act electrical energy shall be deemed to be an agency within the meaning of electricity as defined by this Act :

The expression "the Company" means "The Hawera Gas Company (Limited)" :

The expression "public purpose" refers to the supply of electricity to or in any street or any place belonging to or subject to the control of a local authority, or any hall, public theatre, or building belonging to or subject to the control of any public authority, but shall not include any other purpose to which electricity may be applied :

The expression "private purpose" refers to any purpose whatever to which electricity may for the time being be applicable, not being public purposes, but shall not include the transmission of any telegram.

49. Subject and without prejudice to "The Electric Lines Act, 1884," "The Municipal Corporations Act, 1886," and "The Municipal Corporations Act Amendment Act, 1887," the Company may supply energy for public and private purposes within the whole or any part of the area of supply as defined by this Act, and for the purposes aforesaid may break up or cross over streets and roads, and place mains, service-lines, and distributing-mains either above or below ground, and lay down and place pipes, conduits, and service-pipes, and erect pillars, arches, and poles, and make, construct, and do other works and things for supplying energy within such area of supply or any part thereof, upon such terms and conditions, for such period or periods, and subject to such regulations and provisions for securing the safety of the public, as may be agreed upon between the Company and the local authority or authorities having jurisdiction within such area of supply.

Empowering Company to supply electricity.

50. Nothing herein contained shall be deemed in any way to pledge or bind any local authority to enter into any such agreement, or to prevent such local authority from entering into any other agreement with any other company, person, or syndicate for supplying electricity within such area, or from itself supplying the same.

Local authority not bound to enter into agreement with Company.

51. The Company may, with the consent of the Hawera Borough Council, testified by resolution of such Council, make, and from time to time, with the like consent, vary, annul, or revoke, by-laws and regulations for the management of the Company's electric works and its concerns : Provided the same shall not be repugnant to this Act or to "The Electric Lines Act, 1884," or to "The Municipal Corporations Act, 1886," or to any statutory amendment thereof, or to any Road Board or County Act of the General Assembly, or to any by-law or regulation which may now or hereafter may 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.

Company may make by-laws.

52. The area of supply shall be the whole of the area included in a radius of five miles from the site of the new Post Office situate in the Borough of Hawera.

Area of supply.

Schedule.

SCHEDULE.

PROVINCIAL DISTRICT OF TARANAKI, }
 NEW ZEALAND, TO WIT. }

BE it remembered that, on the day of , in the year of our Lord one thousand hundred and , is convicted before me, a Stipendiary Magistrate [*or before us, two Justices of the Peace for the Colony of New Zealand*], for that [*Here describe the offence generally, and the place and time when and where committed*] contrary to "The Hawera Gasworks and Electric Lighting Act, 1897."

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

Stipendiary Magistrate.
 [*or Justices of the Peace.*]