

New Zealand.

ANALYSIS.

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1885, No. 4.—Private.

- Title.** AN ACT to enable the Napier Gas Company (Limited), to supply the Town of Hastings and the surrounding Districts with Gas.
22nd September, 1885.
- Preamble.** WHEREAS it is expedient to amend "The Napier Gas Company's Act, 1875," so as to enable the Napier Gas Company to supply the Town of Hastings and surrounding districts and the inhabitants thereof with gas, and to give to the said company such powers and authorities as are hereinafter set forth:
- 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 Napier Gas Company's Act 1875 Amendment Act, 1885."
- 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,—
- The word "company" shall mean the Napier 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 mentioned in this Act:

The expression "the gasworks" shall mean the gasworks belonging to the said company 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, met and acting together, or a Resident Magistrate:

The expression "Town of Hastings" shall mean the Town of Hastings as constituted under "The Town Districts Act, 1881":

The expression "Corporation of the Town of Hastings" or "the said Corporation" shall mean the Hastings Town Board:

The expression "the surrounding districts" shall mean all lands outside the Town of Hastings lying within a radius of ten miles from the north-eastern corner of section number two hundred and twenty, South Hastings.

3. The company may construct and maintain works for the manufacture and distribution of gas upon the sections numbered two hundred and twenty, two hundred and twenty-one, two hundred and twenty-two, and two hundred and twenty-three, in the Town of Hastings.

Power to construct works.

4. The company, under such superintendence as is hereinafter specified, may open and break up the soil and pavement of the several streets, roads, and bridges within the limits of the Town of Hastings and the surrounding districts, and may open and break up any sewers, drains, or tunnels within or under such streets, roads, 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 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 exercise of the powers hereby granted, and making compensation for any damage to the person or persons affected thereby.

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

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 building or on any land not dedicated to public use without the consent of the owners and occupiers thereof; but 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 shall thereinbefore have been lawfully laid down or placed by the company, and may repair or alter any pipe so laid down.

Not to enter on private land without consent.

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, into, through, or against which any pipe or other works shall have been laid down or placed with the consent of the owners and occupiers thereof for the time being, 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 cost 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 private or public lamp.

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

7. Before the company proceed to open or break up any street, road, bridge, sewer, drain, or tunnel, the company shall, except in cases of emergency, give to the Corporation of the Town of Hastings, Road Board, or other body corporate or person under whose control and management the portion so opened and 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.

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

8. No street, road, bridge, sewer, drain, or tunnel shall, except in cases of emergency, be opened or broken up except under the superintendence of the said Corporation, Road Board, or other body corporate or person, and according to such plan as may be approved of by such Corporation, Road Board, or other body corporate as aforesaid, or in case of any difference respecting such plan, then according to such plan as shall be determined by two Justices; and such notices may, on the application of the said Corporation, Road Board, or other body corporate or person as aforesaid, 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, road, bridge, sewer, drain, or tunnel: Provided always that if the said Corporation, Road Board, or other body corporate or person as aforesaid, fail to attend at the time and place mentioned in such notice for the opening or breaking up of any such street, road, 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 Corporation, Road Board, or other body corporate or person.

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

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

9. When the company shall have opened or broken up the road or pavement of any street, road, or bridge, or any sewer, drain, or tunnel, the company shall, with all reasonable speed, complete the work for which the same shall have been opened or 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 opened or broken up, every night during which the same shall remain 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, road, 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 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, road, 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.

Penalty for delay in reinstating streets, &c.

11. If any such delay or omission as aforesaid take place, the persons having the control and management of the street, road, 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.

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

12. The Corporation of the Town of Hastings, or other Corporation or Road Board within the limits aforesaid, if they deem it necessary to raise, sink, or otherwise alter the situation of any gas-pipes or other works laid in any of the streets or roads, 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 such Corporation or Road Board directs: 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 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.

Alteration of pipes on notice from Corporation.

13. 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 such Corporation or Road Board require, such Corporation or Road Board may themselves cause such pipes or works to be raised, sunk, or altered as they think fit,

Corporation may act on default.

provided that such works be not permanently injured thereby or the gas prevented from flowing as freely and conveniently as before.

Power to purchase or lease land for erection of gasholders.

14. The company shall have power to purchase or take on lease land within the limits of this Act for the purpose of erecting thereon such gasholders as may be necessary for the extension of their works within the said limits.

Power to enter and inspect gasworks to ascertain origin of nuisance.

15. It shall be lawful for the surveyor of or any other person acting by or under the authority of the Corporation of the Town of Hastings, or any other body corporate or Road Board having or exercising municipal powers within the limits of this Act, at any time or times in the daytime after having given forty-eight 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 supply of gas into any harbour, 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 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 said Corporation, Road Board, or other body corporate before two Justices.

Copy of special Act to be kept by company in their office and deposited.

16. 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 Napier District thereof, and in the office of the Clerk to the Bench of the Resident Magistrate for the Town of Napier in the said district, and in the office of the Corporation or other Municipal Corporation of the Town of Hastings, a copy of this Act and of such future Act so printed as aforesaid; and the said company 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.

Penalty on failure to keep or deposit such copies.

17. In case the company 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 company 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.

Certain sections of "Napier Gas Company's Act, 1875," incorporated.

18. The provisions of sections numbers thirteen to twenty-five, both inclusive, twenty-seven to thirty-nine, both inclusive, and forty-two of "The Napier Gas Company's Act, 1875," shall be deemed to be incorporated in this Act, and be applicable so far as regards the district comprised within the limits of this Act.