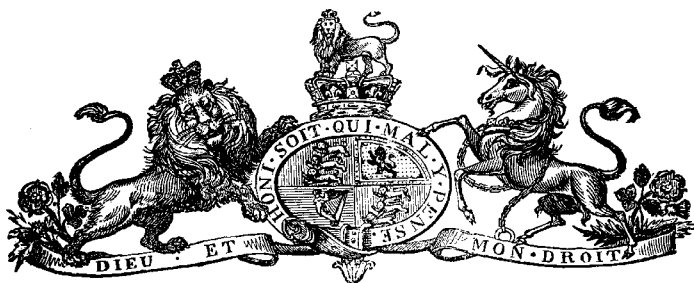


NEW ZEALAND.



TRICESIMO SEXTO

VICTORIÆ REGINÆ.

*(The Statute Book of New Zealand)*

No.

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Title

## A BILL to Grant Borrowing Powers to the Corporation of the City of Wanganui to enable the said Corporation to Construct Gas Works Water Works and Drainage Works in and through the said City.

[ 1872.]

Preamble

**W**HEREAS it is expedient to construct Gas Works Water Works Drainage and Sewerage Works in the city of Wanganui and for that purpose it is desirable that the said Corporation of the said city should be authorised to raise funds by borrowing on the security of the said works to be constructed within and for the said city and on rates to be levied under and by virtue of this Act. Be it therefore enacted by the General Assembly of New Zealand in Parliament assembled and by the authority of the same as follows :

Short Title

1. The short title of this Act shall be the "City of Wanganui Borrowing Act 1872." It is divided into parts as follows :

- Part 1. Gas Works.
- Part 2. Water Works.
- Part 3. Drainage Works.

## PART I.

Interpretation

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

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

Words importing the masculine gender shall include females  
The word "person" shall include Corporation whether aggregate or sole.

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

The word "Council" shall mean the Municipal Corporation for the city of Wanganui established under the provisions of the "Municipal Corporations Act 1867."

The word "street" shall include any street court or alley highway lane road thoroughfare or public passage or place within the city of Wanganui.

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

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

3. It shall be lawful for the Council to construct all such works as the Council shall think necessary or expedient for the manufacture of gas upon a certain parcel of land described in the first schedule to this Act. Council may construct gas works

4. The Council may also open and break up the soil and pavement of the several streets and bridges within the city of Wanganui and may open and break up any sewers drains or tunnels within or under such streets and bridges and lay down and place within the same limits pipes conduits service pipes and other works and from time to time repair alter or remove the same and also make any sewers that may be necessary for carrying off the washings and waste liquids which may arise in the making of the gas and for the purposes aforesaid may remove and use all earth and materials in and under such streets and bridges and may in such streets erect any pillars lamps and other works and do all other acts which the Council shall from time to time deem necessary for supplying gas within the city of Wanganui doing as little damage as may be in the execution of the powers hereby granted and making compensation for any damage which may be done in the execution of such powers. Power to break up streets and open drains

5. Provided that nothing herein contained shall authorize or empower the Council 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 Council 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 have been already laid down or placed by the Council in pursuance of this Act or any other Act of the General Assembly of New Zealand and may repair or alter any pipe so laid down. Not to enter private land without consent

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 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 owners or occupiers shall deem it necessary or expedient upon giving forty-eight hours' notice to the Council at his own costs and charges but under the directions of the Council 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 or for any hindrance which may thereby be occasioned to the lighting of any public or private lamp. Owners and occupiers of private lands may alter pipes

7. When the Council open or break up the road or pavement of any street or bridge or sewer drain or tunnel the Council 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 bead or pavement or the sewer drain or tunnel so opened or broken up and carry away the rubbish occasioned thereby. Streets &c broken up to be reinstated

8. The Council 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 repairs thereof and may also from time to time enter into any contract for lighting the streets within the city of Wanganui or any of them with gas and for providing lamps lamp posts meters 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 Council and the said person or persons or in any such contract. Power to contract for supplying gas &c

**Power to let meters**

9. The Council 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 Council 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 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 be taken in execution under any process or proceeding of a court of law or equity or in bankruptcy against the person in whose possession the same may be.

**Power to enter buildings for ascertaining quantities of gas consumed**

10. The clerk collector engineer or other officer duly appointed for the purpose by the Council may at all reasonable times enter any dwelling or place lighted with gas supplied by the Council 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 a sum not exceeding five pounds.

**Recovery of rents due for gas**

11. If any person supplied with gas neglect to pay the rent due for the same the Council may stop the gas from entering the premises of such person by cutting off the service pipe or by such means as the Council shall think fit and recover the rent due from such person together with the expense of cutting off the gas and the costs of recovering the rent by action in any court of law of competent jurisdiction.

**Power to remove pipes**

12. In all cases in which the Council 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 Council their agents or workmen after giving twenty-four 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 the same between the hours of nine in the forenoon and five in the afternoon and remove and carry away any pipe meter or fittings or other works the property of the Council.

**Penalty for fraudulently using gas**

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

**Penalty for damaging pipes**

14. Every person who shall wilfully disconnect remove destroy or damage any pipe pillar post plug lamp meter or other work belonging to the Council or under their control or constructed under the authority of this Act 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 Council shall for each such offence forfeit to the Council any sum not exceeding five pounds in addition to the amount of damage done.

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

16. The Council may from time to time enter into any contracts with any persons for the construction, execution or carrying out of all or any of the works authorised by this Act and for the supply of coals or other materials and may appoint and employ such surveyors engineers clerks collectors and workmen as the Council may deem necessary and may remove such officers and workmen and may appoint others in their stead and may pay such officers and workmen such remuneration as the Council shall deem reasonable. Power to contract for execution of works

17. The amount to be charged for gas supplied under the authority of this Act shall from time to time be fixed by the Council Provided that the profits of the undertaking shall not exceed twenty pounds per centum per annum on the sum expended upon the same and if it shall appear at any time that the profits have exceeded such twenty pounds per centum per annum for the whole time since the passing of this Act a rateable reduction shall be made by the Council in the price of the gas supplied by them so that such rates when reduced shall produce a profit not exceeding that hereinabove prescribed. Charges for gas fixed by Council

## PART II.

18. The following words and expressions in this part of this Act shall have the meanings hereby assigned to them unless such meanings be repugnant to the context or subject (that is to say)— Interpretation

The expression "the Council" shall mean the Municipal Corporation for the city of Wanganui established under the provisions of "The Municipal Corporations Act 1867."

The expression "the water works" shall mean the water works and works connected therewith by this Act authorised to be constructed.

The expression "the undertaking" in this part of this Act shall mean the water works and works connected therewith and all other works by this Act authorised to be constructed or done.

The word "lands" shall include messuages lands tenements and hereditaments of any tenure.

The word "stream" shall include springs brooks and all other running waters.

The word "street" shall include any wharf quay jetty bridge square court alley highway lane road thoroughfare or public passage or place within the city as hereinafter defined or projecting from any part thereof into the sea river or harbour or within the district as hereinafter defined.

The expression "the city" shall mean the city of Wanganui as defined in the first schedule to "The Municipal Corporations Act 1867."

The expression "the district" shall mean the lands comprised within the boundaries set forth in the schedule to this Act.

The expression "water rate" shall include any rent reward or payment to be made for a supply of water for any purpose.

The word "building" shall include places of public worship and public amusement public institutions offices houses shops stores factories livery and other stables and all other public or private buildings within the city but shall not unless expressly included by special provision in this Act comprise buildings belonging to the Crown or vested in trust for any general public object nor any buildings used as public schools libraries or museums.

**Power to construct water works**

19. The Council may make construct complete and maintain such water works as they may deem necessary for the purpose of supplying the city with water from any stream within the district or the city from which they may consider it expedient to derive such supply or any part thereof.

**Powers of Council in connection with undertaking**

20. Subject to the provisions restrictions and conditions contained in this Act the Council may for the purposes of the undertaking exercise the following powers or any of them and may execute or cause to be executed any of the following works (that is to say)

They may without any previous agreement with the owner or occupier enter upon any lands within the city or the district and survey and take levels of the same.

They may take purchase and hold any lands within the city or the district which may in their opinion be required for purposes of the undertaking.

They may from time to time sink such wells or shafts and make maintain alter or discontinue such dams tunnels drives reservoirs cisterns water works tanks aqueducts drains cuts sluices pipes culverts engines and other works of any other kind or description and erect such buildings and machinery within the city or the district as they may think proper for the purposes of the undertaking.

They may from time to time impound divert and take such water from any stream within the city or the district as shall in their opinion be required for the purposes of the water works and may for any purpose connected with the undertaking alter the course of any stream within the city or the district.

They may without previous payment tender or deposit enter upon and use any land within the city or the district for the purpose of taking any earth stone or clay therefrom and may enter upon and use any lands adjacent for making temporary roads or approaches to any works connected with the undertaking. But before they shall make such temporary use of any such lands they shall give five days' previous notice of such their intention to the occupiers of any such lands except in the case of accident to any part of the works requiring immediate reparation. And provided also that until any land so taken for temporary use be given up they shall pay to the owner or occupier thereof reasonable compensation for the use of such land or otherwise and such compensation if the parties cannot agree shall be settled by arbitration in manner hereinafter provided.

**Council to do no damage**

21. In the exercise of the powers given to the Council by this Act they shall do as little damage as can be and in all cases when it can

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be done they shall provide watering places drains ways and channels for the use of adjoining lands in place of any such as shall be taken away or interrupted in carrying out the undertaking.

22. The Council shall make to the owners of and to all other persons having any less estate or interest in any land or water taken or used for the purposes of the undertaking or which may be damaged by the construction and maintenance of the water works or otherwise by the carrying out of the undertaking full compensation for the same. **Compensation to be made**

23. All claims for compensation under this Act shall be made in writing to the Council within six calendar months from the time when such claims shall have arisen where the claimant shall reside within the Province of Wellington and within twelve calendar months where the claimant shall reside elsewhere and no claims for compensation shall be allowed unless made within such respective periods. **Claims to be made within six months**

24. The amount of compensation shall unless the parties can agree thereon be ascertained in the manner pointed out and set forth in "The Lands Clauses Consolidation Act 1863" which Act for that and other purposes is so far as the same may be applicable to and not inconsistent with the provisions of this Act incorporated with and shall be deemed to form part of this Act. **Amount how ascertained**

25. In the case of any infant claimant having no legal guardian resident within the Colony the word "guardian" when used in "The Lands Clauses Consolidation Act 1863" shall for the purposes of this Act be held to mean the Curator of Intestate Estates for the District of Wellington acting under the provisions of "The Intestate Estates Act 1865." **Infant claimants**

26. The Council may for the purposes of the undertaking from time to time open and break the soil and pavement of any street and may open and break up any sewers drains tunnels or other works of any kind within or under any street and lay down and place conduit service or other pipes works and engines and from time to time repair alter and remove the same and for the purposes aforesaid may remove and use all earth and material in and under such streets and do all other acts which they may from time to time deem necessary for supplying water to the inhabitants of the city and to the shipping at the port of Wanganui doing as little damage as can be in the execution of the powers hereby granted and making compensation in manner provided by this Act for any damages which may be sustained by any person or persons by reason of the execution by them of the powers hereby given to them Provided always that nothing herein contained shall authorise or empower the Council to lay down or place any pipe conduit service pipe or other works on any land not dedicated to public use without the consent of the owners and occupiers thereof except that the Council at any time may enter upon and lay or place any new pipe in the place of an existing pipe on any land wherein any pipe shall have been lawfully laid down or placed in pursuance of this Act and may repair or alter any pipe so laid down. **Council may break up streets &c**

27. After any stream or supply of water hereby authorised to be taken by the Council shall have been taken as authorised by this Act every person who shall unlawfully divert or take any of the water supplying or flowing into the stream so taken or any part thereof or who shall do any unlawful act whereby the said stream or supply of water may be drawn off or diminished in quantity or who shall not immediately upon notice in that behalf repair the injury done by him so as to restore the said waters to the state in which they were before the doing of any such unlawful act shall be liable to a penalty not exceeding one hundred pounds for every day during which such unlawful **Penalty for diverting water**

act shall continue but the imposition of any such penalty shall not preclude the Council from recovering from such persons by way of damages in an action in any Court of competent jurisdiction full reparation for any damage which may be sustained by reason of any such unlawful act.

**Assessment to be made**

28. The Council shall in the month of December in the year one thousand eight hundred and seventy-two and in the month of December in every succeeding year cause an assessment to be made of the annual value of all buildings situated within one hundred yards of any water pipes intended to be laid down or which shall hereafter have been laid down under the authority of this Act and to which water could or might be supplied from any such water pipes when so laid down. Provided always that it shall be lawful for the Council to use for the purposes of the assessment to be made under the provisions of this section any assessment made for other Municipal purposes under the provisions of "The Municipal Corporations Act 1867" so far as the same can be applied thereto.

**Appeals**

29. Save where it is herein otherwise provided or there is something in the context or subject matter repugnant thereto all the provisions of "The Municipal Corporations Act 1867" relating to appeals against assessments shall apply to any assessment to be made under the authority of this Act.

**Rates to be made**

30. For the purpose of raising the necessary funds for carrying into effect the purposes of this part of the Act and for providing for the repayment of any money which may be borrowed for the purposes of the undertaking and interest upon the same there shall be levied and paid annually the following rates that is to say :

In respect of all buildings used as dwelling houses to which water shall be laid on where the assessed annual value of such buildings shall not exceed twelve pounds ten shillings a rate of ten shillings per annum

And where such assessed annual value shall exceed twelve pounds ten shillings but shall not exceed one hundred pounds a rate per centum on such value not exceeding seven pounds

And where such assessed annual value shall exceed one hundred pounds but shall not exceed two hundred pounds a rate per centum on such value not exceeding six pounds

And where such assessed value shall exceed two hundred pounds but shall not exceed three hundred pounds a rate per centum on such value of five pounds

And where such assessed value shall exceed three hundred pounds a rate per centum on such value of four pounds

And in respect of all such buildings to which water can be but is not laid on and situated within one hundred yards of any water pipes laid down under the authority of this Act a rate per centum upon the assessed annual value equal to half of the rate which would be payable in respect thereof if water were laid on

And in respect of all buildings used as stores or warehouses or for any other purpose except as dwelling-houses a rate per centum of two pounds twelve on the assessed annual value

But it is hereby declared that any building used as a dwelling house which shall remain actually unoccupied for not less than six calendar months in any year shall be rated for that year at two pounds ten shillings per centum on the assessed annual value. Provided the owner



or person for the time being liable to the payment of rates shall forthwith give to the Council notice in writing of the date on which such building shall become vacant and of the date on which the same shall again be occupied. Provided also that such net revenues of the undertaking shall not exceed twenty pounds per centum per annum on the sum expended on the same and if it shall appear at any time that the net revenues have exceeded such twenty pounds per centum per annum for the whole time since the passing of this Act a rateable reduction shall be made by the Council in the price of the water supplied so that such rates when reduced shall produce a net revenue not exceeding that hereinabove prescribed.

31. In respect of such rates as aforesaid the quantity of water to be supplied to any building or to the inhabitants thereof shall be from time to time regulated and prescribed by the Council and for any water supplied beyond such regulated and prescribed quantity the Council shall be entitled to charge and recover from the person taking the same after such rate as the Council shall from time to time fix and agree in that behalf which additional charge shall in all cases be recoverable by the Council in like manner as the rates payable for and in respect of ordinary supply.

32. It shall be the duty of the Council on the application of the owner or occupier of any building who shall be desirous of being supplied with water from any water pipe available for the purpose of such supply to lay on at the expense of the person requiring the same all necessary service pipes affording such supply and every person shall when such service pipes shall have been laid on and paid for be entitled to demand and receive from the Council a supply of water proportionate to the amount of rates payable by him under the provisions of this Act.

33. Every such application for water supply shall be accompanied by a deposit of a sum reasonably sufficient to cover the cost of laying on such service pipes and any surplus or deficiency shall when the actual expense of laying on the same has been ascertained be repaid by or made good to the Council as the case may require.

34. Every person supplied with water under the provisions of this Act shall when required by the Council provide and affix such proper tap stopcock or other apparatus to the pipe conducting the water used by him as the Council shall direct and such tap stopcock or apparatus shall be kept in good repair so as effectually to prevent the water from running to waste and in case any such person shall neglect to provide when required by the Council such tap stopcock or other apparatus or to keep the same in good repair it shall be lawful for the Council or for any person acting under their authority to cut off the tap or turn off the water from the premises of such person until such tap stopcock or other apparatus shall be provided or repaired or the cost thereof paid as the case may require.

35. If any person supplied with water shall wilfully or negligently permit or suffer any pipe or apparatus to be out of repair or do or suffer any other act so that water shall be wasted or the supply thereof improperly increased he shall be guilty of an offence and shall be liable to a penalty not exceeding twenty pounds and shall also be liable to pay to the Council on demand the value of the water so wasted or improperly increased.

36. Any person acting under the authority of the Council may between the hours of ten of the clock in the forenoon and four of the clock in the afternoon enter into any building or place supplied with water by virtue of this Act in order to examine if there be any waste

or misuse of such water and if such person at any time be refused admittance into such dwelling house or premises for the purpose aforesaid or be prevented from making such examinations as aforesaid the Council may cause the water supplied by them to be cut off from such building or place.

Penalty for supplying water to unrated persons

37. Any person supplied with water under this Act who shall fraudulently and improperly supply to any other person or wilfully permit him to take any water unless for the purpose of extinguishing fire or unless he be a person supplied with water by the Council and the pipes belonging to him be (without his default) out of repair shall be guilty of an offence and for every such offence be liable to a penalty not exceeding twenty pounds.

Persons laying down pipes may remove same

38. Any person who shall have laid down or have caused to be laid down any pipe or other works or who shall have become the proprietor thereof may remove the same after having first given fourteen days' notice in writing of his intention so to do and of the time of such proposed removal and every such person shall make compensation to the Council for any injury or damage to their pipes or works which may be caused by such removal and every person who shall remove any such pipe or other works without giving such notice as aforesaid shall be guilty of an offence and shall be liable for every such offence to a penalty not exceeding ten pounds and shall also be liable to pay or make good to the Council on demand the cost of repairing any damage done to their pipes or works by such removal.

Fire plugs to be provided

39. The Council shall fix proper fire plugs in the main pipes belonging to them in the city at such convenient distances not being more than two hundred yards from each other and at such places as may be most proper and convenient for the supply of water for extinguishing any fire that may break out.

Same to be renewed when needful

40. The Council shall from time to time renew and keep in effective order every such fire plug and as soon as any such fire plug is completed they shall deposit a key thereof at each place within the city where any public fire engine is kept and also shall put up a public notice in some conspicuous place in each street in which such fire plug is situated shewing its situation which notice the Council may put upon any house or building in such street.

Cost

41. The cost of such fire plugs and the expense of placing and maintaining the same in repair and providing such keys as aforesaid shall be defrayed by the Council out of the general municipal rates.

Pipes to be kept charged

42. The Council shall at all times keep charged with water all their plugs to which fire plugs shall be placed unless prevented by unusual drought or other unavoidable cause or accident or during necessary repairs and shall allow all persons at all times to take and use such water for extinguishing fire without making compensation for the same except as hereinafter mentioned.

Payment for salvage

43. When any water belonging to the Council and supplied by means of such fire plugs as aforesaid shall have been used for extinguishing fire in any building or premises insured against loss or damage by fire the Council shall be entitled to demand and recover from every insurance company with which such insurance shall have been effected a sum equivalent to five pounds per centum upon the full value of all salvage effected by the use of the water the amount of such salvage in case of difference to be settled by arbitration in manner hereinafter described.

Penalty for fouling water by gas works

44. Whosoever other than the said Council being proprietor of any gas works or being engaged or employed in the manufacture or supply of gas shall cause or suffer to be brought or to flow into any

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reservoir aqueduct race or water works constructed under this Act or otherwise belonging to under the management or control of the Council or into any drain or pipe communicating therewith any washing or other substance produced in the manufacture or supply of gas or shall wilfully do any act connected with the manufacture or supply of gas whereby the water in any such reservoir aqueduct race or water works is fouled shall be guilty of an offence and shall be liable for every such offence to a penalty not exceeding one hundred pounds and after the expiration of twenty-four hours' notice in writing from the Council in this behalf to a further penalty not exceeding the sum of five pounds for every day during which the offence is continued or during the continuance of the act whereby the water is fouled and if any water supplied by or belonging to or under the management or control of the Council be fouled in any manner by the gas of any such proprietor or person as last aforesaid he shall be guilty of an offence and shall for every such offence be liable to a penalty not exceeding twenty pounds and a further penalty not exceeding ten pounds for every day whilst the offence is continued after the expiration of twenty-four hours' notice in writing from the Council in that behalf.

45. For the purpose of ascertaining whether such water is fouled by the gas of any such proprietor or person the Council may lay open and examine any pipes conduits and works from which the gas is supposed to escape provided that before beginning so to do twenty-four hours' notice in writing be given to the person to whom such pipes conduits or works belong or under whose management or control they may be at the time at which the examination is intended to be made and if at such examination it appear that the water has been fouled by the gas proceeding from or contained in the pipes conduits or works examined the expenses of the examination and repair of the place disturbed shall be paid and borne by the person to whom such pipes conduits or works belong or under whose management or control they may be but if it appears that the water has not been so fouled then such expenses and all damages occasioned by the examination shall be paid by the Council out of the water rates and other moneys to be received under this Act. How to be ascertained

PART III.

46. In addition to the powers given by "The Municipal Corporations Act 1867" and all other Acts having reference thereto and the powers given by this Act the Council may for the purpose of constructing drainage and sewerage works within the said city of Wanganui and for defraying the expenses thereof expend part of the money to be borrowed from time to time and taken up at interest under the authority of this Act in the construction and maintenance of such drainage and sewerage works as to the said Council may seem expedient. Council may construct drainage and sewerage works

47. The Council in order to pay for the construction and maintenance of such works may make and levy rates not exceeding in any one year the sum of one shilling in the pound on the assessment of the rateable property of the said city such rate shall be within the meaning of "The Municipal Corporations Act 1867" a special rate. Rates to be levied to meet expenses of construction

## GENERAL.

- How expenses to be paid** 48. All expenses incurred incident to the passing of this Act and the construction of the works the manufacture of gas and other works hereby authorised shall be paid by the Council from time to time out of any moneys which may be borrowed and received under or by virtue of this Act.
- Interest and sinking fund** 49. The Council may also from time to time pay out of any moneys which may be received as aforesaid any interest and sinking fund which may become due or payable upon any money borrowed for the purposes of this Act.
- Separate account of all monies received and paid under Act to be kept and audited** 50. A separate account shall be kept of all moneys received and paid under the authority and for the purposes of this Act and shall be audited by the Auditor of the Council in the same manner as the other Corporation accounts.
- Penalties how recovered** 51. All fines penalties forfeitures or sums of money which under or by virtue of this Act shall be authorised 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 manner provided by "The Justices of the Peace Act 1866" so far as the same relates to summary convictions or by any Act repealing or amending the same or for the like purposes.
- Damages to be made good in addition to penalty** 52. If through any act neglect or default on account whereof any person shall have incurred any penalty imposed by or by virtue of this Act any damage to the property of the Council shall have been committed by such person he shall be liable to make good such damage as well as to pay such penalty and the amount of such damage shall in case of dispute be determined by the Justices by whom the party incurring such penalty shall have been convicted and shall be leviable by distress and sale as in the case of judgment by two Justices.
- Form of conviction** 53. The Justices before whom any person shall be convicted of any offence against this Act may cause the conviction to be drawn up according to the form in the Schedule 2 to this Act annexed.
- In whose name proceedings may be taken** 54. All proceedings under this Act for the recovery of any rents damages or penalties may be had and taken in the name of the Town Clerk of any such Council and shall not abate by reason of the death removal or resignation of any such Town Clerk.
- Nothing in this Act to prevent Council from being indicted for a nuisance** 55. Nothing in this Act contained shall prevent the Council from being liable to an indictment for nuisance or any other legal processes to which the Council may be liable in consequence of the Council making or supplying gas.
- Obstructing works** 56. Every person who shall wilfully obstruct any person acting under the authority of the Council in carrying out the undertaking or who shall pull up or remove any pole or stake driven into the ground for the purpose of setting out the line of such work or deface or destroy any works made for the same purpose shall be liable to a penalty not exceeding twenty pounds for every such offence.
- Rates when payable** 57. Water rates and other rates payable under the provisions of the Act shall be payable either yearly or half-yearly as the Council shall determine and shall be paid by the persons liable to the payment thereof on such yearly or half-yearly day or days as the Council shall fix in that behalf Provided always that if any person supplied with water shall neglect to pay such water-rate at any of the appointed times of payment thereof the Council may without prejudice to any other remedy against such person for the recovery of such water rate stop the water flowing into the premises in respect of which such rate is payable by cutting off the pipe to such premises or by such other means as the Council shall think fit and the person liable to pay such

water-rate shall also on demand pay all expenses of cutting off the water which in default of payment may be recovered by the Council in any Court of competent jurisdiction.

58. Save where it is herein otherwise provided or there is something in the context or subject matter repugnant thereto all the provisions contained in "The Municipal Corporations Act 1867" relating to the recovery of rates shall apply to water rates drainage and sewerage rates and all other rates payable and recoverable under the provisions of this Act. Recovery of rates

59. The Council may for the purpose of defraying the cost of the undertaking from time to time borrow and take up at interest on mortgage any sum or sums not exceeding altogether the sum of thirty thousand pounds (£30,000) and for the purpose of securing the repayment of any sums borrowed together with interest thereon the Council may mortgage to the person by or on behalf of whom such sums are advanced the undertaking and the rates and other moneys owing or accruing under or by virtue of this Act and each mortgagee shall be repaid the sums so advanced with the interest agreed upon without any preference over the others by them by reason of priority of advance or the date of his mortgage and the money which the Council are hereby expressly authorised to borrow shall be in addition to any moneys which they are authorised to raise or to borrow for any other purpose by "The Municipal Corporations Act 1867" or any Act supplemental thereto or otherwise relating to Municipal Corporations in New Zealand. Power to borrow money for undertaking

60. All mortgages which may be granted under the authority of this Act shall so far as regards the rates and other moneys accruing under this Act have priority over all mortgages or charges subsisting at the time of the passing of this Act and granted by the Council under the authority of "The Municipal Corporations Act 1867" or any Act supplemental thereto or otherwise relating to Municipal Corporations in New Zealand and over all mortgages or charges to be hereafter granted by the Council under the like authority. Mortgages to have priority

61. If the Council can at any time borrow at a lower rate of interest than that secured by any mortgage previously made by them and then outstanding and in force they may if they shall think fit so borrow accordingly in order to pay off and discharge any of the securities bearing a higher rate of interest and may charge the undertaking rates and other moneys aforesaid with the payment of the sum so borrowed together with interest thereon in manner aforesaid subject to such regulations as are herein contained with respect to other moneys borrowed upon mortgage. Power to borrow at lower rates

62. If at any time appointed by any mortgage deed for the payment of the principal money secured thereby the Council are unable to pay off the same they may if shall think fit borrow such sum of money as may be necessary for the purpose of paying off the whole or any part of the said principal moneys and may secure the repayment of the same and the interest to be paid thereon in manner aforesaid. Further power to borrow in certain events

63. Every mortgage authorised to be made under this Act shall be by deed truly stating the date consideration and the time and place of payment and shall be sealed with the Common Seal of the Council and there shall be kept at the office of the Council a register of the mortgages and within fourteen days after the date of any mortgage an entry shall be made in the register of the number and the date thereof and of the names and descriptions of the parties thereto as stated in the deed and every such register shall be open to public inspection during office hours at the said office without fee or reward and any Mortgages how to be made

clerk or other person having the custody of the same refusing to allow such inspection shall be liable to a penalty not exceeding twenty pounds. Such mortgage shall be in form set forth in Schedule No. 3 hereto.

**Transfers**

64. Any mortgagee or other person entitled to any such mortgage may transfer his estate and interest therein to any other person by deed truly stating its date and the consideration for the transfer and there shall be kept at the office of the Council a register of the transfers of mortgages and within thirty days after the date of such deed of transfer if executed within the Colony of New Zealand or within thirty days after its arrival in the Colony of New Zealand if executed elsewhere the same shall be produced to the Council or to the person having charge of the register who shall upon payment of two shillings and sixpence cause any entry to be made in such register of its date and of the names and descriptions of the parties thereto as stated in the transfer and upon any transfer being so registered the transferee his executors administrators or assigns shall be entitled to the full benefit of the original mortgage and the principal and interest secured thereby and every such transferee may in like manner transfer his estate and interest in any such mortgage and no person except the person to whom the same shall have been last transferred and whose transfer shall have been registered his executors administrators or assigns shall be entitled to release or discharge any such mortgage or any money secured thereby.

**Interest how paid**

65. The interest secured by any mortgage authorised to be made under this Act shall unless otherwise provided be paid half-yearly and in order to pay any moneys borrowed and secured by any such mortgage the Council shall in every year until the same be paid off appropriate and set apart one-half of the rates and other moneys to be received under or by virtue of this Act which shall remain after first paying out of the entirety of such rates and moneys the interest of all moneys borrowed or which shall from time to time be due and owing on the credit of the undertaking as a sinking fund for the purpose of repaying the money borrowed and secured by any such mortgage and the Council shall from time to time cause such sinking fund and the interest thereon to be invested on Government securities and to be increased by accumulation in the way of compound interest or otherwise and whenever the Council are not able to pay off one or more of the mortgages and are not able to pay off the whole of the mortgages they may in default of arrangement with the mortgagees decide by lot the order in which they shall be paid off.

**Power of mortgagees on default in payment of interest**

66. If at the expiration of six months from the time when any principal money or interest has become due upon any mortgage made under this Act and after demand in writing the same be not paid the mortgagee or other person entitled thereto may without prejudice to any other mode of recovery apply to the Supreme Court of New Zealand for the appointment of a receiver and the said Court is hereby empowered after hearing the parties to appoint some person to collect and receive the whole or a competent part of the rates until such principal or interest or both as the case may be together with the costs of the application and the costs of collection are fully paid and upon such appointment being made all such rates or such competent part thereof as aforesaid shall be paid to the person appointed and when so paid shall be so much money received by or to the use of the mortgagee or mortgagees of such rates and shall be rateably apportioned between them. Provided always that no such application shall be entertained unless the sum or sums due amount to one thousand pounds or unless a joint application be made by two or more mortgagees or other persons to whom there

may be due after such lapse of time and demand as last aforesaid moneys collectively amounting to that sum.

67. The Council may in lieu of raising and taking up the whole or any part of the moneys authorised to be raised by this Act by means of a mortgage or mortgages as hereinbefore provided raise and take up the same by means of debentures to be issued in such manner and form as the Council shall think fit but subject nevertheless to the regulations hereinafter set forth such debentures to be secured on the credit of the revenues arising or to arise from the rents and works hereby authorised to be constructed Provided always

- (1.) That the debentures shall be for sums not exceeding five hundred pounds each
- (2.) That the principal and interest moneys secured by the debentures shall be payable at the offices of the Council in the city of Wanganui and the principal moneys of any such debentures shall be payable at such time as is mentioned therein not being later than ten years from the issue thereof
- (3.) That such debentures may be made payable in such manner and at such times that a proportion thereof to be fixed by the Council and the payment thereof to be determined by lot shall be redeemable at intervals after the first advance of money

68. As often as any monyes shall become due and payable as principal money secured by any debentures as aforesaid the Council shall cause so much of the securities in which the accumulated fund applicable to the payment of the securities granted under the provisions of this Act is invested as may be required for the purpose to be sold or otherwise converted into money and shall apply the moneys arising from such sale or conversion and any other moneys for the time being in their hands available for that purpose under the provisions of this Act to the payment of the debentures upon which such principal money shall have so become due and payable.

69. The provisions of section sixty-six of this Act shall be deemed to extend and apply to debenture holders in like manner as if the same had been specifically mentioned in the Act.

70. All moneys borrowed from time to time by the Council on mortgage under the authority of this Act shall be applied as follows that is to say :

- 1stly. In payment of the costs charges and expenses attending or incident to the obtaining and passing this Act.
- 2ndly. In the construction of the gas works water works drainage and sewerage works and otherwise in defraying the cost of the undertaking and of all works and conveniences connected therewith and the provisions of this Act.

71. Notwithstanding anything contained in any Act relating to Building or any other Benefit Societies in New Zealand or in the rules of any such Society to the contrary it shall be lawful for the governing body of any such Society to invest in any mortgage to be made under the provisions of this Act any accumulated funds which under the provisions of any Act relating to building or other Benefit Societies or any rules thereof may be invested in real or Government securities.

72. The Council shall cause a separate account to be kept of all sums of money borrowed and expended by them for the purposes of the undertakings and of the matters and things for which such sums of money shall have been disbursed and paid and such account shall be

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Council may raise money by debentures in lieu of mortgages subject to regulations

Council may cause securities to be sold in order to liquidate debentures become due

Provisions of section 66 to extend to debenture-holders

Application of mortgage moneys

Accumulated funds of Benefit Societies may be invested under this Act

Account to be kept of moneys borrowed and spent

balanced once in every year at least and a balance sheet in respect of the said several works exhibiting severally a true statement of the credits and property of every description belonging to and of the debts due by the Council relating thereto at the date of making such balance sheet together with a distinct separate statement of the profit or loss which shall have arisen in respect of the said works separately during the period to which such account shall extend or relate shall also at least once in every year be prepared and made out and both of such accounts shall be examined by the Council and signed by the Chairman for the time being thereof.

**Water works account** 73. The Council shall also keep a separate account to be called the Wanganui Borrowing Account and all monies which shall be received for rates or payments made in respect to water or gas supplied or from any source whatever connected with or relating to the water works gas works and drainage and sewerage works shall be carried to such account and shall be applied and disposed of as follows that is to say—

First. In paying the interest on all moneys borrowed or which shall from time to time be due and owing on the credit of such account or the undertakings respectively.

Secondly. In setting apart and appropriating the sum required by this Act to be set apart as a sinking fund for paying off the principal moneys which have been borrowed on mortgage under this Act.

Thirdly. In paying the costs and expenses of maintaining the gas works and water works drainage and sewerage works and in maintaining repairing and altering and renewing the mains pipes engines reservoirs dams races sluices and other works and conveniences connected therewith and in otherwise carrying into effect the purposes of this Act or in any way incidental thereto.

Fourthly. In paying off all moneys due on the credit of the aforesaid account or the undertakings.

Lastly. Any surplus which may remain shall be carried to the credit of and be applicable to the same purposes as the general Municipal rates.

**Part XI. of Municipal Act to apply**

74. All the provisions of Part XI. of "The Municipal Corporations Act 1867" relating to accounts shall so far as the same are not repugnant to or inconsistent with the provisions of this Act apply to all accounts to be kept by the Council under the provisions of this Act.

**Council to appoint officers**

75. It shall be lawful for the Council by any instrument under the seal of the Council to appoint any officers or persons whom they shall think necessary for the purpose of carrying out or conducting the undertakings and every person so appointed shall have and possess and may exercise so far as may be necessary for the purposes of the undertaking all the powers and authorities by this Act given to the Council.

**Suits against Council**

76. No writ or process shall be sued out against the Council or any member thereof or any officer or person whomsoever appointed as aforesaid and acting under the direction of the Council for anything done or intended to be done under the provisions of this Act until the expiration of one month next after notice in writing shall have been delivered to him or left at or their his office or usual place of abode clearly and explicitly stating the cause of action and the name and place of abode of the intended plaintiff and of his attorney or agent in the action and upon the trial of any such action the plaintiff shall not be permitted to go into evidence of any cause of action which is



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not stated in the last mentioned notice and unless such notice be proved the jury shall find for the defendant and every such action shall be brought or commenced within six months next after the accrual of the cause of action and not afterwards and shall be tried in the jurisdiction where the cause of action occurred and not elsewhere and the defendant shall be at liberty to plead a general denial of the material allegations in the declaration (hereafter called the general issue) and give this Act and all special matter in evidence thereunder and any person to whom any such notice of action is given as aforesaid may tender amends to the plaintiff his attorney or agent at any time within one month after service of such notice and in case the same be not accepted may plead such tender in bar (by leave of the Court) with the general issue or other plea or pleas and if upon issue joined upon any plea pleaded to the whole action the jury find generally for the defendant or if the plaintiff be nonsuited or discontinued or if judgment be given for the defendant then the defendant shall be entitled to the full amount of costs of defence and have judgment accordingly and in case amends have not been tendered as aforesaid or in case the amount tendered be insufficient the defendant may by leave of the Court at any time before trial pay into Court under plea such sum of money as he may think proper and by the like leave may plead the general issue or other plea or pleas any rule of Court or practice to the contrary notwithstanding.

77. Every person who upon any examination on oath under the provisions of this Act shall wilfully and corruptly give false evidence shall be liable to the penalties inflicted upon persons guilty of wilful and corrupt perjury. **False oath perjury**

78. Any demand requisition summons notice writ or proceedings of any kind whatsoever to be served upon the Council may be so served by being left at or sent through any Post Office directed to the Council at their office or by being delivered there to the Town Clerk personally and except where otherwise by this Act directed any demand requisition or notice or other document signed by the Chairman for the time being of the Council or by the Town Clerk purporting to be made by the Council shall for the purposes of this Act be deemed to have been made by the Council. **Notices how to be served**

79. In case of any matter which by this Act is authorised or directed to be settled by arbitration then unless both parties concur in the appointment of a single arbitrator each party on the request of the other shall appoint an arbitrator to whom the matter shall be referred and every such appointment when made on behalf of the Council shall be under the Common Seal thereof and such appointment shall be delivered to the arbitrator or arbitrators and shall be deemed a submission to arbitration by the parties making the same and after the making of any such appointment the same shall not be revoked without the consent of both parties nor shall the death of any person making such submission operate as a revocation and if for the space of fourteen days after any such matter shall have arisen and notice in writing by one party who has duly appointed an arbitrator to the other party stating the matter to be referred and accompanied by a copy of such appointment the party to whom notice is given fail to appoint an arbitrator the arbitrator appointed by the party giving the notice shall be deemed to be appointed by and shall act on behalf of both parties. **Arbitrations**

80. If before the determination of any matter so referred any arbitrator appointed by either of the parties die or refuse or become incapable or for seven days neglect to act the party by whom such arbitrator was appointed may appoint in writing another person in his stead and if he fail so to do for the space of seven days after notice in **Death of arbitrator**

writing from the other party in that behalf the arbitrator appointed by the other party may appoint such other person and every arbitrator so appointed shall have the same powers and authorities as were vested in the arbitrator in whose stead the appointment is made and in case a single arbitrator die or become incapable to act before the making of his award or fail to make his award within twenty-one days after his appointment or within such extended time if any as shall have been duly appointed by him for that purpose the matters referred to him shall be again referred to arbitration under the provisions of this Act as if no former reference had been made.

**Third arbitrator**

81. In case each party shall have [appointed] an arbitrator the arbitrators shall before they enter upon the reference appoint by writing under their hands a third person to be a third arbitrator and if the person so appointed die or refuse or become incapable or for seven days neglect to act the arbitrators first appointed shall forthwith appoint another person in his stead and in case the arbitrators neglect or refuse to appoint such third arbitrator within seven days after being requested so to do by any party to the arbitration any Resident Magistrate acting in and for the city shall on the application of any such party appoint such third arbitrator.

**Award**

82. The award of any single arbitrator or if more than one then of a majority of the arbitrators acting under this Act shall be binding and conclusive upon all persons and to all intents and purposes whatsoever.

**Time for making award**

83. In no case shall the time for making an award under this Act be extended beyond the period of three months from the date of the submission or from the day on which the last arbitrator if more than one shall have been appointed as the case may be.

**Powers of arbitrators**

84. Every arbitrator appointed by virtue of this Act shall have the same powers in all respects as arbitrators appointed by order of the Supreme Court of New Zealand under the provisions of "The Supreme Court Practice and Procedure Amendment Act 1866."

**Declaration by arbitrator**

85. Before any arbitrator shall enter upon any such reference as aforesaid he shall make and subscribe the following declaration before a Justice of the Peace (that is to say)

I (A.B.) do solemnly and sincerely declare that I will faithfully and honestly and to the best of my skill and ability hear and determine the matters referred to me under "The Wanganui Borrowing Act 1872."  
A. B.

And such declaration shall be annexed to the award when made and if any arbitrator shall wilfully act contrary to such declaration he shall be guilty of a misdemeanour.

**Offences**

86. The following shall be deemed to be offences against this Act in addition to any other offences therein specified :

Wilfully or carelessly breaking open or injuring any of the property or works belonging to or under the management or control of the Council under this Act.

Unlawfully drawing off taking or diverting water belonging to the Council or under their control or management under the provisions of this Act.

Bathing in any reservoir aqueduct race or other water works constructed under this Act or otherwise belonging to or under the management or control of the Council.

Washing cleaning throwing or causing to enter therein any animal rubbish filth stuff or noisome thing of any kind whatsoever.

Causing or permitting or suffering to run or be brought therein the water of any sink sewer drain engine or

boiler or other filthy unwholesome or improper water or any sludge or tailing.

Generally the doing or permitting or suffering to be done any act or thing whatsoever whereby any water belonging to the Council or under their management or control or whereby any water of or contained in any such reservoir aqueduct race or other water works so constructed as aforesaid shall be fouled.

And every person guilty of any such offence shall for every such offence be liable to a penalty not exceeding ten pounds and a further penalty not exceeding five pounds for each day whilst the offence is continued after written notice in that behalf.

87. In all cases in which any damages or other moneys are by this Act directed to be paid and no specific method of recovering the same is provided by this Act the same may at the election of the party entitled to sue for the same be ascertained and recovered under the provisions of "The Resident Magistrates Act 1867" notwithstanding the amount to be recovered shall exceed the ordinary jurisdiction of the Resident Magistrate's Court in which the proceedings shall be taken. Damages how to be recovered

88. All penalties imposed by this Act may be sued for and recovered in manner for the time being provided by law for the recovery of penalties imposed under the provisions of any Act of the General Assembly of New Zealand but no such penalty shall be recovered at the suit of any person other than a party aggrieved or the Council without the consent in writing of the Attorney-General of New Zealand first had and obtained. Penalties how to be recovered

89. No proceeding under or in pursuance of this Act shall be quashed or vacated for want of form nor shall the same be removed by *certiorari* or otherwise into the Supreme Court. Certiorari to be taken away

90. No penalty imposed by this Act shall be recovered unless proceedings for the recovery thereof shall have been commenced within six months after the commission or occurrence of the offence upon which the penalty attaches. Limitation of proceedings

91. The Court by which any penalty shall be imposed under this Act on any person other than the Council shall in all cases award one-half of the same to be paid to the Council to be by them placed to the accounts hereinbefore mentioned and the other half shall be paid to Her Majesty and be applied in manner provided by law for the application of penalties of a like nature. Application of penalties

92. Notwithstanding the liability of any person to any penalty under the provisions of this Act he shall not be relieved from any other liability to which he would have been subject if this Act had not been passed. Offender not exonerated

93. The Council may from time to time make by-laws for securing the due carrying out of the purposes of this Act and may by some other by-law repeal alter or vary any by-law so to be made and the Council may by any by-law to be made under this section impose reasonable penalties not exceeding five pounds for any one offence and every such by-law shall be so framed as to allow the Justice or Justices before whom any such penalty may be sought to be recovered to order a part only of such penalty to be paid. Provided always that no by-law shall be of any force or effect until after the expiration of fourteen days after the publication thereof in the *New Zealand Gazette* and in some newspaper published and current in the said City of Wanganui. By-laws

94. Nothing in this Act contained shall prejudice or be deemed to prejudice or affect any right title or interest of Her Majesty her heirs and successors. Right of Crown saved

Act not to interfere with general Water Works Gas Works and Drainage and Sewerage Acts to be afterwards passed

95. Nothing herein contained shall be deemed or construed to exempt the gas and water works drainage and sewerage works by this Act authorised to be constructed from the provisions of any general Act or Acts relating to this Act or to works of a similar nature in this Colony which may hereafter pass during the present or any future session of the Legislature.

## SCHEDULES.

### SCHEDULE NO. 1.

ALL that piece or parcel of land containing one acre more or less situate near the Town of Wanganui in the Province of Wellington and Colony of New Zealand commencing at a point on the Cemetery Road seven and a-half chains (nearly) about S.S.W. from junction of Churton Street with Taupo Quay thence one hundred and forty-seven links south-east to the west bank of the Wanganui River thence southerly along bank of aforesaid river nearly five chains from thence north-westerly two hundred and sixty-six links from thence north-easterly five hundred links to starting point.

### SCHEDULE No. 2.

(Schedule referred to in the foregoing Act.)

City of Wanganui }  
New Zealand }  
To wit }

BE it remembered that on the \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord one thousand eight hundred and \_\_\_\_\_ A.B. is convicted before C.D. and E.F. two of Her Majesty's Justices of the Peace for the Colony of New Zealand (or before G.H. Resident Magistrate) [*Here describe the offence generally and the time and place when and where committed*] contrary to "The City of Wanganui Borrowing Act 1872."

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

C.D. (seal)

E.F. (seal)

Or

G.H. (seal)

### SCHEDULE No. 3.

Mortgage, No.

THE MAYOR COUNCILLORS AND CITIZENS OF THE CITY OF WANGANUI,  
NEW ZEALAND:

Under and in pursuance of powers contained in an Act of the General Assembly intituled "The City of Wanganui Borrowing Act 1872."

THIS DEED made the \_\_\_\_\_ day of \_\_\_\_\_ between the Mayor Councillors and Citizens of the City of Wanganui and Colony of New Zealand of the one part who with their successors are herein included in and described by and referred to under the term of "the Council" and

all of \_\_\_\_\_ of the other part WITNESSETH that by virtue of and in exercise and pursuance of the powers contained in an Act of the General Assembly of New Zealand the short title whereof is "The City of Wanganui Borrowing Act 1872" and in consideration of the sum of \_\_\_\_\_

pounds to the said Council paid by the said \_\_\_\_\_ on the execution of these presents by the said Council (the receipt whereof is hereby acknowledged) the said Council doth by these presents assign unto the said \_\_\_\_\_

and \_\_\_\_\_ executors administrators and assigns the undertaking as defined in the said Act and the *STATUTE* as defined by the said Act and all other moneys owing or accruing under or by virtue of the said Act and all the estate right title and interest of the said Council in the same To HOLD unto the said \_\_\_\_\_ executors administrators and

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assigns until the said sum of \_\_\_\_\_ pounds together with interest for  
the same at the rate of \_\_\_\_\_ pounds for every one hundred pounds by the year  
be satisfied the principal sum of \_\_\_\_\_ pounds to be repaid at the end  
of \_\_\_\_\_ years from the \_\_\_\_\_ day of \_\_\_\_\_ at the office of the said Council  
at Wanganui and the interest to be payable half-yearly on the \_\_\_\_\_ day of \_\_\_\_\_  
and the \_\_\_\_\_ day of \_\_\_\_\_ at the said office of the said Council IN WITNESS  
whereof the Mayor Councillors and citizens of the City of Wanganui have caused  
their common seal to be affixed hereto the \_\_\_\_\_ day of \_\_\_\_\_