



# A BILL

INTITULED

**AN ACT to enable the Corporation of the City <sup>Title.</sup>  
of Dunedin to acquire construct and main-  
tain the necessary Lands Plant Premises  
Works and Appliances for supplying the  
inhabitants of the said City and its Sub-  
urbs and other places with Gas and Water.**

**W**HEREAS it is expedient that the Corporation of the City of Dunedin <sup>Preamble.</sup>  
should be empowered to purchase acquire construct manage and  
maintain the necessary lands hereditaments and premises plant works and  
appliances for supplying the inhabitants of the said city and its suburbs and  
such other places as are hereinafter mentioned with Gas and Water and for  
such purposes to grant to the said Corporation power to borrow monies and  
to impose and levy rates and to grant such other powers and to make such  
other provisions as are hereinafter contained :

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

1. The Short Title of this Act shall be “The Dunedin Gas and <sup>Short Title.</sup>  
Water Works Act 1872.”

2. The Act of the General Assembly of New Zealand the short title <sup>Repeal of “The City  
of Dunedin Borrow-  
ing Act 1871”</sup>  
whereof is “The City of Dunedin Borrowing Act 1871” is hereby repealed  
Provided always that every contract agreement act deed matter or thing  
whatsoever which at the time of the passing of this Act shall have been  
lawfully made entered into undertaken executed or done under or by virtue  
or in pursuance of the provisions of the said Act hereby repealed shall be  
as valid and effectual to all intents and purposes as if the said last mentioned  
Act had not been repealed

3. The following words and expressions in this Act and any Act wholly <sup>Interpretation  
clause</sup>  
or partially incorporated herewith 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)

Words denoting the singular shall include the plural number and words  
denoting the plural shall include the singular number

Words denoting the Masculine shall also include the Feminine Gender

The word “person” shall include a Corporation whether aggregate or  
sole

The word “lands” shall include messuages houses lands tenements and  
hereditaments of any tenure and any estate or interest therein

The expression “the said Corporation” or “the Corporation” shall  
mean the Corporation of the City of Dunedin

The expression "the said Council" or "the Council" shall mean the Council of the City of Dunedin

The word "Mayor" shall mean the Mayor for the time being of the City of Dunedin

The expression "the Town Clerk" shall mean the Town Clerk for the time being of the City of Dunedin

The expression "the said Company" shall mean "The Dunedin Water Works Company Limited"

The expression "Gas Works" or "the said Gas Works" and the expression "Water Works" or "the said Water Works" shall include all lands messuages tenements hereditaments plant mains pipes material property and appurtenances whatsoever belonging or appertaining to any Gas Works or Water Works respectively hereinafter referred to

The expression "any Resident Magistrate" "such Resident Magistrate" or "Resident Magistrate" shall mean any Resident Magistrate having jurisdiction within the City of Dunedin

The expression "any Justice" "such Justice" or "Justice" shall mean a Justice of the Peace for the Colony of New Zealand and the expression "two Justices" or "any two Justices" shall mean two or more Justices met and acting together

The word "Street" shall mean any public way road alley court space or thoroughfare whatsoever

The expression "the said City" shall mean the City of Dunedin

The word "Mortgagee" shall include any assignee or transferee of any Mortgage hereinafter referred to

The expression "the Gazette" or "such Gazette" or "the said Gazette" shall mean "The Otago Provincial Government Gazette" or (in case such "Gazette" shall cease to be published) the said expression shall mean "The New Zealand Gazette"

The expression "any Newspaper" shall mean any newspaper published and circulated in the City of Dunedin

The expression "assessed annual value" shall mean the annual value at which any lands messuages hereditaments or premises hereinafter mentioned are for the time being or shall from year to year or from time to time be valued for the purpose of raising and levying the general rates which by any law or ordinance the Council of the City of Dunedin are or shall for the time being be authorised to raise and levy for the said city

The expression "building line" shall mean the boundary line between any private lands or premises and the adjacent public street footway or other public place in the said city

The expressions "mains" "main pipes" and "conducting pipes" shall respectively mean the mains or pipes laid in any public street roadway or other public place for the supply of Gas or Water respectively as the case may be

The expression "service pipe" shall mean the pipe by which either Gas or Water is or shall be conducted from any such "main" or "conducting pipe" as aforesaid up to such "building line" as aforesaid but no further

Power to purchase  
land and construct  
Gas Works

4. It shall be lawful for the said Corporation from time to time or at any time hereafter to purchase acquire and hold any lands within or beyond the boundaries of the said city at such price or prices and upon such terms

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as to the said Corporation shall seem fit for the purpose of erecting Gas Works thereon and to erect such Gas Works and to purchase and procure erect lay and construct all the necessary mains pipes plant machinery and appliances and to do or cause to be done all other things which shall be requisite or expedient for or towards lighting the streets of the said city and such suburbs thereof or other places as are hereinafter mentioned with gas and also for the purpose of supplying with gas private consumers in the said city and such suburbs thereof and other places as are hereinafter mentioned.

5. It shall be lawful for the said Corporation at any time hereafter to purchase from any person who shall for the time being be the proprietor of the same the Gas Works by means of which the said city is now or shall at any time hereafter be supplied with gas for such price or sum of money and upon and subject to such terms and conditions in all respects as to the said Corporation may seem fit. Power to purchase existing Gas Works

6. When and so soon as the said Corporation shall have constructed or purchased any such Gas Works as aforesaid it shall be lawful for the said Council to impose and levy upon the owners lessees or occupiers of all lands situate within the limits of the said city a rate to be called the "Dunedin Gas Rate" to be calculated upon the assessed annual value of such lands and not to exceed ninepence in the pound upon such assessed annual value as aforesaid such rate to be made and levied by or with the authority of the said Council at the same time or times and in the same manner as the said Council by any law or ordinance now or hereafter to be in force is or shall be empowered to make and levy any other rates for the said city or as near thereto as the circumstances of the case will permit. Council empowered to raise and levy a Gas Rate

7. It shall be lawful for but not obligatory upon the said Corporation at any time upon receiving a Petition in writing under the respective hands or in the case of Corporate bodies under their respective seals of two-thirds of the aggregate number of the owners of freehold lands and the lessees of lands for any term of years the unexpired residue whereof shall not be less than three years situate in any suburb place or district adjacent to or at any distance from the said city to procure lay and fix all such mains pipes and other appliances as shall be necessary for the purpose of supplying such suburb place or district as aforesaid with gas from the said Gas Works : Provided always that such Petition as aforesaid shall define in words and by reference to a map or plan accompanying the same the area thereby sought to be brought within the jurisdiction of the said Corporation for the purpose of being supplied with gas : Provided also that upon such area there shall then be erected at least thirty dwelling houses whereof the said Council shall be certified in such manner and form as they shall think fit to require. Power to extend gas mains and pipes for supply of the suburbs

8. When and so soon as the said Council shall have extended the said gas mains or pipes into any suburb of or other place beyond the said city as aforesaid the owners and the lessees or occupiers of all lands situate within three hundred feet of any street which shall be lighted with gas supplied by the said Corporation shall be liable to be rated to and to pay the said Dunedin Gas Rate and shall be entitled to appeal against any assessment for the purpose of the said rate to the same tribunal and in the same manner to all intents and purposes as if the said last mentioned lands respectively had been situate within the limits of the said city. Owners lessees or occupiers in suburbs to pay the Dunedin Gas Rate upon extension of mains thereto

9. It shall be lawful for the said Council from time to time to make such Regulations for the purpose of fixing the price of gas to be supplied by the said Corporation to private consumers or for the lighting of any lands or premises other than any street and for appointing and determining the time or times the place or places and the manner of payment of such price as to the said Council shall seem expedient such Regulations to be Council empowered to make Regulations fixing price &c. of gas supplied to private consumers

signed by the Mayor and to be published once in the Gazette and three times in any newspaper before the same shall come into operation Provided always that the said Council may from time to time revoke alter or amend such Regulations as aforesaid or any of them and substitute new or amended Regulations in lieu thereof respectively such new or amended Regulation or Regulations to be published as aforesaid Provided also that no such new or amended Regulation or Regulations as aforesaid shall come into operation until the expiration of two weeks after publication of the same as aforesaid.

Council empowered to lay on gas to premises of private consumers

10. It shall be lawful for and obligatory upon the said Council upon the written request of any person owning or occupying lands situate within the limits of the said city or in case the said mains pipes and appliances shall be extended as aforesaid to the suburbs of the said city or such other place or places beyond the said city as aforesaid to cause gas to be laid on by service-pipe to the building line of any such lands as aforesaid for the use and consumption of the owners lessees or occupiers thereof respectively as the case may be.

Council empowered to fix Gas Meters and charge rent for same

11. It shall be lawful for the said Council to cause one or more gas meters as the case may in the opinion of the said Council require to be placed in some convenient part or parts of the lands or premises in respect of which such written request as aforesaid shall have been made and such gas meters shall be and remain the property of the said Corporation and subject to the right of removal thereof by the said Council as hereinafter mentioned And it shall be lawful for the said Council to charge such owner lessee or occupier for the time being as aforesaid and such owner lessee or occupier shall pay to the said Corporation in addition to the price of all gas consumed upon the premises owned or occupied as aforesaid such rent or sum of money for the use of the said meters to be payable at such time or times and in such proportions as the said Council shall fix and determine by Regulations to be signed by the Mayor and published in the said Gazette and any newspaper in manner aforesaid Provided always that it shall be lawful for the said Council from time to time as often as the said Council shall think fit to revoke alter vary or amend such Regulations as aforesaid and to make or substitute others or different Regulations in lieu thereof Provided also that no such new altered or amended Regulations as last aforesaid shall be in force until the expiration of two weeks after the publication of the same in manner aforesaid.

Owner lessee or occupier to pay fixed price of gas consumed

12. When and so soon as the said Council shall have caused gas to be laid on as aforesaid to any premises in compliance with such written request as aforesaid and from thenceforth the owner lessee or occupier for the time being of such premises shall pay to the Corporation such price or sum or sums of money at such time or times and in such manner as the said Council shall by any such Regulations as aforesaid require fix or appoint to be paid for the supply of gas to any such lands or premises as aforesaid And it is hereby declared that every such owner lessee or occupier for the time being shall pay to the said Corporation all or any arrears that shall or may for the time being be due to the said Corporation in respect of the lands or premises so owned leased or occupied as aforesaid.

Council empowered to make special contracts for supply of gas.

13. It shall be lawful for the said Council from time to time as they shall think fit to make such special contracts or arrangements with any person for the laying on and supply of gas or for either of such purposes at such price and upon such terms and conditions other than or different from those mentioned in any such Regulations as aforesaid as to the said Council shall seem expedient.

Council empowered to appoint Chief and Sub-Inspectors of gas fittings.

14. It shall be lawful for the said Council to appoint and employ an Inspector and one or more Sub-Inspectors of Gas Fittings and such Inspector and Sub-Inspectors shall respectively have power and authority at

all reasonable times to enter any building or place lighted or supplied with gas by the said Corporation in order to inspect the pipes 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 shall hinder or obstruct any such Inspector or Sub-Inspectors as aforesaid from entering and making such inspection as aforesaid at any reasonable time he shall for every such offence forfeit and pay to the said Corporation any sum not exceeding twenty pounds.

15. If any person supplied with gas by the said Corporation shall make default in payment of the price or sum due for the same the said Council or such Inspector or Sub-Inspectors of Gas Fittings as aforesaid may stop the gas from entering the lands or premises of such person by cutting off the main pipe or by such other measures as the said Council shall think fit And the said Corporation may recover the price or sum so due from such defaulter together with the expense of cutting off the gas as aforesaid and removing the meter from his lands or premises as hereinafter mentioned.

Council empowered to cut off gas on default in payment of sum due by consumer

16. In all cases in which the said Council are authorised to cut off the supply of gas from any lands or premises as aforesaid such Inspector or Sub-Inspector as aforesaid after giving twenty-four hours' previous notice in writing to the occupier under the hand of such Inspector or Sub-Inspector to be left at or upon such lands or premises may enter into any such lands or premises between the hours of nine in the forenoon and four in the afternoon and remove and carry away the gas meter and fittings the property of the said Corporation and such Inspector or Sub-Inspector as aforesaid shall have the like power to remove such meter and fittings upon receiving such notice of intention to discontinue the use of gas as hereinafter mentioned And any person who shall hinder or obstruct such Inspector or Sub-Inspector from removing such meter and fittings as aforesaid shall forfeit and pay to the said Corporation any sum not exceeding twenty pounds.

Inspector or Sub-Inspector empowered to remove gas meters from premises of defaulter

17. Every person who shall lay or cause to be laid any pipe to communicate with any gas pipe belonging to the said Corporation without the consent in writing under the hand of such Inspector or Sub-Inspector as aforesaid or shall fraudulently wilfully or knowingly tamper with or prevent such meter as aforesaid from duly registering the quantity of gas consumed or who in case the quantity of gas supplied by the said Corporation is not ascertained by meter shall use any burner other than such as has been provided by or approved of or specified in any contract made by or on behalf of the said Corporation 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 or waste such gas or shall supply with or allow any other person to use or burn any part of the gas supplied to him by the said Corporation shall forfeit to the said Corporation the sum of £10 for every such offence and also the sum of forty shillings for every day such pipe shall so remain or such burner shall be so used or such excess or waste be so committed or continued or such supply furnished or allowed to be taken or used as aforesaid and such Inspector or Sub-Inspector as aforesaid may in any such case cut off the gas and remove the meter or meters from the lands or premises of the person so offending notwithstanding any contract which may have been previously entered into and any exemption from the said Dunedin Gas Rate which shall have been allowed by the said Council to any such offender under or by virtue of any such special contract or arrangement as aforesaid shall upon conviction of such offender absolutely cease and determine unless the said Council shall by writing under the hand of the Mayor think fit to continue such exemption.

Penalty for fraudulently using gas

18. Any consumer of gas may cease to use or burn gas supplied by the said Corporation and to be liable for any future payments to be made by private consumers of gas until he shall again become a consumer of such

Liability of consumer to cease upon notice in writing to Inspector

gas upon leaving at the office of the Inspector of Gas Fittings for the time being a notice in writing in that behalf under the hand of such consumer And it is hereby declared that upon the expiration of forty-eight hours after the leaving of such notice and upon payment of all arrears which shall or may then be due from such consumer for gas supplied to him by the said Corporation such consumer shall cease to be liable for such payments as aforesaid until he shall again become a consumer of gas.

Penalty for connecting or disconnecting any gas meter

19. No person other than such Inspector or Sub-Inspector as aforesaid or such other person as the said Council shall authorise in that behalf shall connect or disconnect any meter through which any of the gas of the Corporation is intended to be or has been registered and any person offending against this enactment shall for every such offence forfeit and pay to the said Corporation any sum not exceeding ten pounds.

Penalty for damaging pipes &c. or wasting gas

20. Every person who shall wilfully carelessly or negligently disconnect remove destroy or damage any pipe pillar lamp-post lamp plug burner or other thing the property of the said Corporation in anywise connected with the said Gas Works or who shall waste or improperly use any of the gas manufactured or supplied by the said Corporation shall for every such offence forfeit to the said Corporation any sum not exceeding £10 in addition to compensation for the amount of damage done.

Penalty for allowing pipe meter &c. to be out of repair without giving notice to Inspector

21. Every person supplied with gas by the said Corporation who shall wilfully or carelessly or negligently and knowingly suffer any pipe meter or other gas fitting in or upon his premises to be out of repair so that the gas supplied to him is wasted without forthwith leaving written notice thereof at the office of such Inspector as aforesaid shall forfeit and pay to the said Corporation forty shillings for every day that he shall neglect to give such notice.

Council empowered to purchase the water works of the Dunedin Water Works Company Limited

22. It shall be lawful for the said Council for and on behalf of the said Corporation to purchase from the Dunedin Water Works Company Limited and to hold possess enjoy receive and take all the Water Works premises and appurtenances and also all arrears of water rates and other moneys for the time being of or belonging or due and payable respectively to the said Company at or for such price or sum of money or at such rate per share for the whole number of shares in the said Company and subject to such mortgages charges claims and incumbrances and to such terms stipulations and conditions as to the time and mode of payment of the purchase money or otherwise howsoever as the said Council shall think fit

The Dunedin Water Works Company Limited empowered to sell their water works to the Corporation.

23. It shall be lawful for the Directors or the majority of the Directors for the time being of the said Dunedin Water Works Company Limited to sell to the said corporation all and singular the Water Works premises and appurtenances and also all arrears of water rates and other moneys for the time being of or belonging or due and payable respectively to the said Company at or for such price or sum of money or at such rate per share for the whole number of shares in the said Company and subject to such mortgages charges claims and incumbrances and to such terms stipulations and conditions as to the time and mode of payment of the purchase money or otherwise howsoever as shall at any time heretofore have been or shall at any time hereafter be approved of or assented to by the resolution or resolutions of a majority of the votes of the shareholders of the said Company present or duly represented by proxy at any extraordinary or Special General Meeting of the said shareholders which shall have heretofore been duly convened and held or which shall or may hereafter be duly convened and held in that behalf according to the Rules and Regulations of the said Company.

Directors of said Company empowered to execute all necessary contracts deeds &c. to effectuate such sale as aforesaid

24. Upon such sale by the majority of the said Directors of the said Dunedin Water Works Company Limited to the said Corporation as aforesaid it shall be lawful for such majority of Directors to make execute seal and deliver all such contracts agreements deeds convey-

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ances and assurances as shall be necessary or proper for duly and fully vesting the said Water Works premises and appurtenances and also all such arrears of water rates and other moneys as aforesaid in the said Corporation subject to or discharged from all or any of such mortgages charges claims or incumbrances as aforesaid as the case may be or require according to the terms and conditions of such sale as aforesaid.

25. It shall be lawful for the said Council after the purchase of any such Water Works as aforesaid to purchase procure and to lay down and fix all such additional mains pipes and appliances whatsoever as shall be requisite for supplying with water in such manner as the said Council shall think fit all those parts of the said city as shall not at the date of the said purchase of the said Water Works be supplied with water therefrom.

Council empowered to extend water mains in said city

26. It shall be lawful for but not obligatory upon the said Council at any time after the purchase of the said Water Works as aforesaid upon receiving a petition in writing under the respective hands or in the case of corporate bodies under their respective seals of two-thirds of the aggregate number of the owners of freehold lands and the lessees of lands for any term of years the unexpired residue whereof shall not be less than three years situate in any suburb place or district adjacent to or at any distance from the said city to procure lay and fix all such mains pipes and other appliances as shall be necessary for the purpose of supplying such suburb place or district as aforesaid with water from the said Water Works. Provided always that such petition as aforesaid shall define in words and by reference to a map or plan accompanying the same the area thereby sought to be brought within the jurisdiction of the said Corporation for the purpose of water supply. Provided also that upon such area there shall then be erected at least thirty dwelling houses whereof the said Council shall be certified in such manner and form as they shall think fit to require.

Council empowered to extend water mains to suburbs and other places

27. It shall be lawful for the said Council after the purchase of the said Water Works to impose a rate to be called the Dunedin General Water Rate such rate to be payable as hereinafter mentioned by the owners lessees or occupiers of all lands and premises to which such rate shall be applicable as hereinafter mentioned such rate to be calculated upon the assessed annual value of such lands and premises as last aforesaid and not to exceed the sum of two shillings and sixpence in the pound upon such assessed annual value and to be made and levied by or with the authority of the said Council at the same time or times and in the same manner as the said Council by any law or ordinance now or hereafter to be in force is or shall be empowered to make and levy other rates for the said city or as near thereto as the circumstances of the case will permit.

Council empowered to impose and levy General Water Rate

28. The said Dunedin General Water Rate shall be paid by the owners lessees or occupiers for the time being of all lands and premises situate within the said city to which water shall have been laid on or supplied by service pipe from the said Water Works at the time of the purchase thereof by the said Corporation as aforesaid and also by the owners lessees or occupiers for the time being of all lands and premises situate within the said city or the suburbs thereof or elsewhere to which after the said purchase the said Council shall cause water to be laid on or supplied as hereinafter mentioned. Provided always that the owners lessees and occupiers to whose premises the said Council shall cause water to be laid on as aforesaid shall be liable to pay only such portion of the said Dunedin General Water Rate for the year during which water shall be so laid on by the said Council to their respective premises as aforesaid as shall be proportioned to or correspond with the portion of such year as aforesaid as shall be unexpired at the time water shall be so laid on by the said Council as aforesaid. Provided also that after the expiration of such year as aforesaid

The Dunedin General Water Rate to be paid by all owners lessees or occupiers of land in said city to which water shall have been or shall be laid on

the said last mentioned owners lessees or occupiers shall be and remain thenceforth liable to pay the full amount of the said Dunedin General Water Rate.

Council empowered to lay water on to private premises

29. It shall be lawful for and save as hereinafter provided obligatory upon the said Council upon the written request of any person owning leasing or occupying lands or premises situate within the said city or such suburb place or district adjacent thereto or at a distance therefrom as aforesaid to cause water to be laid on by service pipe to the building line of such lands or premises as aforesaid for consumption by such owners lessees or occupiers as the case may be. Provided always that it shall not be obligatory upon the said Council to supply water to or for the use of any person whomsoever in any case in which and for such time as any Resident Magistrate shall certify by writing under his hand that such supply ought not in his opinion to be made. And such Resident Magistrate is hereby authorised and required to hear and determine any complaint made under this provision in a summary manner.

Owners, Lessees, or Occupiers to whose premises water shall not have been laid on but which abut upon street where water main is laid to pay two-thirds of Dunedin General Water Rate.

30. The owners lessees or occupiers for the time being of all lands and premises within the said city to which water shall not have been laid on as aforesaid at the time of the said purchase of the said Water Works but which shall abut upon or be opposite to any street line along which the said Dunedin Water Works Company Limited shall then have laid a main or conducting pipe for the supply of water. And the owners lessees or occupiers for the time being of all lands and premises within the said city and in such suburbs place or district adjacent thereto or at a distance therefrom as aforesaid to which after the said purchase of the said Water Works water shall not have been laid on by the said Council as aforesaid but which shall abut upon or be opposite to any street line along which the said Council shall then have laid a main or conducting pipe for the supply of water shall pay two-thirds and no more of the said Dunedin General Water Rate anything hereinbefore to the contrary in any wise notwithstanding. Provided always that the amount to be paid under this section by such last-mentioned owners lessees or occupiers for the year of rating during which the said Council shall lay such main or conducting pipe or pipes as aforesaid shall bear a due proportion to the residue of that year which shall be unexpired at the time of laying such main or conducting pipe or pipes as aforesaid. Provided also and it is hereby declared that on main or conducting water pipes being laid in all the streets completely surrounding any block or parcel of land in the said city the owners lessees or occupiers of all and singular the lands and premises situate upon or within such block or parcel to or upon which said lands and premises water shall not have been laid on as aforesaid shall be liable to pay two-thirds of the said Dunedin General Water Rate whether such lands or premises shall front or abut on any of the said surrounding streets or not.

Proviso.

Council empowered to impose and levy special rate for watering particular streets.

31. It shall be lawful for the said Council from time to time to impose and levy upon the occupiers for the time being of lands and premises situate in abutting upon or fronting any particular street or streets or in some defined portion or portions of any such particular street or streets without reference to and excluding all the occupiers of shops houses or buildings in any other part or parts of the said city a special rate to be called the Dunedin Street Watering Rate for the purpose of watering and laying dust in such particular street or streets or such portion or portions thereof respectively as aforesaid such rate not to exceed the sum of twopence in the pound upon the assessed annual value of the lands and premises hereby intended to be made subject to the said City of Dunedin Street Watering Rate and such rate shall be made levied and paid at the same time or times and in the same manner as the said City Council is or hereafter shall by any law or ordinance be empowered to make levy and recover any such other rates as aforesaid. Provided always that at least two weeks before the

said last-mentioned rate shall be made the said Council shall cause to be published once in the Gazette and three times in any newspaper a Notice under the hand of the Mayor specifying the particular street or streets or portion or portions thereof to which the said last-mentioned rate is intended to apply for the ensuing year of rating And it is hereby declared that all and singular the occupiers of lands or premises abutting on or fronting or situate within ten yards of the particular street or streets or the portion or portions thereof which shall be so specified as aforesaid shall be liable to pay such last-mentioned rate for the then next ensuing year of rating.

32. Payment of the said Dunedin General Water Rate shall entitle the persons paying such rate to an ordinary supply of water for common domestic purposes but such ordinary supply for such domestic purposes shall not include a supply of water for railway purposes public baths or wash-houses or for washing horses or carriages kept for hire or for gardens or for fountains or other ornamental purposes or for any machinery steam engine mill manufactory brewery distillery coach-house or stable or for any other like purpose whatsoever and any person who shall use water from the said Water Works or have water laid on from the same for any of such purposes (other than and except such common domestic purposes as aforesaid) shall pay to the said Corporation such special rates sums or charges as are hereinafter mentioned.

Payment of Dunedin General Water Rate to entitle ratepayer to supply for common domestic purposes, and not otherwise.

33. It shall be lawful for the said Council by regulations to be published as aforesaid to fix a scale of special rates or charges to be paid by all persons using water from the said Water Works for any other than such common domestic purposes as aforesaid such special rates or charges to be of such amount or respective amounts and to be payable to the said Corporation at such time or times (in advance or otherwise as the said Council shall think fit) at such place or places and in such manner in all respects as the said Council shall think fit and in any such regulations the said Council may require that water meters shall be used for all or any of the purposes other than common domestic purposes for which water from the said Works shall be used and it shall be lawful for the said Council in and by such regulations to fix and impose such rent or rents for the use of such meters as the said Council shall think fit Provided always that it shall be lawful for the said Council from time to time as often as the said Council shall think fit to revoke alter or amend any such regulations as aforesaid and to substitute other or amended regulations in lieu thereof Provided also that such new or amended regulations shall be published as aforesaid and shall not come into force until the expiration of two weeks after such publication.

Council empowered to fix scale of charges for water supplied for other than common domestic purposes.

34. Any occupier of lands to or upon which water from the said Water Works of the Corporation shall be led or applied in such a position and with such tap stop-cock or other appliance as to leave no reasonable doubt that such water is or was intended to be used upon such lands for other than such common domestic purposes as aforesaid shall for the purposes of this Act be deemed and taken to be a person using the said water for such purposes as shall be indicated by the position of the tap from which the supply of water shall be obtainable for such purpose and it shall not be necessary in such case to produce evidence of actual user of such water for such purpose as last aforesaid in order to enable the said Corporation to recover the special rate or charge payable as aforesaid.

Who shall be deemed a person using water for other than domestic purposes.

35. It shall be lawful for the said Council to make all or any such special contracts or agreements with the General Government of New Zealand the Provincial Government of Otago the owners or lessees of public baths or wash-houses railway companies hotel keepers livery stable keepers market gardeners owners of machinery or steam engines millers brewers distillers manufacturers and any other persons requiring a large supply of water as to the price to be paid for water to be supplied by the said Corporation the

Council empowered to make special contracts for supply of water where large quantity required.

time or respective times of payment and the mode of regulating or measuring the consumption of water in each case or otherwise as to the said Council shall seem fit And it shall be lawful for the said Council in all or any of such cases in and by such special contract or agreement as aforesaid to exempt the person or persons with whom such special contract or agreement shall be made from liability to the payment of the said Dunedin General Water Rate and the Dunedin Street Watering Rate or either of such rates for such time and subject to such provisoes and conditions as to the said Council shall seem fit.

Penalty for allowing water to be used unlawfully.

36. Any person receiving water from the works of the Corporation as aforesaid who shall supply with water so received any lands or premises other than the lands or premises for which he himself is liable to be rated or who shall allow water to be taken from his premises to be consumed elsewhere except for the purpose of extinguishing fire shall forfeit to the said Corporation any sum not exceeding five pounds for every case in which water shall be so supplied or allowed to be taken as aforesaid.

Penalty for allowing water to waste.

37. Any person supplied with water by the said Corporation who shall wilfully or negligently use the same wastefully or allow the same to run to waste shall forfeit and pay to the said Corporation for every such offence any sum not exceeding five pounds.

Council empowered to appoint Inspector and Sub-Inspectors of Water Works.

38. It shall be lawful for the said Council to appoint a person to be called the Inspector of Water Works and one or more persons to be called Sub-Inspectors of Water Works Provided always that if the Council shall think fit the same person may hold and exercise the offices of Inspector of Gas Fittings and Inspector of Water Works and the same person may hold the offices of Sub-Inspector of Gas Fittings and Sub-Inspector of Water Works.

Inspector and Sub-Inspector empowered to enter premises of consumers, &c.

39. The Inspector and Sub-Inspectors of Water Works may at all reasonable times enter any lands or premises supplied with water by the said Corporation in order to inspect the service pipe or pipes meters fittings and works by which such water is supplied or registered and for the purpose of ascertaining the quantity of water consumed or supplied and the purpose or purposes for which the same is used on such premises and if such Inspector or Sub-Inspector shall be hindered or obstructed from entering and making such inspection as aforesaid the said Council may cause the water supplied to such lands or premises to be cut off therefrom And any person who shall hinder or obstruct such Inspector or Sub-Inspector from entering and making such inspection as aforesaid he shall for every such offence forfeit and pay to the said Corporation any sum not exceeding twenty pounds.

Consumer to provide pipes stop-cocks &c., and keep same in repair.

40. Every person supplied with water by the said Corporation shall when required by the Inspector of Water Works provide and affix such pipes taps stop-cocks or other apparatus to the pipe or pipes conducting the water used by him as the said Inspector shall direct And such taps stop-cocks or apparatus shall be kept in good repair by the person so supplied with water as aforesaid so as effectually to prevent the water from running to waste And in case any such person shall neglect to provide when required by such Inspector such taps stop-cocks or other apparatus as aforesaid or keep the same in good repair it shall be lawful for the said Inspector by leave of the said Council first had and obtained and notified to such Inspector under the hand of the Town Clerk for the time being to cut off the pipe or turn off the water from the premises of such person until such taps stop-cocks or other apparatus shall be provided or repaired or the cost thereof paid to the said Corporation as the said Council shall determine.

Council to place fire-plugs.

41. The said Council shall cause proper fire plugs to be fixed in the main pipes belonging to the said Corporation in the said city and such

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suburbs and other places to which the said Water Works shall be extended as aforesaid wherever such plugs shall not already have been placed at such convenient distances from each other and at such places as the said Council shall consider most proper and convenient for the supply of water for extinguishing any fire that may break out.

42. The said 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 cause a key thereof to be deposited at each place in the said city or such suburbs or other places as aforesaid 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 fixed shewing its situation which notice the said Council may cause to be put up on any house or building in such street And any person who shall wilfully or negligently injure deface obliterate or alter any such notice shall forfeit and pay to the said Corporation any sum not exceeding five pounds.

Council to renew fire-plugs and deposit keys, &c.

43. The said Council shall at all times keep charged with water all the mains and conducting pipes of the said Water Works 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 the purpose of extinguishing fire without making any compensation for the same.

Council to keep pipes charged with water.

44. The following shall be deemed to be offences against this Act in addition to any other offences hereinbefore or hereinafter specified (that is to say)

Offences against this Act.

Wilfully carelessly or negligently breaking open disturbing or injuring the Gas Works or Water Works belonging to the said Corporation or any matter or thing belonging or appertaining to or connected with the said Gas Works or Water Works respectively

Unlawfully leading off drawing off taking or using any gas or water belonging to the said Corporation

Bathing in any Reservoir Aqueduct Race or other Water Works belonging to the said Corporation

Wilfully causing any cattle horse ass dog sheep swine goose duck or other animal to go into any such Reservoir Aqueduct Race or other Water Works

Washing cleaning throwing or causing to enter therein any rubbish filth dirt 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 boiler or other filthy unwholesome or improper water or any sludge or tailing

Generally the doing or suffering to be done any act or thing whatsoever whereby any water belonging to the said Corporation or under the management or control of the said Corporation shall be fouled

And every person guilty of any such offence as aforesaid shall for every such offence forfeit and pay to the said Corporation any sum not exceeding twenty pounds and a further sum not exceeding five pounds for each day whilst the offence is continued after written notice from the Town Clerk in that behalf.

45. The said Council may from time to time make Bye-laws and from time to time amend alter or repeal the same for regulating the mode form strength material construction and arrangement of gas or water-pipes and other appliances or works supplying gas or water from pipes of the said Corporation to adjacent premises and regulating the time of doing the same And the notices to be given for the inspection or superintending thereof the making good ground which may be disturbed or displaced thereby and for inspecting all services of gas or water within or without any lands or pre-

Council empowered to make Bye-laws.

mises at all reasonable times And to regulate the construction disposition custody and inspection of gas and water meters and the rent and charges to be paid by the consumers of gas or water in respect thereof for preventing the waste or misuse of gas or water and for causing persons consuming gas or water to keep their service pipes and meters by which the same respectively shall be supplied and registered in proper repair and for preventing any tampering with or altering such pipes or meters without notice to the said Corporation and for repairing such pipes meters and other apparatus for supplying gas or water so as to prevent waste of gas or water and for recovering the cost of such repairs if done by or on behalf of the said Corporation And for preventing the use of gas or water by any person not entitled to use the same and for preventing any person from wilfully or negligently breaking injuring or opening any lock cock valve pipe work or engine belonging to the said Corporation and appertaining to or connected with the said Gas or Water Works respectively and from doing any other wilful or negligent act whereby such gas or water may be wasted And generally for securing the due carrying out of the purposes of this Act and the said Council may by any bye-law to be made under this Section impose penalties or forfeitures to be paid to the said Corporation upon conviction of the offender not exceeding ten pounds for any one offence and every such bye-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 by the offender Provided always that no such bye-law shall be of any force or effect until after the expiration of fourteen days after the publication thereof once in the Gazette and three times in any newspaper.

Damages how to be recovered.

46. In all cases in which any damages or any other monies whatsoever are by this Act directed to be paid to the said Corporation and no specific method of recovering the same is provided by this Act the Town Clerk of the said Corporation in his own name as such Town Clerk and for and on behalf of the said Corporation or such other officer or person as the said Council shall by writing under the Seal of the said Corporation appoint in his own name and for and on behalf of the said Corporation may sue for the same and the same shall be ascertained and recovered under the provisions of "The Resident Magistrates Act 1867" or any Act that shall or may hereafter be passed by way of amending the same or by way of repealing the same and substituting new or other provisions in lieu thereof And that notwithstanding the amount to be recovered shall exceed the ordinary jurisdiction of the Resident Magistrate's Court in which the proceedings shall be brought or taken.

Penalties how to be recovered.

47. All penalties or forfeitures imposed by this Act or any such Bye-law as aforesaid may be sued for by the said Town Clerk or such other officer or person as aforesaid in his own name as such Town Clerk or other officer for and on behalf of the said Corporation 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.

No proceeding to be quashed for want of form and certiorari taken away.

48. No suit or 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 into the Supreme Court of New Zealand.

Proceedings to be taken within six months.

49. No penalty or forfeiture imposed by this Act or by any such Bye-law as aforesaid shall be recovered unless proceedings for recovery thereof shall have been commenced within six months after the commission or occurrence of the offence upon which the penalty or forfeiture attaches.

Application of penalties

50. All sums of money penalties and forfeitures recovered on behalf of the said Corporation under the provisions of this Act shall be placed by the said Council either to the Gas Works or to the Water Works account hereinafter mentioned as the case may be or require according as the sum penalty

or forfeiture recovered in each case shall properly relate appertain or belong to the one or the other of such accounts.

51. The said Council may for the purposes of this Act from time to time open and break the soil metal covering and pavement of any street or pathway 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 main conduit service or other pipes works engines or appliances for gas and water or either 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 or pathways and do all other acts necessary for supplying gas and water to the inhabitants of the said city and any suburbs adjacent thereto or other places situate at any distance therefrom doing as little damage as can be in the execution of the powers hereby granted And the said Corporation shall make to the owners of and to all other persons having any less estate or interest in any lands which may be damaged by the exercise of the said powers hereby granted to the said Council full compensation for the same.

Council empowered to break up streets &c.

52. All claims for compensation shall be made in writing and addressed to the said Council and left at the office of the said Town Clerk within six calendar months from the time when such claims shall have arisen where the claimant shall reside in New Zealand and within twelve calendar months where the claimant shall reside elsewhere and no claims for compensation shall be allowed unless made as aforesaid within such respective periods.

Time limited claims for compensation.

53. The amount of compensation shall unless the parties can agree therein be ascertained in the manner provided 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.

Compensation how ascertained.

54. In the case of any infant claimant having no legal guardian resident within the Colony of New Zealand the word "Guardian" when used in the "Lands Clauses Consolidation Act 1863" shall for the purpose of this Act be held to mean Curator of Intestate Estates for the District of Otago acting under the provisions of "The Intestate Estates Act 1865."

Infant claimants.

55. The said Corporation may for the purpose of providing and paying the money which shall be required to purchase such lands and construct such Gas Works as aforesaid or to purchase such existing Gas Works as aforesaid And for the purpose of purchasing the Water Works of the said Dunedin Water Works Company Limited And for the purpose of extending such Gas and Water Works respectively in manner aforesaid from time to time borrow and take up at interest on mortgage any sum or sums not exceeding in the whole the sum of *one hundred and fifty thousand pounds* and for the purpose of securing the repayment of any sums borrowed together with interest thereon at any rate not exceeding six pounds per centum per annum the Corporation may mortgage to the person by or on behalf of whom such sums are advanced the Gas Works and the Water Works belonging to the said Corporation or either of them and the gas rates and water rates respectively and other monies owing or accruing to the said Corporation under or by virtue of this Act and the money which the said Corporation are hereby expressly authorised to borrow shall be in addition to any monies which they are now or at any time hereafter may be authorised to raise or borrow for any other purpose by any Act or Ordinance whatsoever relating generally to Municipal Corporations in New Zealand or to the said Corporation in particular.

Corporation empowered to borrow money.

56. Every mortgage authorised to be made under this Act shall be by deed either printed or in writing truly stating the date consideration and the

Mortgages, how to be made.

time and place of payment and in such form in all other respects as the said Council shall think fit and shall be sealed with the common seal and further authenticated by the signatures thereto of the Mayor and Town Clerk of the said Corporation. And there shall be kept at the office of the said Corporation in the said city registers of the Mortgages which shall be made as aforesaid a separate register being kept for each class of mortgage that is to say one for mortgages of Gas Works and another for mortgages of Water Works and such registers and the registers of transfers of mortgages herein-after mentioned shall be in the custody of a person to be called for this purpose "The Registrar of Mortgages". And such person may be either the Town Clerk for the time being or such other person as the Council may appoint for that purpose. And such Registrar shall have a seal of office to be approved of by the said Council and shall make or cause to be made all such entries in the said registers as are hereinafter mentioned and within fourteen days after the date of any mortgage an entry shall be made in the register of the number and date thereof and the names and descriptions of the parties thereto and the sum and interest thereby secured and the time or respective times herein appointed for payment of principal and interest as stated in the deed and the said Registrar shall endorse on every such mortgage deed so registered a memorandum under his hand and seal of office of the fact and date of such registration.

Transfers of Mortgages.

57. Any mortgagee or other person entitled to any such mortgage as aforesaid may transfer his estate and interest therein to any other person either by a separate deed or by a deed endorsed on the original mortgage truly stating its date and the consideration for the transfer. And there shall be kept at the office of the said Corporation a register of all such transfers of mortgages (separate registers of transfers appropriate to each class of mortgage being kept as aforesaid). And within thirty days after the date of such deed of transfer if executed within the Province of Otago or within thirty days after its arrival within the said Province if executed elsewhere the same shall be produced to the said Registrar of Mortgages who shall upon payment of two shillings and sixpence make or cause to be made an entry in the proper register of the date and of the names and descriptions of the parties to such transfer as therein stated. And shall also endorse upon every such separate deed of transfer as aforesaid or write at the foot of every such transfer if the same shall be endorsed upon the original mortgage a memorandum under his hand and seal of office of the fact and date of such registration. Provided always that no transfer of mortgage by separate deed as aforesaid shall be registered as aforesaid unless the original mortgage shall be produced to the said Registrar who shall in such case endorse upon the said original mortgage a memorandum under his hand and seal of office reciting the date and the names of the parties to and stating the date of the registration of such separate deed of transfer. And upon any transfer of mortgage being so registered as aforesaid the transferee or his legal representative shall be entitled to the full benefit of the original mortgage and the principal and interest thereby secured. 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 any such mortgage shall have been last transferred in manner and with such registration as aforesaid his executors or administrators shall be entitled to release or discharge any such mortgage or any money thereby secured.

Register to be open to public inspection.

58. Every such register as aforesaid shall be open to public inspection at the office of the said Registrar during office hours upon payment of a fee of one shilling. And any Registrar or other person having the custody of such registers refusing to allow such inspection upon payment or tender of the said fee shall be liable to any penalty not exceeding ten pounds for every such offence.

59. Notwithstanding anything contained in any Act relating to Savings Banks 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 Savings Banks Building or other Benefit Societies or any rules thereof may be invested in real or Government securities.

Accumulated funds of Savings Banks Building or Benefit Societies may be invested in said Mortgages.

60. It shall be lawful for the said Corporation in lieu of raising or taking up the whole or any part of the monies authorised to be raised by this Act by means of a mortgage or mortgages as hereinbefore provided to raise and take up the same by means of debentures under the common seal of the said Corporation and the hands of the Mayor and Town Clerk for the time being of the said city such debentures to be in such form and for such amount of principal and bearing such rate of interest not exceeding pounds per centum per annum and such principal and interest respectively being made payable at such time or respective times and at such place or respective places as the said Council shall think fit.

Council may raise money by debentures in lieu of Mortgages.

61. All such debentures shall purport to be issued under the authority of this Act and shall respectively be a charge upon the said Gas Works and Water Works or either of them and upon the gas rates and water rates respectively and other revenues and moneys accruing owing or payable to the said Corporation under or by virtue of this Act according to the tenor of such debentures respectively.

Debentures charged on Gas and Water Works and Rates.

62. No such mortgagee or holder of any such debenture as aforesaid shall have any preference or priority over any other such mortgagee or debenture holder by reason of the priority of the date of any such mortgage or debenture as aforesaid.

No priority among Mortgagees or Debenture holders.

63. All mortgages or debentures which may be granted or issued under the authority of this Act shall so far as regards the said Gas Works and Water Works and the said gas and water rates and other revenues and moneys accruing or payable to the said Corporation under this Act have priority over all mortgages debentures or charges subsisting at the time of passing this Act and granted by or on behalf of the said Corporation under the authority of any Act or Ordinance whatsoever heretofore made by the General Assembly of New Zealand or the Provincial Council of Otago and over all mortgages debentures or charges to be hereafter granted by or on behalf of the said Corporation under the like authority.

Mortgages and Debentures issued under this Act to have priority in respect of Gas and Water Works over all other Corporation liabilities.

64. If at the expiration of thirty days from the time when any principal or interest money has become due upon any mortgage or debenture made or issued under the authority of this Act the same be not paid the person for the time being entitled under such mortgage or the debenture holder as the case may be may without prejudice to any other mode of recovery apply to the Supreme Court of New Zealand by petition 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 said gas rates and water rates and other monies due or accruing to the said Corporation by virtue of this Act or such of the said rates and monies as the said Court shall in its discretion determine until such principal or interest monies or both as the case may be together with the costs of the application and the expenses of the collection of such rates and monies shall be fully paid and satisfied and such receiver shall hold all such rates and monies which shall come into his hands by virtue of such appointment as aforesaid upon trust after payment of such costs and expenses as aforesaid to apply the surplus monies in or towards the equal payment of all such sums of money as shall be then due and owing by the said Corporation upon any mortgages or debentures made or issued under the authority of this Act at such time or times and in such

Appointment of Receiver in case of default in payment of mortgages or debentures.

manner as the said Court shall order And the said Court is hereby further empowered upon cause being shown to revoke the appointment of any such Receiver as aforesaid and to appoint some other person in his stead and also from time to time to make all such orders as the said Court shall in its discretion deem necessary for the collection of the said rates and monies due or accruing to the said Corporation for the safe custody of all such rates and monies when so collected and for the proper application thereof in manner aforesaid Provided always that if at any time the said gas and water rates and other monies due or accruing to the said Corporation under this Act shall be insufficient to fully pay and discharge any mortgage or debenture granted or issued under the authority of this Act the said Court is hereby empowered to appoint a Receiver of all other rates revenues and monies whatsoever which the said Corporation is or shall or may hereafter be entitled to raise or levy under or by virtue of any other Acts or Ordinances whatsoever and to make such further orders for securing the collection of such last-mentioned rates revenues and monies the safe custody thereof and the application of the surplus thereof after payment of the costs of and incidental to the appointment of such Receiver and the cost of such collection as aforesaid in or towards the equal payment of all such sums as shall then be due under any mortgage or debenture granted or issued under this Act as to the said Court shall seem expedient Provided nevertheless that if there shall be any person or persons entitled to priority of payment out of such last-mentioned rates revenues and monies no payment thereof shall be made to any mortgagee or debenture holder under this Act until the monies due or accruing due to such person or persons having priority as aforesaid have been duly paid or sufficient provision has been made for the payment thereof when due.

Application of rates and other revenues from Gas and Water Works.

65. All gas and water rates and other monies which shall be received by the said Corporation under this Act shall be applied as follows

Firstly. In paying the costs and expenses of maintaining the said Gas and Water Works and in maintaining repairing renewing and altering the plant mains pipes engines reservoirs dams sluices and other works and conveniences connected with such Gas and Water Works or either of them

Secondly. In paying the interest of all monies borrowed upon mortgage or debentures as aforesaid as and when the same shall become due and owing

Thirdly. In setting apart so much of the surplus monies as will provide a sinking fund for paying off the principal monies which shall have been borrowed upon mortgage or debentures under this Act

Fourthly. The balance of such monies to be applied in such manner and for such purposes for the benefit of the said Corporation as to the said Council shall seem fit.

Application of borrowed monies.

66. All monies which shall be borrowed by the said Corporation under the authority of this Act shall be applied as follows

Firstly. In payment of the costs charges and expenses attending or incidental to the preparing obtaining and passing of this Act

Secondly. In the construction or purchase of such Gas Works as aforesaid and the purchase of such Water Works as aforesaid and in the extension of such Gas and Water Works respectively as aforesaid

Separate sinking fund for Gas and Water Works, respectively.

67. A separate sinking fund shall be provided as aforesaid for or in respect of the said Gas Works and Water Works respectively.

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68. All moneys which shall be so set apart to provide such sinking funds respectively as aforesaid shall forthwith after being so set apart be paid to such persons not being less than three as the Superintendent for the time being of Otago shall by writing under his hand and the Seal of the said Province nominate and appoint (such nomination and appointment to be published in the Gazette) and such Trustees shall invest such moneys in such securities as the said Superintendent shall from time to time in writing under his hand direct or approve and the annual interest income and increase of such sums so invested shall be in like manner invested and the Trustees of the said sinking funds respectively shall when directed by the said Superintendent by writing under his hand so to do convert make sale of and realise the securities upon which such sums of money so set apart as aforesaid and the interest income and annual increase thereof respectively have been invested and out of the proceeds of such conversion sale and realisation shall pay such of the moneys so borrowed or raised by the said Corporation as aforesaid and the interest thereon as shall for the time being be due and payable Provided always that it shall be lawful for the said Trustees upon the request of the said Council signified under the hand of the Mayor and by the direction of the said Superintendent in writing under his hand to apply the whole or any portion of such proceeds of sale and realisation in redeeming or buying back any mortgage or debentures granted or issued under the authority of this Act before such mortgage or debentures shall have become due.

Sinking funds to be invested in the names of Trustees to be appointed by the Superintendent.

69. In case any of such Trustee or Trustees as aforesaid or any Trustee or Trustees to be appointed as hereinafter mentioned shall die or be absent from the Province of Otago or shall be or become unwilling or incapable to act as such Trustee or Trustees it shall be lawful for the said Superintendent by any writing under his hand and the Seal of the said Province to appoint a new Trustee or Trustees in place of the Trustee or Trustees so dying being absent or being or becoming unwilling or incapable to act as aforesaid and upon every such appointment of any such new Trustee or Trustees as aforesaid all and singular the trust funds and the securities wherein or whereon the same shall for the time being be invested whether real or personal in which the Trustee or Trustees in place of whom such new Trustee or Trustees shall be appointed as aforesaid were interested as such Trustee or Trustees as aforesaid shall by force and virtue of this Act and without the necessity of any transfer assignment deed or conveyance vest in such new Trustee or Trustees jointly with the surviving remaining or continuing Trustee or Trustees or if there shall be no such Trustee then in such new Trustees alone in the same manner and for the same estate or estates and interests and subject to the same trusts as the same were vested in the original Trustees of such trust funds and securities respectively. And every such appointment of a new Trustee or new Trustees shall be published in the Gazette as aforesaid.

Power to appoint new Trustees.

70. The said Council shall keep all proper accounts with respect to the said Gas Works and the said Water Works the accounts which relate to the Gas Works being kept distinct and separate from those which relate to Water Works and such accounts shall among other things clearly show what sums of money have been borrowed for and expended by or for the said Corporation in the construction or purchase and extension of the said Gas Works and in the purchase and extension of the said Water Works and the matters and things for which such sums of money respectively shall have been expended or disbursed and also what rates or other revenues have been received by or for the said Corporation under this Act and what sums have been paid in maintaining and repairing the said Gas Works and Water Works respectively and in collecting the said rates and revenues and the matters and things for which such last-mentioned sums have been paid And such accounts shall be balanced once in every year at least and a separate balance sheet in respect of the said Gas Works and the said Water Works respectively shall be prepared exhibiting a true statement of the property and credits of every description belonging to and of the debts due by the said Corporation relating to the said Gas and Water Works respectively at the date of making such

Council to keep accounts.

balance sheet together with a distinct and separate statement with respect to the said Gas Works and the said Water Works of the profit or loss which shall have arisen in respect thereto during the period to which such respective amounts shall extend or relate and such accounts balance sheet and statement of profit and loss shall be signed by the Mayor and duly audited by the Auditor or Auditors for the time being of the said city.

Council empowered to appoint officers.

71. It shall be lawful for the said Council by any instrument under the common seal of the Corporation and the hand of the Mayor for the time being to appoint any officers or persons whom they shall think necessary for the purpose of carrying out the purposes of this Act. And every person so appointed shall have and possess and may execute so far as may be necessary for the purposes of this Act all the powers and authorities by this Act given to the said Council.

Actions against the Council or its officers.

72. No writ or process shall be sued out against the Council or any member thereof or any officer or person whomsoever appointed under or by virtue of this Act for anything done under the provisions of this Act until the expiration of one month after notice in writing shall have been delivered to them or him or left at their or 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 solicitor in the action (if any) 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 not stated in the last-mentioned notice and unless such service of such notice as aforesaid be proved the jury shall find for the defendant and every such action shall be brought or commenced within six months after the accrual of the cause of action and not afterwards and shall be tried in the jurisdiction where the cause occurred and not elsewhere. And the defendant shall be at liberty to plead a general denial of the material allegations in the declaration (hereinafter called the general issue) and give this Act and all special matter in evidence thereunder and any person to whom such notice of action is given as aforesaid may tender amends to the plaintiff his solicitor or agent within one month after service of such notice and in case the same be not accepted may (by leave of the Court) plead such matter in bar with the general issue or other plea or pleas and if upon issue joined upon any such plea pleaded to the whole action the jury find generally 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 and other plea or pleas any rule of Court or practice to the contrary notwithstanding.

The Gazette to be evidence of Regulations.

73. The production of the said Gazette purporting to contain or publish any such Regulations of the said Council as aforesaid shall for all purposes be deemed and taken to be sufficient *prima facie* evidence that such Regulations respectively were duly made by the said Council according to their purport and that the same were or have been duly published pursuant to the provisions of this Act.

Notices, &c., how to be served.

74. Any demand requisition summons notice writ or proceeding of any kind whatsoever to be served upon the said Corporation or Council may be so served by being left at the office of the said Council or delivered there to the Town Clerk personally and except where otherwise directed by this Act any demand requisition notice or other document signed by the Mayor or Town Clerk and purporting to be made by the said Corporation or Council shall for the purposes of this Act be deemed to have been made by the said Corporation or Council as the case may be.

Rights of the Crown saved.

75. Nothing in this Act contained shall prejudice or be deemed to prejudice or affect any right title or interest of Her Majesty the Queen her heirs or successors.