

Hokitika Gas Company's Act 1877

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An Act to authorize the Hokitika Gas Company (Limited) to break up Streets and Bridges, and to lay down and place Pipes, Conduits, and Service-pipes, and to make and construct other Works for supplying the Town of Hokitika and its Vicinity with Gas.

Preamble.

WHEREAS a joint-stock company has been incorporated under the provisions of "The Joint-Stock Companies Act, 1860," and the Joint-Stock Companies Act Amendment Acts, by the name of "The Hokitika Gas Company (Limited)," having for its object the production of gas and the supply thereof within the Town of Hokitika and its vicinity: And whereas it is expedient that provisions should be made authorizing the said Company to break up streets and bridges in and through the Town of Hokitika and its vicinity, and to lay down and place pipes, conduits, and service-pipes, and to make and construct other works for supplying the said Town of Hokitika and its vicinity with gas, and for other purposes relating thereto, and to the objects for which the said Company has been established:

Be it therefore enacted by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1 Short Title.

The Short Title of this Act shall be "The Hokitika Gas Company's Act, 1877."

2 Interpretation.

The following words and expressions in this Act shall have the meaning hereby assigned to them, unless there be something in the subject or context repugnant to such constructions—that is to say, words importing the singular number only shall include the plural number, and words importing the plural number only shall include also the singular number; words importing the masculine gender shall include females:—

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

The word "Company" shall mean the Hokitika Gas Company (Limited).

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

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

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

The word "month" shall mean calendar month.

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

The word "oath" shall include affirmation in the case of Quakers, and any declaration lawfully substituted for an oath in the case of any other person allowed by law to make a declaration instead of taking an oath.

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

The limits of this Act shall extend to and include all lands lying within a radius of two miles from the north-westernmost corner of Howitt Square, in the Town of Hokitika.

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

The Company, under such superintendence as is hereinafter specified, may open and break up the soil and pavement of the several streets, bridges, and wharves within the limits of this Act, and may open and break up any sewers, drains, or tunnels within or under any such streets, bridges, or wharves, 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, bridges, and wharves, and may in such streets erect any pillar lamps and other works, and do all other acts which the Company shall from time to time deem necessary for supplying gas within the limits aforesaid, doing as little damage as may be in the execution of the power hereby granted, and making compensation for any damage which may be done in the execution of such powers.

4 Not to enter on private lands without consent.

Provided always that nothing herein shall authorize or empower the Company to lay down or place any pipe or other works into, through, or against any buildings, or in any land not dedicated to public use, without the consent of the owners and occupiers thereof, except that the Company may at any time enter upon and lay or place any new pipe in the place of an existing pipe in any land wherein any pipe hath been already lawfully laid down or placed by the Company in pursuance of this Act or of any other Act of the General Assembly of New Zealand, and may repair or alter any pipe so laid down.

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

Provided further that it shall be lawful for any owner or occupier of any building or land not dedicated to public use in, to, through, or against, or in which any pipe or other works shall have been laid down or placed with such consent as aforesaid, at any time thereafter, if such owner or occupier shall deem it necessary or expedient, upon giving forty-eight hours' notice in writing to the Company, at his own cost and charges, but under the superintendence of the Company, to alter and vary the position of such pipes or other works, and to relay and replace the same, so that full compensation be made for any damage

done thereby to the Company, or for any hindrance or obstruction which may thereby be occasioned to the lighting of any public or private lamp.

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

Before the Company proceed to open or break up any street, bridge, wharf, sewer, drain, or tunnel, the Company shall give to the Hokitika Borough Council, or other person under whose control or management the portion so opened or broken up may be, or to their Surveyor or other officer, notice in writing of the intention of the Company to open or break up the same, not less than forty-eight hours before such works shall be begun, except in cases of emergency.

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

No street, sewer, bridge, wharf, drain, or tunnel shall, except in cases of emergency, be opened or broken up except under the superintendence of the person aforesaid having the control or management thereof, or of the part thereof which may be opened or broken up, and according to such plans as shall be approved of by such person, or, in case of any difference respecting such plan, then according to such plan as shall be determined by two Justices, and such Justices may, on the application of the person having the control or management of any such street, bridge, wharf, sewer, drain, or tunnel, require the Company to make such temporary or other works as such Justices may think necessary for guarding against any interruption of the traffic or drainage during the execution of any works which interfere with any such street, bridge, wharf, sewer, drain, or tunnel.

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

Provided always that if the person having such control or management as aforesaid fail to attend at the time and place mentioned in such notice for the opening or breaking up of any such street, bridge, wharf, sewer, drain, or tunnel, or shall not give notice of any objection to the plan for breaking up or opening the same, or shall refuse or neglect to superintend the operation, the Company may perform the work specified in such notice without the superintendence of such person or their officers.

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

When the Company opens or breaks up the road or pavement of any street or bridge, or any wharf, sewer, drain, or tunnel, the Company shall with all reasonable speed complete the work for which the same shall be broken up, and fill in the ground and reinstate and make good the road or pavement, or the wharf, sewer, drain, or tunnel so opened or broken up, and carry away the rubbish occasioned thereby, and shall at all times, whilst any such road

or pavement shall be opened or broken up, cause the same to be fenced in and guarded, and shall cause a light sufficient for the warning of passengers to be set up and maintained against or near such road or pavement where the same shall be open or broken up every night during which the same shall be continued open or broken up from daylight to daylight, and shall keep the road or pavement which has been so opened or broken up in good repair for three months after replacing and making good the same, and for such further time, if any, not being more than twelve months in the whole, as the soil so opened or broken up shall continue to subside.

9 Penalty for delay in reinstating streets, &c.

If the Company open or break up any street, bridge, or wharf, or any sewer, drain, or tunnel, without giving such notice as aforesaid, or in a manner different from that which shall have been approved of or determined as aforesaid, or without making such temporary or other works as aforesaid when so required, except in the cases in which the Company are hereby authorized to perform such works without any superintendence or notice, or if the Company make any delay in completing any such work, or in filling in the ground, or reinstating or making good the road, pavement, or wharf, or the sewer, drain, or tunnel so opened or broken up, or in carrying away the rubbish occasioned thereby, or if they neglect to cause the place where such road or pavement has been broken up to be fenced, guarded, and lighted, or neglect to keep the road or pavement in repair for the space of three months next after the same is made good, or such further time as aforesaid, they shall forfeit to the person having the control or management of the street, bridge, wharf, drain, sewer, or tunnel in respect of which such delay or omission is made a sum not exceeding five pounds for each day during which any such default, delay, or omission as aforesaid shall continue after they shall have received notice thereof.

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

If any such delay or omission as aforesaid take place, the person having the control or management of the street, bridge, wharf, sewer, drain, or tunnel in respect of which such delay or omission shall take place, may cause the work so delayed or omitted to be executed, and the expenses of executing the same shall be repaid to such person by the Company; and such expenses may be recovered in the same manner as damages are recoverable by an action or plaint in any Court of law of competent jurisdiction.

11 Alteration of pipe on notice from the Hokitika Borough Council.

The Hokitika Borough Council, if they deem it necessary to raise, sink, or otherwise alter the situation of any gas-pipes or other gasworks laid in any of the streets, may from time to time, by notice in writing, require the Company to cause forthwith, or as soon as conveniently may be, any such pipes or works to be raised, sunk, or otherwise altered in position, in such manner as the Council

direct: Provided that such alteration be not such as to permanently injure such works, or to prevent the gas from flowing as freely and conveniently as before; and the expenses attending such raising, sinking, or altering, and full compensation for every damage done thereby, shall be paid by the Council, as well to the Company as to all other persons.

12 Hokitika Borough Council may act on default.

If the Company do not proceed forthwith, or as soon as conveniently may be, after receipt of such notice, to cause the same to be raised, sunk, or altered in such manner as the Hokitika Borough Council require, the Council may themselves cause such pipes or works to be raised, sunk, or altered, as they think fit: Provided that such works be not permanently injured thereby, or the gas prevented from flowing as freely and conveniently as before.

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

The inhabitants of any part of the area within the limits of this Act may require the Company to extend their gas-pipes to any distance within the said limits, being not less than half a mile in a continuous line, if they shall so desire, and a majority of the said inhabitants, being ratepayers, shall sign a memorial addressed to the Company requiring them to make such extensions, and shall show to the satisfaction of two Justices of the Peace that the net profits of the Company to arise from such extension will not be less than fifteen pounds per centum per annum on the cost of such extension as aforesaid, and on a reasonable proportion of the costs of all works connected therewith; and such two Justices may, upon being satisfied thereon, make an order requiring the Company to commence and prosecute the works necessary for such extension from a time to be mentioned in such order; and the Company shall from time to time use all due diligence in the prosecution of such works in compliance with such order.

14 Penalty on Company for refusing or neglecting to do so.

If the Company shall refuse or neglect to comply with such order, the Company shall forfeit a sum not exceeding five pounds, to be recovered with costs in any Court of competent jurisdiction, for each day during which they shall refuse or neglect to comply with such order, from the time when notice of such neglect or refusal shall have been served on the said Company by any of such inhabitants, being ratepayers as aforesaid, unless it shall appear to such Court that the delay arose from circumstances beyond the control of the Company.

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

The Company may from time to time enter into any contract with any person for lighting or supplying with gas any public or private buildings, or for providing any person with pipes, burners, meters, and lamps, and for the repair

thereof, and may also from time to time enter into any contract with the Hokitika Borough Council, or other person having the control of any of the streets within the limits aforesaid, for lighting the same or any of them with gas, and for providing such Hokitika Borough Council or person with lamps, lamp-posts, burners, and pipes for such purpose, and for the repairs thereof, in such manner and upon such terms as shall be agreed upon between the Company and the said Council or other person.

**16 Power of the Company to let meters.
Meters not liable to distraint for rent, &c.**

The Company may let for hire any meter for ascertaining the quantity of gas consumed or supplied, and any fittings for the gas, for such remuneration in money as shall be agreed upon between the Company and any person to whom the same may be so let, and such remuneration shall be recoverable in the same manner as the rents or sums due to the Company for gas; and such meters and fittings shall not be subject to distress for rent of the premises where the same may be used, nor to be taken in execution under any process or proceeding of a Court of law or equity or in bankruptcy against the person in whose possession the same may be.

17 Company may enter buildings for ascertaining the quantities of gas consumed.

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

18 Recovery of rents due for gas.

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

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

In all cases in which the Company are authorized to cut off and take away the supply of gas from any house, building, or premises, under the provisions of this Act, the Company, their agents or workmen, after giving forty-eight hours' previous notice in writing to the occupier, or, if no occupier, then after leaving

such notice on any portion of the premises, may enter into any such house, building, or premises between the hours of nine in the forenoon and four in the afternoon, and remove and carry away any pipe, meter, fittings, or other works the property of the Company.

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

Notice to the Company from a consumer for the discontinuance of a supply of gas shall not be of any effect unless it be in writing, and be left at the registered office for the time being of the Company, or at the office of the Company's Manager at the Company's works at Hokitika.

21 Penalty for fraudulently using gas.

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

22 Notice to be given to the Company before meter connected or disconnected, under a penalty of five pounds.

Before any person connects or disconnects any meter through which any of the gas of the Company is intended to be or has been registered, he shall give not less than twenty-four hours' notice in writing to the Company of his intention to do so, and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding five pounds.

23 If consumer leaves premises without giving notice to Company, next tenant liable for amount due if he use gas without first giving notice.

When any consumer leaves the premises where gas has been supplied to him without paying to the Company the gas rent due from him, the Company shall be entitled to require from the next tenant payment of the arrears accruing since the meter shall have been last taken by the Company and left unpaid by the former tenant, if such next tenant shall consume any gas of the Company

without having first given to the Company twenty-four hours' notice of his intention to do so; and if such notice shall be given, such incoming tenant shall not be liable for such arrears as aforesaid.

24 Penalty for wilfully damaging pipes.

Every person who shall wilfully disconnect, remove, destroy, or damage any pipe, pillar, plug, post, lamp, or other work of the Company for supplying gas, or who shall wilfully extinguish any of the public lamps or lights, or waste or improperly use any of the gas supplied by the Company, shall for each such offence forfeit to the Company any sum not exceeding five pounds, in addition to the amount of the damage done.

25 Satisfaction for accidentally damaging pipes.

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

26 Penalty on Company for causing water to be polluted.

If the Company shall at any time cause or suffer to be brought or to flow into any public river, stream, reservoir, well, pond, or place for water, or into any public drain communicating therewith, any washing or other substance produced in making or supplying gas, or shall do any act connected with the making or supplying of gas whereby the water in any such stream, river, reservoir, well, pond, or place for water shall be fouled, the Company shall forfeit to the Hokitika Borough Council, or to any person having the ownership or control of the waters into which such washing or other substance shall be brought or flow, or which shall be so fouled as aforesaid, for every such offence a sum not exceeding two hundred pounds, to be recoverable with full costs of suit in any Court of competent jurisdiction, and to be assessed on the principle of covering the reasonable expense of restoring and making free from pollution the river, stream, reservoir, well, pond, or place for water or drain into which such washing or other substance shall be brought or flow, or which shall be fouled as aforesaid; but such penalty shall not be recoverable unless it be sued for during the continuance of the offence or within six months after it shall have ceased.

27 Daily penalty during continuance of offence.

In addition to any sum which may be recovered as aforesaid, and whether any sum shall have been recovered or not, the Company shall forfeit the sum of ten pounds, to be recoverable with costs in any Court of competent jurisdiction, for each day during which such washing or other substance shall be brought or flow as aforesaid, or the act by which such water shall be fouled shall

continue, after the expiration of forty-eight hours from the time when notice of the offence shall have been served on the Company by any person having the ownership or control of the water aforesaid, or being the owner of the banks along which such river or stream as last aforesaid shall flow, by such person or corporate body.

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

It shall be lawful for the Surveyor of, or any other person acting by or under the authority of, the Hokitika Borough Council, at any time or times in the day-time, after having given twenty-four hours' notice to the Company, to enter into any manufactory, gasometer, receiver, or other building belonging to the Company, in order to inspect and examine if there be any escape of gas, or any washing or other substance produced in the making or supplying of gas into any river, stream, public sewer or drain, well, reservoir, pond, or place for water; and if such Surveyor or other person, having given such notice as aforesaid, be refused admittance into any such manufactory, gasometer, receiver, or other building, or be prevented from or obstructed in making such inspection or examination as aforesaid, the Company shall forfeit and pay for every such offence a sum not exceeding five pounds, to be recoverable with costs by the Hokitika Borough Council before two Justices.

29 Penalty on consumer for wasting gas.

Every person supplied with gas by the Company who wilfully suffers any pipe, meter, or other gas-fitting to be out of repair, so that the gas supplied to him is wasted, shall for every such offence forfeit and pay to the Company any sum not exceeding five pounds over and above the loss which the Company sustained by reason of such waste.

30 Penalty on Company for escape of gas after notice.

Whenever any gas shall escape from any pipe laid down or set up by or belonging to the Company, they shall immediately after receiving notice thereof in writing prevent such gas from escaping; and in case the Company shall not, within forty-eight hours next after service of such notice, effectually prevent the gas from escaping and wholly remove the cause of complaint, they shall for every such offence forfeit to Her Majesty, her heirs and successors, the sum of five pounds for each day during which the gas shall be suffered to escape after the expiration of forty-eight hours from the service of such notice, unless reasonable cause for such delay be shown to two Justices of the Peace.

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

For the purpose of ascertaining whether water be fouled by the gas of the Company, the person to whom the water supposed to be fouled shall belong

may dig up the ground and examine the pipes, conduits, and works of the Company: Provided that such person, before proceeding so to dig up and examine, shall give forty-eight hours' notice in writing to the Company of the time and place at which such digging and examination are intended to take place, and shall give the like notice to the persons aforesaid having the control or management of the road, pavement, or place where such digging is to take place, and shall be subject to the like obligation of fencing, guarding, lighting, and reinstating the said road and pavement, and the same penalties for delay or any nonfeasance or misfeasance therein, as are hereinbefore provided with respect to roads and pavements broken up by the Company.

32 Expenses to abide result of examination.

If upon any such examination it appears that such water has been fouled by any gas belonging to the Company, the expenses of the digging, examination, fencing, guarding, lighting, and reinstating of the road, pavement, or place disturbed in any such examination shall be paid by the Company; but if upon such examination it do not so appear, the person causing the examination to be made shall pay all such expenses, and shall also make good to the Company any injury which may be occasioned to the works by such examination.

33 How expenses to be ascertained.

The amount of the expenses of such digging, examination, fencing, guarding, lighting, and reinstatement, and of any injury done to the Company, shall, in case of any dispute about the same, together with the costs of ascertaining and recovering the same, be ascertained and recovered in the same manner as damages for the ascertaining and recovery whereof no special provision is made are to be ascertained and recovered.

34 Nothing to exempt Company from being indicted for a nuisance.

Nothing contained in this Act shall prevent the Company from being liable to an indictment for nuisance, or to any action or other legal proceeding to which, but for this Act, they would be liable in respect of any nuisance committed by them.

35 Company may make by-laws and regulations.

The Company may make by-laws and regulations for the management of the Company and its concerns: Provided the same shall not be repugnant to this Act, or to "The Municipal Corporations Act, 1876," or to any by-law or regulation which may now or shall hereafter be made thereunder, or to any Act of the General Assembly or of the Council of the County of Westland, or to any by-law or regulation which may now or shall hereafter be made thereunder respectively, and may impose any penalty not exceeding the sum of five pounds for the breach of any by-law or regulation of the Company.

36 Publication of penalties.

The Company shall publish the short particulars of the several offences for which any penalty is imposed by this Act or by any bylaw of the Company, affecting other persons than the shareholders, officers, or servants of the Company, and of the amount of every such penalty; and shall cause such particulars to be painted on a board to be hung up or affixed on some conspicuous part of the principal place of business of the Company, and when any such penalties are of local application shall cause such board to be fixed in some conspicuous place in the immediate neighbourhood to which such penalties are applicable or have reference; and the Company shall renew such particulars as often as the same or any part thereof is obliterated or destroyed; and no such penalty shall be recoverable unless such particulars shall have been published and kept published in the manner hereinbefore required.

37 Penalty for defacing boards used for such publication.

If any person pull down or injure any board put up or affixed as required by this Act for the purpose of publishing any by-law or penalty, or shall obliterate any of the letters or figures thereon, he shall forfeit for every such offence a sum not exceeding five pounds, and shall defray the expenses attending the restoration of such board.

38 Penalties, &c., how to be recovered.

All fines, penalties, forfeitures, or sums of money which, under or by virtue of this Act or any by-law or regulation of the Company, are or shall be authorized or directed to be imposed on any person, shall and may be recovered in a summary way before any two Justices of the Peace, in the manner provided by "The Justices of the Peace Act, 1866," so far as the same relates to summary convictions, or by any Act repealing or amending the same, or for the like purposes.

39 Penalties to be sued for within six months.

No person shall be liable to the payment of any penalty or forfeiture imposed by or by virtue of this Act, or by any by-law made in pursuance thereof, unless the complaints respecting the offence shall have been made before a Resident Magistrate or two Justices of the Peace within six months after the commission thereof.

40 Damage to be made good in addition to penalty.

If through any act, neglect, or default on account whereof any person shall have recovered any penalty imposed by this Act, or by virtue of any by-law made in pursuance thereof, any damage to the property of the Company shall have been committed by such person, he shall be liable to make good such damage, as well as to pay such penalty. The amount of such damage shall in case of dispute be determined by the Resident Magistrate or two Justices of the

Peace by whom the party incurring such penalty shall have been convicted, and shall be leviable by distress and sale as in the case of a judgment by a Resident Magistrate.

41 Form of conviction.

Any conviction for any offence under this Act may be drawn as in the form in the Schedule to this Act annexed.

42 Conviction not to be quashed for want of form.

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

43 Persons giving false evidence guilty of perjury.

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

44 Copy of Act to be kept by Company in their office, and deposited with the Registrar of the Supreme Court for Provincial District of Westland, in office of Clerk to Bench for Borough of Hokitika; and in office of Town Clerk for Borough of Hokitika.

The Company shall at all times after the expiration of six months from the passing of this Act, or of any future Act amending or repealing the same or otherwise empowering the Company, keep in their principal office of business a copy of this Act and of such future Act printed under the authority of the Government of New Zealand, and shall also, within the space aforesaid, deposit in the office of the Registrar of the Supreme Court of New Zealand in the Westland District thereof, and in the office of the Clerk of the Bench of the Resident Magistrate for the Borough of Hokitika in the said district, and in the office of the Town Clerk of the Hokitika Borough Council, a copy of this Act and of such future Act so printed as aforesaid; and the said Company, Registrar, Clerk to the Bench, and Town Clerk respectively, shall keep the said copies, and shall permit all persons interested to inspect the same, and the said Company shall furnish copies thereof or extracts therefrom at all reasonable hours in the day upon payment of one shilling for every such inspection, and sixpence per folio for every folio of seventy-two words thereof, furnished, copied, or extracted.

45 Penalty on failure to keep or deposit such copies.

In case the Company shall fail to keep any copy of this Act, or shall not permit any person interested to inspect the same, or shall fail to furnish copies thereof or extracts therefrom at any reasonable hour of the day upon such payment as aforesaid, the Company shall for every such offence forfeit and pay the sum of five pounds, to be recovered with costs in a summary way by such person interested.

46 Rateable reduction in the price of gas when-profits exceed twenty per cent.

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

Schedule

Provincial District of Westland, New Zealand, to wit.

Be it remembered that, on the day of , in the year of our Lord one thousand eight hundred and , is convicted before me, a Resident Magistrate [*or* before us, two Justices of the Peace for the Colony of New Zealand], for that [*Sere describe offence generally, and the place and time when and where committed*], contrary to "The Hokitika Gas Company's Act, 1877."

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

Resident Magistrate

[*or* Justices of the Peace],