

Lyttelton Waterworks Transfer Act 1878

Local Act 1878 No 48
Date of assent 1 November 1878

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An Act to authorize the Governor to transfer to the Corporation of the Borough of Lyttelton certain Waterworks.

Preamble.

WHEREAS a grant was made and certain moneys appropriated by the Provincial Council of the Province of Canterbury, for the purpose of purchasing land and constructing waterworks for the Borough of Lyttelton: And whereas the pieces of land described in the First Schedule hereto were purchased out of the said moneys, and certain waterworks have been constructed thereon: And whereas, by “The Abolition

of Provinces Act,1875,” the said pieces of land are vested in Her Majesty, and it is expedient to vest the same in the Corporation of the Borough of Lyttelton:

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 Lyttelton Waterworks Transfer Act, 1878.”

2 What comprised in term “waterworks.”

The term “waterworks” in this Act includes the pieces of land described in the First Schedule hereto, together with the waterworks and engines constructed thereon, and all the rights, members, easements, and appurtenances belonging or appertaining to the said pieces of land. “Corporation” means the Corporation of the Borough of Lyttelton.

3 Waterworks vested in Corporation of Borough of Lyttelton.

The waterworks shall, on and as from the twenty-fourth day of October, one thousand eight hundred and seventy-seven, be deemed to be and to have been vested in the Corporation, its successors and assigns, for all such estate and interest as Her Majesty then had therein, subject to the terms, conditions, rights, powers, and privileges specified in the Second Schedule hereto, and which shall be deemed to have the same force and effect as if enacted in the body of this Act.

4 Waterworks to be deemed waterworks within the meaning of “The Municipal Corporations Act, 1876.”

Subject to the provisions of this Act, the said waterworks shall be deemed to be waterworks within the meaning of “The Municipal Corporations Act, 1876,” and Acts amending the same, as fully and effectually as if the waterworks had been constructed or acquired under the authority of “The Municipal Corporations Act,1876:” Provided always that neither the Corporation nor the Council thereof shall have power to sell or lease the waterworks, or mortgage or charge the same otherwise than for securing any moneys borrowed in the manner provided by “The Municipal Corporations Act,1876,” for the purpose of completing, extending, or enlarging such waterworks. Any portion of the land described in the First Schedule hereto, and not occupied by the waterworks or required therefor, may, with the consent of the Governor, be used for recreation purposes only.

**5 Corporation may complete, extend, and enlarge waterworks.
Power to borrow money.**

The Corporation, or the Council thereof, may complete, extend, and enlarge such waterworks, and, if it shall become necessary to raise money for the

completion, extension, or enlargement of the same, the Corporation, and the Council thereof, shall be deemed to have, in respect of the raising of such money, and the completion, extension, or enlargement of such waterworks, all the powers, rights, duties, and liabilities by Parts X. and XI. of "The Municipal Corporations Act, 1876," conferred and imposed on Municipal Corporations, and the Councils thereof, in like manner as if such waterworks had been originally begun under that Act.

6 Moneys to be borrowed by special loan.

All sums of money which may be borrowed for the completion, extension, or enlargement of any such waterworks shall be borrowed by way of special loan under the provisions of the said Act, and not otherwise.

SCHEDULES

FIRST SCHEDULE

All that parcel of land containing one acre, more or less, being part of Rural Section No. 77, commencing at a point in the northern boundary of said section seven chains sixty links from its north-west corner or thereabouts; thence by a line at a bearing of 113° or thereabouts with the magnetic meridian a distance of one chain seventy links or thereabouts, this line being parallel to the south-western boundary of the Lyttelton and Christchurch Railway as it runs through the said section; thence by a curved line described with a radius of twelve chains a distance of four chains, this curved line having the last-mentioned line of one chain seventy links in length tangential to it; thence by a line at a bearing of $3^{\circ} 53'$ or thereabouts a distance of three chains thirty-eight links or thereabouts to the northern boundary of the said section, thence along the said northern boundary in a westerly direction a distance of five chains ninety-five links or thereabouts to the commencing point: as delineated and coloured red on a plan deposited in the office of the Minister for Public Works, Wellington and marked P.W. D. 6650. Together with a right of roadway to and for the said Corporation, or their servants, workmen, or tenants, either with or without carts, carriages, horses, or cattle, through, over, and along that piece of land thirty-three feet wide and about nineteen chains long, coloured green in the said plan, extending from the accommodation road on the north-east side of Lyttelton and Christchurch Railway to the hereinbefore-described piece of land.

Also all that piece or parcel of land containing one rood fifteen perches, more or less, being other portion of said Rural Section No. 77, commencing at a point in the southern boundary of the said section ten chains fifty links from its south-west corner; thence by a line at a bearing of $330^{\circ} 53'$ or thereabouts with the magnetic meridian a distance of thirteen chains seventy-eight links to the south-western boundary of the Lyttelton and Christchurch Railway; at a point being two chains thirty-one links southeasterly from the point of intersection of the northern boundary of said Section No. 77 and the south-western boundary of the Lyttelton and Christchurch Railway; thence by said south-western boundary of the railway at a bearing of 113° a distance

of forty-one links, thence southerly by a line parallel to and twenty-six links distant from the first-mentioned line a distance of thirteen chains sixty-three links to the southern boundary of the said section, thence westerly following the said southern boundary a distance of twenty-six links to the commencing point.

Also all that parcel of land containing thirty-two perches, more or less, being part of Rural Section No. 104, commencing at a point on the northern boundary of the said section distant twenty-one chains ninety-four links from its north-western corner, and thence in an easterly direction along the said northern boundary a distance of twenty-six links or thereabouts, thence by a line at a bearing of $150^{\circ} 53'$ or thereabouts a distance of seven chains ninety-six links or thereabouts, thence by a line at a bearing of $240^{\circ} 53'$ or thereabouts a distance of twenty-five links or thereabouts, thence by a line at a bearing of $330^{\circ} 53'$ or thereabouts a distance of eight chains or thereabouts to the commencing point, as coloured green in the plan aforesaid; subject, however, to a full and free right-of-way and passage to and for Her Majesty, her heirs, successors, and assigns, and her and their agents and servants and workmen, as well on foot as with carts, carriages, horses, oxen, and other cattle, through, over, and along that piece of land ten feet wide, coloured blue on the said plan.

Also all that parcel of land containing one acre one rood and thirty-three perches, more or less, being other portion of said Rural Section No. 104, commencing at a point in the eastern boundary of said Section No. 104 distant one chain ninety-two links from its south-east corner, thence by a line at a bearing of $270^{\circ} 41'$ or thereabouts with the magnetic meridian a distance of ten chains twenty-eight links or thereabouts, thence by a line at a bearing of $148^{\circ} 8'$ or thereabouts a distance of eighty-three links or thereabouts, thence by a line at a bearing of $238^{\circ} 8'$ or thereabouts a distance of three chains or thereabouts, thence by a line at a bearing of $32S^{\circ} 8'$ or thereabouts a distance of three chains or thereabouts, thence by a line at a bearing of $58^{\circ} 8'$ or thereabouts a distance of one chain twenty links or thereabouts, thence by a line at a bearing of $139^{\circ} 49'$ or thereabouts a distance of ten chains eighty-two links or thereabouts, thence by a line at a bearing of $330^{\circ} 53'$ or thereabouts a distance of one chain eight links or thereabouts, thence by a line at a bearing of $60^{\circ} 53'$ or thereabouts a distance of twenty-five links or thereabouts, thence by a line at a bearing of $150^{\circ} 53'$ or thereabouts a distance of one chain three links or thereabouts, thence by a line at a bearing of $139^{\circ} 49'$ or thereabouts a distance of ten chains eighty-seven links or thereabouts, thence by a line at a bearing of $58^{\circ} 8'$ or thereabouts a distance of one chain fifty-four links or thereabouts, thence by a line at a bearing of $148^{\circ} 8'$ or thereabouts a distance of one chain eighty-seven links or thereabouts, thence by a line at a bearing of $90^{\circ} 41'$ or thereabouts a distance of ten chains thirty-six links or thereabouts to the eastern boundary of Section No. 104, thence by the said eastern boundary at a bearing of $162^{\circ} 43'$ or thereabouts a distance of twenty-six links or thereabouts to the commencing point, as shown in said plan coloured pink; subject, however, to a right-of-way across the said land in two places, each of which, being one chain wide, is shown upon the said plan, and coloured blue. Together with a right of roadway to and for the said Corporation, and their assigns, servants, tenants, and workmen, either with or without carts, carriages,

horses, or cattle, through, over, and along those three pieces of land each of which is thirty-three feet wide, and which together are about sixteen chains long, the same being shown upon said plan, and coloured green.

Also all that parcel of land containing twenty-seven perches, more or less, being part of Rural Section No. 19, commencing at a point in the western boundary of the said section at a distance of one chain ninety-two links from its south-western corner, thence by a line bearing $270^{\circ} 41'$ for a distance of six chains thirty links to a point in the south boundary of the said section distant six chains from its south-western corner, thence by the southern boundary of the said section a distance of fifty-one links or thereabouts to the boundary line of Hills Road, thence by the said boundary line of Hills Road in a north-westerly direction a distance of eighteen links or thereabouts, thence by a line bearing $90^{\circ} 41'$ and distant from first-mentioned line twenty-five links a distance of six chains seventy-three links or thereabouts to the western boundary of the said section, thence by the said western boundary in a southerly direction a distance of twenty-six links or thereabouts to the commencing point, as delineated in the said plan, and coloured pink; subject, nevertheless, to a right-of-way across the hereinbefore-described piece of land one chain wide, as is shown upon the said plan, and coloured pink. Together with a right-of-way to and for the said Corporation, and their assigns, and their servants, tenants, and workmen, either with or without carts, carriages, horses, or cattle, through, over, and along those two pieces of land, each of which is thirty-three feet wide, and which taken together are about five chains long, and shown on the said plan, and coloured green.

Together with the waterworks and engines constructed thereon, and all messuages, buildings, and improvements thereon; and all the rights, members, easements, and appurtenances belonging or appertaining to the said pieces or parcels of land and premises, or either or any of them.

SECOND SCHEDULE

That at all times hereafter Her Majesty the Queen or the Governor, by and through any officer or officers employed or to be employed on the public service of the Colony of New Zealand, shall be at liberty, free of all cost, to take, and shall have and be supplied with, all water from the waterworks, or any extension or enlargement thereof, in such quantity and at such times as may be required for Government use only in the Borough of Lyttelton, and not for sale or otherwise; and shall at all times hereafter have free and sufficient access from the Corporation pipes belonging to the said waterworks to all Government offices, institutions, buildings, and railways in the Borough of Lyttelton aforesaid: That at all times hereafter the Lyttelton Harbour Board shall have and be supplied by the Corporation with water for the purposes and use of the said Board, and not for sale, and without charge: That at all times hereafter the charge to be made by the said Corporation to the shipping in the Harbour of Lyttelton aforesaid for such water as may be supplied shall not exceed eight shillings per ton: That the whole of the waterworks at Heathcote Valley in the said colony, to the point where the pipes enter the railway premises at the Heathcote Valley

Station, shall be deemed to be vested in the said Corporation, and the charge of the works and pipes from the said point and through the tunnel to the Town of Lyttelton aforesaid; and the charge of such of the works and pipes as are on the railway line and on all the wharves (whether the said wharves belong to Her said Majesty Queen Victoria or to the Harbour Board) shall be deemed and taken to be vested in Her said Majesty, but the charge of the pipes through the tunnel and on the wharves so vested in Her Majesty the Queen as aforesaid shall not authorize or be in any way taken to authorize the cutting off or in any way interfering with the supply or flow of water through the said pipes, excepting in case of repairs required to the pipes, and the said Corporation shall have free access to the pipes and works on the said railway and wharves for the purpose of turning the water on or off in the said pipes, and not for any other purpose: That at all times hereafter the said Corporation shall bear, pay, and discharge the whole cost of the maintenance and working of the said waterworks: That Her said Majesty, or the Governor, by and through such officer as aforesaid, shall supply proper accounts and items of the expenditure which may be incurred on such portion of the works, the charge of which shall be so deemed to be vested in Her said Majesty Queen Victoria as aforesaid; but all such expenditure shall be paid and satisfied by the said Corporation: That Her said Majesty Queen Victoria shall and will hereafter, on the twenty-fourth day of October in each year, pay to the said Corporation the sum of one hundred pounds as a contribution towards the maintenance and working expenses of the said waterworks: That at all times hereafter shall Her said Majesty Queen Victoria, by and through such officer or officers as aforesaid, collect the moneys which shall become owing to the said Corporation for water to be supplied to the shipping in the said Harbour of Lyttelton, and shall pay the same over to the said Corporation monthly, and render an account thereof therewith, and her said Majesty Queen Victoria shall be allowed a commission upon the amount so collected at the rate of five pounds per centum, which shall cover all charges, and shall be at liberty to deduct same accordingly: That at all times hereafter the said Corporation shall maintain and keep the pumping-engines connected with the said waterworks in good and proper order, repair, and condition, and in as efficient a state as possible: That the said Corporation shall be allowed to have the repairs to the said pumping-engines, machinery, and works executed at the Government railway workshop in Christchurch, the cost price of such repairs to be paid by the said Corporation to the Government; always provided the said workshops are, at the time of such repairs being necessary, in a competent position to execute the work required: That Her said Majesty Queen Victoria, by and through such proper officer as aforesaid, shall at all times hereafter, after giving due notice in writing to the said Corporation, have the full right of entry upon any portion of the said waterworks and machinery for the purpose of inspecting the same and the working thereof, and the said Corporation shall faithfully carry out any directions and instructions which may from time to time be given by any officer or officers as to the manner of working and maintaining the said engines: That the said Corporation shall, at the request of Her said Majesty Queen Victoria or her representative in New Zealand, dismiss any engineer or other officer who may be employed in the said waterworks in the event

of the misconduct or incompetency or otherwise of such engineer or officer: That at all times hereafter shall the said Corporation keep the reservoir aforesaid full of water, unless in the event of repairs requiring to be done to both of the pumping-engines at the same time.