



SUPPLEMENT
TO THE
NEW ZEALAND GAZETTE

OF
THURSDAY, SEPTEMBER 20, 1883.

Published by Authority.

WELLINGTON, FRIDAY, SEPTEMBER 21, 1883.

*Extending Time for Preparation of County of Maniototo
Rolls.*

Wm. F. DRUMMOND JERVOIS,
Governor.

ORDER IN COUNCIL.

At the Government House, at Wellington, this eighteenth day of September, 1883.

Present:

HIS EXCELLENCY THE GOVERNOR IN COUNCIL.

WHEREAS it has been made to appear that, owing to unavoidable circumstances, the preparation of the county roll of the County of Maniototo, and the taking of certain steps consequent on such preparation, cannot be made and taken within the times limited by "The Counties Act, 1876"; and it is expedient to extend the said times respectively:

Now, therefore, His Excellency the Governor of the Colony of New Zealand, in exercise and pursuance of the powers conferred upon him by the said Act, and by and with the advice and consent of the Executive Council of the said colony, doth hereby order and declare that the several times mentioned in the second column of the Schedule hereto shall be the respective times for taking the several steps set opposite such times in the first column of the said Schedule respectively.

SCHEDULE.

| First Column. | Second Column. |
|---|---------------------------------|
| (1.) For preparing the rolls for ridings within the County of Maniototo under section 42 of "The Counties Act, 1876" | (1.) Until the 25th July, 1883. |
| (2.) Time for which the rolls shall be open for inspection under section 46 of "The Counties Act, 1876" | (2.) To the 10th Sept., 1883. |
| (3.) Time for appeals against the said rolls under section 47 of the said Act | (3.) Until the 19th Oct., 1883. |
| (4.) Assessment Courts may sit for hearing applications with reference to the said rolls, and adjourn, under section 48 of the said Act | (4.) Until the 19th Oct., 1883. |
| (5.) Time when rolls shall come into force | (5.) On the 1st Nov., 1883. |

FORSTER GORING,
Clerk of the Executive Council.

*Extending Time for Preparation of County Rolls, Lake
County.*

Wm. F. DRUMMOND JERVOIS,
Governor.

ORDER IN COUNCIL.

At the Government House, at Wellington, this eighteenth day of September, 1883.

Present:

HIS EXCELLENCY THE GOVERNOR IN COUNCIL.

WHEREAS it has been made to appear that, owing to unavoidable circumstances, the preparation of the county roll of the Lake County, and the taking of certain steps consequent on such preparation, cannot be made and taken within the times limited by "The Counties Act, 1876"; and it is expedient to extend the said times respectively:

Now, therefore, His Excellency the Governor of the Colony of New Zealand, in exercise and pursuance of the powers conferred upon him by the said Act, and by and with the advice and consent of the Executive Council of the said colony, doth hereby order and declare that the several times mentioned in the second column of the Schedule hereto shall be the respective times for taking the several steps set opposite such times in the first column of the said Schedule respectively.

SCHEDULE.

| First Column. | Second Column. |
|---|---|
| (1.) For preparing the rolls for ridings within the Lake County under section 42 of "The Counties Act, 1876" | (1.) Until the 19th Sept., 1883. |
| (2.) Time for which such rolls shall be open for inspection under section 46 of the said Act | (2.) From the 21st Sept., 1883, until the 8th Oct., 1883. |
| (3.) Time for appeals against the said rolls under section 47 of the said Act | (3.) Until the 8th Oct., 1883. |
| (4.) Assessment Courts may sit for hearing applications with reference to the said rolls, and adjourn, under section 48 of the said Act | (4.) Until the 24th Oct., 1883. |
| (5.) Time when rolls shall come into force | (5.) On the 1st Nov., 1883. |

FORSTER GORING,
Clerk of the Executive Council.

Road Board Elections.

Colonial Secretary's Office,
Wellington, 20th September, 1883.

THE following election of members of a Road Board is published in accordance with "The Road Boards Act, 1882."

THOMAS DICK.

Maukau Road Board, County of Manukau:
Heywood Crispe.
William Goldsworthy.
George Johnson.
William Salisbury.
Frederick Wightman.

Waterworks By-laws made by the Ashburton County Council.

Colonial Secretary's Office,
Wellington, 20th September, 1883.

THE following special order, made by the Ashburton County Council, is published in accordance with "The Counties Act 1876 Amendment Act, 1882."

THOMAS DICK.

ASHBURTON COUNTY COUNCIL.—WATERWORKS
BY-LAWS.

SPECIAL ORDER.

RESOLVED—That, in pursuance of the powers vested in it by "The Ashburton County Council Empowering Act, 1882," the County Council of the County of Ashburton do hereby make the following by-laws, which shall be applicable to the whole of the system of waterworks under the control of the Council, and the same shall come into operation upon being gazetted according to law:—

Interpretation.

In these by-laws the words "the Council" mean the County Council of the County of Ashburton.

The word "waterworks" has the same meaning as is given to it in the interpretation clause of "The Ashburton County Council Empowering Act, 1882."

Diversion of Water.

1. Every person who, without the license of the Council first had and obtained, shall divert water from any waterworks, or cause or permit or suffer water to be diverted therefrom, shall, on conviction, forfeit and pay for every such offence a sum not exceeding £20 for every day during which such diversion shall be suffered to continue.

2. Whosoever, having received permission from the Council to divert water from any waterworks, or any other person who shall be supplied with water by the Council by means of a race or otherwise, or who has access to any waterworks for the taking of water therefrom, shall permit or suffer water to run to waste from any reservoir, race, channel, pipe, or conduit by means of which he has been permitted to divert water from such waterworks as aforesaid, or is being supplied with water, or to which he shall have such access, shall, on conviction, forfeit and pay for every such offence a sum not exceeding £50.

3. Every person who shall divert the water of any stream or watercourse, or storm water, from its natural flow into any reservoir, race, or other waterwork shall, on conviction, forfeit and pay for every such offence a sum not exceeding £50.

4. In any case where the Council possesses the exclusive right of collecting for the supply of any reservoir or other waterwork the storm water which shall fall upon any gathering ground, whosoever shall by any means divert any such water from the course of its natural flow so that the same shall tend to flow elsewhere than to such reservoir or other waterwork or some watercourse leading thereto, or shall flow to the same in a foul state, shall, on conviction, forfeit and pay for every such offence a sum not exceeding £50.

Maintenance of Races.

5. It shall be the duty of every occupier of land through which a race or water-channel forming part of any system of waterworks shall pass, whether the same be a main branch or service-race or channel, and whether it shall be in existence at the time of the making of these by-laws or shall be constructed hereafter, to keep the said race or water-channel in good order and repair and free from all obstructions whatsoever; to construct and maintain proper and substantial field-crossings over such race or water-channel, where the same shall pass through his land, of such kind and in such places as may be required; and to obey all regulations which the Council shall make relative to the administration, maintenance, and repair of races or water-channels and the works connected therewith; and, in case of the default of any occupier to keep and maintain such race or

water-channel in good order and repair and free from all obstructions whatsoever, and to construct and maintain proper and substantial field-crossings as aforesaid, the Council may, without notice to such occupier and without releasing him from any penalty under these or any other by-laws of the Council in force for the time being, or other liability which he may have incurred by reason of such default, proceed to execute the work so left undone by him, and recover the cost of the work from such occupier in any Court of competent jurisdiction. The facts of such race or other water-channel passing through the land of such occupier, and his being at liberty to use the water thereof, shall be deemed to imply an undertaking and agreement on his part to perform the works hereby required to be performed by him, and otherwise to observe and obey all by-laws and regulations of the Council affecting such race or water-channel.

6. Where a race or water-channel shall pass between the lands of two adjoining occupiers such occupiers shall be liable to maintain and keep such part of the said race or water-channel in good order and repair and free from all obstructions, and to erect such field-crossings over the same as may be severally required of them; but in all other respects the provisions of the last-preceding by-law shall apply to them, *mutatis mutandis*.

7. The provisions contained in the two last-preceding by-laws relative to the repair of races and water-channels by occupiers of land shall be subject to this restriction, namely, that if at any time damage shall be occasioned by floods to any main or branch race or water-channel (but not to any service-race intended to supply the lands of one person only with water) such damage shall be repaired at the cost of the Council.

Charge for Maintenance.

8. It shall be lawful for the Council from time to time, by resolution in that behalf, to fix an annual charge to be paid to the Council by every occupier of land through, along, abutting upon, or adjacent to which any aqueduct, race, or water-channel shall pass, and the water of which he shall be at liberty to use, for the supply of such water. Such charge shall be fixed on the basis of a sum to be paid for each mile or fraction of a mile in length of the aqueduct, race, or water-channel, where the same passes through, along, or adjacent to, or abuts upon the land of each such occupier or owner, and shall be made payable either in one sum or by half-yearly instalments, on such day or days in each and every year and at such place as shall be appointed by such resolution. All moneys which shall be received by the Council hereunder shall be expended upon the maintenance and repair of dams, weirs, headworks, and head-races, and the inspection and general supervision of waterworks, or otherwise in connection therewith as the Council may think fit:

Provided always that nothing herein contained shall prejudice or affect any covenant or agreement which may already subsist, or may hereafter be made, between the Council and the owner or occupier of any land relating to the maintenance and repair of any waterworks.

Provided, further, that, if the occupier of any land shall fail to pay any such charge or any instalment thereof within one calendar month after the day when the same shall become due and payable, the Council may, if it thinks fit, recover the same from the owner of such land, but its right to recover from such owner shall not release such occupier from his liability to pay such outstanding charge or instalment thereof, but the occupier and owner of the land shall be severally liable for the same. Seven days at the least before proceedings are taken against the owner of any land to recover any such outstanding charge or instalment, notice in writing under the hand of the Clerk or some other officer of the Council that such charge or instalment remains unpaid shall be served upon such owner by either being delivered to him personally or left or sent by post in a prepaid letter addressed to him or his agent at his usual or last-known place of abode.

9. The charge mentioned in the last-preceding by-law may be imposed either upon the occupiers and owners of all the lands watered or benefited by waterworks, or upon the occupiers and owners of lands in certain districts only, and the Council may by resolution from time to time fix or vary the boundaries of such districts, and in like manner may lessen or increase the number of such districts. The charges in the different districts may vary in amount, and may be altered from time to time as the Council shall think fit.

Obstructions and other Injuries to Waterworks.

10. If any person shall do any of the following things:—
- Obstruct or impede by any means whatsoever the free flow of water in or through any aqueduct, race, sluice, stream, culvert, or other waterwork, or shall cause the same to be obstructed or impeded, or shall place any timber, stones, earth, or other material or anything whatsoever in, upon, or across any reservoir, aqueduct, race, sluice, stream, dam, embankment, weir, culvert, or other waterworks;
 - Permit or suffer any gorse, broom, thorn, or other bush or plant, or any tree, to grow so that the shoots, foliage,

- or branches thereof shall obstruct or impede the free flow of water in or through any aqueduct, race, culvert, or other waterworks, or shall cast any tree, gorse, broom, thorn, or other bush or plant, or cuttings therefrom, into the water of such aqueduct, race, culvert, or other waterwork, or upon the bank, edge, top, or side thereof, or shall permit any tree, gorse, broom, thorn, or other bush or plant, or the cuttings from any tree, gorse, broom, thorn, or other bush or plant, to lie upon or close to any culvert, race, or other waterwork:
- (c.) Plough, dig up, or disturb the banks, sides, or bottom of any water-race, or in anywise injure any water-race:
- (d.) Ride, drive, or lead any horse or other animal, or drive, wheel, or transport any carriage, cart, or other vehicle, tree, timber, engine, boiler, machine, or anything whatsoever in, through, along, or across any race or other waterwork, whether such race or other waterwork shall be in or upon land belonging to or in the occupation of the Council or the Crown, or private land, or in or upon any road or elsewhere, except at the crossing-places appointed by the Council:
- (e.) Cause, permit, or suffer any horse, bull, ox, cow, pig, goat, or other animal to trespass in or upon any building, dam, weir, reservoir, race, culvert, tank, or other waterwork, or to injure or destroy the same, or be foul the water thereof:
- (f.) Cause, permit, or suffer any horse, bull, ox, cow, pig, goat, or other animal to injure, destroy, or trespass upon any fence, gate, or plantation of trees, bushes, or shrubs erected, made, planted, or kept for the protection of, or otherwise in connection with, any waterworks:
- (g.) Break, cut, bark, root up, or otherwise damage or destroy, or cause or suffer to be damaged or destroyed, any fence, gate, tree, bush, or shrub erected, made, planted, or kept for the protection of or otherwise in connection with any waterworks, although the injury done shall not be to the amount of one shilling:
- (h.) Obstruct by any means whatsoever, either wholly or partially, any field-crossing belonging to any waterworks:
- (i.) Injure or destroy any dam, embankment, weir, aqueduct, bridge, culvert, well, tank, pipe, building, engine, boiler, machinery, or plant of any waterworks:
- (j.) Open, close, displace, alter, or interfere with any water-gauge, sluice, pipe, conduit, race, drain, or other channel or means for the conveyance or transference of water, or shall interfere or tamper with any engine, boiler, machinery, or plant belonging or appertaining to or used in connection with any waterworks:
- (k.) Bathe in any reservoir, stream, race, or other waterwork, or shall wash, cleanse, throw, or cause to enter therein any animal, whether alive or dead, or any rubbish, filth, stuff, or thing of any kind whatsoever, or shall cause or permit or suffer to run or be brought therein the water of any such sewer, drain, engine, boiler, or machine, or other filthy, unwholesome, or improper water, liquid, or matter, or shall do, or permit or suffer to be done, anything whatsoever whereby any waterworks or the water therein shall be fouled, obstructed, or damaged:
- (l.) Place any boat or other craft in the water of any reservoir, race, stream, or other waterwork:
- (m.) Pitch or erect or cause to be pitched or erected any tent, building, or other structure, whether of a permanent or temporary nature, or shall tether or fasten or cause to be tethered or fastened any animal, or shall drive or fix or cause to be driven or fixed any post, stake, hurdle, or other thing upon or into or in immediate proximity to the top, edge, side, or bank of any dam, embankment, culvert, aqueduct, race, tank, or other waterwork:

such person shall, upon conviction, forfeit and pay for every such offence a sum not exceeding £20.

Other Offences.

11. Whosoever shall be found without lawful excuse in or upon any building belonging or appertaining to or used by the Council in connection with any waterworks shall on conviction forfeit and pay for every such offence a sum not exceeding £10.

12. In places where the Council shall permit lands adjacent to races or other waterworks and belonging or appertaining thereto to be used or occupied for any other purpose, any person who shall plough, harrow, dig, cultivate, or otherwise disturb the soil, or shall plant or sow any tree, gorse, broom, thorn, shrub, or plant, within the space of ten feet from the edge or bank of any such race or waterwork shall, on conviction, forfeit and pay for every such offence a sum not exceeding £20.

13. If any person shall, without the leave and license of the Council in that behalf first had and obtained, shoot, snare, or attempt to shoot or snare, waterfowl or other birds, or take or

attempt to take fish in, about, or from any reservoir, stream, race, channel, or other waterworks he shall, on conviction, forfeit and pay for every such offence a sum not exceeding £10.

Rangers.

14. It shall be lawful for every ranger, officer, servant, or workman of the Council, or any person whomsoever employed by the Council in or about the inspection, construction, maintenance, or repair of waterworks or otherwise in connection therewith, or for any person who may be authorized by the Council to act in this behalf with horses, carts, vehicles, and all things which may be necessary, to enter upon, pass, and repass over any private lands in the execution of his duty, and to remain there for such time as the performance of his duty shall require.

15. Whosoever shall obstruct, hinder, or impede, or attempt to obstruct, hinder, or impede, any ranger, officer, servant, or workman of the Council, or any person whomsoever employed by the Council in or about the inspection, construction, maintenance, or repair of waterworks or otherwise in connection therewith, in the execution of his duty shall, upon conviction, forfeit and pay for every such offence a sum not exceeding £20.

Construction of Races.

16. Two or more occupiers or owners whose lands adjoin may unite in an application to the Council for a service-race for the use of their lands.

17. The owner or occupier of any land or the owners or occupiers of adjoining lands may apply to the Council to construct a main or branch race or water-channel through or adjacent to his or their land or lands, and such application shall be signed by the applicant or applicants, who shall truly state therein the matters and things following, that is to say—

- (a.) The number or numbers of the sections of land which he desires to supply, as the same are shown on the survey map of the district;
- (b.) The acreage of such land according to the Government survey thereof;
- (c.) The point on the boundary of his land at which he desires that the water shall enter the land.

If the Council shall grant such application it may do so upon condition that the expense of constructing the said race or channel shall be defrayed by the applicant or applicants, and may impose any other terms and conditions it shall think fit, including a special charge for the use of the water to be supplied by means of such race or channel. In every case the applicant or applicants shall grant to the Council a perpetual right of way at least 50 links wide over his or their lands for all purposes connected with the construction, maintenance, repair, and inspection of the proposed race or channel and the works belonging thereto, with a right of entry over all other parts of his said land for the same purposes; shall maintain and keep in repair and free from vegetable growths and all obstructions such race or channel when constructed, and all works connected therewith; and shall further obey all by-laws and regulations of the Council which may from time to time be in force and affect such race or channel. The race or channel and all works connected therewith, whether constructed at the expense of the applicant or applicants or not, shall be constructed by the Council or under its direction and supervision:

Provided, however, that, if at any time after the said race or channel is constructed extraordinary damage is occasioned to the same by floods, the cost of repairing such damage shall be defrayed by the Council.

18. In the case of applications by adjoining owners or occupiers under Nos. 16 or 17 of these by-laws, each occupier or owner shall permit the water which shall flow into his land, over and above the portion thereof which he shall be entitled to consume, to flow through his land and into the adjoining land the owner or occupier of which is entitled to receive the same, without obstruction and diminution, except such as shall occur through ordinary waste, and also without pollution: Provided always that the Council shall not be responsible to any of such owners or occupiers of adjoining lands for any loss, diminution, or pollution of water which shall occur in the passage of such water through the dominant lands.

General.

19. Nothing in these by-laws contained shall restrict or interfere with the power and control of the Council over the reservoirs, headworks, streams, races, and other parts of the waterworks belonging to the Council or formed or made with its consent or under its authority, and the Council shall at all times have and retain full and complete control over the water thereof, and over all works connected therewith or appertaining thereto; and notwithstanding anything herein contained, and the granting of any application under these by-laws or any other by-laws which may hereafter be made by the Council in supplement thereof or substitution therefor, it shall be lawful for the Council from time to time, when-

ever it shall think fit, to stop the flow of water in any distributing races or channels, or in any branch or service-race or channel, for the purpose of husbanding the supply of water, executing repairs or alterations, cleansing races or channels, or permitting the same to be cleansed, or for any other purpose whatsoever; and no owner or occupier of land shall be entitled to compensation for loss or deprivation of water occasioned thereby or otherwise. In every case where the owner or occupier of land through or along which a race or water-channel passes shall be guilty of a frequent or persistent breach of the by-laws or regulations of the Council affecting waterworks, or shall neglect or refuse to fulfil any covenant or agreement made between him and the Council relative to the maintenance, repair, cleansing, or otherwise of such race or water-channel, whether such race or channel be a main branch or service-race or channel, the supply of water thereto shall be stopped either permanently or for such period as the Council shall think fit.

20. Nothing contained in these by-laws or any supplement or amendment thereof shall be construed to be a guarantee by the Council to provide or supply water in any main branch or service-race or other waterworks to any fixed or specific quantity, nor to render the Council responsible for any partial or total failure of such supply by reason of drought, accident, or any other cause whatever, and the Council shall not be responsible for any loss caused by such failure, nor for any damage or injury which shall be occasioned by the flooding of the water from any waterworks on the lands adjacent thereto,

or which shall arise from any other cause connected with the said waterworks; and, further, it shall be lawful for the Council, whenever it shall think fit, to permanently close any main branch or service-race or other waterworks without being responsible for any loss or damage which may be sustained by or occasioned to any occupier or owner of land thereby.

(L.S.)

W. C. WALKER, Chairman.

The common seal of the Chairman, Councillors, and inhabitants of the County of Ashburton was hereunto affixed by the authority of the County Council of the said county on the 15th day of August, 1883, by William Campbell Walker, Chairman of the said Council, in the presence of

FREDERIC MAINWARING,

Clerk to the Ashburton County Council, Ashburton.

I hereby certify that the above special order for making certain by-laws under the provisions of "The Ashburton County Council Empowering Act, 1882," was duly made by the County Council of Ashburton, at an ordinary meeting of the said Council, held at its offices, in the Town of Ashburton, on the 15th day of August, 1883.

Given under my hand this 29th day of August, 1883.

F. MAINWARING,

Clerk to the County Council of the County of Ashburton.

By Authority: GEORGE DIBSBURY, Government Printer, Wellington.