

WRIT OF INJUNCTION.

Victoria, by the grace of God of the United Kingdom of Great Britain and Ireland, Queen, to the Mayor, Burgesses, and Councillors of the Borough of Wanganui, their servants, agents, and workmen.

WHEREAS Jane Hair, of Wanganui, in the Provincial District of Wellington, widow, hath brought an action against you the said Mayor, Burgesses, and Councillors, in our Supreme Court of New Zealand, wherein she complains that you threaten and are about wrongfully to run the waters of a certain lake near Wanganui aforesaid called Westmere Lake into a certain lake there called Virginia Water, the land covered by the waters of which is in the lawful possession of the said Jane Hair: We therefore do strictly enjoin and command you the said Mayor, Burgesses, and Councillors, and all and every the persons before mentioned, under peril of the further process of the said Court, that you and every of you do absolutely desist from running the waters of the said lake near Wanganui aforesaid called Westmere Lake into the said lake there called Virginia Water, the land covered by which is in the lawful possession of the said Jane Hair, and from committing any further or other waste or spoil upon the said land covered by the waters of Virginia Water until our said Court shall make order to the contrary hereof.

(L.S.)

Witness, Christopher William Richmond, a Judge of the Supreme Court of New Zealand, at Wellington, this seventh day of April, 1877.

Affidavit of John Bates.

I, John Bates, of Wanganui, in the Provincial District of Wellington, law clerk, make oath and say,—

That I did, on Wednesday, the eleventh day of April, one thousand eight hundred and seventy-seven, at the Town of Wanganui, in the Provincial District of Wellington, personally serve William Hogg Watt, Mayor of the Borough of Wanganui, in the said provincial district, with a true copy of the writ of injunction hereunto annexed marked "A," which writ of injunction appeared to me to have been regularly issued out of this honorable Court.

JOHN BATES.

Sworn at Wanganui, in the Provincial District of Wellington, this fourteenth day of April, 1877, before me,—

GEORGE HUTCHISON,

A Solicitor of the Supreme Court of New Zealand.

I admit service this day upon me of the above writ.—CHAS. H. BORLASE, Borough Solicitor, Wanganui.—11th April, 1877.

This is the writ of injunction marked "A" referred to in the annexed affidavit of John Bates, sworn before me this fourteenth day of April, 1877.—GEORGE HUTCHISON, a Solicitor of the Supreme Court of New Zealand.

PLEAS.

The following pleas were delivered on the twenty-third day of May, one thousand eight hundred and seventy-seven:—

The twenty-third day of May, one thousand eight hundred and seventy-seven, the defendants, by Charles H. Borlase, their solicitor, say,—I. They deny all the material allegations of the plaintiff's declaration. II. And for a further plea they say,—

1. At the time of the commission of the alleged grievances by the defendants the said Virginia Water was and still is a small lake situated partly upon the land of the plaintiff and partly upon other land not the property of the plaintiff nor in her possession.

2. Before and at the time of the commission of the alleged grievances, a portion of the water of the said lake called Virginia Waters, were lawfully conducted through a certain aqueduct to the Borough of Wanganui, for the supply of the inhabitants thereof with pure and wholesome water.

3. By reason of such water supply to the said borough, the water of the said lake called Virginia Waters became lowered from its usual and proper level, so that watering places theretofore used by persons having lawful right to use the same were taken away and interrupted, and the waters of the said Virginia Water had also become insufficient to supply the lawful requirements of the said borough.

4. In order to restore the waters of the said lake called Virginia Water to its usual and proper level, and thereby render it sufficient for the supply of the said Borough of Wanganui with water, and also for the purpose of preventing injury to the persons entitled to water-rights and easements as aforesaid, the defendants obtained from the owner of the said Westmere Lake leave and license to divert a sufficient portion of the said Westmere Lake into the said lake called Virginia Waters, to restore and keep the waters thereof to the usual and proper level.

5. Thereupon the defendants prepared the specifications and called for the tenders mentioned in the fifth paragraphs of the plaintiff's declaration for the purpose and with the intention of introducing into the Virginia Waters from the said Westmere Lake a regulated supply of water sufficient to restore and keep the water of the said Virginia Waters to its usual and proper level, and for no other purpose whatsoever, which are the alleged grievances in the plaintiff's declaration mentioned.

6. The waters of the said Westmere Lake are, and before and at the time of the commencement of this action were, equal in quality to the water of the said Virginia Water, and the said proposed aqueduct from Westmere Lake to Virginia Water will, when completed, introduce into the said Virginia Waters a regulated supply of water, equal in quality as aforesaid to the water of the said Virginia Waters, and not more than sufficient to restore such level as aforesaid, and those defendants deny that the waters of the said Westmere Lake are foul and impure, and they also deny that they ever threatened or intended to increase the height of the said Virginia Waters beyond its usual proper level, or to pollute the waters thereof in any manner.