



ANNO QUADRAGESIMO PRIMO ET QUADRAGESIMO  
SECUNDO

# VICTORIÆ REGINÆ.

A.D. 1878.

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No. 104.

*An Act to consolidate and amend "The South-Eastern Drainage Act, 1875," and "The South-Eastern Drainage Amendment Act, 1877."*

[Assented to, 22nd October, 1878.]

**W**HEREAS it is expedient to consolidate and amend "The Preamble.  
South-Eastern Drainage Act, 1875," and "The South-Eastern Drainage Amendment Act, 1877"—Be it therefore Enacted by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said province, in this present Parliament assembled, as follows:

1. This Act may be cited for all purposes as "The South-Eastern Short title.  
Drainage Act, 1878."

2. The words "main drains" shall extend to and include all Interpretation clause.  
natural and artificial rivers, streams, creeks, canals, channels, conductors, watercourses, drains, ditches, and outfalls of water heretofore used or constructed in the South-Eastern District, for the drainage or irrigation of any land therein:

The words "drainage works" shall extend to and include all walls, banks, tunnels, bridges, culverts, crossings, fords, roads, banks, dams, weirs, falls, races, by-washes, sluices, hatches, locks, fences, irrigation works, or works of construction on, or belonging to, or connected with the public drains:

The words "district drains" shall extend to and include all channels, conductors, drains, and watercourses in any Drainage District made either wholly or in part by the Commissioner or by any Drainage Board, and not proclaimed The  
main drains:

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The word "owner," except where it is otherwise defined in the provision relating to rating, shall have the same meaning as it has in "The Lands Clauses Consolidation Act":

The word "Commissioner" shall mean the Commissioner of Crown Lands and Immigration, or other Responsible Minister of the Department of Government having control of the main drains and drainage works:

The word "ratepayer" shall mean the occupier of rateable property, or the owner of unoccupied rateable property:

The words "rateable property" shall extend to all buildings, lands, tenements, and hereditaments, but the following, namely, waste lands of the Crown; land the property of the Crown and used for any public purpose; churches, chapels, places for religious worship, any academical institutions which shall have obtained an Act of Incorporation, licensed schools, or schools deriving aid from Government; public buildings and lands appropriated or held upon trust for any charitable or public purpose, or reserved or set apart for the benefit of the aborigines of the said province.

**Repeal.**

3. "The South-Eastern Drainage Act, 1875," and "The South-Eastern Drainage Amendment Act, 1877," are hereby repealed: Provided that nothing herein contained shall affect the validity of any act or thing lawfully done or made under the said Acts, or of any by-laws made in pursuance thereof, or prevent any penalty being imposed, enforced, or recovered, or any punishment being inflicted for any offence heretofore committed against the said Acts.

**Provisions as to existing Boards.**

4. All the Drainage Districts now existing, and heretofore constituted, declared, and designated under the said repealed Acts, shall be and continue Drainage Districts under and subject to the provisions of this Act, and all members of Drainage Boards, auditors, officers, collectors, and servants or other persons appointed, elected, or holding any office under or by virtue of the said repealed Acts, shall continue in and hold such offices under and subject to the provisions of this Act until their successors be appointed or elected; and all proceedings *bonâ fide* commenced and prosecuted, and now depending under the said repealed Acts, shall proceed in every respect as if this Act had not been passed. And all lands, tenements, and hereditaments vested in, and all property belonging to any Drainage Board, shall be and continue vested in and the property of such Drainage Board; and all rates and debts due to any Drainage Board before the passing of this Act may be collected, levied, and recovered in manner provided by this Act for the recovery of any rates and debts; and all the rights, powers, liberties, contracts, and engagements of any Drainage Board, or any officer or other person appointed, elected, or holding office under the said repealed Acts before the passing of this Act, may be enforced by and against the said Drainage Board, officer, or person as if this Act had not been made, subject to the provisions hereinafter contained.

5. Any

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5. Any Proclamation of the Governor at any time heretofore published in the *Government Gazette* for the purpose of effecting any act which the Governor, with the advice of the Executive Council, is hereby empowered to do, shall be and the same is hereby declared to be as valid and effectual as though published under the provisions of this Act.

Validating former Proclamations.

6. This Act shall be divided into Parts—

Division of Act.

The First, relating to the Constitution of Drainage District:

The Second, relating to the Drainage Board, Auditors and Constables, their election, powers, and duties:

The Third, relating to By-Laws:

The Fourth, Revenue, Expenditure, and Assessment Rates:

The Fifth, to Meetings of Drainage Board and Ratepayers:

The Sixth, to Legal Procedure and Evidence:

The Seventh, to Miscellaneous Provisions and Penalties.

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PART I.

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PART I.

CONSTITUTION OF DRAINAGE DISTRICTS.

7. In addition to any Drainage Districts heretofore constituted, the Governor may, by Proclamation in the *Government Gazette*, constitute and declare any portion of the County of Grey and of the Counties of Robe and MacDonnell, or any of the said Counties, a Drainage District, and may, by Proclamation in the *Government Gazette*, divide any Drainage District into two or more Drainage Districts, and may include therein any part of the said Counties respectively, and may designate the districts so constituted by such names as to the Governor shall seem meet, and by the like Proclamation alter the names and increase or diminish the boundaries of such districts.

Proclamation of District.

Division of Districts.

8. Upon the constitution of any Drainage District, the Governor may, by Proclamation in the *Government Gazette*, appoint five persons to be the first members of the Drainage Board for such district, and may appoint one of their number to be chairman of such Board, and the members so appointed shall retain office until the first annual election after the constitution of the Drainage District, when three of their number shall retire by ballot, and such Board shall have and exercise all the powers, duties, and functions of a Drainage Board elected as hereinafter provided.

Governor may appoint first members of Drainage Board.

9. The Governor may, by Proclamation in the *Government Gazette*, constitute and declare any natural or artificial river, stream, creek, canal, channel, conductor, watercourse, drain, ditch, and outfall of water to be a main drain; and such Proclamation shall declare the position, boundaries, and description of such main drain

Main drains may be proclaimed.

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## PART I.

drain, and the Governor may also, by Proclamation, declare any main drain or part thereof to be closed, and from and after the publication of such last-mentioned Proclamation, such drain shall be closed, and no longer be a main drain; and a copy of the *Government Gazette* containing any such Proclamation shall be conclusive evidence in every Court that a main drain has been constituted or closed, as the case may be, and of the description, position, and boundary of such drain.

Map of district to be deposited.

10. Upon the Proclamation of any Drainage District, the Commissioner shall cause a map or plan of such district, signed by him, and certified to be correct by the Surveyor-General, to be deposited in the office of the Surveyor-General, and in the office of the Drainage Board of such district, and such map shall show—

The boundaries of the district so constituted or altered :

The line, course, and position of the main and district drains, streams, watercourses, lakes, roads, and reserves, and also the drainage works therein :

And the sections of land therein.

Map to be deposited.

11. Upon any Proclamation constituting, altering, or closing any main drain, the Commissioner shall cause a map or plan showing the course, bearings, and admeasurement of such main drain to be deposited in the office of the Surveyor-General and in the office of the Drainage Board for the district.

Map to be conclusive evidence.

12. Such maps signed, certified, and deposited as aforesaid shall be conclusive evidence in every Court of the boundaries of the district, of the position of the main and district drains, drainage works, roads and reserves, and also of all sections of land within the said district. Such maps shall be open for inspection to the public at all reasonable times.

Water to be the property of the Crown.

13. All water flowing into, or being in any main or district drains or drainage works within any Drainage District, shall be and continue the absolute property of the Crown.

Drains and drainage works to be the property of the Crown.

14. All main and district drains and drainage works in every Drainage District, made or maintained out of moneys voted by or borrowed under the authority of the said Parliament shall be the absolute property of the Crown.

Main drains to be maintained by the Commissioner.

15. All main drains and all drainage works not placed under the care, control, and management of a Drainage Board shall be under the care, control, and management of, and shall be thoroughly cleansed, repaired, and maintained in a due state of efficiency by and at the expense of the Commissioner.

Drainage Board to maintain district drains.

16. Each Drainage Board shall have the care, control, and management of all district drains and all drainage works within the district

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district which the Governor may, from time to time, by Proclamation published in the *Government Gazette*, make, subject to the care, control, and management of such Board, or which shall be constructed, completed, or otherwise acquired by such Board; and all such drains and drainage works shall be thoroughly cleansed, repaired, and maintained in a due state of efficiency by and at the expense of such Drainage Board.

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17. Notwithstanding any provision to the contrary in this Act, each Drainage Board shall within its district and in all Courts of Justice, for all purposes whatsoever, be deemed to have vested in it the fee-simple of the main and district drains and drainage works under its care, control, and management; and in any legal proceedings taken or defended by any such Board in respect thereof no proof whatever shall be required of such fact, and the mere allegation by any such Board of the vesting of the same shall be taken for all purposes to be full and sufficient proof thereof.

District Drains to vest in Boards.

## PART II.

PART II.

THE DRAINAGE BOARD, AUDITORS, AND CONSTABLES:  
THEIR ELECTION, POWERS, AND DUTIES.

18. Except as herein provided, the election of members for any Drainage Board, their number, qualification, disqualification, powers, duties, and functions, and the qualification, powers, and duties of auditors and constables shall be similar in every respect to those of members, auditors, and constables of a District Council under the District Councils Act, 1876, and for that purpose sections 16 to 112 inclusive, and Schedules B, C, D, E, F, FF, and FFF of that Act are incorporated herewith, and shall be read and construed as if the words "Drainage Board" and "Member of Drainage Board" were inserted therein instead of "District Council" and "Councillor" respectively.

Election of members of Board.

19. In addition to the powers conferred on any Drainage Board by the incorporation hereunder of "The District Councils Act, 1876," each Drainage Board, its officers and servants, may, within its district—

Powers of Drainage Board.

Enter into and upon any land whatsoever for the purpose of depositing spoil thereon, or of constructing, altering, or repairing any district drain or drainage work subject to its control, obtaining or carrying away therefrom materials for constructing, altering, or repairing any district drain or drainage work subject to its control, and for any other purpose connected with the administration of this Act:

Cleanse, repair, or otherwise maintain in a due state of efficiency any district drains or drainage works subject to its control:

Extend

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Extend, lengthen, widen, strengthen, deepen, alter, divert, scour, or cleanse any district drains or drainage works subject to its control:

Make, open, and cut any new district drains:

Make, erect, alter, or remove any district drains, or drainage works subject to its control:

Dam, bar, and stop up with any weir or dam, any river, pool, stream, or watercourse:

Also make any embankment against any lake, river, stream, or watercourse, and place on any land stones, piles, earth, soil, or other materials, for the purposes of the works, or for the more effectual protection or defence of any land, or for the better conveying the waters from any land into the sea, or into any lake, stream, or watercourse, or gap, or outlet:

Erect any drainage work in any lake, stream, or watercourse, for the purpose of keeping back a sufficiency of water for the use of cattle or sheep, or for the irrigation or warping of lands, where such irrigation or warping shall be wanted, and shall be a beneficial manurance to such lands:

Stop up or divert any road, or remove any bridge, and make any new road or bridge:

Do all such things and execute all such works as may be necessary or convenient for the purposes of this Act.

Works not to be executed without approval by Commissioner.

20. No work by this Act authorised to be done to or in connection with any drain or drainage work by any Drainage Board shall be commenced or executed without the approval of the Commissioner first had and obtained, except in those cases where the protection of the drains or drainage works in any Drainage District from impending injury shall necessitate immediate action, and except so far as regards the scouring and cleansing, maintenance, and repair of the district drains and drainage works; and save and except as aforesaid the Drainage Board shall submit to the Commissioner plans and specifications, or such other description of the proposed works as he may require, and shall obtain his consent thereto, before commencing or executing the same, and all such works shall be carried out and performed to his entire satisfaction.

Compensation for damage.

21. Each Drainage Board shall out of its funds make compensation, in manner hereinafter prescribed, to all persons for any damage occasioned to them by the exercise of any of the powers aforesaid.

Drainage Boards may acquire lands.

22. Any Drainage Board may contract for purchase and hold any lands, tenements, messuages, easements, and appurtenances within its district which it may consider necessary to purchase or acquire for accomplishing any of the purposes of this Act, making reasonable

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reasonable satisfaction and recompense to be agreed upon or ascertained in manner hereinafter provided.

PART II.

23. All the clauses and provisions of "The Lands Clauses Consolidation Act" relating to the purchase of lands by agreement, to the purchase and taking of lands otherwise than by agreement, and to the application of purchase-money or compensation coming to parties having limited interests, or prevented from treating, or not making title, shall be deemed to be incorporated with this Act: Provided that the time fixed by "The Lands Clauses Consolidation Act" within which the power of compulsory purchase of lands may be exercised shall not apply to this Act, but the same may be exercised by the Commissioner or a Drainage Board at any time during its existence.

Portions of "The Lands Clauses Consolidation Act" incorporated.

24. Each Drainage Board with the consent of the Commissioner, may, for such considerations as it may think proper, sell and convey any of the lands which it may have acquired under the provisions of this Act, and which may be no longer required by such Board.

Power to sell lands not required.

25. Any Drainage Board may make such roads over any of the lands authorised to be taken, as may be considered necessary for carrying into effect the purposes of this Act, and for communicating with and maintaining the district drains and drainage works, and may repair, amend, and fence in such roads, and use the same exclusively for the said purposes, or permit any person to make use of the same, upon such terms and conditions as the Board shall think proper.

Power to make roads.

## PART III.

## BY-LAWS.

PART III.

26. Any Drainage Board may make, alter, amend and repeal by-laws and regulations—

By-laws and Regulations.

For regulating, maintaining, protecting, cleansing and improving any district drains and any main drains or drainage works subject to its control:

For regulating the making, maintaining, protecting, cleansing and cleansing of any drains made by the owners and occupiers of land within the Drainage District, from such land into any main or district drains:

For regulating the manner, times, and quantities in which water may be diverted from any main or district drain or drainage work subject to the control of the Drainage Board, and the persons and purposes by and for which the water may be so diverted, and the fees payable therefor:

For regulating the poundage fees, payable by the owners of animals

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animals trespassing on the main or district drains or drainage works, or on any land the property of or under the control of the Drainage Board:

And in addition thereto may make, alter, amend and repeal by-laws and regulations for all the purposes contained in section 150 of "The District Councils Act, 1876," and for that purpose, sections 150 to 153 (inclusive) of that Act are incorporated herewith, and shall be read and construed as if the words "Drainage Board" and "Members of Drainage Board" were inserted therein, instead of "District Council" and "Councillors" respectively.

PART IV.PART IV.

REVENUE, EXPENDITURE, ASSESSMENTS, APPEALS  
AGAINST ASSESSMENTS, RATES, AND RECOVERY  
OF RATES, SALE AND LETTING OF LAND FOR  
PAYMENT OF RATES.

Powers of Board as to  
revenue, &c.

27. The provisions in respect to revenue, expenditure, assessments, appeals against assessment rates, recovery of rates, and the sale or letting of lands, in default of payment of rates of any Drainage Board, and of and in any Drainage District shall be similar in every respect to the provisions contained in the District Councils Act, 1876, relating thereto, and for that purpose, sections 113 to 149 (inclusive), and Schedules G, H, I, J, K, L, and M, of that Act are incorporated herewith, and shall be read and construed as if the words "Drainage Board" and "Member of Drainage Board" were inserted therein, instead of "District Council" and "Councillor" respectively.

PART V.PART V.

GENERAL PROVISIONS AS TO MEETINGS.

Meetings of Board.

28. Meetings of Drainage Boards and of the ratepayers of Drainage Districts shall be held, and all proceedings thereat shall be similar in every respect to the meetings of District Councils, and the ratepayers of District Councils under the "District Councils Act, 1876"; and for that purpose sections 184 to 196 (inclusive) of that Act are incorporated herewith, and shall be read and construed as the words "Drainage Board" and "Member of a Drainage Board" were inserted therein, instead of "District Council" and "Councillor" respectively.

PART VI.PART VI.

LEGAL PROCEDURE AND EVIDENCE.

Procedure and evi-  
dence.

29. Except where otherwise provided in this Act, the legal procedure and evidence under this Act shall be similar in every respect to the legal procedure and evidence under "The District Councils



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Councils Act, 1876," and for that purpose sections 175 to 183 (inclusive), and 197 to 217 (inclusive) of that Act, are incorporated herewith and shall be read and construed as if the words "Drainage Board" and "Member of a Drainage Board" were inserted therein instead of "District Council" and "Councillor" respectively.

## PART VI.

## PART VII.

## PART VII.

## MISCELLANEOUS PROVISIONS AND PENALTIES.

30. Sections 154 to 174 (inclusive) of "The District Councils Act, 1876," are hereby incorporated with this Act, and shall be read and construed as if the words "Drainage Board" and "Member of a Drainage Board" were inserted therein instead of "District Council" and "Councillor" respectively.

Incorporation of District Council Act.

31. Every Drainage District shall be entitled to have and shall give at every election of the Local Board of Main Roads for the Victoria District, one vote for each person nominated for member of the Board for such district; but in case the rateable property of such Drainage District shall be assessed at the annual value of more than Ten Thousand Pounds, then such district shall be entitled to an additional vote for each person nominated in respect of every Ten Thousand Pounds or fractional part of that sum in excess of every Ten Thousand Pounds after the first Ten Thousand Pounds: Provided that no Drainage District shall be entitled to more than two votes for any person nominated: And any Drainage District, when constituted and declared by Proclamation as aforesaid, shall be a district for all purposes under "The Dog Act, 1867," or any Act amending the same.

Drainage District entitled to vote for Victorian Main Road Board, and to be district within "Dog Act."

32. All streets or roads in any township or village which shall have been dedicated to the public within a Drainage District, of which dedication five years of uninterrupted use of such street or road by the public after the laying out of any such township or village shall be evidence, shall until the same shall be or become main roads and all other district roads within any Drainage District, be under the care and management and subject to the control and direction of the Drainage Board for the district within which such roads are situate.

Roads to be under care of Drainage Board.

33. The owner or occupier of any land adjacent to any main or district drain, or drainage work, may, with the written consent of the Drainage Board, and for such period and in such manner as it may allow and prescribe, divert any water in any such drain or drainage work into his land, so that such water shall not be permanently retained on such land. And any person diverting water from any such drain or drainage work into his own land, or any other person's land, without such consent, or for a longer period than that allowed, or in any other manner than that prescribed as aforesaid, shall for any such offence, upon conviction, forfeit and pay a penalty

Power to divert water from drain.

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penalty of not less than Two Pounds nor more than Five Pounds, and a further penalty of Two Pounds for every day during which the offence is continued.

Power to impose toll.

34. Any Drainage Board may impose a fee or toll for the use of water diverted from any main or district drain or drainage work, to be estimated either upon the quantity diverted or for the time elapsing between such diversion and its redelivery to such drain or drainage work; and such fee or toll may be recovered by distress of the goods and chattels of the person so using the same, or upon information before two or more Justices in a summary way.

Lands adjacent to mains to be fenced.

35. The owners or occupiers of all lands adjoining any main or district drain or drainage work, or adjoining any public road or reserve, or land belonging to or in the possession of a Drainage Board or District which adjoins any such main or district drain or drainage work, shall substantially fence such lands and keep the same substantially fenced with a fence capable of resisting trespasses by small as well as great cattle; and any person neglecting so to do shall, for every such offence against this section, upon conviction, forfeit and pay a penalty of not less than Two Pounds nor more than Twenty Pounds.

Penalty for obstructions or nuisances.

36. Any person causing or permitting any obstruction in, or otherwise injuriously affecting any main or district drain or drainage work, or any drain or wall, commenced or executed by the Commissioner or by any Drainage Board, or causing any filthy or unwholesome water, or washings of manufactories or mines, or other foul or poisonous liquid, to flow into any such drain or drainage work, without the consent of the said Commissioner or Drainage Board first had and obtained, shall, for every such offence, incur a penalty not exceeding Five Pounds, and a further penalty of Two Pounds for every day during which the offence is continued.

Penalty for removing timber or materials.

37. Any person who shall, without the written consent of the Drainage Board, cut down or remove any timber, or shall excavate or remove gravel, sand, earth, or any other material in, adjacent to, or forming part of any main or district drain, or reserve adjoining any main or district drain under its control, shall, for every such offence, upon conviction, forfeit and pay a penalty or sum of not less than Two Pounds nor more than Twenty Pounds.

Penalty for cutting drain through road, &c.

38. Any person opening or cutting through any bank, roadway, or reserve adjacent to any main or district drain or drainage work, made out of materials excavated from any such drain, or making any drain or opening through any roadway or reserve or portion of any roadway or reserve at the side of or adjacent to any main or district drain or drainage work without the licence in writing or contrary to the directions of the Drainage Board, shall for every such offence forfeit and pay a penalty of not less than Two Pounds nor more than Twenty Pounds.

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39. No person shall erect or make any bridge, culvert, or other work over, across, or along any main or district drain, or any road or reserve adjoining any main or district drain, or drainage work, without the licence in writing of the Drainage Board, and any person obtaining such licence shall execute the work pursuant thereto, and to the satisfaction of the Board; and any person who shall neglect to carry out and execute such work pursuant to and within the time limited by such licence, or shall neglect to keep such bridge, culvert, or other work in good and substantial repair, shall be liable to have the same executed and completed by the Board (or kept in repair as aforesaid), and the expense thereof recovered by the Board, upon information before two or more Justices, in a summary way after seven days' notice in writing demanding the amount of such expense shall have been given to, or left at the usual or last known place of abode within the Drainage District of the person to whom such licence shall have been granted; and any person erecting or making any such bridge, culvert, or other work without such licence shall, for every such offence, upon conviction, forfeit and pay a penalty or sum of not less than Two Pounds nor more than Twenty Pounds.

Bridge, &c., not to be built without leave of Board.

40. If any Drainage Board shall be of opinion that, for the purpose of carrying out the drainage works in its district, it is necessary to rebuild or alter any existing bridge, culvert, or archway over any drain subject to its control, for the discharge of water under any public road, it shall be lawful for such Drainage Board to take down, remove, or alter such bridge, culvert, or archway, the Drainage Board (when in their opinion necessary) constructing a temporary bridge, culvert, or archway, in the place of that so to be taken down, removed, or altered, and supporting and maintaining the same until the completion of the works necessary for the restoration to public use of such bridge, culvert, or archway; and in every case where any existing bridge, culvert, or archway shall be taken or removed, the Drainage Board shall, if and when required by the Commissioner, construct a new bridge, culvert, or archway, with the necessary roads of approach thereto respectively, according to such plans, specifications, and estimate as shall have been submitted to and approved by said Commissioner; and the expense of such temporary and permanent bridge, culvert, or archway, and roads shall form part of the costs of the works in the district in which the same may be situated.

Power to Drainage Boards to remove or alter any insufficient bridges, &c.

41. Any Drainage Board, by any of its officers or servants, or by any other person, may impound any horses, bullocks, cows, sheep, goats, pigs, and all other cattle great or small, trespassing in or upon any main or district drains or drainage works, or on any roadway or reserve adjacent thereto, and such animals or any of them shall not be released until full payment of the poundage fees and damages fixed by the impounding law for the time being in existence, and by any scale made pursuant to this Act.

Animals trespassing on drains, &c.

42. In addition to all fines, penalties, fees, and damages by this Act

Drainage Boards may recover special damages.

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Act imposed or authorised upon the breach of any of the provisions thereof, the Drainage Board may sue for and recover any special or other damages for the breach of any of such provisions, or for any injury done to any main or district drain or drainage works under its control.

Penalty for injuring drains.

43. Any person who wilfully dams up, or in any way whatsoever injures, whether by driving horses, cattle, sheep, or other animals or vehicles through, along, or across any main or district drains, or otherwise howsoever injures or obstructs any public, or district, or drainage work; and any person who wilfully hinders or prevents any other person from carrying out or performing any work authorised or directed by any Drainage Board shall, upon conviction, for each offence incur a penalty of not less than Two Pounds nor more than Twenty Pounds.

Drainage Boards may do certain acts, and charge to defaulting person.

44. Whenever the person legally liable shall neglect to perform any act hereby required to be done the Drainage Board may perform the same, after giving to such person or leaving at his last or usual place of abode or upon the land in respect of which such act is required to be done, seven days' notice in writing to do such act, and after the doing of such act, the Board may recover the costs, charges, and expenses thereof from the person so in default upon an information before two or more Justices in a summary way.

Public notice, how to be given.

45. Public notice under this Act shall be given by insertion in the *Government Gazette*, and by posting handbills on every post office in the Drainage District, and on every other place appointed by the Drainage Board as a place for posting notices.

Costs of legal proceedings.

46. All costs, charges, and expenses incurred by any Drainage Board in instituting or defending any legal proceedings instituted or defended by it in its character of a Drainage Board, may be defrayed out of the rates leviable by it, and no member of a Drainage Board shall be personally liable in respect of any such costs, charges, or expenses.

Drains, other than main or district, to be kept in repair by owner or adjoining owner.

47. All drains within any Drainage District other than main or district drains, shall, unless when otherwise provided for, be cleansed, repaired, and maintained in a due state of efficiency, by and at the expense of the owner and occupier of the land through which such drains pass; and such owner or occupier shall be responsible for the proper and efficient cleansing, maintenance, and repair of all such drains: Provided that whenever any such drain shall pass along the boundaries of or between land in the occupation of two or more persons, every such person shall be responsible for the proper and efficient cleansing, maintenance, and repair of that portion of such drain immediately adjoining the land in his occupation, or bear such proportion of the cost of cleansing, maintaining, and repairing the same as the Drainage Board may determine. And such drains shall be thoroughly cleaned and repaired once at least in every year, and at such other times as the Board may require.

48. Any

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48. Any dispute arising between the owners or occupiers of land in any Drainage District as to the cleansing, maintaining, and repairing of any drain, and all questions of compensation between such owners and occupiers for any damages arising out of any act done or suffered by such owners or occupiers under or by virtue of, or in conjunction with, this Act, shall be decided and determined by the Drainage Board for the district, whose decision shall be final.

## PART VII.

Compensation for damage done by Board.

49. Any person erecting or making, or commencing to erect or make, any bridge, culvert, or other work over, across, or along any main or district drain, or any road or reserve adjoining any such drain or any drainage works, without the licence in writing of the Drainage Board first had and obtained, shall for every such offence forfeit and pay a penalty or sum of not less than Two Pounds nor more than Twenty Pounds.

Penalty for commencing work without licence of Board.

50. Any person obtaining such licence shall execute and perform the work pursuant thereto, and to the satisfaction of and within the time limited by the Board, and shall keep such work when executed in good and substantial repair; and upon any person neglecting to perform and execute, or keep in repair such work as aforesaid, the Board shall execute and complete such work or repair the same as aforesaid, and such person shall be liable for all costs, expenses, and charges thereof, and the same may be recovered as hereinafter provided: Provided always that whenever the Drainage Board shall deem it necessary, and shall give fourteen days' notice in writing to the owners or occupiers of the land immediately adjacent to such bridge, culvert, or other work erected or made as aforesaid, may be closed, removed, or taken away as the Drainage Board may deem expedient.

Work to be executed to satisfaction of Board, and kept in repair.

51. Any member of a Drainage Board, who knowingly and wilfully shall vote upon or take part in the discussion of any matter in or before the Board in which such member shall directly or indirectly, by himself or his partners, have any pecuniary interest shall, on conviction, forfeit and pay for every such offence a sum not exceeding Fifty Pounds.

Penalty on interested member voting.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

WM. F. DRUMMOND JERVOIS, Governor.