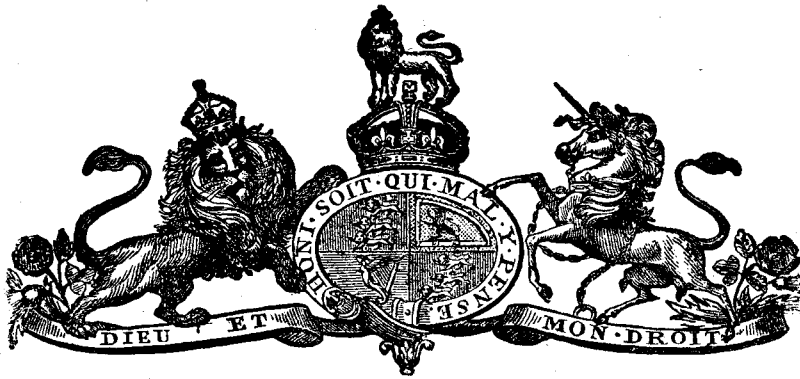


T A S M A N I A



1904.

ANNO QUARTO

EDWARDI VII. REGIS,

No. 35.

AN ACT to make provision for Lighting the A.D. 1904.
Deloraine Light District by Electricity.
[11 November, 1904.]

BE it enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

- 1 This Act is divided into Thirteen Parts, as follows:— Division of Act.
- Part I.—Preliminary.
 - Part II.—District and Trustees.
 - Part III.—Power of Trustees in Construction of Works.
 - Part IV.—Compensation for Damage done by Execution of Work.
 - Part V.—Supply of Electricity.
 - Part VI.—Lighting Rate.
 - Part VII.—Power to borrow.
 - Part VIII.—Officers and their Accountability.
 - Part IX.—Accounts.
 - Part X.—Waste and Misuse of Electricity.
 - Part XI.—Offences.
 - Part XII.—By-Laws.
 - Part XIII.—Miscellaneous.

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PART I.

PRELIMINARY.

Short title.

2 This Act may be cited as "The Deloraine Lighting Act, 1904."

Commencement of Act.

3 This Act shall commence and take effect on the First day of *November*, One thousand nine hundred and four.

Interpretation.

4 In this Act and in any By-laws or rules made thereunder, unless the context otherwise determines—

"Light District" means the *Deloraine* Light District as hereafter defined, or any altered or increased area which may be defined as "The *Deloraine* Light District" in manner hereafter provided :

"Trustees" shall mean the Councillors for the time being of the Municipal District of *Deloraine* :

"Chairman" shall mean the Warden of the Municipal Council of *Deloraine* :

"Street" extends to and includes any public and common highway, road, main road, lane, footway, bridge, square, court, passage, alley, thoroughfare, and public way and place :

"Works," when used in reference to the generation, transmission, or supply of electricity, shall mean and include all water-races, watercourses, water powers, turbines, or other motive power, and all wires, pipes, lamps, posts, piers, supports, generators, conductors, communicators, accumulators, distributors, and all other machinery and apparatus which the Trustees shall from time to time use or deem to be necessary for the generation, transmission, supply, and utilisation, of electricity in accordance with the provisions of this Act :

"Landholder" extends to and includes any person whose name appears as the owner or occupier of any property situate within the district as the same is defined on the Assessment Roll :

"Person" shall include any corporate body or association :

"Assessment Roll" means so much of the Assessment Roll of the Municipality of *Deloraine* for the time being in force as comprises the property in the Light District as above defined :

"Property" means land or buildings and land and buildings :

"Rate" means a rate duly made under and for the purpose of this Act :

"Local Authority," when used in reference to any Municipality, or Town, or Road District, shall mean the Municipal Council, or Board, or Trustees, of such Municipality, or Town, or Road District.



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PART II.

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DISTRICT AND TRUSTEES.

5 The area of land included within the limits defined and set forth in Schedule (2.) shall be and form the Light District.

Light District.

6 The Councillors for the time being of the Municipal District of *Deloraine* shall be the Trustees under this Act.

Municipal
Councillors to be
Trustees.

PART III.

POWER OF TRUSTEES IN CONSTRUCTION OF WORKS.

7 The Trustees are hereby empowered to purchase, lease, or acquire, upon any terms or conditions they deem advisable, any land, or any corporeal or incorporeal hereditaments, or any chattel or interest whatsoever which they deem advisable, for the purpose of this Act, and which they may think proper to purchase, lease, or acquire, including any water power, and power-producing machinery, and any rights and privileges accessory to the same; and the Trustees are also empowered to dispose of the same, or any part thereof, by sale, lease, or otherwise to any person or persons for any purpose whatsoever.

Construction of
works.

8 The Trustees are also hereby empowered to compulsorily purchase any land, and to compulsorily acquire any easements, which they may consider necessary for the purpose of this Act, and the Trustees are also empowered to dispose of the same, or any part thereof, by sale, lease, or otherwise, to any person or persons, for any purpose whatsoever.

Purchase of land
and acquisition
of easements.

9 For the purposes of this Act, it shall be lawful for the Trustees to enter upon any land, and to take levels of the same, and to set out such parts of such land as the Trustees may think necessary, and to cut down trees, dig, cut, trench, and break up the soil of such land, and to remove all earth, stone, trees, or other things dug or obtained out of the same, and to use such materials in the construction and maintenance of the works authorised by this Act.

Entry upon land.

10 It shall be lawful for the Trustees, from time to time, to make, erect, construct, lay down, maintain, alter, or discontinue, upon any land as the Trustees think necessary for the purposes of this Act, such works, and such buildings, machinery, and other works, apparatus, and appliances, as the Trustees may think necessary for the purposes of this Act; and also to enter into any contract concerning the same that they may deem advisable; and also,

Construction of
works and
buildings, &c.

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with the consent of the Governor in Council, to dispose of any such works, buildings, machinery, and other works, apparatus, or appliances by sale, lease, or otherwise, whenever they shall deem it advantageous so to do.

Trustees to give notice prior to first entry upon land.

11 Prior to the first entry upon any land by the Trustees for the purpose of this Act, not less than Seven days' notice of the intention of the Trustees to enter shall be given by the Trustees to the owner, and occupier, if any; but no notice shall be necessary previous to any subsequent entry by the Trustees upon such land for the purposes of this Act.

21 Victoria No. 11 incorporated.

12 *The Lands Clauses Act* shall except as hereby expressly varied, be incorporated with this Act; but

- i. There shall not be incorporated with this Act the Sections and Provisions of the said Act hereinafter mentioned; that is to say:—Section Eight, whereby it is provided that the Capital is to be subscribed before the compulsory provisions are to be put in force; Section Nine, whereby it is provided that the Certificate of the Justices shall be evidence that the Capital has been subscribed:
- ii. In the construction of this Act and of the said incorporated Act, this Act shall be deemed to be the Special Act, and the Trustees shall be deemed to be the Promoters of the undertaking.

If compensation excessive Trustees may give up land.

13 Where the Trustees give notice of their intention to take land for any of the purposes hereinbefore set forth, and the compensation in respect thereof is determined as in cases of disputed compensation, if the Trustees deem it inexpedient to pay the amount of compensation so determined, they may, within Twenty-one days after notice of the amount of compensation so determined on, withdraw the first-mentioned notice on payment of all costs of references and award.

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

14 The Trustees may, from time to time, open and break up the soil and pavement of any street within the Light District, or any Municipality, or Road District, or Town, and erect in and upon such streets, and maintain, and from time to time alter and discontinue such machinery, lamps, posts, pipes, piers, supports, conductors, communicators, distributors, electric lines, buildings, apparatus, engines, and things, and all other works necessary and convenient for any of the purposes of this Act.

Notice to be served on persons, if any, having control of streets without the Town.

15 The Trustees shall, before opening or breaking up any street without the Light District, give to the persons, if any, under whose control or management the same may be, or to their clerk, surveyor, or other officer, notice in writing of the intention of the Trustees to open or break up the same, not less than Three clear days before

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beginning such work, except in cases of emergency arising from defects in any of the pipes, conductors, or other works, and then as soon as possible after the beginning of the work or the necessity for the same has arisen. A.D. 1904.

16 No street without the Light District shall, except in the cases of emergency aforesaid, be opened or broken up, except under the superintendence of the persons, if any, having the control or management thereof, or of their officer, and according to such plan as is approved of by such persons or their officer, or in case of any difference respecting such plan, then according to such plan as may be determined by Two Justices. Provided, that if the persons having such control or management as aforesaid and their officer fail to attend at the time fixed for the opening of any such street, after having had such notice of the intention of the Trustees as aforesaid, or do not propose any plan for breaking up or opening the same, or refuse or neglect to superintend the operation, the Trustees may perform the work specified in such notice without the superintendence of such persons or their officer.

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

17 Whenever the Trustees open or break up any street, sewer, drain, or tunnel under the authority of this Act, they shall with all convenient speed complete the work for which the same was broken up, and fill in the ground and reinstate and make good the street, sewer, drain, or tunnel so opened or broken up, and carry away the rubbish occasioned thereby; and shall at all times whilst any such street is so opened or broken up, cause the same to be fenced and guarded, and a light sufficient for the warning of passengers to be set up and kept against the same every night.

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

PART IV.**COMPENSATION FOR DAMAGE DONE BY EXECUTION OF WORKS.**

18 In the exercise of the powers conferred by this Act, the Trustees shall do as little damage as can be, and in all cases where it can be done, shall make good such damage.

Trustees to do as little damage as may be.

19 The Trustees shall make compensation, in manner hereinafter provided, to all parties lawfully interested in any land, other than land purchased by the Trustees, in or upon which any works may hereafter be constructed, or which may be injuriously affected by the construction and maintenance of the works under this Act, or otherwise by the execution by the Trustees of the powers hereby conferred, for all damage sustained by reason of the exercise as to such land or water of the powers vested in the Trustees by this Act.

Trustees to make compensation for damage done by execution of works.

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Persons damaged
to make claim for
compensation.

Compensation
how to be ascer-
tained.

Regard to be had
to any benefit
which may accrue.

Persons not
making claim
when required to
be barred.

Dissatisfied party
may appeal to a
Judge of the
Supreme Court.

20 Any person claiming such compensation shall prefer his claim by notice in writing addressed to the Trustees, and served upon the Secretary thereof, in which notice shall be specified the place of abode of the claimant, the particular act occasioning the damage for which compensation is claimed, the nature and amount of such damage, and the nature of the title or interest of such claimant in or to the land or water in respect to which the claim is preferred; and if any such person and the Trustees do not agree as to the amount of such compensation, the same, and the application thereof, shall, except in the cases hereinafter mentioned, be determined by arbitration in the manner provided for by *The Lands Clauses Act, 1857*, in cases of disputed compensation, or, at the option of either the Trustees or Claimant, by a Judge of the Supreme Court, upon either party giving Seven days' notice to the other after the delivery of such claim; and the amount of such compensation to be paid in such case shall be ascertained by the Judge in such manner as he deems advisable, and subject to such conditions as such Judge sees fit to impose. And all costs of all proceedings taken under this Act before a Judge shall be in his discretion as to the party by whom such costs shall be borne, and payment thereof may be enforced and recoverable by the party to whom such costs shall be payable, as in Equity.

21 In determining such claims regard shall be had to any benefit which may be done or accrue to the claimant, by or as the result of the provisions in this Act contained.

22 If the Trustees, by notice in writing, require any person to make claim for compensation for any damage occasioned by the exercise of any of the powers conferred on the Trustees by this Act previously to the service of such notice, such person shall not be entitled to compensation by reason of the exercise of any such notice unless he prefers his claim, in manner aforesaid, within Two months after service of such notice.

23 If either party is dissatisfied with the award of the Arbitrators or the Umpire appointed to determine the amount of compensation to be paid to the owner or occupier of any land taken or occupied under the authority of this Act, or with the decision of the Arbitrator or Umpire appointed to determine the amount of compensation to be paid to any person claiming the right to use any of the water diverted or appropriated by the Trustees, the dissatisfied party, when the amount of compensation awarded by the Arbitrators or the Umpire exceeds Fifty Pounds, may appeal from the award of the Arbitrators or the Umpire, as the case may be, to a Judge of the Supreme Court, and may have the amount of compensation fixed by a Judge of the said Court, in the manner hereinafter provided.

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24 If the dissatisfied party desires to appeal from the award of the Arbitrators or Umpire as aforesaid, he shall, within Fourteen days after the delivery to him of such award or a copy thereof, give notice in writing to the other party of his intention to appeal, and shall, within One month after the service of such notice upon the opposite party, prosecute such appeal in accordance with the Rules made by the Judges for conducting appeals under "The Main Line Railway Amendment Act, No. 2," so far as such Rules are applicable; and the amount of compensation to be paid in such cases shall be ascertained by a Judge of the Supreme Court in such manner as he deems advisable, and subject to such conditions as such Judge sees fit to impose; and the Judge may also, in his discretion, make any Order as to the party by whom the cost of the appeal shall be borne: Provided that a Judge of the Supreme Court may, upon what he shall deem sufficient cause, allow an appeal under this Act to be prosecuted after the expiration of the time hereinbefore allowed for that purpose; but no appeal shall be allowed after the expiration of Three months after the service of notice of intention to appeal.

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36 Vict. No. 19.

25 Where the dissatisfied party gives such notice of appeal as aforesaid, then the award given by the Arbitrators or the Umpire shall not be made a Rule of Court until a Judge of the Supreme Court, by an order in writing under his hand, determines the matter in dispute, or the time hereinbefore allowed for prosecuting the appeal has expired.

Award not to be made a Rule of Court until Judge determines matter in dispute.

26 No land acquired or held by the Trustees under the authority of this Act, and used for the purposes of this Act, shall, unless with the consent of the Governor in Council, be subject to the operation of *The Lands Clauses Act*, or any Act incorporating the whole or any portion of that Act.

Land acquired under this Act not subject to *Lands Clauses Act*.

27 Before commencing or undertaking any of the works authorised by this Act, the Trustees shall lay before the Governor in Council detailed plans, sections, and specifications of such works, and it shall be lawful for the Governor in Council thereupon to refer such plans, sections, and specifications to the Director of Public Works, or other competent person, who is hereby required to examine and consider the same, and fully report thereupon to the Governor in Council with reference to the probable expense, practicability, and nature of such works, and no such works shall be undertaken until the same have been approved of by the Governor in Council, and notice in writing of such approval received by the Trustees.

Before commencing work plans to be submitted for approval.

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PART V.

SUPPLY OF ELECTRICITY.

Supply of electric light inside area at such charges as may be agreed.

28 If after the Trustees shall have constructed and erected the necessary works for the generation and transmission of electricity for lighting the area, any owner or occupier of any house, building, or other premises in the said area, within One hundred feet of any work for distributing the light or power, shall require a supply of electricity for producing light, such supply shall in every case be furnished by the Trustees at such charges as shall from time to time be fixed by the Trustees, in accordance with the provisions of this Act.

Trustees may supply electricity for motive power, &c.

29 If the owner or occupier of any land or building in the said area, or in any other place at which the Trustees have erected the necessary works for supplying electricity, under the provisions of this Act, shall require a supply of electricity for motive power or for any purpose other than the production of light, the Trustees may from time to time, as they think fit, furnish such supply of electricity to such owner or occupier at such charges and upon such terms and conditions as the Trustees shall from time to time prescribe.

Trustees may make a rebate-ment of charges.

30 It shall be lawful for the Trustees from time to time to make such a rebatement as the Trustees shall think fit upon all moneys due and owing to the Trustees for electricity supplied under the provisions of this Act, and which shall be paid to the Trustees not later than Fourteen days after demand has been made for payment thereof.

Provision for testing.

31 The Trustees shall, before supplying any person with electricity, test the normal strength and electric force of the electricity supplied to him, if requested.

No form of lamp or burner to be prescribed, but contractor or workmen to be approved by Trustees.

32 It shall not be lawful for the Trustees to prescribe any special form of lamp, or burner to be used by any persons to whom the Trustees shall supply electricity for lighting purposes, but only such contractors, builders, artisans, workmen, and other persons as are approved by the Trustees, shall be employed by any person for the purpose of erecting or repairing any machinery, lamps, wires, pipes, conductors, apparatus, or appliance whatsoever to be used in supplying or producing light from electricity supplied by the Trustees.

Where several premises supplied by one conductor each to pay.

33 Where several buildings are supplied with electricity by one common conductor, the respective owners or occupiers of such buildings shall be severally liable to the payment of the same charges for the supply of electric light as they would have been liable to if each of such several buildings had been supplied with electricity by a separate conductor.



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34 The Trustees may from time to time let for hire to any consumer of motive power or electricity supplied by measure any meter or instrument for measuring the quantity of energy or of electricity supplied and consumed at such rent in money as shall from time to time be fixed by the Trustees in accordance with the provisions of this Act; also, any conductors, fittings, and apparatus for the conveyance, reception, transformation, storage, or otherwise utilising electricity for lighting, motive power, or any other purpose.

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Trustees may provide meters.

35 Any person acting under the authority of the Trustees may at all reasonable times enter any house, buildings, or lands to, through, or into which electricity is supplied by the Trustees by measure, in order to inspect the meters, instruments, wires, and apparatus for the measuring, conveyance, reception, or storage of electricity, or for the purpose of ascertaining the quantity of electricity supplied or consumed, and may from time to time enter any house, buildings, or lands for the purpose of removing any meter, instrument, wire, or apparatus, the property of the Trustees; and if any one hinders such person from entering or making such inspection, or effecting such removal, or if any one, not being an Officer or in the employ of the Trustees, in any manner injures or interferes with any meter placed for the purpose herein named, he shall for every such offence be liable to a penalty not exceeding Five Pounds, in addition to the amount of damage or injury done.

Officers of the Trustees may inspect meters.

36 Every person requiring to remove or alter the position of any meter shall give Two days' notice in writing to that effect to the Trustees, who will cause a registration of the quantity of electricity used to be taken and such removal or alteration to be made; and the expense of so doing shall be paid by such person; and no alteration shall be made but by or under the direction of an Officer of the Trustees, nor until the permission of the Trustees has been obtained.

Notice of removal of or change in meter.

37 Such meters, instruments, conductors, fittings, and apparatus shall not be subject to distress for rent of the premises where the same are used, and shall not be attached or taken in execution under any process of any Court of Law or Equity, or under or in pursuance of any adjudication, sequestration, or order in bankruptcy or other legal proceedings against or affecting the consumer of the electricity, or the occupier of the premises or other person in whose possession the meters, conductors, fittings, instruments, and apparatus may be.

Meters, &c., not liable to seizure.

Supply of Electricity to Districts beyond the Light District.

38 The Trustees may, at the request of the Local Authority of any Municipality or Town, or Road District adjoining the *Deloraine* Light District, erect in such Municipality, or Town, or Road District such works and machinery as may be necessary for supplying the inhabitants thereof with electricity for producing light

Supply of electricity to places beyond the Light District.

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or for other purposes, and if the Trustees shall at any time, at such request as aforesaid, construct and erect the necessary works for supplying electricity to any place outside the Light District, and the owner or occupier of any house, or building, or other premises in such other place as aforesaid shall require a supply of electricity for producing light, such supply shall in every case be furnished by the Trustees at such charges as shall from time to time be fixed by the Trustees in accordance with the provisions of this Act.

Trustees may make contracts with Local Authority.

39 The Trustees may from time to time make and enter into contracts with the Local Authority of any Municipality, or Town, or Road District for erecting, and maintaining electric lamps in such Municipality, or Town, or Road District, and supplying the same with light at such rate per lamp, and upon such other terms and conditions, as may be mutually agreed upon.

Interpretation of the term Municipality.

40 Any Municipality, or Town, or Road District adjoining a Municipality, or Town, or Road District in which the Trustees shall erect works for supplying electricity to the inhabitants thereof under the provisions of this Act, shall be deemed to be a Municipality, or Town, or Road District adjoining the Light District within the meaning of this Act.

Supply of light outside area boundaries.

41 The Trustees may, upon such terms and conditions as they think fit, cause a supply of electricity for producing light or for other purposes to be brought to such places and Districts beyond the area as the Trustees see fit, upon the application of any owners or occupiers of houses, buildings, or other premises in any such place or District.

PART VI.**LIGHTING RATE.**

Trustees to fix Light Rate.

42 The Trustees shall, once or oftener in every year, make and levy a Light Rate or Light Rates to be paid by the respective owners or occupiers of all property within the Light District for the purposes of this Act; and such Rates in any one year may be of an amount not exceeding the sum of Ten Pounds per centum per annum, inclusive of any special Rate for interest on the assessed annual value of such property, according to the Assessment Roll in force for the time being.

Upon making Rate notice of same to be given.

43 Upon the making of any Light Rate under this Act, a notice, signed by the Chairman and not less than Two other Trustees, specifying the amount of such Rate, the period for which the same is made, and at what times the same is payable, shall be published in the *Gazette*, and also in at least Two numbers of a public newspaper circulating in the Light District; and upon any such notice

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being so published, the Rate therein mentioned shall be payable and paid at the times specified in such notice by the persons liable to pay the same, according to the Assessment Roll then in force for the purposes of this Act, and it shall not be necessary in any such notice to set forth the names of the persons liable to the payment of the Rate or the sums which according to such Rate such persons are liable to pay, or any other particulars than are hereinbefore mentioned.

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44 If any person liable as herein provided to pay any amount of Light Rate neglects to pay the same within due time after the same has been lawfully demanded, the Trustees, after giving Twenty-four hours written notice of their intention so to do, may cut off or stop the supply of electricity to such person by cutting off or discontinuing any electric wire or other means by which electricity is supplied to the premises in respect of which such Rate is payable, or by such means as the Trustees think fit, and may recover the amount due from such person, with the expense of cutting off or stopping the supply of electricity, in the same manner as any Municipal Rate is recoverable.

Rate how to be recovered.

45 All such Rates shall be payable in advance at such periods as the Trustees from time to time appoint, and shall be payable in the first instance by the occupier of the property at the time when the same is made payable by such notice as aforesaid.

Rates payable, and occupiers liable for Rate in first instance.

46 In case at the time when any Rate is made payable by such notice as aforesaid there is no occupier of any property, or the occupier cannot be found or is not known, the Rate in respect of such property shall be payable by and recoverable from the owner in the first instance, who shall be entitled to recover the same from the tenant, if any, if not paid on demand, by distress as for rent in arrear, or as money paid to his use. But nothing herein shall affect as between themselves any agreement made between the landlord and tenant as to the payment of the Rate.

If no occupier, owner liable in first instance.

47 In case any change of occupation of any property takes place after the time when any Rate is made payable by such notice as aforesaid, and before the Rate due in respect of such property is paid or recovered, it shall be lawful for the Trustees to recover such Rate in arrear from the person who is the occupier of such property at the time of demand or levy, as the case may be, or, if there is no such occupier, then from the owner of such property, and any such occupier, if tenant, shall be entitled to recover the same Rate so paid from the person who was occupier when the Rate became payable as money paid to his use; and any owner who has paid or from whom has been recovered any amount of Rate in any such case where there is no occupier at the time of demand or levy, may recover such amount of Rate from the tenant, if any, at the time when such amount of Rate was made payable.

Provides for change of occupation.

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Provides for
change of owner-
ship.

48 In case any change of ownership of any property takes place after the time when any Rate is made payable by such notice as aforesaid, and before the Rate due in respect of such property is paid or recovered, any amount of Rate in arrear paid by or recovered from the owner for the time being of such property shall be recoverable by him from the person who was the owner of such property when such amount of Rate became payable as money paid to his use.

Recovery of Rate
in case of sub-
division of pro-
perty.

49 Every owner or lessor of property in the Light District shall, upon request in writing, to be left at or posted to his usual residence, from the Chairman of the Trustees, deliver or cause to be delivered to such Chairman forthwith a statement in writing setting forth the names of the tenants or occupiers of his property or any part thereof, also the rent payable by each such tenant or occupier, and the area of their respective holdings; and if any owner or occupier neglects so to deliver or cause to be delivered such statement, he shall be liable to pay to the Trustees the Rate payable in respect of such property.

Recovery of
Rate.

50 Every such Rate shall be paid by the persons liable to pay the same to the Trustees or a Collector of Light Rate appointed by the Trustees; and in case any such person fails to pay the amount of any such Rate for which he is liable for the space of Fourteen days after the same has been demanded by any such Collector, it shall be lawful for any Justice of the Peace, and he is hereby authorised and required, to summon the defaulter to appear before him or any other Justice of the Peace, at a time and place to be mentioned in the summons, to show cause why the Rate in arrear should not be paid; and in case the defaulter fail to appear according to the exigency of the summons, or no sufficient cause for non-payment be shown, the Justice may, and he is hereby authorised and required, to grant a warrant under his hand authorising and directing any such Collector or some other fit person to distrain the goods and chattels of such person, whether the same are on the property in respect of which the Rate is payable or elsewhere, and to cause such goods and chattels when distrained to be sold, and out of the moneys to arise by such sale to pay all costs, charges, and expenses attendant upon such distress and sale, and in the next place to pay the amount of the Rate for which such distress and sale are made, and to pay over the surplus, if any, on demand, to the person whose goods and chattels have been so distrained and sold as aforesaid.

Demand of Rate.

51 Any Rate may be demanded by any Collector of Light Rate by written or printed, or partly written and partly printed, notice, specifying the amount of Rate demanded, the date of making the Rate, and the property in respect of which the Rate is demanded, left at, or posted to the usual or last known place of abode of the person from whom the Rate is sought to be recovered, if such place



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can after diligent inquiry be discovered, but if not, then affixed to some conspicuous part of the property in respect of which the Rate is demanded.

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52 All goods and chattels whatsoever found upon the property in respect of which any such Rate is payable, to whomsoever the same may belong, shall be liable to be taken under Warrant of Distress issued for the recovery of such Rate: Provided, that in case of change of occupation as hereinbefore mentioned, the same shall not be liable after the expiration of Three months from the time when such Rate is made payable; and such Warrant of Distress may be in the form of Schedule (1.).

All goods found on property liable to Rate.

53 In event of any distress so made as aforesaid not realising sufficient to pay such Rates, costs, charges, and expenses as aforesaid, it shall be lawful from time to time to make further and other distress in manner aforesaid until the whole amount of such Rate, costs, charges, and expenses has been fully paid.

Further distress in case first is insufficient.

54 The goods and chattels distrained under any such Warrant of Distress shall be sold and disposed of within any time, not being less than Four days, after the making of the distress.

Time of Sale of goods distrained.

55 Any person deeming himself aggrieved by the amount of the costs, charges, and expenses with which he is charged as attendant upon any such distress and sale, may forthwith apply to the Justice issuing the Warrant of Distress, and such Justice is hereby authorised and empowered, after proper investigation by taking any evidence the disputing parties may have to lay before him, to make such Order in the matter as to him seems just; and any person who disobeys or fails to comply with such Order shall incur a penalty not exceeding Five Pounds.

Appeal to Justices against costs of Distress.

56 No distress made under the authority of this Act shall be deemed unlawful, or the person making the same be deemed a trespasser, on account of any defect or want of form in the warrant of distress, or in any other proceeding relating to such distress; nor shall the person distraining be deemed a trespasser *ab initio* on account of any irregularity which he may afterwards commit, but the person aggrieved by such irregularity may recover full satisfaction for special damage in an action on the case.

Distress not unlawful for want of form.

57 The provisions of "An Act to facilitate the Collection and Recovery of Rates," and every Amendment thereof, shall be applicable to the collection and recovery of Rates under this Act.

Provisions of 22 Vict. No. 27 applied.

58 The like proceedings may be had for recovering and enforcing the payment of any expenses incurred in the execution of this Act which may become payable by any person to the Trustees, and also of any charge for the supply of light by the Trustees under this Act, other than Light Rate, as in the case of any Light Rate.

Charges for light how recovered.

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Unpaid Rate shall be a charge upon property.

59 Any unpaid Rate, with interest thereon at the rate of Four Pounds per centum per annum, shall be and remain a charge upon the property in respect of which such Rate is payable, and may be recovered at any future time as if the then occupier had himself been liable to the payment of the Rate so remaining unpaid; and the production of the receipt for such overdue Rate paid by or recovered from any tenant for any Rate due before the commencement of his tenancy shall be a discharge for the amount so paid or recovered in payment of rent to the landlord, and such landlord shall be entitled to recover from the person who was tenant when the Rate became payable the Rate to which such tenant was liable as money paid to his use.

Notice of intention to let or sell.

60 Whenever the Rate payable in respect of any property shall have been in arrear for the space of Five years and upwards, it shall be lawful for the Trustees to cause to be published for Three consecutive weeks in the *Gazette* and twice in a newspaper circulating in the Light District, a notice, specifying the property and the amount of Rate due in respect thereof, and stating that if the same be not paid within Six months from the first publication of such notice the Trustees will let the property from year to year as provided by this Act, or will apply to the Supreme Court for a sale thereof in the manner described in this Act.

Trustees may let from year to year.

61 If after Six months from the first publication of such notice the said Rate due at the time of such first publication is still unpaid, the Trustees may let such property, or any part thereof, from year to year, and may receive the rents and profits thereof and apply the same towards the payment of the said Rate or part thereof, and of the interest payable thereon at the Rate of Four Pounds per centum per annum as aforesaid, and of costs, charges, and expenses, and hold any surplus in trust for the rightful owner of such property.

Trustees may apply to Supreme Court for Sale.

62 If after Six months from the first publication of such notice the said Rate due at the time of such first publication is still unpaid, the Trustees, instead of letting such property, may, by petition to the Supreme Court, or a Judge thereof, apply for a sale of the property described in such notice, or of so much thereof as may be necessary to produce the amount of Rate due in respect thereof, and of the interest payable thereon; and the Court or Judge, on being satisfied by affidavit or otherwise that Six calendar months' notice of such petition has been served on the owner of such land, or left at his usual or last known place of abode in *Tasmania*, or, in case no owner can be found, then that such notice has been affixed in a conspicuous place upon such property, and has also been inserted for Three weeks in the *Gazette* and twice in a newspaper circulating in the Light District, and that the Rate alleged to be in arrear is lawfully due and was in arrear at the time of the first publication of such notice in the *Gazette*, and that all things required by this Act to be done by the

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Trustees have been done, shall order the sale of the said property or so much thereof as shall be sufficient to pay all Rates due or accrued due in respect of such property up to the time of sale, and the interest payable thereon, together with all costs, charges, and expenses of and attending the application, and of and attending the sale of such property, and that the proceeds be paid into Court. A.D. 1904.

63 The Supreme Court or a Judge thereof shall order payment of the said Rate and interest thereon, costs, charges, and expenses to be first made out of the proceeds of the sale, and the conveyance or transfer, as the case may be, shall be executed by the Registrar or such other officer of the Court as the Court may direct, to the purchaser, his heirs and assigns, in such form as shall be approved by the Court or a Judge; and such conveyance or transfer shall vest the property sold in the purchaser for an estate in fee simple free from encumbrances, and in cases where the land is under *The Real Property Act* the purchaser shall be entitled to receive a Certificate of Title to the property purchased; and the balance arising from the proceeds of such sale shall be subject to any Orders of the Court for the benefit of the parties interested therein. Application of
proceeds of sale.

64 It shall be lawful for the Trustees, upon the complaint of any person liable to the payment of any Rate, to remit or excuse the payment thereof, or any part thereof, on account of the poverty of such person; and the Trustees shall also remit payment of half the Rate whenever the house in respect of which such Rate is levied has been unoccupied for the unbroken period of Six calendar months or upwards during the year for which such Rate is levied: Provided application in writing be made, and the applicant satisfy the Chairman of Trustees that such house has been so unoccupied. Power to remit
Rates on account
of poverty, &c.

PART VII.**POWER TO BORROW.**

65 It shall be lawful for the Trustees to borrow as herein provided any sum or sums of money not exceeding in the whole Five thousand Pounds for the purpose of defraying the cost and expense of the construction and carrying out of the works authorised by this Act, or the payment of any such compensation as aforesaid and it shall be lawful for the Governor in Council to grant, in accordance with the provisions of "The Local Public Works Loans Act, 1890," any sum or sums of money, not exceeding in the whole the sum of Five thousand Pounds, as a Loan or Loans to the said Trustees for the purpose aforesaid, and such sum or sums of money shall be defrayed out of moneys to be provided by Parliament for that purpose. Power to borrow
money.

Governor in
Council may
grant Loan under
54 Vict. No. 30.

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Provided that it shall not be necessary to lay before either House of Parliament plans and specifications of any such proposed works, nor the Report of the Engineer-in-Chief thereon, as provided in Section Two of the last-mentioned Act; but before any part of the said sum of Five thousand Pounds shall be advanced to the Trustees, plans and specifications of the proposed works, together with a report by the Engineer-in-Chief upon the necessity of such works and probable cost thereof, the sufficiency of the plans and specifications, and upon such other matters connected with the works as the Engineer-in-Chief may deem it desirable to refer to in the said report, and that the works can be completed for the amount proposed to be borrowed, shall be submitted to and approved by the Governor.

PART VIII.**OFFICERS AND THEIR ACCOUNTABILITY.**

Power to appoint officers.

66—(1.) The Trustees shall, from time to time, appoint a Treasurer, who may be one of the Trustees, and a Secretary, and may, from time to time, appoint and employ a Solicitor, Clerk, and such Inspectors, Engineers, Surveyors, Collectors of Light Rate, and other officers as the Trustees think necessary and proper; and from time to time may remove any of such officers, and appoint others in the room of such as are so removed, or as may die, resign, or discontinue their offices; and may, out of the moneys at the disposal of the Trustees under this Act, pay such salaries and allowances to the said officers respectively as the Trustees think reasonable.

(2.) Nothing herein contained shall prevent the same person from being appointed to hold more than one of such offices at the same time, if the Trustees so think fit, except as hereinafter provided.

(3.) It shall not be lawful for the Trustees to appoint the same person to be a Collector and also Treasurer of the Trustees.

Trustees not to be Officers.

67 Every person holding any office or place of profit in the gift or disposal of the Trustees, other than that of Treasurer, shall be disqualified from being a Trustee, and if any Trustee is appointed to any such office or place of profit he shall thereupon cease to be a Trustee: Provided, that any Trustee who is appointed Treasurer shall be liable to all the provisions of this Act relating to such officer in the same manner as if he were not a Trustee.

Security from Officers.

68 Before any person, whether Treasurer, Clerk, Collector, or other officer, who is entrusted by the Trustees with the custody or control of moneys by virtue of his office, enters upon such office, the Chairman of Trustees shall take sufficient security for the faithful execution thereof.

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69 Every officer or person employed by the Trustees shall, in books to be provided by the Trustees for that purpose, enter true accounts of all sums of money by him received and paid, and of the several matters for which such sums have been received and paid, and of all acts done by him by direction of the Trustees; and such books shall at all times be open to the inspection of any Trustee.

A.D. 1904.

Officers to keep account books.

70 Every Collector or other officer appointed or employed by the Trustees to collect money shall, within Seven days after he has received any moneys on behalf of the Trustees, pay over the same to their Treasurer, and the receipt of such Treasurer for the moneys so paid shall be a sufficient discharge to such Collector or other Officer; and every such Collector or officer shall, in such time and in such manner as the Trustees direct, deliver to the Trustees true and perfect accounts in writing under his hand of all moneys received by him, and of all moneys paid by him to the said Treasurer, and also a list of the names of all persons who have neglected or refused to pay any moneys owing by them, with a statement of the moneys due from them respectively.

Payment over of moneys by Officers.

71 Every Collector and other officer appointed or employed by the Trustees shall, from time to time, when required by the Trustees make out and deliver to the Trustees, or to any person appointed by the Trustees for that purpose, a true and perfect account in writing under his hand of all moneys received by him on behalf of the Trustees; and such account shall state how, and to whom, and for what purpose such moneys have been disposed of; and together with such account such officer shall deliver the vouchers and receipts for such payments; and every such officer shall pay to the Trustees or to any person appointed by the Trustees to receive the same, all moneys which appear to be owing from him upon the balance of such accounts.

Officers to account.

72 If any such Collector or other officer fails to render such accounts as aforesaid, or to produce and deliver up all books, vouchers, and receipts relating to the same in his possession or power, or to pay the balance thereof when thereunto required, or if for Five days after being thereunto required he fails to deliver up to the Trustees, or to any person appointed by the Trustees to receive the same, all books, papers, and writings, property, effects, matters, and things in his possession or power relating to the execution of his office or belonging to the Trustees, then, on complaint thereof before made to a Justice, such Justice shall summon such officer to appear before Two or more Justices at a time and place to be set forth in such summons, to answer such charge; and upon the appearance of such officer, or upon proof that such summons was personally served upon him, or left at his last known place of abode, such Justices may hear and determine the matter in a summary way, and may adjust and declare the balance owing by such officer; and if it appears, either upon confession of such officer, or upon evidence, or upon inspection of the accounts, that

Summary proceedings against Officers failing to account.

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any moneys of the Trustees are in the hands of such officer, or owing by him to the Trustees, such Justices may order such officer to pay the same; and if he fails to pay the amount, it shall be lawful for such Justice to grant a warrant to levy the same by distress, and in default of sufficient distress to commit the offender to gaol, there to remain without bail for a period not exceeding Three months, unless the same is sooner paid.

Proceedings on refusal to give np books.

73 If any officer summoned as aforesaid refuses to make out such account in writing, or to produce and deliver to the Justices the several vouchers and receipts relating thereto, or to deliver up any books, papers, or writings, property, effects, matters, or things in his possession or power belonging to the Trustees, such Justices may commit such offender to gaol, there to remain until he has delivered up all the vouchers and receipts in his possession or power relating to such accounts, and all the books, papers, writings, property, effects, matters, and things in his possession or power belonging to the Trustees.

If officer about to abscond warrant may be issued.

74 If any Trustee, or other person acting on behalf of the Trustees, makes oath that he has good reason to believe, upon grounds to be stated in his deposition, and does believe, that it is the intention of any such officer as aforesaid to abscond, the Justice before whom the complaint is made may, instead of issuing his summons, issue his warrant, for bringing such officer before Two such Justices as aforesaid; but no person executing such warrant shall keep such officer in custody longer than Twenty-four hours without bringing him before Two or more Justices; and the Justices before whom such officer is brought may either discharge such officer if they think there is no sufficient ground for his detention, or order such officer to be detained in custody so as to be brought before Two or more Justices, at a time and place to be named in such Order, unless such officer gives bail to the satisfaction of such Justices for his appearance before Two or more Justices to answer the complaint of the Trustees.

Proceedings against Officers not to discharge sureties.

75 No such proceeding against or dealing with any such officer as aforesaid shall deprive the Trustees of any remedy which they would otherwise have had against such officer or any surety of such officer.

PART IX.**ACCOUNTS.**

Trustees to keep accounts of receipts and disbursements.

76 The Trustees shall cause books to be provided and kept, and true and regular accounts to be entered therein, of all sums of money received and paid under the authority of this Act, and of the several purposes for which such sums of money have been received and paid, which books shall at all reasonable times be open to the inspection of any Trustee or creditor of the Trustees, with-

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out fee or reward, and the persons aforesaid, or any of them, may make copies of or extracts from the said books without paying anything for the same, and any person having the custody of the said books who do not, on the reasonable demand of any Trustee, permit him to inspect the said books, or to take such copies or extracts as aforesaid, shall for every such offence incur a penalty not exceeding Five Pounds.

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77 The Trustees shall, before the end of the second week in the month of *January* in each year, cause the accounts of the Trustees up to and including the last day of *December* next preceding to be balanced, and also cause full and true statements and accounts to be drawn out of the amount of all rates made and levied, and of all moneys received and expended during the preceding year, and also of all debts then owing by and to the Trustees, and such statement and account shall be signed by the Chairman and not less than Two Trustees.

Statement and
account to be
annually
prepared.

78 The accounts of the Trustees mentioned in the Two preceding Sections of this Act shall be subject and liable to all the provisions of "The Audit Act, 1901," in the same manner as the accounts of Trustees of Road Districts are now subject and liable; and the statements and accounts mentioned in Section Seventy-eight of this Act shall be forwarded to the Auditor-General during the month of *February* in every year; and the statement and account of all moneys received and expended, with the report of the said Auditor-General thereon, shall be published in the *Gazette* as soon as may be after the same have been audited; and a copy of such *Gazette* shall be affixed by the Trustees on or near the door of the Municipal Chambers at Deloraine.

Audit of accounts.

1 Ed. VII. No. 15.

79 All moneys whatsoever levied, received, or recovered under the authority of this Act shall be at the sole and absolute disposal of the Trustees, to be by them applied in such manner as they see fit in carrying out and effectuating the purposes of this Act, and to no other purpose.

Appropriation.

80 As soon as the moneys at any time in the hands of the Collector or the Treasurer of the Trustees shall amount to Five Pounds he shall forthwith pay the same into some public bank in this State to the account of the Trustees; and no part of such moneys shall be drawn out of such bank except by cheque signed by the Treasurer and One of the Trustees. The Treasurer shall cause the Trustees' Bank Pass-book to be laid upon the table at every meeting of the Trustees.

Moneys received
to be paid into
bank.

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PART X.**WASTE AND MISUSE OF ELECTRICITY.**

Electric service works to be kept in repair.

81 If any person when required by the Trustees neglects to keep in repair any of the works by which his premises are supplied with electricity under the authority of this Act, the Trustees may cut off the supply of electricity from such premises until such works are sufficiently repaired; and the Trustees may repair such works, and the cost of repairing the same shall be repaid to the Trustees by the person neglecting to repair the same, and may be recovered by the Trustees from such person in a summary way.

Penalty for obstructing Trustees.

82 The inspector or any other person acting under the authority of the Trustees may, at any time by night or by day, enter into any house or premises supplied with electricity under the authority of this Act, in order to examine if there is any waste or misuse of such electricity, and the condition or state of repair of wires or works by which such electricity is supplied to such house or premises; and if such inspector or other person is at any such time refused admittance into such house or premises for the purposes aforesaid, the Trustees may cut off the supply of electricity from such house or premises.

PART X.**OFFENCES.**

Power to enter premises to inspect.

83 Every person who wilfully obstructs, hinders, or interrupts the Trustees, or any person acting under the authority of the Trustees, in doing or performing any work by this Act authorised to be done or performed by the Trustees, or in the exercise of any power or authority by this Act conferred on the Trustees, shall for every such offence incur a penalty of not less than Ten Pounds nor more than Fifty Pounds.

Allowing persons not supplied to use the electricity.

84 Every owner or occupier of any premises supplied with electricity under this Act who supplies to any other person, or wilfully permits him to take any of such electricity from any conductor or pipe or service in or on such premises, shall, for every such offence incur a penalty not exceeding Twenty Pounds.

Taking electricity, &c., without authority.

85 Every person, who, without due authority, takes any electricity from any wire or conductor, or service or other work belonging to the Trustees shall, for every such offence, incur a penalty not exceeding Twenty Pounds.

Attaching any conductor, &c., without authority.

86 Any person who makes any wire or conductor to communicate with any wire or conductor, or service wires or other work belonging to the Trustees, without the authority of the Trustees in that behalf, shall incur a penalty not exceeding Twenty Pounds.

Persons damaging any electric line or

87 Any person who carelessly or accidentally breaks, throws down, or damages any electric line or service, or any pillar, post,

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lamp, or other works belonging to the Trustees or under their control, shall forfeit and pay to the Trustees for the damage so done by way of satisfaction, such sum of money as will compensate the Trustees therefor.

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service, &c., to pay compensation.

88 Any person who breaks, throws down, or damages any electric line or service, or any pillar, post, lamp, or other works belonging to the Trustees or under their control, and fails to forthwith report the same to the Trustees' Electrical Engineer, Inspector, or Secretary, shall be liable to forfeit and pay to the Trustees a sum not exceeding Ten Pounds, in addition to the amount of damage.

Persons failing to report damage.

89 Where the doing of any act or thing is made punishable by this Act, or by any By-law in force under the authority of this Act, with any penalty, fine, or forfeiture, the causing, procuring, permitting, or suffering such act or thing to be done shall be punishable in like manner.

Accessories to offences liable as principals.

90 All penalties for offences against this Act shall be applied to the use of the Trustees and shall be paid to the Treasurer of the Trustees, and shall be carried to the credit of the Electric Light Account.

Appropriation of penalties.

91 Where no other mode is provided in this Act, all fines and penalties under this Act or under any By-law made in pursuance of this Act may be recovered and enforced before any Police or Stipendiary Magistrate, or before Two or more Justices of the Peace, in the mode prescribed by *The Magistrates Summary Procedure Act*.

Recovery of fines, penalties, &c.

19 Vict. No. 8.

92 Any person who thinks himself aggrieved by any penalty imposed under the authority of this Act, or any Act incorporated herewith, or any By-law as aforesaid, which is recoverable in a summary way, may appeal against the same in the mode prescribed by *The Appeals Regulation Act*.

Appeal.

93 Every person convicted of any of the offences hereinbefore mentioned may be ordered to pay, in addition to the penalty attached to the offence, a sum equal to the value of the property damaged or destroyed by him in the act of committing the offence.

Persons convicted of offence may be ordered to pay sum of money equal to value of property damaged.

PART XII.

BY-LAWS.

94 The Trustees shall have power from time to time to make, alter, modify, amend, or repeal By-laws for the following purposes:—

By-laws.

For regulating the charges, terms, and conditions upon which electricity shall be supplied to any person under the authority of this Act:

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For regulating the description of conductors, wires, pipes, service, and other apparatus by means of which electricity may be laid on, distributed or supplied by the Trustees, and for prohibiting the use of any other description of conductors, wires, apparatus, pipes, or service :

For regulating all other matters and things which may be found to be necessary or proper in connection with the supply of electricity under this Act :

For preventing injury to any of the works, or machinery, or apparatus erected by or belonging to the Trustees for the generation or transmission of electricity, and otherwise for the better effectuating any of the purposes of this Act in any matter not otherwise sufficiently provided for; and to provide that any such By-law may be enforced by cutting off the wire or conductor, or service, or by such pecuniary penalty, not exceeding in any case the sum of Twenty Pounds, as the Trustees think proper.

By-law to be certified by Attorney-General or Solicitor-General.

95 No By-law to be made by the Trustees shall be of any force and effect until it has been certified by the Attorney-General or Solicitor-General not to be repugnant to this Act, or to the general spirit or intendment of the laws in force in *Tasmania*, and published in the *Gazette*.

PART XIII.

MISCELLANEOUS.

Interest in execution of Act not to be a disqualification.

96 No person shall be disqualified from acting as a Judge, Justice of the Peace, Juror, or otherwise in any proceeding under this Act, or any Act incorporated therewith, by reason only of his being a ratepayer of the Light District, or by reason of his being liable to any rate or charge for electricity supplied, under this Act or of his premises being supplied or being so situated as to be capable of being supplied with electricity or electric light under this Act.

Trustees may sue and be sued.

97 The Trustees may sue and be sued, and all proceedings before any Court, or a Judge of any Court, and all proceedings taken or adopted in pursuance of the provisions of this Act may be taken or adopted by or against them by the name of the Trustees of the Deloraine Light District, without otherwise naming such Trustees, and service of any legal process on the Chairman or Secretary shall be deemed and taken as good service on the said Trustees.

Property may be laid in the Trustees.

98 The property in all land vested in, taken, or purchased by the Trustees, and in all moneys at their disposal for the purposes of this Act, and in all works, with the several appliances and appurtenances thereto belonging, and the materials of which the same consist, and all materials, tools, implements, and things furnished and provided by the Trustees for the purposes of this Act, shall,



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for the purposes of this Act, be vested in the Trustees; and in any proceedings, civil or criminal, relating to such land, works, money, or property so vested in the Trustees for the purposes of this Act, it shall be sufficient to describe such property, works, or money as "the property, works, or money of the Trustees of the Deloraine Light District."

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99 All sums of money payable by any person for electricity supplied by the Trustees under the provisions of this Act shall be a debt due by such person to the Trustees, and shall be recoverable by the Trustees from such person in any Court of competent jurisdiction, as well as by any other mode provided by this Act.

Moneys payable for electricity to be recoverable in any court of competent jurisdiction.

100 In any proceedings under "The Bankruptcy Act, 1870," or any other Act regulating the distribution of the estate or assets of any bankrupt or insolvent debtor, any sum of money owing to the Trustees for electricity, or light, or energy, or motive power, or any other purpose, supplied to any person by the Trustees, by measure or under any contract authorised by the said Act. shall rank as taxes and rates within the meaning of Section Thirty-one of "The Bankruptcy Act, 1870," and shall have the like priority in the order of payment of the debts of the bankrupt or insolvent debtor.

Moneys owing to Trustees under this Act to be preferential claims in bankruptcy.

101 Whenever by this Act authority is conferred on the Trustees to enter upon any land for the purposes of this Act, or to do any act in or relating to the construction or maintenance of any work, the same authority shall equally extend to all persons acting by the direction of the Trustees, and to all necessary agents, assistants, servants, workmen, means, and appliances whatsoever.

Powers conferred on Trustees to extend to Officers duly authorised.

102 Every book in which orders and proceedings are entered under the provisions of this Act shall be received as *prima facie* evidence in all Courts, and before all Judges, Justices of the Peace, and others, that such orders and proceedings were duly made and had; and the onus of proving that such orders and proceedings respectively were not duly made and had shall in all cases rest upon the defendant or the party disputing the validity thereof.

Books containing records to be evidence in Courts of Justice, &c.

103 In all proceedings whatever for the recovery of any rates or charges for the supply of Light under this Act, and in all other proceedings before Justices in pursuance of this Act, it shall be lawful for the Justice or Justices in his or their discretion to award and order that the defendant shall pay such costs as to such Justice or Justices shall seem just and reasonable in that behalf; and in cases where such Justice or Justices, instead of making an Order as aforesaid, shall dismiss the information or complaint, it shall be lawful for him or them in his or their discretion to award or order to the defendant such costs as to such Justice or Justices shall seem just and reasonable, and the sum so allowed for costs shall in all cases be specified in the order or orders of dismissal as aforesaid, and the same shall be recoverable in the same manner and under the same Warrants as any penalty or sum of money adjudged to

Power to award costs.

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be paid in and by such Order is to be recoverable; and in cases where there is no such penalty or sum to be thereby recovered, then such costs shall be recoverable by distress and sale of goods and chattels of the party, and in default of such distress by imprisonment, with or without hard labour, for any time not exceeding One month, unless such costs shall be sooner paid.

Persons acting under Act entitled to notice of action, &c.

104 No action shall lie against any person for anything done in pursuance of this Act unless notice in writing of such action and of the cause thereof is given to the defendant One month at least before the commencement of the action, and such action is commenced within Three months after the cause of action has accrued; and in any such action the defendant may plead the general issue, and give this Act and the special matter in evidence; and no plaintiff shall recover in any such action if tender of sufficient amends has been made before such action brought, or if a sufficient sum of money has been paid into Court by or on behalf of the defendant after such action brought, together with the costs incurred up to that time; and if a verdict passes for the defendant, or if the plaintiff becomes non-suit or discontinues such action, or if upon demurrer or otherwise judgment is given against the plaintiff, the defendant shall recover his full costs as between attorney and client, and have the like remedy for recovering the same as any defendant has by Law in other cases, and though a verdict is given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant unless the Judge before whom the case is tried certifies his approbation of the action and the verdict obtained thereupon.

Contracts, &c., entered into to be continued.

105 All contracts, rights, privileges, obligations, or liabilities entered into, acquired, accrued or incurred by the Trustees for the time being under this Act shall be binding, both for and against, and belong to any Trustees subsequently appointed or elected under this Act, and any proceedings commenced by or against such first-named Trustees may be continued by or against such Trustees subsequently appointed or elected without it being necessary in such proceedings to alter or amend the pleadings or other Court records by inserting the names of such Trustees subsequently appointed instead of the names of the Trustees by whom such proceedings were commenced, but any Judgment order or award shall be made against the Trustees at the time of such Judgment order or award acting or being the Trustees under this Act.

Rates made to be paid by occupiers in district when rate payable.

106 If after any rate be made or levied under this Act the Light District be subsequently altered or increased before such rate is made payable, such rate shall be paid by the owners or occupiers within the Light District (as altered or increased) on the date when such rate is made payable, and may be levied and recovered from such owners and occupiers in the same manner as if they were the owners and occupiers within the Light District at the time of the making or levying of the rate, and also at the time when the same was made payable.

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107 The Trustees shall not proceed in the matter of borrowing any sum of money under the authority of Part VII. of this Act until and after a Poll has been taken of the owners and occupiers of property within the Light District for the purpose of ascertaining whether the Trustees shall be permitted to proceed in the matter of borrowing such moneys. If at the taking of such Poll a less number than Two-thirds of the votes shall be in favour of the Trustees proceeding to borrow any sum of money under Part VII. of this Act, the Trustees shall not proceed to borrow any such money: Provided that, in the event of there not being the necessary number of votes recorded at such Poll in favour of the Trustees borrowing such money, the Trustees may, at any time after the expiration of Three months, cause another Poll of such owners and occupiers to be taken, and if at any such subsequent Poll the necessary number of votes is obtained, the Trustees may proceed to borrow such money.

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Poll to be taken
before moneys
borrowed.

108 Subject to the foregoing provision, upon the taking of any Poll as aforesaid, all proceedings shall be had and taken as nearly as may be as upon an election of Councillors of a Rural Municipality, as the case may require, and every person who desires to vote shall be entitled to as many votes as the number of votes to which such person appears by the Assessment Roll to be entitled on the same scale of voting as applies to Rural Municipalities, and the Ballot-papers to be used in the taking of every such Poll shall be in the form set forth in the Schedule to this Act.

Method of taking
Poll.

109 When the Trustees shall decide to take a Poll of the owners and occupiers as aforesaid, they shall cause an advertisement of such Poll to be inserted not less than Three times in a daily newspaper circulating in the District, and in Two consecutive numbers of the *Gazette*, and such advertisement shall contain the following particulars:—

Notice of Poll.

1. The time and place of such Poll.
2. The works proposed to be constructed or performed by the Trustees.
3. The estimated cost of such works.

SCHEDULES

(1.)

DISTRESS WARRANT FOR LIGHT RATE.

Tasmania to Wit.

To X.Y., a Collector of the Light Rate for the Light District of Deloraine
"or some other fit person."

WHEREAS complaint has been made before [me] a Justice of the Peace that A.B. of _____ has not paid the sum of _____ payable by him in respect of certain property situate [describe property fully] by virtue of the Light Rate for the Light District of Deloraine, made on or about the _____ day of _____, 19____, although the same has been duly demanded of him: And whereas it appears to me

Deloraine Lighting.

A.D. 1904.



upon the oath of [the said X.Y.] a Collector of Light Rate for the said Light District, that the said sum of _____ has been duly demanded by him from the said A.B., and that the said A.B. has failed to pay the same for the space of _____ days after such demand made, and has not paid the same: And whereas the said A.B. having appeared before me in pursuance of a Summons issued by [me] for that purpose has not shown sufficient cause why the said sum of _____ should not be paid: [or, And whereas it has been proved to me upon oath that the said A.B. has been summoned to appear before [me] or such other Justice of the Peace as might now be here, to show cause why the said sum of _____ should not be paid, and the said A.B. has neglected to appear according to such Summons, and has not shown any sufficient cause why the said sum of _____ has not been paid:] These are therefore to command you to forthwith make Distress of the Goods and Chattels of the said A.B. wheresoever the same may be found, and also of all Goods and Chattels found by you upon the said property to whomsoever the same may belong; and unless at any time within the space of [four] days after such Distress by you made the said sum of £ _____ and the sum of £ _____ for costs, making together the sum of £ _____ together with all costs, charges, and expenses attending upon such Distress and Sale, be paid to you, that you cause the said goods and chattels so by you distrained to be sold, and out of the money arising by such sale that you detain the said sum of £ _____, and also all costs, charges, and expenses attending upon such distress and sale, rendering to the said A.B. or other person whose Goods and Chattels are so distrained by you, as the case may be, the overplus, if any, on demand, [in case the Warrant is directed to some other person than the Collector, and the said sum of _____ you are hereby commanded to pay to (the said X.Y. the said Collector of Light Rate)], and if no sufficient Distress can be made of the Goods and Chattels of the said A.B., or otherwise as aforesaid, that then you certify the same to me, together with this Warrant.

Given under my hand this _____ day of _____ 19 _____
J.P.,
Justice of the Peace.

(2.)

DELORAINÉ LIGHTING AREA.

Starting at a point on the western bank of the Meander River five chains at right angles from the centre line of Westbury Place on the down stream side thereof thence north-westerly parallel to that street to a point five chains north-westerly of the centre line of Winter-street thence by a line parallel with Winter-street to Moriarty-street thence south-easterly by that street to its angle with Morrison-street thence by that street to Westbury Place thence north-westerly by that street to its angle with Pultney-street thence north-easterly across Caleb John Lee Smith's land to the culvert on the Main Road known as "Bonney's Bridge" thence westerly along the Main Road to the boundary of Caleb John Lee Smith's land on the northern side of that road thence northerly by that boundary to the railway line thence westerly by the railway to Westbury Place and by that street to the River Meander and thence to the point of commencement.

(3.)

BALLOT PAPER.

FOR.

AGAINST.

If you are in favour of the proposed Loan you will strike out the word "Against," and if you are opposed to the proposed Loan you will strike out the word "For."