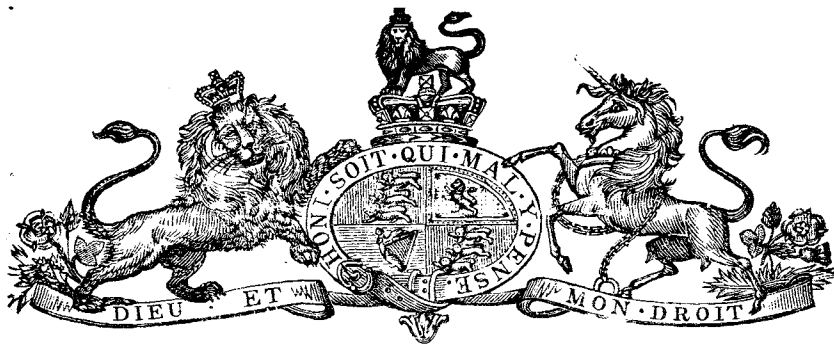


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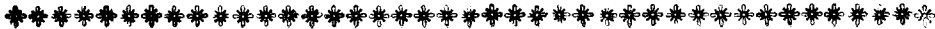


1900.

ANNO SEXAGESIMO-QUARTO

VICTORIÆ REGINÆ,

No. 65.



AN ACT to make provision for a supply of Pure Water for the Town of *Gormanston* and the surrounding Districts.

A.D. 1900.

[15 December, 1900.]

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 may be cited as “The *Gormanston* Water Act, 1900.” Short title.

2 In the construction of this Act and of all proceedings under the authority of this Act the following terms and expressions shall have the respective meanings assigned to them by this Section, unless there be something in the context of this Act extending or modifying such meaning; that is to say:

Interpretation.

“The Town” shall mean the Town of *Gormanston* as at present proclaimed under “The Town Boards Act, 1896,” or as it may hereafter be redefined:

“The Board” shall mean the Town Board of *Gormanston* as constituted for the time being by virtue of “The Town Boards Act, 1896”:

“The Corporation” shall mean the Board and Electors of the Town of *Gormanston*, as incorporated under and by virtue of “The Town Boards Act, 1896”:

“This Act” shall include all Acts embodied in this Act:

1s. 6d.]

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“Waterworks” extends to and includes all reservoirs, wells, cisterns, tanks, aqueducts, tunnels, feeders, drains, channels, cuts, flood-gates, sluices, conduits, filters, troughs, dams, embankments, pumps, culverts, flumes, pipes, pipe-breaks, engines, buildings, and other works of every kind, which are from time to time necessary or used for effecting the purposes of this Act :

“Supply District” shall mean the area from which water may be taken and diverted for the purpose of this Act :

“Prescribed” and “Prescribe” mean prescribed by By-laws to be made by the Board, or as the Board may prescribe by By-laws :

“Two Justices” shall mean Two or more Justices of the Peace met and acting together :

“Streams” shall extend to and include springs, brooks, rivers, and other running waters, and any source or sources thereof :

“Street” shall extend to and include any Public and Common highway, road, footway, bridge, square, court, passage, alley, thoroughfare, and public way or place.

“Special Resolution” shall mean a special resolution passed in manner prescribed by “The Town Boards Act, 1896.”

Incorporation of  
General Act.

60 Vict. No. 31.

**3** No part of “The Town Boards Act, 1896,” shall apply to the subject matter of this Act, where inconsistent with this Act, or where provision is otherwise fully made in this Act for matters also provided for by “The Town Boards Act, 1896” ; but, except as aforesaid, all powers and authorities conferred, and all duties imposed on Town Boards by “The Town Boards Act, 1896,” and of any other Act, shall, when applicable, be exercised and performed by the Corporation for the purposes of this Act, and the provisions of “The Town Boards Act, 1896” and of any other Act, shall, when applicable to the subject matter of this Act, be deemed to be embodied in this Act for the purpose of this Act.

Act to be executed  
by Board.

**4** The provisions of this Act shall be executed and all powers and authorities conferred by this Act on the Corporation shall be exercised, and all duties imposed shall be performed by and through the Board.

Act to extend to  
persons and things  
outside town.

**5** The powers and authorities conferred, and the duties imposed on the Corporation by this Act, may be exercised and performed in respect of all persons and things affected by this Act, whether within the boundaries of the Town or not.

Corporation may  
supply water to  
*Gormanston* and  
surrounding  
districts.

**6** The Corporation is hereby authorised on the terms and subject to the provisions in this Act contained, to supply water to the Town of *Gormanston* and to all places adjacent thereto which may be conveniently supplied by the works of the Corporation, and such supply is hereby declared to be the purpose of this Act.

Corporation may  
construct works.

**7** The Corporation is hereby authorised to construct such waterworks as may be necessary for the purpose of this Act upon any land, and to maintain, repair, alter, enlarge, extend, or discontinue such waterworks in such manner and at such times as the Corporation thinks necessary for the purpose of this Act.

*Gormanston Water.*

**8** The Corporation is hereby authorised and empowered to take, divert, and appropriate from time to time, for the purpose of this Act, such quantities of the waters of the Mount *Owen* Rivulet, and other rivulets and streams flowing through or bounding the area described in Schedule (1.) of this Act, or any lakes or lagoons therein as shall be required by the Corporation for the purpose of this Act, and from time to time to enter on the said rivulet and other rivulets and streams, lakes and lagoons, and upon the banks and beds thereof within the said area, and to construct and erect on or in any portion of the banks and beds of the said rivulet and other rivulets, streams, lakes, and lagoons, such waterworks and other waterworks as shall be necessary for the purpose of this Act.

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Sources of supply.

*Construction of Works.*

**9**—(1.) The Corporation is hereby empowered to compulsorily acquire by purchase, any land and any easements, licences, rights, powers, or authorities over any land which the Board may consider to be necessary for the purposes of this Act, and which the Board may think proper to purchase; and for the purpose of facilitating and effectuating any such purchase *The Lands Clauses Act*, shall be incorporated with this Act, except as hereby expressly varied (that is to say) :—

Purchase of land.

21 Vict. No. 11.

- i. In the construction of this Section and of the said Incorporated Act, the word “land” shall include “easements, licences, powers, rights, and authorities” as before mentioned, and shall also include any interests in land, whether leasehold or otherwise :
- ii. There shall not be incorporated with this Act the following Sections of *The Lands Clauses Act* :—Section Eight, whereby it is provided that the capital is to be subscribed before the compulsory powers are put in force; Section Nine, whereby it is provided that the certificates of the Justices shall be evidence that the capital has been subscribed.
- iii. In the construction of this Act and the aforesaid incorporated Act, this Act shall be deemed to be the special one, and the Corporation shall be deemed to be “The Promoters of the undertaking.”

(2.) The Corporation is hereby empowered, for the purposes of this Act, to take and use the land mentioned in Schedule (2.) hereto for the construction of a reservoir or other works thereon; and may also take and use any other lands of the Crown, and to acquire easements, licences, rights, powers, or authorities as aforesaid, over as well lands of the Crown unalienated in fee as lands alienated in fee upon such terms and in such manner as may be authorised by the Governor, and the Governor may vest in the Corporation by Proclamation, for the purposes of this Act, all such lands of the Crown as may be acquired by the Corporation in manner aforesaid.

(3.) Nothing in this Section shall be construed as being intended to prevent the Corporation from acquiring lands by agreement with the owners thereof.

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Entry upon land.

**10** For the purposes of this Act, the Corporation is hereby authorised to enter upon any land, and to take levels of the same, and to set out such parts of such land as the Board thinks necessary, and to 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 upholding of the works authorised by this Act.

Board to give notice prior to first entry upon land.

**11** Prior to the first entry upon any land by the Corporation for the purposes of this Act, not less than Seven days' notice of the intention of the Corporation to enter, shall be given by the Board to the owner and occupier, if any, or in the case of Crown Lands, to the Commissioner of Crown Lands; but no notice shall be necessary previous to any subsequent entry by the Corporation upon such land for the purposes of this Act.

*Compensation.*

Corporation to do as little damage as may be.

**12** In the exercise of the powers conferred by this Act the Corporation shall do as little damage as can be, and, in all cases where it can be done, shall provide other watering-places, drains, and channels for the use of adjoining lands, in place of any such as are taken away or interrupted by the Corporation.

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

**13**—(1.) The Corporation shall make compensation, in manner hereinafter provided, to all parties lawfully interested in the water of any stream taken or used under the authority of this Act, or in any land, other than land purchased by the Corporation, in or upon which any waterworks may be constructed, or which may be injuriously affected by the construction and maintenance of the waterworks under this Act other than any now existing waterworks, or otherwise by the exercise by the Board of the powers hereby conferred, for all damages sustained by reason of the exercise as to such stream or land of the powers vested in the Corporation by this Act.

(2.) Any person who can obtain compensation by the means herein provided for such damage as is mentioned in this Section shall be debarred from instituting or maintaining any action or suit under the general law in respect of such damage.

Persons damaged to make claim for compensation.

**14** Any person claiming such compensation shall prefer his claim by notice in writing addressed to the Board, 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 water or land in respect of which the claim is preferred; and if any such person and the Board 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 by *The Lands Clauses Act* in cases of disputed compensation.

Compensation, how to be ascertained.

Regard to be had to any benefit which may accrue.

**15** 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.

*Gormanston Water.*

**16** If the Board, by notice in writing, requires any person to make claim for compensation for any damage occasioned by the exercise previously to the service of such notice of any of the powers conferred on the Corporation by this Act, such person shall not be entitled to compensation for any damage sustained by reason of the exercise of any such powers previously to the service of such notice, unless he prefers his claim, in manner aforesaid, within Three months after service of such notice.

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Persons not making claim when required to be barred.

**17** Where any claim for compensation involves damage alleged to have been sustained by reason of the taking or diversion of any water, and the right of the claimant in or to such water is disputed by the Board, if the Board, within Fourteen days after the service of the notice of the claim, gives notice to the claimant that his right in or to such water is disputed, then such claim shall not be determined by arbitration, but shall be determined by an action in the Supreme Court, to be brought by the claimant against the Corporation for damages, or upon an issue agreed to between the claimant and the Corporation.

Compensation for diverting water to be ascertained by action in the Supreme Court.

**18** Every such action shall be commenced within Three months after the service on the claimant of such notice as aforesaid that his right is disputed, and not afterwards.

Such actions to be commenced within Three months.

**19** The Corporation shall from time to time, and at all times for ever hereafter, pay and make good to the owners and occupiers of all lands and buildings, and to every person whomsoever, all loss, costs, and charges, sums of money, damages, and expenses whatsoever, and for all injury, of what kind or nature soever, as well immediate as consequential, which such owners or occupiers, or other persons may suffer, incur, pay, expend, or be put to by reason or in consequence of the failure or giving way of any of the waterworks of the Corporation under this Act.

Compensation for damage done by failure of the works.

*Compensation Works.*

**20** In any case in which the Corporation is able to make good the interruption which would be caused by the taking or diversion of any water under this Act, by means of compensation reservoirs, or other works, it shall be lawful for the Corporation, instead of making pecuniary compensation to any person having a right to the use of such water, to construct such compensation reservoirs or other works, and thereby to secure to such person a supply of water equal in quantity and quality to the supply which he would have enjoyed had this Act not passed; and in such case the compensation reservoir or other works shall be completed and filled with water before the water is taken or diverted for the purpose of this Act.

Compensation works may be provided instead of making compensation.

**21** If any difference should arise between the Corporation and any such persons respecting the construction of any such compensation reservoir or other works, or the kind or sufficiency thereof, or respecting the maintenance thereof, the same shall be determined by arbitration in the mode prescribed by *The Lands Clauses Act* in cases of disputed compensation.

Sufficiency of compensation works, how to be ascertained.

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Water may be supplied from the waterworks instead of making compensation.

**22** Wherever the owners or occupiers of land, through or by which any streams flow the water of which has been taken, diverted, or impounded by the Corporation under the authority of this Act, have now by law the right of using such water for any purpose, and water in lieu of that which may be thereby taken away can be supplied from the waterworks, it shall be lawful for the Corporation, at its sole option, instead of making pecuniary compensation to the owners or occupiers for the time being of such lands, to afford a reasonable supply of water for such purpose from the waterworks free of charge other than the water rates for the time being made and in force under this Act; and in case the Board and any such owner or occupier do not agree as to the quantity to be so supplied, or as to the mode of supply, the same shall be determined by arbitration in the mode prescribed by *The Lands Clauses Act* in cases of disputed compensation.

*Breaking up of Streets.*

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

**23** The Corporation may open and break up the soil and pavement of any streets in any town or district through which the water may be brought or conveyed, or to which water may be supplied from the waterworks, or through which the waterworks may pass, and may open and break up any sewers, drains, or tunnels within or under such streets, and lay down and place pipes, service-pipes, and other works and engines; and from time to time repair, alter, or remove the same, and, for the purposes aforesaid, remove and use all earth and materials in and under such streets, and do all other acts which the Board from time to time deems necessary for supplying water to the inhabitants within the said limits, doing as little damage as can be in the execution of the powers hereby granted.

Notice to be served on persons, if any, having control of streets.

**24** Before the Corporation shall open or break up any street without the town, the Board shall 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 Corporation to open or break up the same not less than Three clear days before beginning such work, except in cases of emergency arising from defects in any of the pipes or other works, and then so soon as is possible after the beginning of the work or the necessity for the same has arisen.

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

**25** No street without the town 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 Corporation as aforesaid, or do not propose any plan for breaking up or opening the same, or refuse or neglect to superintend the operation, the Board may perform the work specified in such notice without the superintendence of such person or their officer.

*Gormanston Water.*

**26** When the Corporation opens or breaks up any street, sewer, drain, or tunnel, it 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.

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

*Supply of Water.*

**27** The Corporation shall, at the request of the owner or occupier of any dwelling-house, shop, or building, or part thereof occupied as a separate dwelling, and situated on any land within the town, the outer boundary of which is within Fifty feet of any main or other pipe of the Corporation, furnish to such person within such dwelling-house, shop, or building, by means of communication pipes and other necessary and proper apparatus, to be provided, laid down, and maintained as to such part thereof as is without the outer boundary of the land on which such house, shop, or building is built, at the cost of the Corporation, and as to such part thereof as is within the outer boundary of the said land, at the cost of such person, a sufficient supply of water for his domestic purposes, including a supply for any private water-closet and fixed bath in such dwelling-place, shop, or building.

Supply of water  
within the town.

**28** The description of pipes and other apparatus by means of which water is laid on, distributed, or supplied within the outer boundary of any premises shall be such as the Board determines, either generally, or in classes or cases, or in any particular case; and the Corporation shall not be bound to supply water in any case in which the required description of pipes or other apparatus is not provided, and may cut off the pipes or turn off the water from any premises supplied with water until the required description of pipes or other apparatus is supplied.

Board may  
determine the  
description of  
service pipes to  
be used.

**29**—(1.) The Corporation may, if it sees fit, furnish to any person a supply of water for steam-engines; or for warming any dwelling-house or other premises; or for working any machine or apparatus; or for horses or cattle; or for washing carriages; or for gardens, fountains, syphons, or ornamental purposes; or for flushing sewers or drains; or for any trade, manufacture, or business, whether carried on in any dwelling-house or in other premises; or for any other purpose not domestic, by measure, such respective supplies being so furnished at such charges, and upon such terms and conditions as the Council shall from time to time by special resolution fix and determine; and in the absence of any such resolution then at such charges and upon such terms and conditions as may be agreed upon between the Board and the person desiring the same: Provided always that, as far as possible, the charge for such supply of water shall be uniform to all persons in the same circumstances, and requiring the same extent of supply.

Supply of water  
for other purposes  
than domestic  
use.

The supply of water for any of the purposes mentioned in this Section shall not be deemed to be a supply of water for domestic purposes.

(2.) The Corporation may, if it sees fit, attach a meter to any pipe supplying water for any purpose, domestic or otherwise, to any person,

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and supply water to such person by measure only. All water supplied by measure to any person shall be drawn only through such meter; and there shall be payable to the Corporation by any person to whom water is supplied by measure, besides the amount of any water rate or charge for water supplied to such person, such sum or sums of money as rent for the use of such meter, and at such time or times as may be fixed by special resolution.

Corporation may let meters.

**30** The Corporation may let for hire to any consumer of water supplied by measure any meter or instrument for measuring the quantity of water supplied and consumed, and any pipes and apparatus for the conveyance, reception, or storage of the water, for such remuneration in money as may be agreed upon between the Board and the consumer, which shall be recoverable in the same manner as rates due to the Corporation for water.

Meters to be fixed under direction of officials.

**31** Any meter let for hire as aforesaid shall be attached and fixed to the pipe to which the same is intended to be attached and affixed by or under the superintendence of the Director of Waterworks, or some person deputed by him for that purpose, and not otherwise.

Meters not distrainable.

**32** Such meters, instruments or other apparatus shall not be subject to distress for rent of the premises where the same are used, or to be attached or taken in execution under any process of the Supreme Court or any inferior Court, or under or in pursuance of any adjudication or order in bankruptcy or other legal proceeding against or affecting the consumer of the water, or the occupier of the premises, or other person in whose possession the meters, pipes, instruments, or other apparatus may be.

Officers of the Board may inspect meters, &amp;c.

**33** The Director of Waterworks, or other person acting under the authority of the Board, may, between the hours of Nine of the clock in the forenoon and Four of the clock in the afternoon, enter any house, building, or lands to, through, or into which water is supplied by the Corporation by measure, in order to inspect the meters, instruments, pipes, and apparatus for the measuring, conveyance, reception, or storage of water, or for the purpose of ascertaining the quantity of water supplied or consumed; and may from time to time enter any house, building, or lands for the purpose of removing any meter, instrument, pipe, or apparatus the property of the Board; and if any person hinders any such officer from entering or making such inspection, or effecting such removal, or if any person, not being an officer of the Board, 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 Twenty Pounds, in addition to the amount of damage or injury done.

Notice of removal of or change in meter.

**34** Every person requiring to remove or alter the position of any meter shall give Six days' notice in writing to that effect to the Director of Waterworks, who will cause a registration of the quantity of water 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 Board, nor until the permission of the Director of Waterworks has been obtained.



*Gormanston Water.*

**35** It shall be lawful for the Corporation, if it thinks fit so to do, to erect and place within the limits of this Act any number of fountains, pumps, or other waterworks in any public situation for the gratuitous use of any persons who may choose to carry water away from the same for their own private use, but not for sale; and to supply with water any public baths or wash-houses which may be established for the use of the poorer classes.

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Public fountains.

**36** The Corporation may supply water at or by means of any public fountains, pumps, or other waterworks, now or hereafter erected within the limits of this Act, on such terms and at such rate as are for the time being approved of and sanctioned by the Board.

Board may charge for water supplied at fountains.

**37** It shall be lawful for the Corporation to enter into contracts with the local authorities, to whose districts water can conveniently be supplied from the waterworks, for the supply of water to such districts, and such contracts shall be on such terms as to the Corporation and such local authority seem fit.

Board may contract with other Local Authorities to supply water to them.

*Power to Examine Gas-pipes.*

**38** For the purpose of ascertaining whether the water supplied by the Corporation is fouled by the gas of any person making or supplying gas, the Board may dig up the ground and examine the pipes and works of the persons making or supplying gas: Provided that, before proceeding so to dig and examine, the Board shall give Twenty-four hours' notice in writing to the persons so making or supplying gas, of the time at which such digging and examination is intended to take place.

Power to examine gas pipes to ascertain whether water is fouled.

**39** If upon such examination it appears that such water has been fouled by gas belonging to such persons, the expenses of the digging, examination, and repair of the street or place disturbed in any such examination shall be paid by the person making or supplying the gas; but if upon such examination it appears that the water has not been fouled by the gas of such persons, then the Corporation shall pay all the expenses of the examination and repair, and also make good to the said persons any injury which may be occasioned to those works by such examination.

The expenses to abide the result of the examination.

**40** The amount of the expenses of every such examination and repair, and any injury done to the Corporation, shall, in case of any dispute about the same, together with the costs of ascertaining and recovering the same, be ascertained and recovered in a summary way by and before any two or more Justices of the Peace.

How expenses to be ascertained.

*Waste or misuse of Water.*

**41** If any person neglects to keep the pipes and other apparatus within the boundaries of his land by means of which his premises are supplied with water in good repair, the Director of Waterworks may cut off the pipe or turn off the water from such premises until such pipes and other apparatus are sufficiently repaired.

Service pipes to be kept in repair.

**42** The Board may repair any such pipe or other apparatus so as to prevent any such waste of water, and the expenses of such repair shall

Board may repair service pipes.

*Gormanston Water.*

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be repaid to them by the person so allowing the same to be out of repair, and may be recovered by the Corporation from such person in the same manner as any Rate made and levied under the Authority of this Act may be recovered.

Cisterns, &c., to be constructed so as to prevent waste or impurity.

**43** Every cistern or other receptacle for water which the Board may permit to be used, and every closet, soil-pan, and private bath supplied with water by the Corporation, shall be constructed and used in such manner as may be prescribed, so as effectually to prevent the waste, misuse, or undue consumption of water, and the flow or return of foul air or other nuisance, or impure matter into the mains or pipes of the Corporation, or into any pipes connecting or communicating therewith; and the Board may cut off the pipe attached to, or turn off the water supplied to, any cistern or other receptacle for water so permitted to be used, or any closet, soil-pan, or private bath which is not constructed and used as prescribed, until such cistern or other receptacle for water, or such closet, soil-pan, or private bath is constructed and used as prescribed.

Power to enter premises to inspect.

**44** The Director of Waterworks, or any other person acting under the authority of the Board, may at all times, between the hours of Nine of the clock in the forenoon and Six of the clock in the afternoon, enter into any house or building supplied with water by the Corporation for the purpose of ascertaining whether there is any waste or misuse of such water; and may at all times, during the day or night, enter into and upon any garden or other land for the purpose of ascertaining whether any water is being wasted or illegally used; and if such Director of Waterworks or such other person as aforesaid is at any time refused admittance into such premises, or is prevented from making such examination as he may deem necessary for the purposes aforesaid, the Director of Waterworks may turn off the water from such premises.

*Annual Estimate of Expenditure.*

Board to estimate annual sum required for purposes of the Act.

**45** The Board is hereby authorised and required, once in each year, to estimate and fix the amount of money necessary to be levied for the purpose of defraying the cost, charges, and expenses of supplying water within the limits of this Act, for and during the year then current, under which shall be understood to be comprehended the payment of the interest of any money borrowed on the security of the water rates and charges levied and made under the authority of this Act, together with such portions of the salaries, wages and other expenses of the Director of Waterworks and any engineers, surveyors, clerks, collectors, and other officers and servants employed by the Board for the purposes of this Act as the Board thinks equitable and fair to charge such account, and all other charges and expenses attendant upon procuring and distributing a supply of water, and for the other purposes authorised and required by this Act.

*Loan.*

Loan.

**46** The Governor is hereby authorised to lend to the Corporation for the purpose of construction of the Waterworks the sum of Four thousand Pounds out of the moneys of the Crown in *Tasmania* or out of such sums as may be provided for the purpose. The said

*Gormanston Water.*

loan shall be made under the provisions of "The Local Public Works Loans Act 1890," and "The Local Public Works Loans Act, 1899." A.D. 1900.

Provided that it shall not be necessary to lay before either House of Parliament plan and specifications of any proposed works, nor the report of the Engineer-in-Chief thereon, as provided in Section Two of "The Local Public Works Loans Act, 1890." The said sum of Four thousand Pounds shall be paid to the Corporation at such times and in such manner as the Governor shall determine.

54 Vict. No. 30.

63 Vict. No. 16.

54 Vict. No. 30.

**47** The Board of the Town of *Gormanston* shall not proceed in the matter of borrowing any sum of money under the authority of this Act until and after a Poll has been taken of the Electors of the Town of *Gormanston* for the purpose of ascertaining whether the Board 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 Board proceeding to borrow any sum of money under this Act, the Board 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 Board borrowing such money, the Board may at any time after the expiration of Three months cause another Poll of the Electors to be taken, and if at any such subsequent Poll the necessary number of votes is obtained, the Board may proceed to borrow such money.

Poll to be taken before moneys borrowed.

**48** Every Poll of Electors taken under the provisions of this Act shall be taken in the same manner as a Poll taken in the Town of *Gormanston* for the election of Members of the Board, and every Elector shall be entitled to the same number of votes as the number which he is entitled to use at an election of a Member of the Board; and the Ballot-papers to be used in the taking of every such Poll shall be in the form set forth in the Schedule (3.) to this Act.

Method of taking Poll.

60 Vict. No. 30.

Schedule (3.)

**49** When the said Board shall decide to take a Poll of the Electors 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 Town of *Gormanston*, 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 Board.
3. The estimated cost of such works.

*Rates.*

**50** The Board is hereby authorised and required once in every year to make and levy a rate upon and from the occupiers of all dwelling-houses, shops, or buildings and land upon which the same are built, and on any land unoccupied or without any buildings thereon, within the town or the area supplied with water, according to the annual value, as shown by the Assessment Roll of the said town or area for the time being, of such dwelling-houses, shops and buildings, and of any land attached or belonging to such shops, dwelling-houses and buildings, and of such unbuilt-upon or unoccupied land.

Water Rate to be levied.

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Persons not liable  
for rate.

**51** No person who is the occupier or owner of any land, dwelling-house, or shop, or other building within the town, shall be liable to the payment of the water rate in a greater proportion than one-fourth part of such rate unless such dwelling-house, shop, or other building or land is actually supplied with water, or unless the mains or other pipes of the Corporation are laid down and properly supplied with water within Fifty feet from the outer boundary of the land upon which such dwelling-house, shop, or other building is situate, or within Fifty feet of the outer boundary of such unbuilt-upon or unoccupied land.

Charge for water  
supplied by  
measure not to be  
less than rate.

**52** Where any premises are supplied with water by measure, and the authorised charge for the water actually used on such premises in any year, as shown by the meter, would be less than the amount of water rate payable in respect of the said premises, the occupier of such premises shall be liable to pay to the Corporation the full amount of such water rate instead of such authorised charge; but in all cases in which the authorised charge exceeds the amount of such rate, then the amount of such charge only shall be paid by the occupier and not the amount of rate.

Maximum  
amount of Rates.

**53** The rates to be made by the Board as aforesaid shall not exceed the sum of Two Shillings and Sixpence for each and every pound of such value: Provided that the sum of One pound shall be the minimum amount of rate to be paid in respect of every ratable property, and if the rate chargeable on any premises shall not in any year reach the sum of One Pound, the person liable to pay rates for such premises shall pay the sum of One Pound to the Corporation as the minimum rate on such premises, or, in cases where only One-quarter of the full rate is payable, shall pay the sum of Five Shillings to the Corporation as the minimum rate.

Provides for  
change of occu-  
pation.

**54** 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 Board 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.

If no occupier,  
owner liable in  
first instance.

**55** In case at any time when any rate is made payable 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.

*Gormanston Water.*

**56** No rate shall be made or levied under this Act in respect of any buildings or premises the property of or occupied on behalf of Her Majesty and used for a public purpose, or of any building or premises used solely for any public purpose, or of any hospital, benevolent asylum, or other building used solely for charitable purposes; but every such building, premises, hospital, or benevolent asylum as aforesaid shall be entitled to obtain such reasonable supply of water as may be required for the use of such building, premises, hospital, or benevolent asylum as aforesaid: Provided that the cisterns, water-closets, pipes, and other apparatus in or connected or communicating therewith are such as shall be required by the Board; and the Corporation shall not be bound to supply water to any such buildings or premises until the requirements of the Director of Waterworks or of the Board have been complied with.

A.D. 1900.

Certain property exempted from rates.

**57** When several buildings are supplied by one common pipe the several owners or occupiers of such buildings shall be liable to the payment of the same rates for the supply of water as they would have been liable to if each of such several buildings had been supplied with water from the waterworks by a separate pipe.

Where several premises supplied by one pipe, each to pay.

**58** If any person, liable as herein provided to pay any Water Rate, neglects to pay such Water Rate within due time after the same has been lawfully demanded, the Board may stop the water from flowing into the premises in respect of which such rate is payable by cutting off the pipe to such premises, or by such means as the Board thinks fit, and may recover the rate due from such person, with the expenses of cutting off the water, in the same manner as any Town Board rate is recoverable.

Rates, how to be recovered.

**59** The like proceedings may be had and taken for recovering and enforcing the payment of any charges payable by any person to the Corporation for water supplied by the Corporation under any of the provisions of this Act as may be had and taken for recovering and enforcing payment of any rate made and levied under the authority of "The Town Boards Act, 1896."

Charges for water, how to be recovered.

60 Vict. No. 31.

**60** No person shall be liable to be imprisoned for non-payment of any Water Rate or charge for water supplied under the provisions of this Act.

Persons not to be imprisoned for non-payment of Water Rates or charges.

**61** Out of the rates levied under this Act shall be defrayed the interest and all charges on the aforesaid loan, as well as the cost of maintenance of the waterworks and other expenses connected therewith, and no loan rate shall be levied by the Corporation under the provisions of "The Local Public Works Loans Amendment Act, 1899."

Application of rates.

63 Vict. No. 16.

*Gormanston Water Account.*

**62** The Treasurer of the Corporation shall keep a separate and distinct account, to be called "The *Gormanston Water Account*," of all moneys received and paid under the powers and provisions of this Act; and all rates and moneys received by the Board or the Treasurer under the provisions of this Act shall be carried to the credit of the

Water account to be kept.

*Gormanston Water.*

A.D. 1900.

said account, and shall be appropriated and applied to the purposes of this Act, including any purchase-money of land and compensation payable under this Act, and any surplus remaining at the end of the financial year after payment of any sum or sums of money, expenditure and liabilities arising under this Act shall be paid to the Treasurer of the Board and shall form part of its ordinary revenue, but, if unexpended, may nevertheless be repaid into the Water Account should the necessity arise.

*Offences.*

Penalty for illegally diverting the sources of supply.

**63** After any of the streams constituting the sources of supply for the purposes of this Act have been taken, diverted, or impounded by the Corporation for such purposes, every person who illegally diverts or takes any such stream so taken, diverted, or impounded, or the water supplying or flowing into any stream so taken, diverted, or impounded, or any part thereof, or who does any unlawful act whereby the said stream may be drawn off or diminished in quantity, and who does not immediately repair the injury done by him on being required so to do by the Board so as to restore the said waters to the state in which they were before such act, shall incur a penalty not exceeding Five Pounds for every day during which the said supply of water is diverted or diminished by reason of any such act; and the payment of any such penalty so incurred shall not bar or affect the right of the Corporation to bring an action at law against such person for the damage so committed.

Penalty for obstructing construction of works.

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

Injuring works.

**65** Every person—

I. Who pulls up or removes any pole or stake driven into the ground for the purpose of setting out the line of any waterworks of the Corporation, or defaces or destroys any work made for the same purpose:

II. Who damages or destroys any of the waterworks of the Corporation or any part thereof,

shall, for every such offence, incur a penalty not exceeding Fifty Pounds.

Fouling water.

**66** Every person—

I. Who bathes in any of the streams constituting the sources of supply for the purposes of this Act, or in any reservoir, aqueduct, or other waterworks of the Corporation, or washes, throws, or causes to enter therein any dog or other animal alive or dead:

II. Who throws any rubbish, dirt, filth, or other noisome thing into any such stream, reservoir, aqueduct, or other water-work as aforesaid, or washes or cleanses therein any cloth,

*Gormanston Water.*

wool, leather, or skin of any animal, or any clothes or other thing : A.D. 1900.

- III. Who causes or permits the water of any sink, sewer, or drain, steam-engine boiler, smelters, chlorination or other works for the reduction of ore or recovery of metals, water pumped from any mine, or other filthy water belonging to him or under his control, to run or be brought into any such stream or reservoir, aqueduct, or other waterwork, or who does or permits any other act whereby the water of the waterworks for supplying the same, is fouled,

shall, for every such offence, incur a penalty not exceeding Ten Pounds.

And every such person shall incur a further penalty of Two Pounds for each day during which such last-mentioned offence is continued after the expiration of Twenty-four hours from the time when notice of the offence has been served on such person by the Board.

**67** Every person who wilfully and maliciously damages or destroys any of the waterworks of the Corporation, or any part of such waterworks, or who wilfully and maliciously does any act calculated to render the water in such waterworks or supplying the same unwholesome or offensive, shall be guilty of a misdemeanour, and shall be liable to fine and imprisonment at the discretion of the Court as in other cases of misdemeanour, or to be imprisoned and kept to hard labour for any time not exceeding Three years. Maliciously damaging waterworks or fouling sources of supply.

**68** Every owner or occupier of any premises supplied with water under this Act who supplies to any other person, or wilfully permits him to take any of such water from any cistern or pipe in or on such premises, unless for the purpose of extinguishing any fire, or unless he is a person supplied with water by the Corporation from the waterworks, and the pipes belonging to him are, without his fault, out of repair, shall, for every such offence, incur a penalty not exceeding Twenty Pounds. Allowing persons not supplied to use the water.

**69** Every person who, without due authority, takes any water from any reservoir, watercourse, or conduit belonging to the Corporation, or any pipe leading to any such reservoir, watercourse, or conduit, or from any cistern or other like place containing water belonging to the Corporation, other than such as may have been provided for the gratuitous use of the public, shall, for every such offence, incur a penalty not exceeding Twenty Pounds. Taking water without authority.

**70** Any person who makes any pipe to communicate with any waterwork or pipe of the Corporation, without the authority of the Board in that behalf, shall incur a penalty not exceeding Twenty Pounds. Attaching service pipe without authority.

**71** Every person supplied with water by the Corporation who suffers any pipe or other apparatus by means of which his premises are supplied with water to be out of repair, or wilfully permits water to run to waste so that the water supplied to him by the Board is wasted, shall, for every such offence, incur a penalty not exceeding Five Pounds. Suffering service pipe to be out of repair.

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A.D. 1900.

Destroying  
valves, &c.

**72** Every person who wilfully or carelessly breaks, injures, or opens any lock, cock, valve, pipe, work, or engine belonging to the Corporation, or flushes or draws off the water from the reservoirs or other waterworks of the Corporation, or does any other wilful act whereby such water is wasted, shall, for every such offence, incur a penalty not exceeding Twenty Pounds.

Fouling water by  
gas.

**73** Whenever the water supplied by the Corporation is fouled by the gas of any persons making or supplying gas, such persons shall for every such offence incur a penalty not exceeding Twenty Pounds, and a further penalty not exceeding Ten Pounds for each day during which the offence continues after the expiration of Twenty-four hours from the service of notice of such offence.

Recovery of  
penalties.  
19 Vict. No. 8.

**74** All penalties imposed by this Act, or by any By-law made under the authority of this Act, shall be recovered in manner provided by *The Magistrates Summary Procedure Act*.

*Accessories to Offences.*Accessories to  
offences liable as  
principals.

**75** Where the doing of any act or thing is made punishable by this Act, or by any By-laws 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.

*Appropriation of Penalties.*Appropriation  
of penalties.

**76** All penalties for offences against this Act or any By-law made hereunder shall be applied to the use of the Corporation, and shall be paid to the Treasurer of the Corporation, and carried to the credit or the *Gormanston Water Account*.

*Officers.*Appointment of  
officers.

60 Vict. No. 31.

**77** The Board may from time to time appoint and employ a Director of Waterworks and such other officers and other persons as the Board thinks necessary and proper for the execution of the powers vested in the Board by this Act, and, subject to the provisions of this Act, the provisions of "The Town Boards Act, 1896," relating to officers and their accountability shall be applicable to all officers and other persons appointed or employed under this Act, and shall be incorporated with this Act.

Powers conferred  
on Corporation to  
extend to officers  
duly authorised.

**78** Whenever by this Act authority is conferred on the Corporation 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 Board, and to all necessary agents, assistants, servants, workmen, means and appliances whatsoever.

Notices to be  
given by Board  
how to be signed.

**79** Any notice required to be given to any person by the Board by virtue of the provisions of *The Lands Clauses Act*, or of this Act, shall be sufficient if signed by the Chairman or by the Secretary of the Board.



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**80** Any notice required to be given to any person by the Board by virtue of the provisions of this Act may either be served personally on the person to be served, or left at his last usual place of abode, if any such abode can after diligent inquiry be found. A.D. 1900.  
Service of notices.

*Disqualification from Interest.*

**81** 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 an elector of the Town of *Gormanston* or an inhabitant within the limits of this Act, or by reason of his being liable to any rate or charge for water supplied under this Act, or of his premises being supplied, or being so situated as to be capable of being supplied, with water under this Act. Interest in execution of Act not to be a disqualification.

*By-laws.*

**82** The Board shall have power from time to time to make, alter, modify, amend, or repeal By-laws— By-laws.

- i. For regulating the description of pipes and other apparatus by means of which water may be laid on, distributed, or supplied from the waterworks of the Corporation in or on premises within the limits of this Act, and for prohibiting the use of any other description of pipes or apparatus :
- ii. For preventing injury to the waterworks :
- iii. For regulating all or any matter and things whatsoever connected with the water to be supplied within the limits of this Act by means of the waterworks ; and otherwise for the better effectuating any of the purposes of this Act in any manner not otherwise sufficiently provided for.

And to provide that any such By-law may be enforced by cutting off the pipe or turning off the water, or by such pecuniary penalty, not exceeding in any case the sum of Twenty Pounds, as the Board thinks proper.

Subject to the provisions of this Act, the provisions of "The Town Boards Act, 1896," relating to By-laws made under that Act, shall be applicable to the By-laws made under this Act.

**83** All rates, charges, rents, and other moneys which the Board is by this Act empowered to make and collect, shall, unless specially provided for by this Act, be made and fixed in manner provided by "The Town Boards Act, 1896." Mode of fixing rates and charges.

**SCHEDULE.****(I.)****COUNTY OF MONTAGU.****VICINITY OF MOUNT OWEN.**

*Firstly.* All those sixty-seven acres more or less commencing at the south-west angle of Mineral Section 4322-93M. leased to D. Thomson ; thence easterly for a distance of twenty-eight chains and thirty-two links, more or less ; thence southerly for a distance of eight chains and twenty seven links more or less, to the north-west angle of Mineral section 562-93M, leased to the Mount Owen Lyell Copper and Silver Mining Company No Liability ; thence in a south-easterly direction for a distance of

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thirty-five chains more or less to the eastern boundary of Section 2602-93M.; thence westerly for a distance of sixteen chains and eighty-five links to the eastern boundary of Mineral Section 850-93M. leased to the Mount Lyell Proprietary Mines Limited; thence northerly for a distance of five chains; thence again westerly for a distance of eleven chains; thence northerly for a distance of twenty chains; thence again westerly for a distance of twenty chains; thence again northerly for a distance of seven chains and fifty links to the north-east angle of Mineral Section 601-93M. leased to the Mount Lyell Proprietary Mines Limited; thence again westerly for a distance of one chain and eighteen links to the south-east angle of Mineral Section 4319-93M. leased to D. Thomson; thence again northerly for a distance of four chains and fifty-two links to the point of commencement.

*Secondly.* All those thirty acres more or less commencing at the north-east angle of Mineral Section 567-93M. leased to the Mount Owen Lyell Copper and Silver Mining Company, No Liability; thence easterly for a distance of fifteen chains more or less; thence southerly for a distance of twenty chains more or less, in section 4306-93M. leased to I. Mooney; thence westerly for a distance of fifteen chains more or less, to the south-east angle of Mineral Section 567-93M. aforesaid; thence northerly for a distance of twenty-chains, to the point of commencement.

(2.)

## TOWN OF GORMANSTON.

1A. 2R. 0P.

Bounded on the west by three chains and thirty-four links southerly along Crown land, commencing at the north-west angle of 3 acres formerly reserved for hospital purposes on Huxley-street; on the south by four chains and fifty links or thereabouts easterly along Crown land; on the east by three chains thirty-three links and one-half of a link northerly along land now reserved for hospital purposes to Huxley-street aforesaid; and thence on the north by four chains and fifty links or thereabouts westerly along that street 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."