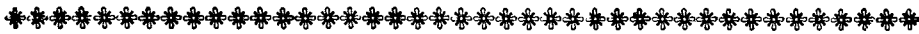


ANNO DECIMO-NONO

VICTORIÆ REGINÆ,

No. 12.



*By His Excellency SIR HENRY EDWARD FOX YOUNG, Knight,
Captain-General and Governor-in-Chief of the Island of Van
Diemen's Land and its Dependencies, with the Advice and
Consent of the Legislative Council.*

***AN ACT to amend an Act passed in the Sixteenth Year
of the Reign of Her Majesty Queen Victoria, intituled
An Act to secure a Supply of Pure Water for the
Town and Port of Launceston. [29th August, 1855.]***

WHEREAS by an Act passed in the sixteenth year of the reign of Her present Majesty Queen VICTORIA, intituled *An Act to secure a Supply of Pure Water for the Town and Port of Launceston*, it is by the First Section thereof (amongst other things) enacted, that the supply of pure Water for the use of the Inhabitants of the Town of Launceston, and of the Shipping in the Harbour thereof, should be under the control, management, and direction of the Mayor and Aldermen of the Town of Launceston for the time being elected under and by virtue of the Act of Council of this Island, intituled *An Act to establish Municipal Councils in the City of Hobart Town and Town of Launceston*: And whereas it is requisite that the supply of such Water as aforesaid should be under the control and management of the Mayor and Aldermen of the said Town, whether holding office or elected under the lastly mentioned Act, or under any other Act or Acts of Council of this Island

PREAMBLE.

Recites first
Section of 16th
Victoria, No. 19.

Recites 9th
Section of 16th
Victoria, No. 19.

Recites 18th
Section of 16th
Victoria, No. 19.

Repeals certain
portions of that
Act.

Supply of Water
to be under
control of Mayor
and Aldermen for
the time being.

Mayor and Aldermen
to fix Rate.

whatsoever; and it is therefore necessary to repeal so much of the said Section as relates to such control, management, and direction, and to make other provisions in lieu thereof: And whereas by the Ninth Section of the said firstly recited Act it is enacted that the said Mayor and Aldermen should furnish a sufficient supply of Water to every person desiring the same, being the Owner or Occupier of such premises as is therein set forth, and to charge for such supply of Water as is therein mentioned: And whereas in order to enable the Mayor and Aldermen of the said Town to erect, complete, manage, and carry on the Works for supplying the said Water, it is necessary that a Rate for that purpose should forthwith be established and made payable by the Inhabitants of the said Town in manner hereinafter mentioned; and it is therefore expedient to repeal the said Ninth Section of the said firstly recited Act, as well as the Tenth Section of the same Act, and to make other provisions in lieu thereof: And whereas by the Eighteenth Section of the said firstly hereinbefore recited Act of Council the said Mayor and Aldermen are empowered to borrow and take up at interest, upon such security as is therein mentioned, and for the purposes therein set forth, a Sum of Money not exceeding Ten thousand Pounds: And whereas it hath been ascertained that such Sum of Money is altogether inadequate to enable the Mayor and Aldermen of the said Town to effect the object of the same Act; and it is therefore requisite to repeal the said Eighteenth Section thereof, and to make other provisions in lieu thereof: Be it therefore enacted by His Excellency SIR HENRY EDWARD FOX YOUNG, Knight, Captain-General and Governor-in-Chief of the Colony of Van Diemen's Land and its Dependencies, with the consent of the Legislative Council, that from and after the passing of this Act so much of the First Section of the said firstly recited Act of Council as relates to the supply of Water for the use of the Inhabitants of the said Town, and of the Shipping in the Harbour thereof, being under the control, management, and direction of the Mayor and Aldermen of the said Town elected under and by virtue of the said Act of Council, intituled *An Act to establish Municipal Councils in the City of Hobart Town and Town of Launceston*, and also that the whole of the Ninth, Tenth, and Eighteenth Sections of the said firstly recited Act, shall be and the same are hereby respectively repealed.

2 From and after the passing of this Act the supply of pure Water for the use of the Inhabitants of the said Town, and of the Shipping in the Harbour thereof, shall be under the control, management, and direction of the Mayor and Aldermen for the time being of the same Town; and that wherever and so often as the word "Mayor" or the words "Mayor and Aldermen" in the said firstly recited Act occur, such word and words shall be deemed to be, and be taken to imply and mean, the Mayor or the Mayor and Aldermen (as the case may be) for the time being of the said Town.

3 As soon as conveniently may be after the passing of this Act, the Mayor and Aldermen of the said Town of Launceston shall fix, determine, and assess for the period of twelve calendar months ensuing the date thereof the Rate to be paid by the respective Owners or Occupiers of all houses, buildings, or other premises within the boundary of the said Town for the purposes of erecting, completing, carrying on, repairing and keeping in repair, altering, and managing, and conducting such Water-works as aforesaid, and also any other

Water-works hereafter to be established in connection therewith ; and so from time to time as occasion may require the Mayor and Aldermen for the time being of the said Town shall in like manner fix, determine, and assess such new Rate as to them shall seem requisite and proper for the purposes aforesaid, and the Owners and Occupiers of all and every such houses, buildings, and other premises as aforesaid are hereby respectively required to pay the said Rate when so assessed, in each and every year, half-yearly in advance to the Mayor for the time being of the said Town of Launceston, or to any person or persons by him authorised in writing to receive the same : Provided always that the said Rate shall not exceed the sum of Five Pounds per centum per annum on the valued annual rental of the house, building, or other premises so owned or occupied as aforesaid, such valued annual rental to be taken from and be the same as is or shall be contained in and set forth in the Assessment Roll for the time being of the said Town : Provided also that in the case of Dyers, Brewers, Tanners, Bleachers, Maltsters, Innkeepers, Vintners, Stable-keepers, and all persons requiring a supply of water for the purposes of any trade, steam-engine, or business whatsoever, or for baths, ponds, water-closets, or any other like purpose ; or in case of the Owners or Occupiers of houses, buildings, or other premises in the Suburbs of the said Town of Launceston requiring a supply of water for domestic or other purposes, such several supplies shall and may in any such case be furnished by the said Mayor and Aldermen at such rate as shall from time to time be agreed upon and settled by and between the said Mayor and Aldermen and such persons respectively, anything herein contained to the contrary notwithstanding.

Other Rates
allowed in certain
cases.

4 In case the Owner or Occupier, or Owners or Occupiers, of any such house, building, or other premises as aforesaid shall neglect or refuse to pay the amount of such Rate so ascertained, determined, and assessed or agreed upon as aforesaid for the space of ten days after the same shall have been demanded, either personally or in writing, by the Mayor for the time being of the said Town, or the Agent or Agents of such Mayor duly authorised in writing in that behalf, it shall be lawful for the said Mayor and he is hereby authorised and empowered by warrant under his hand to distrain the goods and chattels of such Owner or Occupier, or Owners or Occupiers, so neglecting or refusing to pay such Rate as aforesaid, wheresoever any such goods and chattels may be found, which by law would be liable to distress for rent, and in the same manner as rents reserved and in arrear on common demises, and to cause such goods and chattels when distrained as aforesaid to be sold, and out of the moneys to arise by such sale or sales to pay all costs, charges, and expenses attendant upon such distress and sale, and in the next place to pay the amount of such Rate for which such distress and sale shall be made, and to pay the overplus (if any) to such Owner or Occupier, or Owners or Occupiers, as aforesaid, whose goods and chattels shall have been distrained and sold as aforesaid ; and in the event of any distress so to be taken and sold as aforesaid not realising by the sale thereof sufficient to pay such Rate and costs, charges and expenses as aforesaid, it shall be lawful for the said Mayor from time to time to make further and other distress or distresses in manner aforesaid, until the whole amount of such Rate and costs, charges and expenses, shall be fully paid and satisfied.

Rates may be
levied by distress.

5 Where any distress shall be made under the authority of this Act or the said hereinbefore recited Act, the distress itself shall not be deemed

Distress not
unlawful for want
of form.

unlawful, nor the party or parties making the same be deemed a trespasser or trespassers, on account of any defect or want of form in the warrant of distress or other proceeding relating thereto, nor shall the party or parties distraining be deemed a trespasser or trespassers *ab initio* on account of any irregularity which shall afterwards be committed by such party or parties so distraining, but the person or persons aggrieved by such irregularity shall and may recover full satisfaction for the special damage in an action on the case.

Rate may be remitted on account of poverty.

6 It shall and may be lawful to and for the Mayor and Aldermen for the time being of the said Town, upon the complaint of any person liable to the payment of any Rate under this Act or the said recited Act, to remit or excuse the payment thereof, or any part thereof, on account of the poverty of the person rated.

Power to borrow money.

7 It shall and may be lawful to and for the Mayor and Aldermen for the time being of the said Town and they are hereby authorised and empowered to borrow and take up at interest not exceeding Ten Pounds per centum per annum, of any person or persons willing to lend the same, or of any public or private company, such Sum or Sums of Money not exceeding in the whole the Sum of Thirty thousand Pounds as shall from time to time be necessary for defraying the expense of making, constructing, executing, establishing, repairing, carrying on, and managing any such water-course, tunnel, or other water-work, or the payment of any such compensation as in the said firstly hereinbefore recited Act is mentioned, or any other expense incident to the effectuating the objects of the same Act or of this present Act; and it shall be lawful for the said Mayor and Aldermen and they are hereby empowered to provide for the repayment of any Sum or Sums of Money so borrowed and the interest thereon, by securing the same upon the Rates and other moneys to be received by or on behalf of the said Mayor and Aldermen under the authority of the said firstly recited Act, or of this present Act, and such moneys so to be borrowed and the interest to accrue due thereon shall and may be so secured by a mortgage or demise under the hands of the Mayor and Aldermen for the time being of the said Town, in the words or to the purpose or effect following (that is to say):

“By virtue of an Act passed in the nineteenth year of the Reign of Her Majesty Queen Victoria, intituled *An Act to amend an Act passed in the Sixteenth Year of Her Majesty Queen Victoria, intituled An Act to amend an Act passed in the Sixteenth Year of the Reign of Her Majesty Queen Victoria, intituled An Act to secure a Supply of Pure Water for the Town and Port of Launceston,*” we, the Mayor and Aldermen for the time being of the Town of Launceston in Van Diemen’s Land, in consideration of the Sum of £ sterling advanced and paid to us by of do hereby grant and assign unto the said his Executors, Administrators, and Assigns, such proportion of the Rates and other Moneys to be received under the authority of the said several Acts of Council, together with the Water-works and appurtenances in the same Acts mentioned as the said Sum of £ hereby borrowed doth or shall bear to the whole Sum now or hereafter to become due and owing on the security thereof, to have, hold, receive, and take the said proportion of the said

Rates and Moneys, Water-works and appurtenances, unto the said _____ his Executors, Administrators, and Assigns, for and during the term of one thousand years next ensuing the date hereof, unless the said Sum of £ _____ with interest after the rate of £ _____ per centum per annum, shall be sooner repaid and satisfied.

Given under our hands this _____ day of _____
A.D. 18 _____

And copies of all such Mortgages shall be entered in a book or books to be kept for that purpose by the Town Clerk, which said book or books shall at all seasonable times be open to inspection and perusal on payment to the Town Clerk of a fee of one shilling ; and it shall be lawful for any person to whom any Mortgage shall be made as aforesaid, or who shall from time to time be entitled to the Money thereby secured, to assign or transfer his or her right, title, and interest in and to such Mortgage, and the principal money and interest thereby secured, to any other person or persons whomsoever, and any such assignment or transfer endorsed on such Mortgage security, or thereunder written or thereunto annexed, and signed in the presence of and attested by one or more credible witness or witnesses, shall be valid and sufficient to all intents and purposes, if in the words or to the purport or effect next following ; (that is to say,) Copies of Mortgages to be kept.

“ I _____ of _____ do hereby assign and transfer this Mortgage security, with all my right, title, and interest to and in the principal money thereby secured, and all interest now due and hereafter to grow due upon the same, unto _____ of _____ his (or her or their) Executors, Administrators, and Assigns.

Dated this _____ day of _____ 18 _____
Witness _____ (Signed) _____

And any such Mortgagee or Assignee, or any person or persons by him, her, or them, is and are hereby authorised and empowered to demand, take, and have the said Rates and Moneys so mortgaged or assigned, and to ensure and enforce the recovery thereof in the same mode and by the same ways and means to all intents and purposes as the Mayor or the Mayor and Aldermen of the said Town might and could under and by virtue of this Act, or the said firstly hereinbefore recited Act, have demanded, taken, ensured, or recovered such Rates and Moneys if the same had not been so mortgaged or assigned as aforesaid : Provided always that in case the Colonial Government, with a view of facilitating any such loan or loans for the purposes aforesaid, shall at any time or times guarantee to the lender or lenders the due payment of the interest to become due in respect of such loan or loans, then and in every such case, and so far as the Colonial Government shall in consequence of such guarantee advance and pay any Sum or Sums of Money to such lender or lenders, all Moneys so paid shall be and the same are hereby declared to be a first or primary charge upon the Rates and other Moneys to be received by the Mayor and Aldermen of the said Town, under or by virtue of the said firstly hereinbefore recited Act, or of this present Act, but so and in such manner that the whole of such Moneys to be first or primarily charged shall not at any one time exceed the Sum of Fifteen thousand Pounds.

§ In referring to this Act it shall be sufficient to use the expression
“*The Launceston Water Act.*”

MICHAEL FENTON, *Speaker.*

Passed the Legislative Council this twenty-fourth day of August, one thousand eight hundred and fifty-five.

FR. HARTWELL HENSLOWE,
Clerk of the Council.

In the name and on the behalf of Her Majesty I assent to this Act.

H. E. F. YOUNG,
Governor.

Government House, Hobart Town,
29th August, 1855.