

T A S M A N I A .

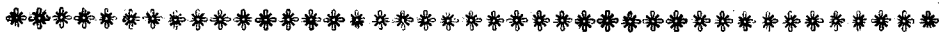


1 8 9 8 .

ANNO SEXAGESIMO-SECUNDO

VICTORIÆ REGINÆ,

No. 63.



AN ACT to provide a supply of Water from Lake *Sorell* for Irrigation, and for domestic and other purposes, in the *Midland Water District*. [29 October, 1898.]

A.D. 1898.

Roll by 64.V.46

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 *Midland Water Act*, 1898.” Short title.
- 2 In this Act, unless the context otherwise determines— Interpretation.
 - “District” means “The *Midland Water District*” as herein-after defined :
 - “Landholder” means and includes the owner or occupier of any property situate within the District whose name is on the Assessment Roll :
 - “Assessment Roll” means so much of the Assessment Rolls of the Rural Municipalities of *Ross* and *Oatlands* in force for the time being in those Municipalities as refers to the properties in the District :
 - “Property” shall mean lands and buildings :
 - “Rate” shall mean a Rate duly made under and for the purposes of this Act :
 - “Waterworks” means and includes all reservoirs, wells, cisterns, tanks, aqueducts, tunnels, feeders, drains, channels,

Midland Water Supply.

A.D. 1898.

cuts, floodgates, sluices, conduits, filter, troughs, dams, embankments, pumps, culverts, pipes, pipe-breaks, engines, buildings, and other works of what kind soever which are from time to time necessary or used for effecting the purposes of this Act :

“ Minister ” shall mean the Minister of Lands and Works for the time being.

District defined.
Schedule (1.)

3 The area of land included within the limits defined and set forth in Schedule (1.) is hereby declared to be the *Midland Water District*.

First election of
Trustees.

4 It shall be lawful for the Governor in Council at any time after the passing of this Act, by Notice in the *Gazette*, to direct that on a day and at an hour and place therein named there shall be held within the District an Election of Five Landholders of the District to be the Trustees of the District for the purposes of this Act ; and such Election shall be held accordingly, and the Trustees then elected shall hold office until they retire from office in the manner hereinafter provided.

Election to be
before person
appointed.

5—(1.) Every such Notice shall be published in Three consecutive numbers of the *Gazette*, and shall direct that the Election to be held thereunder shall be held before the person therein appointed Returning Officer for the purpose of such election ; and nominations of persons for election as Trustees shall be forwarded to and be received by such Returning Officer Seven clear days before the day appointed for holding the Election pursuant to such Notice, and the Returning Officer shall thereupon provide and do all things necessary for holding such Election pursuant to this Act.

Period within
which election to
be held.

(2.) The date fixed by such Notice for holding the Election therein directed to be held shall not be less than Fifteen nor more than Thirty days after the date of the first publication of the Notice.

Expenses of first
election.

(3.) All expenses of and incidental to the first Election of the Trustees of the District shall be certified under the hand of the Returning Officer, and shall be paid in the first instance out of the Consolidated Revenue Fund by warrant under the hand of the Governor directed to the Treasurer, and shall be repaid by the Trustees to the Treasurer out of any moneys at the disposal of the Trustees within Six months after the Election.

Returning Officer
to notify result to
Minister.

6—(1.) At every Election of Trustees held in pursuance of any such Notice as aforesaid, the person therein appointed Returning Officer for the purposes of the Election to be held thereunder shall preside at such Election, and shall have a casting vote in addition to his vote as a Landholder ; and such Returning Officer shall, within Three days after such Election, prepare, or cause to be prepared, and sign, and forward to the Minister a notification in writing of the names and places of residence of every person elected at such Election as a Trustee of the District.

(2.) The Minister upon receipt of such notification shall cause to be published in the *Gazette* the names of the persons elected at such Election as Trustees of the District, and shall also cause written Notice of his Election, and of the time and place of the first meeting of the Trustees, to be served personally upon every person so elected, or to be left at his usual place of abode, or transmitted to him by post.

Midland Water Supply.

7 Subject to the provisions hereinafter contained, every Trustee shall hold office for a period of Two years, and shall retire in rotation as hereinafter provided.

A.D. 1898.

Trustee to hold office for Two years.

Annual Election to be held in District.

8 An Election of Trustees shall be held within the District in the month of *April* in the second year after the year in which the first Election of Trustees shall be held under this Act, and in the same month in every subsequent year, for the purpose of electing the requisite number of persons to fill the vacancies caused by the retirement of Trustees in accordance with the provisions of this Act, and the Trustees shall fix a day in the month of *April* in every such subsequent year as aforesaid, and shall also fix an hour of the day between Ten of the clock in the forenoon and Four of the clock in the afternoon, and a place within such District for holding such Annual Election of Trustees, and shall publish once in the *Gazette* and at least twice in a public newspaper published or circulated in the District, and shall also cause to be posted up in the Office of the Trustees and at every Police Office, Police Station, and Post Office in such District, Ten clear days at least before the day of holding the Election, notice of the date and time and place of such Election.

9 At every Election of Trustees held under this Act every Landholder shall have a number of votes proportioned to the annual value of the property within the District occupied by him, according to the scale mentioned and set forth in "The Rural Voting Act, 1884;" and the word "Elector" as used in the said Act shall, for the purposes of this Act, mean and include a Landholder under this Act.

Scale of votes.

48 Vict. No. 26.

10 Every person whose name appears on the Assessment Roll as the owner or occupier of any property situate within the District shall, except as hereinafter provided, be entitled to vote as a Landholder of the District at any Election of Trustees held under this Act; but in any case in which a change of ownership or occupation of any property within the District has taken place since the publication of such Assessment Roll, the person who has become the owner or occupier, as the case may be, of such property may send to the Chairman of the Trustees, Fourteen days before the day of election, a notification of such change of ownership or occupation, and a claim to vote at such Election as the owner or occupier of such property, and the Chairman or the Trustee appointed as hereinafter provided to preside at such Election, on being satisfied of such change of ownership or occupation, shall permit such person to vote at such Election in the place of the person whose name appears on such Assessment Roll as the owner or occupier, as the case may be, of such property.

Change of occupation.

11—(1.) On the day fixed for holding the first Annual Election of Trustees after the first Election of Trustees, Two Trustees shall retire from office; and on the day fixed for holding the second Annual Election of Trustees, Three Trustees shall retire from office; and on the day fixed for holding the Annual Election of Trustees in every subsequent year, every Trustee who was elected at the Annual Election of Trustees held in the Second preceding year shall retire from Office.

Retirement of Trustees.

(2.) The persons elected as the first Trustees of the District shall decide by lot among themselves which of them shall retire from office

Midland Water Supply.

A.D. 1898.

on the day fixed for the first Annual Election of Trustees of the District.

(3.) The retiring Trustees shall hold office until their successors are duly elected.

(4.) Every Trustee retiring from office shall, if qualified, be eligible for re-election.

Time prescribed for election may be extended.

12—(1.) In case the Trustees neglect or omit in any year to fix the day, place, and hour for holding any Annual Election of Trustees, or in case any such Election is not held upon any day appointed for that purpose in the month of *April* in any year in pursuance of this Act, the Governor in Council may extend the time for the Election of Trustees to any day to be fixed in manner hereinbefore provided before the Thirtieth day of *June* in any year.

(2.) In case no Election of Trustees is held in any year in manner hereinbefore directed, the Trustees then in office shall continue in office until the day which may be fixed in the month of *April* in the succeeding year for the Annual Election of Trustees, or until the Election of new Trustees, and so from time to time.

(3.) If no Election of Trustees shall be held in such succeeding year, it shall be lawful for the Governor in Council, upon the petition of any number of Landholders not less than Seven, to fix a day, hour, and place for holding an Election of Trustees, and notice thereof shall be published by the Minister in the manner hereinbefore provided in respect of the Annual Election of Trustees.

Nomination of candidates for election.

13 The Trustees shall, in and by every notice of the time and place fixed for any Annual Election of Trustees, appoint a day for the reception of nominations as hereinafter mentioned, not less than Five days nor more than Seven days before the days fixed for such Annual Election, and the Chairman of the Trustees shall, during the Three days immediately preceding the day so appointed, and up to Four of the clock in the afternoon of such day, receive nominations of Landholders qualified to be elected as Trustees for election at such Annual Election.

List of candidates to be published.

14 The Trustees shall cause a list of the Candidates nominated for election to be published in at least Two consecutive numbers of a public newspaper published or circulating in the District, and shall also cause such list to be posted up in the Office of the Trustees and at every Police Office, Police Station, and Post Office in the District not less than Three clear days before the day fixed for such Annual Election; and none but persons so nominated shall be capable of being elected.

Form of nomination.

15 Every nomination of a candidate for election as a Trustee shall be in writing, and shall be signed by at least Two Landholders entitled to vote at such election of Trustees; and no such nomination shall contain the names of more candidates than the number of Trustees to be elected; and with such nomination there shall be delivered to the Chairman the written consent of such candidate or candidates to such nomination: and no nomination shall be received or recognised in the absence of such written consent; and every such nomination and consent may be in writing or printed, or partly written and partly printed, in the form in the Schedule (2.). Provided that no female shall be nominated or eligible to sit or act as a Trustee.

Schedule (2.)

Midland Water Supply.

- 16** Every Election of Trustees shall be by ballot, and the Chairman of the Trustees shall, except as hereinafter provided, preside at every such Election; and in the event of the Chairman being a candidate at any such Election, or being unable from any cause to preside at such Election, the Trustees shall appoint another Trustee to preside at such Election; and all Ballot-papers used at any Election shall be signed or stamped on the back thereof by the Chairman or the Trustee presiding thereat. A.D. 1898.
Election to be by ballot and held before Chairman.
- 17** If no greater number of persons are nominated for election, as provided in this Act, than the number of Trustees to be elected, the Chairman shall, after the expiration of the time fixed for receiving nominations of candidates, declare, without any Poll being had, the persons so nominated to be elected as Trustees, and the persons so declared to be elected shall thenceforth be Trustees of the District. Mode of proceeding if no more persons nominated than Trustees to be elected.
- 18** It shall be lawful for the Trustees to appoint in every year Polling-places in the District, and also to appoint any officers requisite for the purpose of the Annual Election of Trustees, and to do all other necessary things preliminary or incidental to every such Annual Election. Polling-places.
- 19** Wherever and whenever Polling-places are appointed as hereinbefore provided, the Trustees, previously to the day fixed for the Annual Election, shall fix a time for commencing and closing the Poll, if any, for such Election; and every such Poll shall remain open for Two hours at least; and every Landholder is hereby empowered to give, and shall, if he votes, give the number of votes to which he is entitled to any number of persons not exceeding the number of Trustees then to be elected; and every such Election of Trustees shall be finished in One day without any adjournment whatsoever. Election of Trustees.
- 20** Every person duly qualified, and duly elected or appointed as hereinafter provided to the office of Trustee, shall, if he accepts such office, make and subscribe before a Justice of the Peace a Declaration in the form of the Schedule (3.) within One month after notice of his election or appointment has been served on him personally, or left at his usual place of abode, or been transmitted to him by post; and every Declaration shall be delivered by the Trustee who has made the same, at the first meeting of the Trustees thereafter at which he is present, to the Chairman of the Trustees. How Trustees to accept office.
Schedule (3.)
- 21** If any person elected or appointed a Trustee under this Act refuses or fails to accept such office, and to make and subscribe such Declaration as aforesaid within such time as aforesaid, his place shall thereupon be declared vacant, and shall be filled up by a fresh election or appointment. Refusal or failure to accept office.
- 22** If any Trustee is absent from Three consecutive Meetings of the Trustees extending over a period not less than Three months, after having had notice of the intention to hold such Meetings, and without leave of absence granted to him by the Trustees, he shall cease to be a Trustee unless his absence was caused by sickness; and the Trustees shall in any such case declare his place to be vacant, and the same shall be vacant accordingly. Trustee absent from Three consecutive Meetings to vacate office.

Midland Water Supply.

A.D. 1898.

Provides for death, &c. of Trustees during period of office.

23 If at any time during the period for which he was elected any Trustee dies or departs from *Tasmania* and remains absent therefrom for the space of Three months, or ceases to be a Landholder, or resigns, or refuses, or from any cause whatsoever becomes incapable or unfit to act as a Trustee, of if his place is declared vacant, it shall be lawful for the surviving or continuing Trustees, and they are hereby required, within Thirty days, subject as hereinafter provided, to appoint some fit and proper person, being a landholder, to act in conjunction with such surviving or continuing Trustees in the place and stead of such first-mentioned Trustee.

Provided nevertheless, that whenever any Trustee's place becomes vacant from any of the causes herein mentioned, the Chairman of the Trustees shall forthwith give notice thereof in Two consecutive numbers of a public newspaper published or circulated in the District; and the Trustees shall not for a period of Fourteen days after such notice proceed to fill up such vacancy; and if before the expiration of such period of Fourteen days a requisition in writing signed by any number of the Landholders, not less than Seven, is presented to the Trustees requiring an election to be held to supply such vacancy, the Trustees shall not appoint a new Trustee, but an election shall be held to supply the vacancy as aforesaid; and every such election shall be conducted in the same manner in every respect as the Annual Election of Trustees; and every Trustee appointed or elected to fill any such vacancy shall retain his place as a Trustee so long only as his predecessor would have retained the same if no vacancy had occurred.

Election and appointment of Trustees to be published.

24 Forthwith after every Annual Election of Trustees, the Chairman or Trustee presiding at the Election shall cause to be published in the *Gazette* the names and places of residence of every Trustee elected; and the Chairman of the Trustees shall cause to be published in the *Gazette* the names and places of residence of every Trustee appointed, and shall also cause notice in writing of his election or appointment to be served personally on, or left at the usual place of abode of, or transmitted by post to, every person so elected or appointed.

Quorum of Trustees.

25 All acts and proceedings relating to this Act which are directed to be had or done by the Trustees, and all the powers and authorities vested in them generally, shall and may be had, done, and exercised by the major part of the Trustees present at any meeting of the Trustees, the whole number present not being less than Three; and any such Three Trustees shall form a quorum.

Election of Chairman of Trustees.

26—(1.) The Trustees shall, at their first Meeting held after the first Election of Trustees, and at their first Meeting held after each Annual Election of Trustees, by the majority of votes of the Trustees present, elect one of their body to be Chairman for the ensuing year; and if at any such Meeting there is an equality of votes in the election of Chairman it shall be decided by lot which of the Trustees having an equal number of votes shall be the Chairman; and such Chairman shall preside at all Meetings of the Trustees at which he is present; and if at any Meeting of Trustees the Chairman is not present one of the Trustees present shall be elected Chairman of such Meeting by the majority of votes of the Trustees present thereat.

(2.) In case the Chairman shall die, or by writing under his hand delivered by him to the Trustees at any Meeting of Trustees, or to the

Midland Water Supply.

Secretary of the Trustees, resign his office of Chairman, or cease to be a Trustee, the Trustees present at the Meeting next after the occurrence of such vacancy shall choose one of their body to be Chairman, and the Chairman so chosen shall continue in office until the next Annual Meeting for the election of Trustees.

A.D. 1898.

27 At all Meetings of Trustees all the Trustees present shall vote, save where it is herein otherwise provided, and the questions there considered shall be decided by open voting and by the majority present; and if there is an equal division of votes upon any question, the Chairman shall have a casting vote.

Equal division of votes.

28 No Trustee shall vote upon any matter in which such Trustee directly, by himself or his partners, has any pecuniary interest in any contract; and any Trustee who knowingly offends against this Section shall, on conviction, forfeit and pay for every such offence a sum not exceeding Fifty Pounds.

Trustee not to vote where he is pecuniarily interested.

29 All orders and proceedings of the Trustees, together with the names of the Trustees present at every Meeting, shall be entered in a book to be kept by the Trustees for that purpose, and be signed by the Chairman of the Meeting at which such orders or proceedings are, from time to time, confirmed; and such orders and proceedings so entered and signed by the Chairman of such Meeting shall be deemed to be original orders and proceedings.

Orders and proceedings of Trustees to be recorded.

30—(1.) It shall be lawful for the Trustees to enter upon Lake *Sorell*, and the bed and shores thereof, and to cause such works to be erected or established in the bed of such Lake, and on the shore thereof, as shall be necessary from time to time to divert the waters thereof, and to divert and appropriate such quantity of the water of the said Lake as shall be required for the purposes of this Act: Provided, that all water diverted and appropriated out of the said Lake for the purposes of this Act shall pass through a meter, and shall not at any time exceed Ninety thousand cubic yards every Twenty-four hours.

Power to erect works and divert waters of Lake *Sorell*.

Rep. by 1 Ed. 7 No 53

(2.) The Trustees shall not be entitled to divert and appropriate any water from the said Lake at any time while, in the opinion of the Trustees of the River *Clyde*, the water in Lake *Sorell* is not sufficient to maintain a supply of Ninety thousand cubic yards of water every Twenty-four hours for the purposes of "The *Clyde* Water Act, 1898."

New sect. added by 64 & 46

31—(1.) In the event of any dispute arising under this Act between the Trustees and the Trustees of the River *Clyde* the same shall be referred to arbitration.

Disputes to be settled by arbitration.

(2.) Every such arbitration shall be before Two arbitrators, One appointed by the Trustees, and the other appointed by the Trustees of the River *Clyde*.

Rep. by 1 Ed. 7 No 53

(3.) This Act shall be deemed to be the document authorising the reference within the meaning of "The Arbitration Act, 1892," and the reference shall be subject and pursuant to that Act.

56 Vict. No. 8.

32 The Trustees are hereby empowered to purchase any land which they may consider to be necessary for the purposes of this Act, and which they may think proper to purchase; and for the purpose of

Purchase of land.

Midland Water Supply.

A.D. 1898.
—
21 Vict. No. 11.

facilitating and effectuating any such purchase *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 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.”

Entry on land.

33 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 think 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.

Trustees to give notice prior to first entry upon land.

34 Prior to the first entry upon any land by the Trustees for the purposes 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.

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

35 The Trustees shall make compensation to all persons having a lawful interest in any land, other than land purchased by the Trustees, in or upon which any waterworks may hereafter be constructed, or which may be injuriously affected by the construction and maintenance of the waterworks under this Act; or otherwise by the execution by the Trustees of the powers hereby conferred for all damages sustained by reason of the exercise as to such land of the powers vested in the Trustees by this Act.

Construction of works.

36 It shall be lawful for the Trustees from time to time to make, construct, lay down, maintain, alter, or discontinue such works upon any land as the Trustees think necessary for the purposes of this Act.

Breaking up streets or roads.

37 The Trustees may from time to time open and break up the soil and pavement of any streets or roads within the District or other road through which it may be expedient to convey water for the purposes of this Act; and may open and break up any sewers, drains, or tunnels within or under any such street or road, and lay down and place therein or thereunder pipes, service pipes, and other works and engines, and from time to time repair, alter, or remove the same, and do all other acts which the Trustees from time to time deem necessary for supplying water to the inhabitants of the District and any part beyond the District whereunto the Trustees may be required to bring the same.

Midland Water Supply.

38 The Trustees shall, before opening or breaking up any street or road, 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 beginning such work, except in cases of emergency arising from defects in any of the waterworks, and then as soon as possible after the beginning of the work or the necessity for the same has arisen.

A.D. 1898.

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

39 No street or road 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 plans 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 or road 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 person having control of same.

40 When the Trustees open or break up any street, road, sewer, drain, or tunnel, 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, road, 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 or road 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.

41 For the purpose of raising the necessary funds for carrying out the several objects of this Act, it shall be lawful for the Trustees, at yearly, half-yearly, or such other periods as they may see fit, to make and levy a Rate upon the annual value of all properties within the District. Provided, that such Rate shall not in any one year exceed One Shilling in the Pound upon the annual value of such properties as ascertained by the Assessment Roll in force for the time being in the District.

Trustees may make and levy Rate.

42 Upon the making of any such Rate, a notice signed by not less than Three Trustees, specifying the amount in the Pound of the Rate, the period for which the same is made, and at what times the same is payable, shall be published in the *Gazette*; and upon any such notice 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 annual value of the property as shown by the Assessment Roll; 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 in that behalf mentioned.

Upon making a Rate, notice of same to be given.

All the provisions of Part III. of "The Roads Act, 1884," relating to *Road Rates*, except Sections Fifty-six and Fifty-seven, shall be

Midland Water Supply.

- A.D. 1898. — incorporated herewith, and shall apply to every Rate made and levied under the provisions of this Act.
- Power to borrow money. **43** It shall be lawful for the Trustees, for the purposes of this Act, to borrow from the Governor in Council any sum or sums of money not exceeding Five thousand Pounds, under and subject to the provisions of "The Local Public Works Loans Act, 1890."
- Supply of water. **44** The Trustees shall, at the request of the owner or occupier of any house situate within the District, the outer boundary of which property is within Fifty feet of any main or other pipe, furnish to such person within such house by means of communication by pipes and other necessary appliances, to be provided, laid down, and maintained by the Trustees at the cost of such person, a sufficient supply of water for his domestic purposes, but shall not be liable for any unforeseen or unavoidable interruption to such supply.
- Supply beyond the boundary of Water District. **45** The Trustees may cause pipes to be laid down and water brought to any part beyond the boundary of the District whereunto the Trustees are required by the owners or occupiers of houses for domestic or other purposes in any such part, on payment of the expense of providing and laying down such pipes: Provided that no such requisition shall be binding on the Trustees unless such owner or occupier shall execute an agreement binding himself to take such supply of water for Three successive years at least, and on such terms for the payment of the same as may be agreed on.
- Supply of water for other purposes than domestic use. **46** There shall be supplied to all ratepayers within the District who may require the same, but subject to such restrictions and conditions as the Trustees may think proper, a reasonable quantity of water, not only for domestic purposes under Section Forty-four of this Act, but also without payment therefor, for irrigation, or for steam engines, or for working machines or other apparatus, or for the use of horses, cattle, and live stock. And the quantity of water supplied under this Act for horses, cattle, and live stock shall not be less in respect of any property within the District than the quantity heretofore available for such property from any stream, channel, watercourse, lagoon, waterhole, or other source of water which may be used, employed, diverted, obstructed, or interfered with under the provisions of this Act.
- Power to appoint Officers. **47** The Trustees shall, from time to time, appoint a Treasurer and also a Collector of Rates, who may be Trustees, and may, from time to time, appoint and employ such Surveyors 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: Provided, that 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; and all the provisions of *The Rural Municipalities Act, 1865*, relating to *Officers and their Accountability* shall be applicable to such Treasurer, Collector, and other officers, and shall be incorporated with this Act.
- 48 Vict. No. 28.

Midland Water Supply.

48 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 landowner, or of holder of any Debenture issued by the Trustees, without fee or reward; and the persons aforesaid, or any of them, may take 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 does not, on the reasonable demand of any person as aforesaid, 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.

A.D. 1898.

Trustees to keep accounts of receipts and disbursements.

49 All moneys received by the Treasurer of the Trustees shall be paid by him forthwith into some one of the public banks of this Colony to the account of the Trustees of the District; and no part of such moneys shall be drawn out of such bank except by cheque signed by the Treasurer and countersigned by one of the Trustees.

Moneys received to be paid into bank.

50 The Trustees shall, before the end of the second week in the month of *March* in each year, cause the accounts of the Trustees up to and including the last day of *February* next preceding to be balanced, and also cause a full and true statement and account 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.

51 The accounts of the Trustees mentioned hereinbefore shall be subject and liable to all the provisions of "The Audit Act, 1888," in the same manner as the accounts of Trustees of Road Districts are now subject and liable; and the statement and account hereinbefore mentioned shall be forwarded to the Auditor-General during the month of *March* in every year; and the statement and account mentioned in the last preceding Section of all moneys received and expended shall be published in the *Gazette* by the Auditor-General as soon as may be after the same have been audited.

Audit of accounts. 52 Vict. No. 43.

52 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.

53 If any person neglects to keep the pipes and other apparatus by means of which his premises are supplied with water in good repair, or by neglect in any way allows water to run to waste, or uses water laid on only for domestic purposes in other ways without special arrangements, every such person shall be liable to a penalty not exceeding Five Pounds for each offence.

Wasting water.

54 If any person wilfully obstructs, hinders, or interrupts, or causes or procures to be obstructed, hindered, or interrupted, the Trustees, or any person duly employed or authorised by the Trustees, in the

Obstructing Trustees.

Midland Water Supply.

A.D. 1898.

exercise of any power or authority vested in the Trustees or any of the persons aforesaid by this Act, or threatens or assaults, or uses improper or abusive language to any of the persons aforesaid whilst in the performance or execution of his duty under this Act, every such person shall for any such offence, if not otherwise specially provided for, incur a penalty not exceeding Twenty Pounds :

Provided, that no proceeding for the recovery of any such penalty, nor the payment thereof, shall be a bar to any action at Law by any of the persons aforesaid for or in respect of any such assault as aforesaid, but every such action may be commenced and proceeded with as if this Act had not been passed, any Law or usage to the contrary notwithstanding.

Trustees may sue and be sued.

55 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 *Midland Water 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.

56 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 waterworks, 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, for the purposes of this Act, be vested in the Trustees, who shall be a Corporation by the name of "The *Midland Water Trust*," with power to hold land and have a Common Seal; and in any proceedings, civil or criminal, relating to such land, waterworks, money, or property so vested in the Trustees for the purposes of this Act, it shall be sufficient to describe such property, waterworks, or money as "the property, waterworks, or money of the Trustees of the *Midland Water District*."

Incorporation.

By-Laws.

By-laws.

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

For regulating the charges, terms, and conditions upon which water shall be supplied in the cases provided for by Section Forty-five of this Act :

For regulating the description of pipes and other apparatus by means of which water may be laid on, distributed, or supplied from the waterworks, and for prohibiting the use of any other description of pipes or apparatus :

For preventing injury to the waterworks :

For regulating all or any matters and things whatsoever connected with the water to be supplied 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

Midland Water Supply.

exceeding in any case the sum of Ten Pounds, as the Trustees think proper. A.D. 1898.

Subject to the provisions of this Act, the provisions of Section One hundred of *The Rural Municipalities Act*, 1865, shall be applicable to the By-laws made under this Act.

58 All offences against this Act or any By-law made hereunder shall be heard and determined in a summary way by any Two Justices of the Peace in the mode prescribed by *The Magistrates Summary Procedure Act*; and any person convicted of any offence against this Act may appeal against the conviction in the mode prescribed by *The Appeals Regulation Act*. Offences to be dealt with summarily. 19 Vict. No. 8. 19 Vict. No. 10.

59 All penalties received by virtue of this Act shall be paid to the Treasurer of the Trustees, and shall form part of the moneys at the disposal of the Trustees for the purposes of this Act. Appropriation of penalties.

60 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 nonsuit 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. Persons acting under Act entitled to notice of action.

Poll to be taken.

61 Notwithstanding anything hereinbefore contained, the Trustees shall not proceed to construct or perform any of the works aforesaid until and after a poll has been taken of the owners and occupiers of property within the Water District, and if at such poll one-third of the aggregate number of votes to which the owners and occupiers of property within the District are entitled as hereinafter mentioned shall be recorded against the construction of such works as aforesaid, the Trustees shall not proceed to construct the same; and at the taking of such poll 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 Municipalities. Poll of owners and occupiers to be taken.

62 When the Trustees shall decide to take a poll of the owners and occupiers as aforesaid, they shall cause a notice of such poll to be inserted not less than Three times in the newspapers published daily Notice of poll to be published.

Midland Water Supply.

A.D. 1898.

in the City of *Launceston*, and in two consecutive numbers of the *Gazette*; and such notice shall contain the following particulars:—

- i. The time and place of such election :
- ii. The works proposed to be constructed or performed by the Trustees :
- iii. The estimated cost of such works.

Proceedings to be had as upon election of Councillors.

63 Subject to the foregoing provisions, 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 as the case may require.

Provisions of 29 Vict. No. 8 as to Rates to apply.

64 Where the same is not repugnant to the provisions of this Act, all the provisions of the Act 29 *Vict.* No. 8 relating to the making of Assessment, the appeal therefrom, the making of Rates and their enforcement, shall apply to and be incorporated with this Act.

SCHEDULE.

(1.)

MIDLAND WATER DISTRICT.

Commencing at the north angle of 3150 acres granted to R. Pitcairn and T. Brown on Blackman's River, thence by the north-east, south-east, and part of the east boundary of that grant to the southern boundary of the Parish of Gibbs, by that boundary southerly and westerly to York Rivulet, by that rivulet southerly to the south-west boundary of 606 acres purchased by W. Kimberley, by that boundary and by part of the south-east boundary of 1338 acres purchased by G. Butler and R. Pitcairn to the Antil Ponds Rivulet, by that rivulet to the south-east boundary of 2000 acres located to R. Harrison, by that boundary and by the south boundary of that land to Blackman's River, by that river southerly to the north boundary of 215 acres purchased by C. Headlam, by that boundary and by part of the east boundary of 2498 acres purchased by J. W. Agnew, by the south and by part of the west boundary of 2980 acres purchased by J. J. R. and A. T. Pillinger, by the north boundary of 320 acres granted to G. C. Clarke and by a continued westerly line to the east boundary of 1650 acres purchased by J. J. R. and A. T. Pillinger, by part of that boundary and by the east boundary of 920 acres purchased by the same, by the south-east and north-east boundaries of Lot 109 leased by W. A. Kermode to Flood's Creek, by that creek easterly to the north-west boundary of 8100 acres granted to G. C. Clarke, by that boundary and by the north-west boundary of 642 acres purchased by G. C. Clarke, by part of the south-west boundary of 1000 acres located to J. Wright, by part of the south-west and north-west boundaries of 4840 acres granted to G. C. Clarke, by the south-west and by part of the north-west boundary of 2000 acres also granted to G. C. Clarke, by the north-east boundary of 640 acres purchased by Joseph Bayles to the River Isis, by that river south-westerly to the south-west boundary of 343 acres purchased by J. Bayles, Jun., by that boundary and by the south-west, north-west, and north-east boundaries of 1700 acres purchased by Joseph Bayles, by the south-east boundary of 638 acres granted to G. C. Clarke and A. Morrison to the River Isis aforesaid, by that river after crossing the same to the north-west boundary of 360 acres located to J. O'Connell, by the north-west and north-east boundaries of that location, by part of the north-west and by the north-east boundary of 1400 acres located to Richard Downward, by part of the north-west and by the north-east and south-east boundaries of 2000 acres located to Bassett Dickson, by the north-east and south-east boundaries of 2000 acres located to Alfred Stephen, by the south-west boundaries of 1000 acres and 2000 acres located to G. C. Clarke and J. Batman respectively, by the north-west and south-west boundaries of 1002 acres purchased by Samuel Horton, by part of the north-west, by the west, by the south, and by the south-west boundaries of 1280 acres granted to Thomas Parramore, by the

Midland Water Supply.

south-west and south boundaries of 1082 acres granted to John Roberts, by the south boundary of 2062 acres granted to C. Swanston and J. Allport to the Blackman's River aforesaid, and thence by that river north-easterly after crossing the same to the point of commencement. A.D. 1898.

(2.)

The _____ day of _____ 18

WE, the undersigned Landholders of the Midland Water District, do hereby nominate, [stating Christian Name and Surname] of _____ [and state occupation] as a fit and proper person for election as Trustee of the said Water District.

[Here are to follow the Signatures in the following form.]

<i>Surname and Christian Name of Landholder.</i>	<i>Place of Residence.</i>

I, the above-named _____, consent to become a Candidate at the election of Trustees [or Trustee] of the Midland Water District.

(3.)

I, A.B., having been elected [or appointed] a Trustee of the Midland Water District, do hereby solemnly declare that I take the said office upon myself, and will duly and faithfully fulfil the duties thereof according to the best of my judgment and ability.

A.B.

Taken and declared before me, at _____ day of _____, 18 _____, in Tasmania _____ J.P.

A.B.

