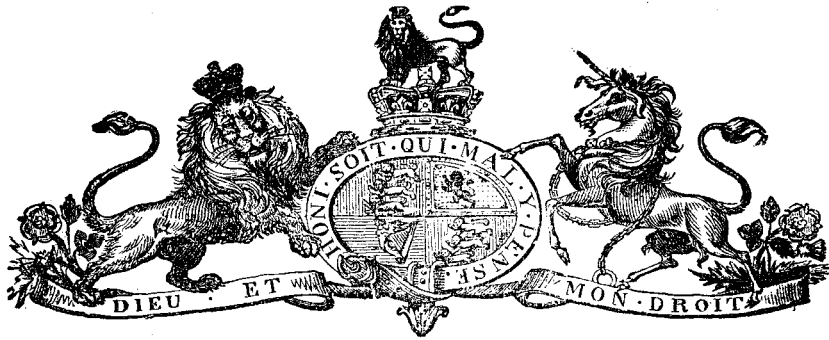


T A S M A N I A.



1892.

ANNO QUINQUAGESIMO-SEXTO

VICTORIÆ REGINÆ,

No. 31. Amended by 57 Vict. No. 28  
58 . . . 35  
63 . . . 36

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AN ACT to secure a Supply of pure Water A.D. 1892.  
for the Town of *St. Helen's* and the  
contiguous Districts. [21 *December*, 1892.]

**W**HEREAS it is expedient to make legislative provision to ensure PREAMBLE.  
a supply of pure Water for the use of the Inhabitants of the Town of  
*St. Helen's* and the contiguous Districts, and for the use of Shipping  
in the Port of *George's Bay*, from such sources, and in such manner  
and under such control, management, and conditions as are hereinafter  
provided :

Be it therefore 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 :—

*Short Title.*

**1** This Act may be cited for all purposes as “The *St. Helen's* Short title.  
Water Act, 1892.”

*Preliminary.*

**2** In the construction and for the purposes of this Act, and of all Interpretation.  
proceedings under this Act or under any Rules in force or made under  
this Act, unless the context otherwise determines—

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- “Trustees” means the Trustees for the time being elected under this Act :
- “Landholder” means the occupier of any property situate within the District :
- “Minister” means the responsible Minister of the Crown for the time being administering this Act :
- “Property” includes Lands and Buildings :
- “Rate” shall mean a rate duly made under and for the purposes of this Act :
- “Waterworks” extends to and includes all reservoirs, wells, cisterns, tanks, aqueducts, watercourses, tunnels, feeders, drains, channels, cuts, floodgates, sluices, conduits, filters, 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 :
- “Street” extends to and includes any public and common highway, road, main road, lane, footway, bridge, square, court, passage, alley, thoroughfare, and public way and place :
- “Person” includes Corporation.

Division of Act.

**3** This Act is divided into Twelve Parts, as follows :—

- Part I.—Election of Trustees.  
 Part II.—Power of Trustees.  
 Part III.—Supply of Water.  
 Part IV.—Rates.  
 Part V.—Borrowing Money.  
 Part VI.—Officers and their Accountability.  
 Part VII.—Accounts.  
 Part VIII.—By-laws.  
 Part IX.—Fouling the Water by Gas.  
 Part X.—Waste or Misuse of Water.  
 Part XI.—Offences.  
 Part XII.—Miscellaneous.

**PART I.**

## ELECTION OF TRUSTEES.

Water District.

**4** The land described in the Schedule (1.) hereto is hereby declared to be a Water District under and for the purposes of this Act, and shall be called the *St. Helen's Water District*; and whenever in this Act the words “District” is used, the same shall mean and include the *St. Helen's Water District* as described in the said Schedule (1.)

First election of Trustees.

**5** 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 Seven 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.

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**6**—(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.

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Election to be before person appointed.

(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.

Period within which election to be held.

(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 such moneys at his disposal of the Trustees within Six months after the election.

Expenses of first election.

**7**—(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.

Returning Officer to notify result to Minister.

(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.

**8** 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.

Trustees to hold office for Two years.

**9** An Election of Trustees shall be held within the District in the month of *April* in the first 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 year, 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 circulating 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

Annual Election to be held in District.

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the day of holding the Election, notice of the date and time and place of such Election.

Scale of votes.

48 Vict. No. 26.

**10** 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.

Change of occupation.

**11** Every person whose name appears on the Valuation Roll comprising the said Water District as the 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 occupation of any property within the District has taken place since the publication of such Valuation Roll, the person who has become the occupier of such property may send to the Chairman of the Trustees Three days before the day of election a notification of such change of occupation, and a claim to vote at such election as the 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 occupation, shall permit such person to vote at such election in the place of the person whose name appears on such Valuation Roll as the occupier of such property.

Retirement of Trustees.

**12**—(1.) On the day fixed for holding the first Annual Election of Trustees after the first Election of Trustees, Three Trustees shall retire from office; and on the day fixed for holding the second Annual Election of Trustees, Four 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.

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

**13**—(1.) In case the Trustees neglect or omit in any year to fix the day, place, and hour for holding the 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

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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. A.D. 1892.

**14** The Trustees shall, in and by the notice of the time and place fixed for the 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 day 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. Nomination of candidates for election.

**15** 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. List of candidates to be published.

**16** 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. Form of nomination.

**17** 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. Election to be by ballot and held before Chairman.

**18** 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.

**19** It shall be lawful for the Trustees to appoint 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.

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Election of  
Trustees.

**20** 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.

How Trustees to  
accept office.  
Schedule (3.)

**21** 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 in 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.

Refusal or failure  
to accept office.

**22** 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.

Trustee absent  
from Three con-  
secutive Meetings  
to vacate office.

**23** 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.

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

**24** 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, or 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 circulating 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 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

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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. A.D. 1892.

**25** 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. Election and appointment of Trustees to be published.

**26** 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 Four; and any such Four Trustees shall form a quorum. Quorum of Trustees.

**27**—(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. Election of Chairman of Trustees.

(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 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.

**28** 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, it shall be considered lost. Equal division of votes.

**29** No Trustee shall vote upon any matter in which such Trustee directly, by himself or his partners, has any pecuniary interest; 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.

**30** 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 Orders and proceedings of Trustees to be recorded.

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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.

Landholder may inspect Minutes.

**31** Any Landholder shall be at liberty at all reasonable times, on payment of the sum of One Shilling, to inspect the Minute Book of the Trustees.

**PART II.**

## POWERS OF TRUSTEES.

(1.) *Power to divert Water.*

Trustees empowered to divert water of *George's River*, to erect water-works.

**32** Subject to the provisions herein contained, the Trustees are hereby empowered and authorised from time to time to take, divert, and appropriate within the said Water District such quantities of the waters of the *George's River* and other rivulets and streams flowing through or bounding the said Water District as shall be required by the Trustees for any of the purposes herein mentioned; and from time to time to enter upon the said River and other rivulets and streams and upon the banks and beds thereof, and to construct and erect on and in any portion of the banks and beds of the said River and other rivulets and streams such works as shall be necessary for the purposes of such taking and diversion and appropriation of so much of the said water of the said River and other rivulets and streams as aforesaid.

Purposes for which water so taken may be used.

**33** It shall be lawful for the Trustees to use all or any portion of such water as aforesaid for any of the purposes hereinafter specified; viz.—

- I. To supply the inhabitants of the Town of *St. Helen's* and the contiguous districts with water for domestic and manufacturing purposes, and for motive power, and for irrigation:
- II. To supply any ships in the Port of *George's Bay* with water:
- III. To supply any Railway Company, Tramway Company, or the Government Railways, or any person with water for motive power or otherwise:
- IV. To supply water to the Town of *St. Helen's* and contiguous Districts for any purpose that any person or public or corporate body may require.

(2.) *Power to take Land.*

Purchase of land.

**34** The Trustees are hereby empowered to purchase, acquire, and take any land which they may consider to be necessary for the purposes of this Act, and which they may think proper to purchase and take.

21 Vict. No. 11 incorporated.

**35** *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



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is to be subscribed before the compulsory powers 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 : A.D. 1892.

- 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."

**36** 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. Entry upon land.

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

**38** It shall be lawful for the Trustees, from time to time, to make, construct, lay down, maintain, alter, or discontinue such waterworks upon any land within the said Water District as the Trustees think necessary for the purposes of this Act. Construction of waterworks.

**39** 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 give notice prior to first entry upon land.

**40** In the exercise of the powers conferred by this Act, the Trustees shall do as little damage as can be, and, in all cases where it can be done, shall 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 Trustees. Trustees to do as little damage as may be.

**41** The Trustees shall make compensation, in manner hereinafter provided, to all parties having a lawful right to the use of any water taken or diverted or appropriated by the Trustees under the authority of this Act, or having a lawful interest in any land 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 damage sustained by reason of the exercise as to such land or water of the powers vested in the Trustees by this Act other than damage sustained by the diversion or appropriation by the Trustees of water to be used solely for domestic purposes. Trustees to make compensation for damage done by execution of works.

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Persons damaged to make claim for compensation.

Compensation how to be ascertained.

Regard to be had to any benefit to accrue.

Persons not making claim when required to be barred.

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

Procedure upon appeal.

36 Vict. No. 19.

**42** Any person claiming such compensation shall prefer his claim by notice in writing addressed to the Trustees, and served upon the Secretary or Chairman of the Trustees, 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, as the case may be, in respect of which the claim is preferred; and if any such person and the Trustees do not agree as to the amount of such compensation, the same, and the application thereof, shall be determined by arbitration in the manner provided by *The Lands Clauses Act* in cases of disputed compensation.

**43** 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.

**44** If the Trustees, by notice in writing, require any person to make claim for compensation for any damage occasioned by the exercise of any of the powers conferred on the Trustees by this Act previously to the service of such notice, such person shall not be entitled to compensation 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.

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

**46** If the dissatisfied party desires to appeal from the award of the arbitrators or umpire as aforesaid, he shall, within Fourteen days after the delivery to him of such award or a copy thereof, give notice in writing to the other party of his intention to appeal, and shall, within One month after the service of such notice upon the opposite party, prosecute such appeal in accordance with the Rules made by the Judges for conducting appeals under "The Main Line Railway Amendment Act, No. 2," so far as such Rules are applicable; and the amount of compensation to be paid in such case shall be ascertained by a Judge of the Supreme Court in such manner as he deems advisable, and subject to such conditions as such Judge sees fit to impose, and the Judge may also, in his discretion, make any Order as to the party by whom the costs of the appeal shall be borne.

Provided, that a Judge of the Supreme Court may, upon what he shall deem sufficient cause, allow an appeal under this Act to be prosecuted after the expiration of the time hereinbefore allowed for that purpose,

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but no appeal shall be allowed after the expiration of Three months after the service of notice of intention to appeal. A.D. 1892.

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

**48** Where any claim for compensation involves damage alleged to have been sustained by reason of the taking or diversion or appropriation of any water and the right of the claimant in or to such water is disputed by the Trustees, if the Trustees 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 Trustees for damages or upon an issue agreed to between the claimant and the Trustees. Compensation for diverting water to be ascertained by action in the Supreme Court.

**49** 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. Action to be commenced within Three months.

**50** The Trustees may 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 nature or kind 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 Trustees under this Act. Compensation for damage done by failure of the works.

**51** No land acquired or held by the Trustees under the authority of this Act and used for the purposes of this Act shall, unless with the consent of the Governor in Council, be subject to the operation of *The Lands Clauses Act* or any Act incorporating the whole or any portion of that Act. Land acquired under this Act not subject to *Lands Clauses Act*.

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

**(3.) Breaking up of Streets.**

**53** The Trustees may, from time to time, open and break up the soil and pavement of any street within the District or any Road District or Town or contiguous district through which it may be expedient to Power to break up streets, &c., and to open drains.

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convey water from the said river and streams for the purposes of this Act, and may open and break up any sewers, drains, or tunnels within or under such streets or roads, 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, for the purposes aforesaid, remove and use all earth and materials in and under such streets and roads, and do all other acts which the Trustees from time to time deem necessary for supplying water to the inhabitants of the said town and ships and contiguous districts, 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, without the District.

**54** The Trustees shall, before opening or breaking up any street without the District, give to the local authority or 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 pipes or other works, and then so soon as 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 person having control of same.

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

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

**56** When the Trustees open or break up any street, 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, 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.

## PART III.

## SUPPLY OF WATER.

Supply of water for domestic use within the District.

**57** The Trustees shall, at the request of the owner or occupier of any dwelling-house situated within the District, and which is within Fifty feet of any main or other pipe laid down by the Trustees, furnish to such person by means of communication pipes and other necessary and proper apparatus, to be provided, laid down, and maintained by the Trustees at the cost of such person, a sufficient

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supply of water for his domestic purposes, including a supply for any private water-closet and fixed bath in such dwelling-house. A.D. 1892.

**58** The Trustees may, upon the application of the owners and occupiers of any properties beyond the District, cause pipes to be laid down and water to be brought to such properties; and the Trustees shall, by notice under the hand of the Chairman and published in the *Gazette* and also in at least two consecutive numbers of a public newspaper published or circulating in the District, specify the properties beyond the District to which the Trustees propose to lay down pipes for the purpose aforesaid. Supply of water to districts beyond the District.

**59** The Trustees may, if they see fit, furnish to any person a supply of water for irrigation purposes, or 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, 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, such respective supplies being so furnished at such charges, and upon such terms and conditions, as may be agreed upon between the Trustees and the person desiring the same: Supply of water for other purposes than domestic use.

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.

**60** 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 Trustees determine, either generally, or in classes of cases or in any particular case, and the Trustees shall not be bound to supply water in any case in which the required description of pipes or other apparatus is not provided; and the Trustees 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 provided. Trustees may determine the description of service pipes to be used.

**61** It shall be lawful for the Trustees to supply and distribute water at such places as they think proper for the use of the shipping in and frequenting the port of *George's Bay*, and to charge for the same any sum not exceeding One Shilling for every One hundred gallons; and the Trustees are hereby empowered to demand and receive payment in advance for all water so to be supplied, according to the quantity of water required to be supplied within the limits prescribed by this Act. Charge for water supplied to shipping.

## PART IV.

## RATES.

**62** It shall be lawful for the Trustees, yearly, half-yearly, or at such other periods as to them may seem necessary, to make and levy a Rate to be paid by the occupiers of all property within the District for the purposes of this Act. Trustees to fix Water Rate in respect of buildings within the District.

**63** Such Rate shall be called a Water Rate, and may be of an amount not exceeding the sum of One Shilling and Sixpence per annum on the assessed annual value of the property within the District, or One Rate may be levied on the annual or capital value of property.

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Penny One Farthing in the Pound on the capital value, of all such property as aforesaid, as shown in the Assessment Book in force for the time being under "The Assessment Act, 1887;" and, except as it is herein otherwise provided, all the provisions of "The Town Boards Act, 1890," relating to the making, levying, collecting, and recovery of Rates shall apply to the making, levying, collection, and recovery of every Rate imposed under the authority of this Act.

One-fourth only of Rate to be levied unless premises are supplied with water.

**64** No person shall be liable to the payment of the said Water Rate in a greater proportion than upon One-fourth part only of such annual or capital value of any property occupied by such person unless such property is actually supplied with water for domestic purposes, or unless the mains or other pipes of the Board are laid down and properly supplied with water within Fifty feet from a dwelling-house on such property.

Upon making Rate notice of same to be given.

**65** Upon the making of any Water Rate under this Act, a notice signed by the Chairman of the Trustees and not less than Two other 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 or capital value of such property as ascertained and determined by the Assessment Book then in force; and it shall not be necessary in any such notice to set forth the names of the persons liable to the payment of the Rate, or the sums which according to such Rate such persons are liable to pay, or any other particulars than are hereinbefore mentioned.

Where several premises supplied by one pipe each to pay.

**66** When several buildings are supplied by one common pipe, the several occupiers of such buildings shall be liable to the payment of the same Rate 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.

Rate how to be recovered.

**67** If any person liable as herein provided to pay a Water Rate neglects to pay the same within due time after the same had been lawfully demanded, the Trustees 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 Trustees think fit, and may recover the amount due from such person with the expense of cutting off the water, in the same manner as any Water Rate is recoverable under this Act.

Charges for water how to be recovered.

**68** The like proceedings may be had for recovering and enforcing the payment of any expenses incurred in the execution of this Act which may become payable by any person to the Trustees, or for enforcing and recovering payment of any charge for the supply of water by the Trustees under this Act, as may be had for enforcing and recovering payment of any Water Rate.

No imprisonment for non-payment of rate or charges.

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

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**70** The occupiers of all properties beyond the District to which water shall be brought by the Trustees as hereinbefore provided shall pay Water Rates in respect of such properties in the same manner as if such properties were situate within the District, and every Water Rate levied by the Trustees shall be recoverable from all such persons as if such properties were situate within the District.

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Persons supplied with water beyond the District to pay Water Rate

## PART V.

## BORROWING MONEY.

**71** It shall and may be lawful for the Trustees to borrow and take up at interest, not exceeding Six Pounds per centum per annum, from any person or persons willing to advance and lend the same, such sum or sums of money, not exceeding the sum of Three thousand Pounds in the whole, as shall from time to time be necessary for defraying the expense of making, constructing, establishing, repairing, carrying on, and managing any Waterworks under the authority of this Act, or the payment of any such compensation as aforesaid, or any other expense incident to the effectuating the objects or the preparation and passing of this Act; and it shall be lawful for the Trustees to provide for the repayment of any sum or sums of money so borrowed and the interest thereon by securing the same either upon the property and Waterworks of the Trustees, or upon the Rates and other moneys to be received by or on behalf of the said Trustees under the authority of this Act or upon both securities; and such moneys so to be borrowed, and the interest to accrue due thereon, shall and may be so secured by Debentures as hereinafter mentioned.

Power to borrow.

**72** It shall be lawful for the Trustees for the time being of any Bank for savings in *Tasmania* now established or hereafter to be established to advance and lend to the said Trustees upon the securities aforesaid any part of the said sum of Three thousand Pounds which the Trustees are authorised to borrow, anything in the Act of Council of the 12th *Victoria*, No. 1, to the contrary notwithstanding.

Savings Banks may invest in any such loan.

**73** Every Debenture issued under this Act shall name the principal sum secured thereby, the rate at which interest is payable thereon, and the time and place at which such principal and interest are payable, and shall be in the form in the Schedule (5.), and shall be numbered consecutively, beginning at the number One in an arithmetical progression wherein the common difference is One, and shall have annexed for every payment of interest which becomes payable after the day on which such Debenture is sold a Coupon bearing the same number as the Debenture; and the Common Seal of the Trustees shall be affixed to each Debenture in the presence of the Chairman and at least Two other Trustees, who shall sign every Debenture, and every Debenture shall bear date the day on which the Common Seal is affixed as aforesaid.

How Debentures to be signed.

**74** If after having borrowed any sum or sums of money as aforesaid the Trustees shall pay off the same or any part thereof, it shall be lawful for the Trustees again to borrow under the provisions of this Act the amount so paid off, and so from time to time.

Power to re-borrow.

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Powers of  
45 Vict. No. 16  
to be exercised by  
Trustees.

**75** Except as it is herein otherwise provided, the power to borrow money hereinbefore conferred upon the Trustees shall be exercised in accordance with and subject to the provisions of "The Local Bodies Loans Act," and wherever in that Act the terms "Local Body," or "Municipal Council," or "Municipality" are used the same shall, for the purposes of this Act, be deemed to mean the Trustees of the Water District of *St. Helen's*; and the terms "Warden" and "Council Clerk" shall, for the purposes of this Act, respectively be deemed to mean the Chairman of the Trustees and the Secretary to the said Trustees:

Provided, that Sections Five, Seven, Eight, Nine, and Twenty-eight of "The Local Bodies Loans Act" shall not apply to this Act.

Rate and Charges  
for water to be so  
regulated as not to  
exceed annual  
expenditure.

**76** The Trustees shall, from time to time, so regulate the Water Rate and Charges to be levied and made for the supply of water under the provisions of this Act that the amount of such Rate and Charges shall be, as near as may be, sufficient to pay the interest upon any money borrowed by the Trustees for the purposes of this Act, together with the cost of managing and conducting the waterworks, and to produce such further sum that will amount to not less than One Pound per centum per annum on the amount or amounts borrowed for the purposes of this Act to be set apart by the Trustees as a Sinking Fund for the redemption of such Debentures as may from time to time be issued by the Trustees under the authority of this Act; and if in any year the amount received is more than sufficient for all the purposes aforesaid, the Trustees are hereby required, whenever practicable, to make a proportionate reduction in the Rates and Charges payable by the consumers of water to be in the next year made in respect of water supplied under and by virtue of this Act:

Provided, that it shall not be incumbent on the Trustees to make any reduction in such Rates and Charges as aforesaid so long as the sum available by the Trustees for setting apart as such Sinking Fund as aforesaid does not exceed Two Pounds per centum per annum on the amount or amounts borrowed as aforesaid.

Trustees not  
personally liable.

**77** The Trustees shall not incur any personal liability by reason of any Debentures issued and sold by such Trustees without fraud and *bonâ fide*.

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**PART VI.**
**OFFICERS AND THEIR ACCOUNTABILITY.**

Powers to appoint  
Officers.

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



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and allowances to the said Officers respectively as the Trustees think reasonable. A.D. 1892.

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

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

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

**80** Before any person, whether Treasurer, Secretary, Collector, or other Officer, who is entrusted by the Trustees with the custody or control of moneys by virtue of his office, enters upon such office, the Chairman of Trustees shall take sufficient security for the faithful execution thereof. Security from Officers.

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

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

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

**84** If any such Collector or other Officer fails to render such accounts as aforesaid, or to produce and deliver up all books, vouchers, and receipts relating to the same in his possession or power, or to pay the Summary proceeding against Officers failing to account.

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balance thereof when thereunto required, or if for Five days after being thereunto required he fails to deliver up to the Trustees, or to any person appointed by the Trustees to receive the same, all books, papers, and writings, property, effects, matters, and things in his possession or power relating to the execution of his office or belonging to the Trustees, then on complaint thereof being made to a Justice, such Justice shall summon such Officer to appear before Two or more Justices, at a time and place to be set forth in such summons, to answer such charge; and upon the appearance of such Officer, or upon proof that such summons was personally served upon him or left at his last known place of abode, such Justices may hear and determine the matter in a summary way, and may adjust and declare the balance owing by such Officer; and if it appears, either upon confession of such Officer, or upon evidence, or upon inspection of the account, that any moneys of the Trustees are in the hands of such Officer, or owing by him to the Trustees, such Justices may order such Officer to pay the same; and if he fails to pay the amount it shall be lawful for such Justices to grant a Warrant to levy the same by distress, and in default of sufficient distress to commit the offender to gaol, there to remain without bail for a period not exceeding Three months, unless the same is sooner paid.

Officers refusing to make out accounts, &c., may be committed.

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

If Officer about to abscond Warrant may be issued.

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

Proceedings against Officers not to discharge sureties.

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

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## PART VII.

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## ACCOUNTS.

**88**—(1.) 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 any holder of any Debenture issued by the Trustees under "The Local Bodies Loans Act," or any amendment thereof, or any mortgagee or transferee in security of any Rate or Special Rate, or other creditor of 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.

Trustees to keep accounts of receipts and disbursements.

45 Vict. No. 16.

(2.) The provisions contained in "The Audit Act, 1888," shall extend and apply to the accounts herein mentioned.

52 Vict. No. 43.

**89** All moneys received by the Treasurer of the Trustees shall be paid by him monthly into some Public Bank to the account of the Trustees; and no part of such moneys shall be drawn out of such Bank except by cheque signed by the Chairman, Treasurer, and one of the Trustees.

Moneys received to be paid into Bank.

## PART VIII.

## BY-LAWS.

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

By-laws.

For regulating the charges, terms, and conditions upon which water shall be supplied in the cases provided for by Sections 58 and 59 of this Act:

For regulating the charge, not exceeding the maximum charge hereinbefore in that behalf provided, for water supplied to the shipping in and frequenting the Port of *George's Bay*:

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 regulating the distance or distances from the waterworks at which yards, pigsties, stables, cow-houses, cesspools, closets, and such like places shall be made, placed, or erected:

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 matter 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 Ten Pounds.

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By-laws to be certified and published.

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

## PART IX.

## FOULING THE WATER BY GAS.

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

**92** For the purpose of ascertaining whether the water supplied by the Trustees is fouled by the gas of any persons making or supplying gas, the Trustees 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 Trustees shall give Twenty-four hours' notice in writing to the person so making or supplying gas of the time at which such digging and examination are intended to take place.

The expenses to abide the result of the examination.

**93** 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 persons 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 Trustees 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.

How expenses to be ascertained.

**94** The amount of the expenses of every such examination and repair, and any injury done to the Trustees 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.

## PART X.

## WASTE OR MISUSE OF WATER.

Service pipes to be kept in repair.

**95** In case any person, when required by the Trustees, neglects to keep the pipes and other apparatus by means of which his premises are supplied with water in good repair, the Trustees may cut off the pipe or turn off the water from such premises until such pipes and other apparatus are sufficiently repaired.

Trustees may repair service pipes.

**96** The Trustees may repair any such pipe or other apparatus so as to prevent any such waste of water, and the expenses of such repair shall be repaid to the Trustees by the person so allowing the same to be out of repair, and may be recovered by the Trustees from such person in a summary way.

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

**97** Every cistern or other receptacle for water which the Trustees may permit to be used, and every closet, soil-pan, and private bath supplied with water by the Trustees, shall be so constructed and used

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in such manner as may be prescribed by regulations to be made by the Trustees, so as effectually to prevent the waste, misuse, or undue consumption of water, and the flow or return of foul air or other noisome or impure matter into the mains or pipes of the Trustees, or into any pipes connected or communicating therewith; and the Trustees 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 as aforesaid, until such cistern or other receptacle for water, or such closet, soil-pan, or private bath is constructed and used as prescribed as aforesaid.

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**98** Any Officer of the Trustees or other person acting under the authority of the Trustees, may at all reasonable times enter into any house or premises supplied with water by virtue of this Act, in order to examine if there is any waste or misuse of such water; and if such Officer or other person is at any such time refused admittance into such house or premises for the purpose aforesaid, or is prevented from making such examination as aforesaid, the Trustees may cut off the water from such house or premises.

Power to enter premises to inspect.

## PART XI.

## OFFENCES.

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

Penalty for obstructing Trustees.

**100** Every person who commits any of the following offences shall, for every such offence, incur a penalty of not less than Five Pounds and not exceeding Fifty Pounds:—

Injuring Waterworks or preventing flow of water.

- Destroys or injures any of the waterworks;
- Otherwise injures or obstructs the passage of the water in a pure and wholesome state through any waterworks of the Trustees.

**101** Every person who commits any of the offences next following shall, for every such offence, incur a penalty not exceeding Ten Pounds:—

Fouling water.

- i. Every person who bathes in any part of the *George's* River within a mile above the intake of the waterworks of the Trustees, or washes, throws, or causes to enter therein any dog or other animal alive or dead:
- ii. Every person who throws any rubbish, dirt, filth, or other noisome thing into any such part of the *George's* River as aforesaid, or into any waterworks of the Trustees, or washes or cleanses therein any cloth, wool, leather, or skin of any animal, or any clothes or other thing:

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iii. Every person who causes or permits the water of any sink, sewer, or drain, steam engine boiler, or other filthy water belonging to him or under his control, to run or be brought into any such part of the *George's River* as aforesaid, or into any waterworks of the Trustees, or who does or permits any other act whereby the water of the waterworks or supplying the same is fouled :

iv. Every person who permits or suffers the drainage from any yard, pigstye, stable, cow-house, or any place to so run, drain, or percolate as calculated to render the water in the waterworks or supplying the same unwholesome or offensive.

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 Trustees.

Maliciously  
injuring works or  
fouling water a  
Misdemeanor.

**102** Every person who wilfully and maliciously damages or destroys any of the waterworks or any part thereof, or who wilfully and maliciously does any act calculated to render the water in the waterworks or supplying the same unwholesome or offensive, shall be guilty of a Misdemeanor, and being convicted thereof shall be liable to be imprisoned for any term not exceeding Three years.

Certain offenders  
may be apprehended.

**103** Any person found committing any offence mentioned in the last preceding Section may be immediately apprehended without a warrant by any constable or any person who sees such offence committed, and forthwith taken before a Justice of the Peace to be dealt with according to law.

Allowing persons  
not supplied to  
use the water.

**104** 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 Trustees from the waterworks, and the pipes belonging to him are, without his default, out of repair, shall for every such offence incur a penalty not exceeding Twenty Pounds.

Taking water  
without authority.

**105** Every person who, without due authority, takes any water from any waterwork belonging to the Trustees, or any pipe leading to any such waterwork or other like place containing water belonging to the Trustees, 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.

Attaching service  
pipe without  
authority.

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

Suffering service  
pipe to be out of  
repair.

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

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

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—  
Destroying  
valves, &c.

**109** Whenever the water supplied by the Trustees 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.

Fouling water by  
gas.

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

Accessories to  
offences liable as  
principals.

## PART XII.

## MISCELLANEOUS.

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

Powers conferred  
on Trustees to  
extend to officers  
duly authorised.

**112** 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 herewith, by reason only of his being a land holder of the District, 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.

**113** The Trustees shall 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 shall be taken or adopted by or against them, by the name of "The Trustees of the *St. Helen's 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.

Trustees how to  
sue and be sued.

**114** The property in all land 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 of the *St. Helen's Water District* for the time being without

Property may be  
laid in the  
Trustees.

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otherwise naming such Trustees ; and in any proceedings civil or criminal relating to any 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 *St. Helen's* Water District."

Offences to be dealt with summarily.  
19 Vict. No. 8.  
Appropriation of penalties.

**115** 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 all penalties for offences against this Act shall be applied to the use of the Trustees, and shall be paid to the Treasurer of the Trustees, and shall be carried to the credit of the Water Account.

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

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

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

**117** 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.

## SCHEDULE.

(1.)

Commencing at the junction of the Esplanade and Beaulieu-street in the Town of St. Helen's, and bounded on the west by Beaulieu-street, on the north by the northern boundary of William Trelloggen's property to the south-western corner of Thomas Trelloggen's block of 120 acres, thence on the west by a line running due north to the George's River, on the north-east and east by the George's River along the Esplanade to the point of commencement.

63v. 36





