



ANNO OCTAVO

Gulielmi IV. Regis.

No. 6.

*Not to apply to
Habit Town of J. G.
24 V. No. 9 Sec. 91
41 V. No. 22. S. 70*

*By His Excellency SIR JOHN FRANKLIN Knight Com-
mander of the Royal Hanoverian Guelphic Order,
Knight of the Greek Order of the Redeemer and a
Captain in His Majesty's Royal Navy, Lieutenant-
Governor of the Island of Van Diemen's Land
and its Dependencies with the advice of the Legisla-
tive Council.*

*AN ACT for the Preservation of Public Reservoirs and
Watercourses from injury.*

WHEREAS divers Reservoirs have been constructed and Water-
courses formed at the public expense in different parts of this Colony
for the supply of the Inhabitants with pure water and others may here-
after be from time to time constructed and formed under the direction of the
Government or otherwise for the same purpose and it is expedient that
all nuisances and obstructions to or in any such Reservoir or Water-
course or any Spring or Stream forming the Source of the supply thereof
should be prevented:—**BE IT THEREFORE ENACTED** by His
Excellency Sir JOHN FRANKLIN Lieutenant-Governor of the Island of

PREAMBLE.

Injuring Public Reservoirs
or Watercourses or rendering
Water unwholesome.

Van Diemen's Land and its Dependencies with the advice of the Legislative Council that if after the passing of this Act any Person shall destroy or injure any Public Reservoir or Watercourse or any Reservoir or Watercourse constructed or used for the supply of the Inhabitants of any Town or Township within this Island (whether now existing or hereafter made) or any branch thereof or any Pipe Conduit Trough Pump Well Tank Cistern or other thing used in the conduct receipt or distribution of water to or from the same or shall in any manner (without the permission of some proper Officer in that behalf) wilfully prevent the flow of Water to or unlawfully divert the Water of any Spring or Stream from any such Reservoir or Watercourse or shall knowingly cause or suffer any noxious offensive or unwholesome thing or matter or any soil stones or rubbish to be cast or to flow into any such Reservoir or Watercourse or into any such Pipe Conduit Trough Pump Well Tank or Cistern or shall in any other manner prevent or obstruct the passage of the Water in a pure and wholesome state through or into any such Watercourse Reservoir Pipe Conduit Trough Pump Well Tank or Cistern the Person so offending shall forfeit and pay for every such Offence a penalty or sum of not less than Two Pounds nor more than Fifty Pounds.

Malicious Injuries.

AND if any Person shall unlawfully and maliciously destroy or injure any such Reservoir or Watercourse or any Main Branch thereof or unlawfully and maliciously do any act calculated to render the Water therein unwholesome or offensive he shall be deemed guilty of a Misdemeanor and shall at the discretion of the Court be liable either to fine and imprisonment as in other cases of Misdemeanor or to be imprisoned and kept to hard labour for any term not exceeding two years.

Proceeding for Penalties.

II.—AND BE IT ENACTED that every Offence against this Act in respect of which such pecuniary penalty as aforesaid is provided shall upon information in that behalf exhibited be in a summary way heard and determined and every such penalty be imposed by and before any two Justices of the Peace and every person feeling aggrieved by any conviction of such Justices shall be entitled to appeal therefrom in the manner provided by the Act intituled "*An Act to regulate Summary Proceedings before Justices of the Peace.*"

Reference to Hobart Town
Water Act.

III.—PROVIDED ALWAYS that (in order to prevent two Penalties or Proceedings for one Offence) a conviction under this Act shall (in respect of the same subject matter or occasion) be a bar to all proceedings under the Act intituled "*An Act for enabling the Government to secure a supply of Pure Water for the Town and Port of Hobart Town*" and a conviction under the said last mentioned Act shall (in respect of the same subject matter or occasion) be equally a bar to all Proceedings under this Act.

Appropriation clause.

IV.—AND BE IT ENACTED that all shares of penalties imposed under this Act which shall be payable to His Majesty shall be and the same are hereby reserved to His Majesty His Heirs and Successors for the public uses of this Island and the support of the Government

thereof towards defraying the expense of keeping such Watercourses in repair or otherwise as shall be hereafter at any time directed by any Act passed for the General Appropriation of the Revenue.

JOHN FRANKLIN.

Passed the Legislative Council the nineteenth day of July one thousand eight hundred and thirty-seven.

ADAM TURNBULL,

Clerk of the Councils.

AN ACT

*For the preservation of Public
Reservoirs and Watercourses
from injury.*