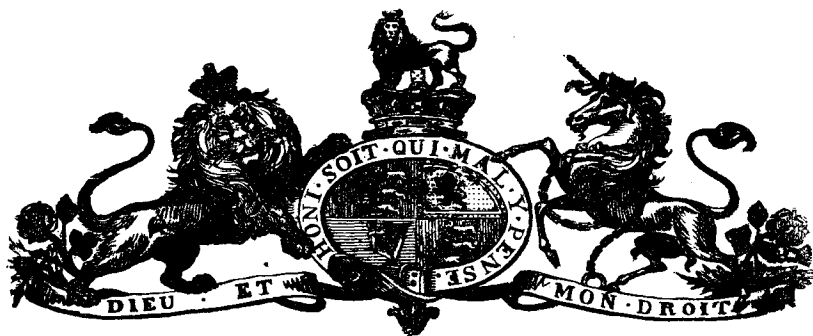


T A S M A N I A



1894.

ANNO QUINQUAGESIMO-OCTAVO

VICTORIÆ REGINÆ,

No. 33.

See 58 Vict. No. 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

Amended by 63 Vict. No. 8
63 " " 36

AN ACT to make better provision for the Supply of Water to the Town of *Evandale* for the benefit of the Inhabitants thereof. A.D. 1894.
[25 August, 1894.]

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 In this Act, unless the context otherwise determines—

Interpretation.

- “District” means “The *Evandale* Water District” as herein-after defined:
- “Landholder” extends to and includes the owner or occupier of any property situate within the District whose name is on the Assessment Roll:
- “Assessment Roll” means the Assessment Roll made of properties situate 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” extends to and includes all reservoirs, wells, cisterns, tanks, aqueducts, tunnels, feeders, drains, channels, cuts, floodgates, sluices, conduits, filters, troughs, dams, embankments, pumps, culverts, pipes, pipe-breaks, engines,

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A.D. 1894.

buildings, and other works of what kind soever which are from time to time necessary or used for effecting the purposes of this Act.

Area of Water District.

2 The area of the Water District of *Evandale* shall be as hereinafter described, namely :—Commencing at the west angle of a grant of Three hundred and twenty-eight acres to *Aitken, Williams, and Sinclair* on the *South Esk* River, bounded by the north-west and by a north-east boundary of that grant, by the north and east boundaries of a grant to *J. Kenworthy*, by part of the north and by the east boundary of a grant to *J. W. Bell*, by the east boundary of lands granted to *K Murray*, by the east boundary of a grant to *H. Jennings* and *W. D. Grubb*, by portion of the east boundaries of a grant to *George Collins* to *Boyes' Creek*, by that creek to the *South Esk* River aforesaid, and thence by that river to the point of commencement.

First election of Trustees.

3 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.

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

Returning Officer to notify result to Minister.

5—(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

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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.

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6 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.

7 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.

Annual Election to be held in District.

8 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.

9 Every person whose name appears on the Valuation Roll comprising the property within 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.

Change of occupation.

10—(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 sub-

Retirement of Trustees.

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sequent 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.

11—(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.

12 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 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.

List of candidates
to be published.

13 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.

14 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

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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 (1.). Provided that no female shall be nominated or eligible to sit or act as a Trustee.

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Schedule (1.)

15 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.

16 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 proceed-
ing if no more
persons nominated
than Trustees to
be elected.

17 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.

18 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.

19 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 (2.) 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 (2.)

20 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.

21 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

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

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

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.

22 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 become 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 afore-said ; 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.

23 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.

24 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.

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Election of
Chairman of
Trustees.

25—(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 ;

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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. A.D. 1894.

(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.

26 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.

27 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.

28 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.

29 It shall be lawful for the Trustees to enter from time to time upon the *South Esk* River and the bed and banks thereof, and to cause such works to be erected or established in the bed of the said river and on the banks thereof as shall be necessary from time to time to divert the waters of the same, and to divert and appropriate such quantity of the water of the said river as shall be required for the purposes of this Act. Power to erect works and divert waters of the *South Esk* River.

30 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 facilitating and effectuating any such purchase *The Lands Clauses Act* shall be incorporated with this Act. Purchase of land.
21 Vict. No. 11.

31 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 on land.

32 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 Trustees to give notice prior to first entry upon land.

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subsequent entry by the Trustees upon such land for the purposes of this Act.

Construction of
works.

33 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 as the Trustees think necessary for the purposes of this Act.

Breaking up
streets.

34 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.

Trustees may
make and levy
Rate.

35 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 occupiers of all property within the District.

Provided, that such Rate shall not in any one year exceed Two Shillings in the Pound upon the annual value of such property as ascertained by the Assessment Roll in force for the time being in the District.

Power to borrow
money.

36 It shall be lawful for the Trustees, for the purposes of this Act, to borrow under the provisions of "The Local Bodies Loans Act," and every Amendment thereof, any sum or sums of money not exceeding One thousand Five hundred Pounds.

Supply of water.

37 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, including a supply for any private water-closet or fixed bath, but shall not be liable for any unforeseen or unavoidable interruption to such supply.

Supply beyond
the boundary of
Water District.

38 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 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.

Other than
domestic
purposes.

39 The Trustees may, if they see fit, furnish to any person a supply of water for steam engines, or working machines or apparatus, or for

Evandale Water.

horses or cattle, or stables, or washing carriages, or for gardens, or for flushing sewers or drains, or for any trade, manufacture, or business, or for any other purpose not domestic; such supplies to be so furnished at such charges and upon such conditions as may be agreed upon between the Trustees and the person desiring the same: Provided that the charge for the same, as far as possible, shall be uniform to all persons in the same circumstances and requiring the same extent of supply.

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40 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.

Power to appoint Officers.

48 Vict. No. 28.

41 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, 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.

42 All moneys received by the Treasurer of the Trustees shall be paid by him monthly 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.

43 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.

44 The accounts of the Trustees mentioned in the Forty-first and Forty-third Sections of this Act shall be subject and liable to all the

Audit of accounts.

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52 Vict. No. 43.

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 mentioned in the Forty-third Section of this Act shall be forwarded to the Auditor-General during the month of *March* in every year ; and such statement and account, with the report of the said Auditor-General thereon, shall be published in the *Gazette* as soon as may be after the same have been audited.

Appropriation.

45 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.

Wasting water.

46 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.

Obstructing
Trustees.

47 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, or in the 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.

By-Laws.

By-laws.

48 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 Thirty-nine 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 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

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exceeding in any case the sum of Ten Pounds, as the Trustees think proper. A.D. 1894.

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.

49 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.

50 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.

Repealed by 63 Vict. No. 36

51 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.

52 The Trustees shall specially assess properties for the purpose of this Act situate in the District within Three months after the first election of Trustees. Special assessment of properties.

Poll to be taken.

53 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 prepared in accordance with the provisions of this Act to be entitled on the same scale of voting as applies to Municipalities. Poll of owners and occupiers to be taken.

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Notice of poll to
be published.

54 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 in the Town 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.

55 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.

56 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.)

The day of 18

WE, the undersigned Landholders of the Evandale District, do hereby nominate [*stating Christain 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 Christain 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 Evandale District.

(2.)

I, *A.B.*, having been elected [*or appointed*] a Trustee of the Evandale 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
in Tasmania, this ,

day of ,

18 .

*J.P.**A.B.*

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(3.)

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DISTRESS WARRANT FOR WATER RATE.

TASMANIA } To X.Y. [a Collector of Water Rate for the Evandale Water District or
TO WIT. } some other fit person.]

Whereas complaint has been made before [me], a Justice of the Peace, that A.B. of [] has not paid the sum of [] payable by him in respect of certain property situate [describe property fully] by virtue of the Water Rate for the Evandale Water District made on or about the [] day of []

18 [], although the same has been duly demanded of him : And whereas it appears to me upon the oath of [the said X.Y.] a Collector of Water Rate for the said Water District that the said sum of [] has been duly demanded by him from the said A.B. and that the said A.B. has failed to pay the same for the space of []

days after such demand made and has not paid the same : And whereas the said A.B. having appeared before me in pursuance of a Summons issued by [me] for that purpose, has not shown sufficient cause why the said sum of []

should not be paid : [or And whereas it has been proved to me upon oath that the said A.B. has been summoned to appear before [me] or such other Justice of the Peace as might now be here to show cause why the said sum of []

should not be paid, and the said A.B. has neglected to appear according to such Summons, and has not shown any sufficient cause why the said sum of []

should not be paid :] These are therefore to command you forthwith to make Distress of the Goods and Chattels of the said A.B. wheresoever the same may be found, and also of all Goods and Chattels found by you upon the said property to whomsoever the same may belong ; and unless at any time within the space of [Four] days after such Distress by you made the said sum of £ [] and the sum of £ [] for costs, making together the sum of £ [] together with all costs, charges, and expenses attendant upon such Distress, be paid to you, that you cause the said Goods and Chattels so by you distrained to be sold, and out of the money arising by such sale that you detain the said last-mentioned sum, and also all costs, charges, and expenses attendant upon such Distress and Sale, rendering to the said A.B. or other person whose Goods and Chattels are so distrained by you, as the case may be, the overplus, if any, on demand ; [in case the Warrant is directed to some other person than the Collector, and the said sum of [] you are hereby commanded to pay to (the said X.Y.) the said Collector of Water Rate ;] and if no sufficient Distress can be made of the Goods and Chattels of the said A.B. or otherwise as aforesaid, that then you certify the same to me together with this Warrant.

Given under my hand this [] day of [] 18 [] .

J.P.,
Justice of the Peace.