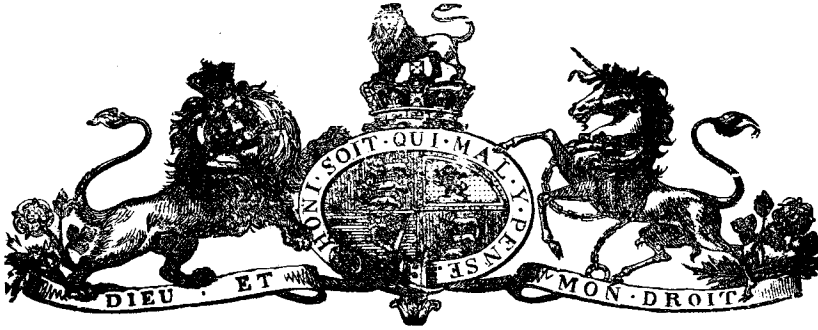


T A S M A N I A.



1890.

ANNO QUINQUAGESIMO-QUARTO

VICTORIÆ REGINÆ,

No. 51.

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AN ACT to secure a Supply of pure Water for A.D. 1890.
the Town of *Glenorchy* and the contiguous
Districts. [28 November, 1890.]

WHEREAS 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
Glenorchy and the contiguous Districts, and for the use of Shipping in
the River Derwent, 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 *Glenorchy* Water **Short title.**
Act, 1890.”

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—

“Water District” means the *Glenorchy* Water District as
described and set forth in the Schedule (1.) hereto :

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“Trustees” means the Trustees for the time being elected under this Act :

“Landholder” extends to and includes the owner or occupier of any property situate within the Water District whose name appears on the Assessment Roll comprising such Water District as the owner or occupier of such property :

“Property” means 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.

First election of Trustees.

3 The Governor in Council shall, within One month after the passing of this Act, by notice in the *Gazette*, require the landholders within the Water District, at a time, hour, and place to be named in such notice, to elect from amongst such landholders Seven persons to be the Trustees of the Water District for the purposes of this Act ; and such election shall be held accordingly, and the Trustees then elected shall hold office until the Annual Election of Trustees shall be held in the month of *May*, 1892.

Meetings of Landholders and Election of Trustees.

Landholders to elect Trustees

4—(1.) It shall be lawful for the Landholders present at the First Meeting and at every Annual Meeting of Landholders for the election of Trustees by Ballot to elect from amongst the Landholders any number of persons not being more than the number of Trustees then required to be elected, as and to be the Trustees.

Retiring Trustees eligible.

(2.) Every Trustee going out of office shall, if qualified, be eligible for re-election.

Meetings of landholders how to be convened and held.

5—(1.) Every Meeting of Landholders for the purposes of this Act shall be convened in manner following, and not otherwise, excepting as hereinafter expressly provided : Any number not less than seven Landholders shall have power to convene a Meeting of Landholders for any of the purposes of this Act, by Notice signed by the Landholders convening the Meeting, specifying the purpose for which, and the day, hour, and place at which the Meeting is to be held, published once in the *Gazette*, and at least twice consecutively in a public Newspaper published in the City of *Hobart* Ten clear days at least before the day of holding the Meeting.

(2.) Every such Meeting of Landholders shall be held within the Water District.

(3.) At every such Meeting of Landholders the Landholders present shall appoint from amongst themselves a Chairman to preside thereat, who shall have a casting vote in addition to his vote or votes as a

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Landholder ; and shall within Three days after such Meeting, not being the first meeting for the election of Trustees, furnish a copy of the Minutes thereof to the Chairman or Secretary of the Trustees ; and the same shall be entered by the Secretary in the Book in which the Orders and Proceedings of the Trustees are entered. A.D. 1890.

6 The Trustees shall fix a day in the month of *May* in the year 1892, and in every subsequent year, and shall also fix an hour of the day between Ten of the clock in the forenoon and Three of the clock in the afternoon, and the place, for holding the Annual Meeting of Landholders for the election of Trustees, by notice published once in the *Gazette*, and at least twice consecutively in a public Newspaper published in the City of *Hobart*, and also affixed on or near to the door of every Post Office in the Water District, Ten clear days at least before the day of holding the Meeting. Time and place of meeting for election of Trustees.

7 The Trustees shall go out of office in the following order ; that is to say, the Two Trustees who had the smallest number of votes at the first Election shall be the first Two to go out of office ; the Two Trustees who had the next smallest number of votes at the first Election shall be the next Two to go out of office ; and in the Third year, the Three Trustees who have been longest in office without re-election shall retire, and afterwards the Trustees to go out of office shall always be the Two who have been longest in office without re-election, save that in every Third year the Three who have been longest in office without re-election shall retire. Rotation in which Trustees to retire.

8 In case at the first Election of Trustees any Two or more Trustees are elected by an equality of votes, or the Election is had without a poll, it shall be determined by lot within One week and published in the *Gazette* within One month after the Election, in what rotation as between themselves such Trustees having an equality of votes shall retire, or in what rotation the whole body of Trustees shall retire as aforesaid, as the case may be ; and in any such case the Trustees shall retire according to the rotation so determined. In case of equality of votes or election without Poll, rotation to be determined by lot.

9—(1.) In case the Trustees neglect or omit in any year to fix the day, place, and hour for holding the Annual Meeting of Landholders for the election of Trustees, or in case any such Meeting is not held in any District upon any day appointed for that purpose in the month of *May* 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 First day of *July* in any year. Time prescribed for election may be extended.

(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 *May* in the succeeding year for the Annual Meeting of Landholders, 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 a Meeting of Landholders for the election of Trustees, and notice thereof shall be published by the Minister of Lands and Works in the manner hereinbefore provided in respect of the Annual Meeting of Landholders for the election of Trustees.

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Nomination of candidates for election.

10 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.

List of candidates to be published.

11 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 in the City of *Hobart*; 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 Water 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.

12 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.). But no female shall be nominated or eligible to sit or act as a Trustee.

Schedule (2.).

Ballot-papers to be signed.

13 All Ballot-papers provided for every election shall be signed or stamped on the back thereof by the Chairman.

Mode of proceeding if no more persons nominated than Trustees to be elected.

14 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, at the Meeting for the Election of Trustees, without any Poll being had, declare the persons so nominated to be elected as Trustees; and the persons so declared to be elected shall thenceforth be Trustees of the Water District.

Election of Trustees.

15 Wherever and whenever Polling-places are appointed as hereinafter 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.

Polling-places.

16 It shall be lawful for the Trustees to appoint Polling-places in the Water 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.

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17—(1.) Forthwith after the first election of Trustees, the Chairman presiding at the Meeting at which such election took place shall cause to be published in the *Gazette* the names and places of residence respectively of every Trustee elected, and shall also cause notice in writing of his election to be served personally on, or left at the usual place of abode of, or transmitted by post to, every person so elected.

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Election and appointment of Trustees to be published.

(2.) Forthwith after every Annual Election of Trustees, the Chairman presiding at the Meeting at which such election took place 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.

18 Every person duly qualified, and duly elected or appointed 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.

How Trustees to accept office. Schedule (3.)

19 If any person so elected or appointed a Trustee under this Act refuses or fails to accept such office, the same shall thereupon be declared vacant, and shall be filled up by a fresh election or appointment.

Refusal or failure to accept office.

20 If any person holding the office of Trustee, having had notice of the intention to hold such Meetings, is absent from Three consecutive Meetings of the Trustees, extending over a period not less than Three months, without leave of absence granted by the Trustees, unless in case of illness, such person shall cease to hold such office; and the Trustees shall in any such case declare such office to be vacant, and the same shall be vacant accordingly.

Trustee absent from Three consecutive Meetings to vacate office.

21 If at any time during his continuance in office any Trustee dies, departs from *Tasmania* and remains absent therefrom for the space of Three months, 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 office 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.

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

Provided nevertheless, that whenever the office of any Trustee becomes vacant from any of the causes herein mentioned, the Chairman of the Trustees shall forthwith give notice thereof in Two consecutive numbers of a public newspaper published in *Hobart*; 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

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Landholders, not less than Seven, is presented to the Trustees requiring an election to be held to supply such vacancy, the Trustees shall not appoint a new Trustee, but an election shall be held to supply the vacancy as aforesaid; and every such election shall be conducted in the same manner in every respect as the Annual Election of Trustees; and every Trustee appointed or elected to fill any such vacancy shall retain his office so long only as the vacating Trustee would have retained the same if no vacancy had occurred.

Quorum of Trustees.

22 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.

Election of Chairman of Trustees.

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

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

Equal division of votes.

24 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.

Trustee not to vote where he is pecuniarily interested.

25 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.

Orders and proceedings of Trustees to be recorded.

26 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 Meetings 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 Meetings shall be deemed to be original orders and proceedings.

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27 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.

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Landholder may inspect Minutes.

28 Any vote tendered at any Meeting of Landholders may be objected to at the Meeting, and if any Poll is taken at any such Meeting, before the closing of such Poll, and not afterwards, by any Landholder present, on the ground that the person tendering the same is not a Landholder within the meaning of this Act, or not entitled to the number of votes tendered, and not otherwise; and every such objection shall be decided by the Chairman presiding at the Meeting, whose decision shall be final.

Votes tendered to be objected to at Meetings.

29 All matters by virtue of this Act to be done and decided by the Landholders at a Meeting of such Landholders shall be done and decided by the majority of the votes of such Landholders present at the Meeting; and every such Landholder shall have a number of votes proportioned to the annual value as ascertained by the Assessment Roll of the property comprising the Water District owned or occupied by him, according to the following scale:—

Matters to be decided by majority of votes of Landholders present at Meetings.

<i>Annual Value of Property.</i>	<i>Number of Votes.</i>
Under £30	1
£30 and under £80	2
£80 and under £160	3
£160 and under £240	4
£240 and under £360	5
£360 and under £460	6
£460 and upwards	7

30 Any Landholder, being the owner or occupier, or owner and occupier, of several properties within the District, shall be entitled to a number of votes according to the scale aforesaid in proportion to the aggregate annual value of such properties as ascertained as aforesaid: but no Landholder being such owner or occupier, or owner and occupier as aforesaid, shall have in the aggregate any greater number of votes than Seven by reason of such ownership or occupation.

Mode of calculating votes.

31—(1.) Where any property is jointly owned or occupied by more persons than one, the votes to which such persons are entitled in respect of such property shall be given in the manner provided by this Section.

Provides for joint ownership or occupation.

(2.) If the number of votes assigned in respect of such property according to the scale aforesaid can be equally divided by the number of the joint owners or occupiers, each of such joint owners or occupiers is hereby empowered to give, and shall, if he votes, give the number of votes which a division of the votes assigned in respect of the property by the number of such joint owners or occupiers shows him to be entitled to, and no more.

(3.) If the number of votes assigned in respect of such property is greater than the number of the joint owners or occupiers, but cannot be equally divided thereby, such a portion of the total number of votes as can be equally divided shall be so divided, and each of such joint owners or occupiers is hereby empowered to give, and shall, if he votes, give the number of votes which a division of such portion of the total number as aforesaid shows him to be entitled to; and the vote or votes

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which cannot be divided amongst the joint owners or occupiers shall be given by such one of them as is for that purpose deputed in writing by the other or others of such joint owners or occupiers.

(4.) If the number of votes assigned in respect of such property is less than the number of such joint owners or occupiers, then only such one of such joint owners or occupiers shall be entitled to vote in respect of the property so jointly owned or occupied as is for that purpose deputed in writing by the other or others of such joint owners or occupiers.

Joint ownership, Trustees, Executors, &c.

32 Where the annual value of any property in the joint ownership or occupation of more persons than one as trustees, executors, or administrators exceeds the sum of Four hundred and sixty Pounds, such trustees, executors, or administrators shall not amongst them have in respect of such property a greater number of votes than Seven; and it shall be lawful for such votes to be given by such one or more of themselves as they may by writing under their hands appoint to be the person or persons to vote for such property.

Maximum of votes.

33 No person claiming to vote under this Act shall be entitled in any case whatever to a greater number of votes than Seven, notwithstanding he may have a plurality of qualifications in respect of properties within the Water District.

Trustees empowered to divert water of *Humphrey Rivulet, &c.*, and to erect water-works.

34 Subject to the provisions herein contained, the Trustees are hereby empowered and authorised from time to time to take, divert, and appropriate such quantity of the waters of the *Humphrey Rivulet* and other rivulets and streams flowing through or bounding the 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 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 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 rivulets and streams as aforesaid.

Purposes for which water so taken may be used.

35 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.:—

- (1.) To supply the inhabitants of the Town of *Glenorchy* and the contiguous Districts with water for domestic and manufacturing purposes, and for motive power, and for irrigation:
- (2.) To supply any ships in the River *Derwent* with water:
- (3.) To supply any Railway Company, Tramway Company, or the Government Railways, or any person with water for motive power or otherwise:
- (4.) To work any machinery that may be erected by the Trustees, the Municipal Council of *Glenorchy*, or any other Corporate Body or Person.
- (5.) For supplying water to the Town of *Glenorchy* and contiguous Districts for any purpose that any person or public or corporate body may require.

Trustees a Corporation.

36 The Trustees and their successors shall be a Corporation, by the name of "The Trustees of the *Glenorchy Water District*," with power to hold land and have a Common Seal.

*Glenorchy Water.**Powers of Trustees in the Construction of Works.*

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37 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. Purchase of land.

38 The Trustees, their officers and workmen, may at all reasonable times in the day-time, upon giving Twenty-four hours' previous notice in writing, enter into and upon any lands required for the purposes of this Act for the purpose of surveying or valuing the same. Power to enter upon land.

39 *The Lands Clauses Act* shall, except as hereby expressly varied, be incorporated with this Act, but— 21 Vict. No. 11 incorporated.

1. There shall not be incorporated with this Act the Sections and provisions of the said Act hereinafter mentioned; that is to say,—Section Eight, whereby it is provided that the capital is to be subscribed before the compulsory 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:
2. 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.”

40 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.

41 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.

42 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. Construction of waterworks.

43 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.

44 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 Trustees to do as little damage as may be.

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use of adjoining lands, in place of any such as are taken away or interrupted by the Trustees.

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

45 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, other than land purchased by the Trustees in or upon which any waterworks may hereafter be constructed, or which may be injuriously affected by the construction and maintenance of the waterworks under this Act, or otherwise by the execution by the Trustees of the powers hereby conferred, for all 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.

Persons damaged to make claim for compensation.

46 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, or, at the option of either the Trustees or the Claimant, by a Judge of the Supreme Court, upon either party giving seven days' notice to the other after the delivery of such claim; and the amount of such compensation to be paid in such case shall be ascertained by the Judge in such manner as he deems advisable, and subject to such conditions as such Judge sees fit to impose; and all costs of any proceedings taken under this Act before a Judge shall be in his discretion as to the party by whom such costs shall be borne, and payment thereof may be enforced and recoverable by the party to whom such costs shall be payable as in Equity.

Compensation how to be ascertained.

Persons not making claim when required to be barred.

47 If the Trustees, by notice in writing, require any person to make claim for compensation for any damage occasioned by the exercise previously to the service of such notice of any of the powers conferred on the Trustees by this Act, 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.

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

48 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

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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.

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49 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; but no appeal shall be allowed after the expiration of Three months after the service of notice of intention to appeal.

Procedure upon appeal.

36 Vict. No. 19.

50 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.

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 Director of Public Works, 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 Governor in Council, and notice in writing of such approval received by the Trustees.

Before commencing works, plans to be submitted for approval.

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 Water District or any Road District or Town or contiguous district through which it may be expedient to convey water from the said rivulet and streams for the purposes of this Act, and may open and break up any sewers,

Power to break up streets, &c., and to open drains.

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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 Town.

54 The Trustees shall, before opening or breaking up any street without the Water District, give to the persons, if any, under whose control or management the same may be, or to their clerk, surveyor, or other officer, notice in writing of the intention of the Trustees to open or break up the same not less than Three clear days before beginning such work, except in cases of emergency arising from defects in any of the 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 Water District shall, except in the cases of emergency aforesaid, be opened or broken up except under the superintendence of the persons, if any, having the control or management thereof, or of their officer, and according to such plan as is approved of by such persons or their officer, or, in case of any difference respecting such plan, then according to such plan as may be determined by Two Justices; provided, that if the persons having such control or management as aforesaid and their officer fail to attend at the time fixed for the opening of any such street after having had such notice of the intention of the Trustees as aforesaid, or do not propose any plan for breaking up or opening the same, or refuse or neglect to superintend the operation, the Trustees may perform the work specified in such notice without the superintendence of such persons or their officer.

Streets, &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.

Supply of Water.

Supply of water for domestic use within the Water District.

57 The Trustees shall, at the request of the owner or occupier of any house or part of a house occupied as a separate dwelling situated within the Water District, the outer boundary of which is within Fifty feet of any main or other pipe of the Trustees, furnish to such person within such dwelling-house, 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 supply of water for his domestic purposes, including a supply for any private water-closet and fixed bath in such dwelling-house.

Supply of water to districts beyond the Water Districts.

58 The Trustees may cause pipes to be laid down and water to be brought to such places and districts beyond the Water District as the

Glenorchy Water.

Trustees see fit upon the application of any owners or occupiers of houses, buildings, or other premises in any such place or district; 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 in the city or town nearest to the Water District, specify the places or districts to and in which the Trustees propose to lay down pipes for the purpose aforesaid: Provided that the Trustees shall not lay down pipes for the purpose aforesaid beyond a distance of One mile from the southern boundary of the Water District.

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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: 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.

Supply of water for other purposes than domestic use.

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 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 River *Derwent*, in the vicinity of *Glenorchy*, 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.

Charge for water supplied to shipping.

62 The Trustees may supply any person within the limits of this Act with water for other than domestic purposes, by measure or otherwise, at such charge and subject to such conditions as the Trustees may prescribe; but such charge shall not exceed the sum of One Shilling for every One thousand gallons of water so supplied.

Trustees may supply water by measure.

63 The Trustees may, whenever they see fit so to do, or by the desire of the consumer, attach a meter to the pipe supplying water to any person, and thereupon all water supplied to such person shall be drawn only through such meter; and there shall be payable by such person to the Trustees, besides the amount of any water rate or charge

Trustees may attach meters at any time.

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for water supplied to such person, such sum or sums of money as rent for the use of such meter, and at such time or times as may be prescribed.

Trustees may let meters.

64 The Trustees may let for hire to any consumer of water supplied by measure any meter or instrument for measuring the quantity of water supplied and consumed, and any pipes and apparatus for the conveyance, reception, or storage of the water, for such remuneration in money as may be agreed upon between the Trustees and the consumer, which shall be recoverable in the same manner as the rates due to the Trustees for water.

Any meter let for hire as aforesaid shall be attached and affixed to the pipe to which the same is intended to be attached and affixed by or under the superintendence of such officer or servant of the Trustees as they shall appoint for that purpose, and not otherwise.

Meters of Trustees not distrainable.

65 Such meters, instruments, or other apparatus shall not be subject to distress for rent of the premises where the same are used, or to be attached or taken in execution under any process of the Supreme Court or any inferior Court, or under or in pursuance of any adjudication or order in Bankruptcy or other legal proceedings against or affecting the consumer of water, or the occupier of the premises, or other person in whose possession the meters, pipes, instruments, or other apparatus may be.

Officers of the Trustees may inspect meters, &c.

66 Any person acting under the authority of the Trustees may at all reasonable times enter any house, buildings, or lands to, through, or into which water is supplied by the Trustees by measure, in order to inspect the meters, instruments, pipes, and apparatus for the measuring, conveyance, reception, or storage of water, or for the purpose of ascertaining the quantity of water supplied or consumed, and may from time to time enter any house, buildings, or lands for the purpose of removing any meter, instrument, pipe, or apparatus the property of the Trustees; and if any one hinders such person from entering or making such inspection or effecting such removal, or if any one, not being an officer or in the employ of the Trustees, in any manner injures or interferes with any meter placed for the purpose herein named, he shall for every such offence be liable to a penalty not exceeding Five Pounds, in addition to the amount of damage or injury done.

Notice of removal of or change in meter.

67 Every person requiring to remove or alter the position of any meter shall give Six days' notice in writing to that effect to the Trustees, who will cause a registration of the quantity of water used to be taken and such removal or alteration to be made; and the expense of so doing shall be paid by such person; and no alteration shall be made but by or under the direction of an officer of the Trustees, nor until the permission of the Trustees has been obtained.

Fouling the Water by Gas.

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

68 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

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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.

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69 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.

The expenses to abide the result of the examination.

70 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.

How expenses to be ascertained.

Waste or Misuse of Water.

71 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.

Service pipes to be kept in repair.

72 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.

Trustees may repair service pipes.

73 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 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.

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

74 The Superintendent of Waterworks, or any 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 Superintendent of Waterworks or other person is at any such time

Power to enter premises to inspect.

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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.

Rating.

Trustees to fix Water Rate in respect of buildings within the Water District.

75 It shall be lawful for the Trustees at yearly, half-yearly, or such other periods as to them may seem necessary, to make and levy, in accordance with the provisions of "The Roads Act, 1884," a Rate to be paid by the occupiers of all lands, houses, and buildings within the Water District for the purposes of this Act. And such Rate shall be called a Water Rate, and may be of an amount not exceeding the sum of Ten Pounds per centum per annum on the assessed annual value according to the Assessment Roll comprising the Water District in force for the time being, or One Penny One Farthing in the Pound on the capital value of all lands, houses, and buildings owned or occupied as aforesaid according to the Assessment Book comprising the Water District in force for the time being: Provided that the Water Rate payable in respect of any land, house, or building actually supplied with water by the Trustees shall in no case be less than Twenty Shillings per annum.

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

76 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 land or houses or buildings owned or occupied by such person unless the same are actually supplied with water for domestic purposes, or unless the mains or other pipes of the Trustees are laid down and properly supplied with water within Fifty feet from the outer boundary of such lands or houses or buildings.

Upon making Rate notice of same to be given.

77 Upon the making of any Water Rate under this Act, a notice signed by the Chairman 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 also in at least Two consecutive numbers of a public newspaper published in the City of *Hobart*; 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 Roll or Assessment Book comprising the Water District 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 hereinbefore in that behalf mentioned.

Where several premises supplied by one pipe each to pay.

78 Where several buildings are supplied by one common pipe, the several owners or 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.

79 If any person liable as herein provided to pay any amount of Water Rate neglects to pay the same within due time after the same has been lawfully demanded, the Trustees may stop the water from

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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 Municipal Rate is recoverable. A.D. 1890.

80 All such Rates shall be payable in advance at such periods as the Trustees from time to time appoint, and shall be payable in the first instance by the Occupier of the property at the time when the same is made payable by such Notice as aforesaid. Rates payable in advance, and Occupiers liable for rate in first instance.

81 In case at the time when any Rate is made payable by such Notice as aforesaid there is no Occupier of any property, or the Occupier cannot be found or is not known, the Rate in respect of such property shall be payable by and recoverable from the Owner in the first instance, who shall be entitled to recover the same from the Tenant, if any, if not paid on demand, by distress as for rent in arrear, or as money paid to his use. But nothing herein shall affect as between themselves any agreement made between the Landlord and Tenant as to the payment of the Rate. If no Occupier, Owner liable in first instance.

82 In case any change of occupation of any property takes place after the time when any Rate is made payable by such Notice as aforesaid, and before the Rate due in respect of such property is paid or recovered, it shall be lawful for the Trustees to recover such Rate in arrear from the person who is the Occupier of such property at the time of demand or levy, as the case may be, or if there is no such Occupier then from the Owner of such property; and any such Occupier, if Tenant, shall be entitled to recover the same Rate so paid from the person who was Occupier when the Rate became payable as money paid to his use; and any Owner who has paid or from whom has been recovered any amount of Rate in any such case where there is no Occupier at the time of demand or levy, may recover such amount of Rate from the Tenant, if any, at the time when such amount of Rate was made payable. Provides for change of occupation.

83 In case any change of ownership of any property takes place after the time when any Rate is made payable by such Notice as aforesaid, and before the Rate due in respect of such property is paid or recovered, any amount of Rate in arrear paid by or recovered from the Owner for the time being of such property shall be recoverable by him from the person who was owner of such property when such amount of Rate became payable as money paid to his use. Provides for change of ownership.

84 If any property valued at one entire sum in the Assessment Roll in any year is, after the making of such Roll, subdivided and occupied by more than one occupier, then it shall be lawful for the Trustees to fix for the current year the amount of the proportionate annual value of each subdivision, provided that the total of the amounts so fixed shall not exceed the total value of such property as set forth in the said Roll; and Rates shall be paid on the annual value of each of such subdivisions when so ascertained, in the same manner as if the annual value of each such subdivision had been inserted in the said Roll. Recovery of Rate in case of subdivision of property.

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Owner on demand
to furnish names
of tenants to
Trustees.

85 Every owner or lessor of property in the Water District shall, upon request in writing to be left at or posted to his usual residence from the Chairman of the Trustees, deliver or cause to be delivered to such Chairman forthwith a statement in writing setting forth the names of the tenants or occupiers of his property or any part thereof; also the rent payable by each such tenant or occupier, and the area of their respective holdings; and if any owner or occupier neglects so to deliver or cause to be delivered such statement, he shall be liable to pay to the Trustees the Rate payable in respect of such property.

Recovery of Rate.

86 Every such Rate shall be paid by the persons liable to pay the same to the Trustees or a Collector of Water Rate appointed by the Trustees; and in case any such person fails to pay the amount of any such Rate for which he is liable for the space of Fourteen days after the same has been demanded by any such Collector, it shall be lawful for any Justice of the Peace, and he is hereby authorised and required, to summon the defaulter to appear before him, or any other Justice of the Peace, at a time and place to be mentioned in the Summons, to show cause why the Rate in arrear should not be paid; and in case the defaulter fail to appear according to the exigency of the Summons, or no sufficient cause for non-payment be shown, the Justice may, and he is hereby authorised and required, to grant a Warrant under his hand, authorising and directing any such Collector, or some other fit person, to distrain the goods and chattels of such person whether the same are on the property in respect of which the Rate is payable or elsewhere, and to cause such goods and chattels when distrained to be sold, and out of the moneys to arise by such sale to pay all costs, charges, and expenses attendant upon such distress and sale, and in the next place to pay the amount of the Rate for which such distress and sale are made, and to pay over the surplus, if any, on demand to the person whose goods and chattels have been so distrained and sold as aforesaid.

On payment or
tender of Rate
and costs proceed-
ings to cease.

87 In all cases where any proceedings have been or shall be taken to compel payment by any person of any such Rate, if at any time any such person shall pay or tender to any person authorised to collect or receive such Rate the sum so sought to be recovered, together with the amount of all costs and expenses up to that time incurred in the proceedings so taken to compel payment thereof as aforesaid, then and in every such case the person to whom such rate and costs shall be so paid or tendered shall receive the same, and thereupon no further proceedings for the recovery of the same shall be had or taken.

Demand of Rate.

88 Any Rate may be demanded by any Collector of Water Rate, by written or printed or partly written and partly printed Notice specifying the amount of Rate demanded, the date of making the Rate, and the property in respect of which the Rate is demanded, left at or posted to the usual or last known place of abode of the person from whom the Rate is sought to be recovered, if such place can after diligent inquiry be discovered, but if not, then affixed to some conspicuous part of the property in respect of which the Rate is demanded.

All goods found
on property liable
to Rate.

89 All goods and chattels whatsoever found upon the property in respect of which any such Rate is payable, to whomsoever the same may

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belong, shall be liable to be taken under the Warrant of Distress issued for the recovery of such Rate: Provided that, in case of change of occupation as hereinbefore mentioned, the same shall not be liable after the expiration of Three months from the time when such Rate is made payable, and such Warrant of Distress may be in the form in the Schedule (4.).

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90 In the event of any Distress so made as aforesaid not realising sufficient to pay such Rate, costs, charges, and expenses as aforesaid, it shall be lawful, from time to time, to make further and other Distress, in manner aforesaid, until the whole amount of such Rate, costs, charges, and expenses has been fully paid.

Further Distress in case first is insufficient.

91 The goods and chattels distrained under any such Warrant of Distress shall be sold and disposed of within any time, not being less than Four days, after the making of the Distress.

Time of sale of goods distrained.

92 Any person deeming himself aggrieved by the amount of the costs, charges, and expenses with which he is charged as attendant upon any such Distress and sale may forthwith apply to the Justice issuing the Warrant of Distress; and such Justice is hereby authorised and empowered to make such Order in the matter as to him seems just; and any person who disobeys or fails to comply with such Order shall incur a penalty not exceeding Five Pounds.

Appeal to Justice against costs of Distress.

93 No Distress made under the authority of this Act shall be deemed unlawful, or the person making the same be deemed a trespasser, on account of any defect or want of form in the Warrant of Distress, or in any other proceeding relating to such Distress; nor shall the person distraining be deemed a trespasser *ab initio* on account of any irregularity which he may afterwards commit, but the person aggrieved by such irregularity may recover full satisfaction for the special damage in an action on the case.

Distress not unlawful for want of form.

94 The provisions of "An Act to facilitate the Collection and Recovery of Rates," and every Amendment thereof, shall be applicable to the collection and recovery of Rates under this Act.

95 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, and also of any charge for the supply of water by the Trustees under this Act, other than Water Rate, as in the case of any Water Rate.

Charges for water how to be recovered.

96 Any unpaid Rate, with interest thereon at the Rate of Six Pounds per centum per annum, shall be and remain a charge upon the property in respect of which such Rate is payable, and may be recovered at any future time as if the then occupier had himself been liable to the payment of the Rate so remaining unpaid; and the production of the receipt for such overdue Rate paid by or recovered from any tenant for any Rate due before the commencement of his tenancy shall be a discharge for the amount so paid or recovered in payment of rent to the landlord, and such landlord shall be entitled to recover from the person who was tenant when the Rate became payable the rate to which such tenant was liable as money paid to his use.

Unpaid Rate shall be a charge on property.

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Rate to be a first charge upon the land.

Notice of intention to let or sell.

97 The Rate imposed by this Act shall, until payment, be a first charge upon the property assessed, in priority to all rates, mortgages, charges, liens, and encumbrances whatsoever.

98 Whenever the Rate payable in respect of any property shall have been in arrear for the space of Five years and upwards, it shall be lawful for the Trustees to cause to be published for Three consecutive weeks in the *Gazette* and in Three consecutive numbers of one or more newspapers, One of such newspapers being published in the City of *Hobart*, a notice, specifying the property and the amount of Rate due in respect thereof, and stating that if the same be not paid within Six months from the first publication of such notice the Trustees will let the property from year to year as provided by this Act, or will apply to the Supreme Court for a sale thereof in the manner described in this Act.

Trustees may let from year to year.

99 If after Six months from the first publication of such notice the said Rate due at the time of such first publication is still unpaid, the Trustees may let such property, or any part thereof, from year to year, and may receive the rents and profits thereof and apply the same towards the payment of the said Rate or part thereof, and of the interest payable thereon at the rate of Six Pounds per centum per annum as aforesaid, and of costs, charges, and expenses, and hold any surplus in trust for the rightful owner of such property.

Trustees may apply to Supreme Court for sale.

100 If after Six months from the first publication of such notice the said Rate due at the time of such first publication is still unpaid, the Trustees, instead of letting such property, may, by petition to the Supreme Court, or a Judge thereof, apply for a sale of the property described in such notice, or of so much thereof as may be necessary to produce the amount of Rate due in respect thereof, and of the interest payable thereon, and the Court or Judge, on being satisfied by affidavit or otherwise that Six calendar months' notice of such petition has been served on the owner of such land, or left at his usual or last known place of abode in *Tasmania*, or, in case no owner can be found, then that such notice has been affixed and has constantly been kept affixed in a conspicuous place upon such property, and has also been inserted for Three consecutive weeks in the *Gazette* and in Three consecutive numbers of One or more newspapers, One of such newspapers being published in the City of *Hobart*, and that the Rate alleged to be in arrears is lawfully due and was in arrear at the time of the first publication of such notice in the *Gazette*, and that all things required by this Act to be done by the Trustees have been done, shall order the sale of the said property or so much thereof as shall be sufficient to pay all rates due or accrued due in respect of such property up to the time of sale, and the interest payable thereon, together with all costs, charges, and expenses of and attending the application, and of and attending the sale of such property, and that the proceeds be paid into Court.

Application of proceeds of sale.

101 The Supreme Court or a Judge thereof shall order payment of the said Rate and interest thereon, costs, charges, and expenses to be first made out of the proceeds of the sale, and the conveyance or transfer, as the case may be, shall be executed by the Registrar, or such other officer of the Court as the Court may direct, to the purchaser,

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his heirs and assigns, in such form as shall be approved by the Court or a Judge ; and such conveyance or transfer shall vest the property sold in the purchaser for an estate in fee simple free from encumbrances, and in cases where the land is under *The Real Property Act* the purchaser shall be entitled to receive a Certificate of Title to the property purchased ; and the balance arising from the proceeds of such sale shall be subject to any Orders of the Court for the benefit of the parties interested therein.

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102 Subject to the provisions of this Act, so much of "The Roads Act, 1884," as relates to Rates shall be applicable to all Rates to be made and levied under this Act.

Applies provisions of 48 Vict. No. 28, relating to rates.

Borrowing Money.

103 It shall and may be lawful for the Trustees to borrow and take up at interest, not exceeding Six Pounds per centum per annum, of any person or persons willing to advance and lend the same, such sum or sums of money, not exceeding the sum of £10,000 (Ten 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 works, 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.

104 In order to facilitate the borrowing by the Trustees of the said sum of Ten thousand Pounds for the purposes aforesaid, it shall be lawful for the Government to guarantee the payment of interest upon the same or any part thereof to the lenders : Provided always, that in every case and so far as the Government, in consequence of such guarantee, advances and pays any sum of money to any such lender, all moneys so paid shall be and the same are hereby declared to be a first or primary charge upon the rates and charges to be received by the said Trustees under the authority of this Act.

Government may guarantee interest on the loan.

105 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 Ten 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.

106 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

How Debentures to be signed.

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which such Debenture is sold a Coupon bearing the same number as the Debenture; and the Common Seal of the Corporation 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 be countersigned on the day the Common Seal is affixed as aforesaid.

Power to re-borrow.

107 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.

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

108 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 Glenorchy; 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.

109 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 Charge 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 costs of managing and conducting the water-works, 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.

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

Officers and their Accountability.

Power to appoint Officers.

111—(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

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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 Part of this Act, pay such salaries and allowances to the said Officers respectively as the Trustees think reasonable. A.D. 1890.

(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.

112 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
Officers.

113 Before any person, whether Treasurer, Clerk, 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.

114 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.

115 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
moneys by
Officers.

116 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.

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Summary proceeding against Officers failing to account.

117 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 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.

118 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.

119 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.

120 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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121—(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 book 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” shall extend and apply to the accounts herein mentioned.

52 Vict. No. 43.

122 All moneys received by the Treasurer of the Trustees shall be paid by him monthly into some Public Bank in *Hobart* 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.

Offences.

123 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.

124 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;

In any manner prevents or obstructs the flow of such quantity of water of the *Humphrey's* Rivulet or other rivulet or stream flowing through or bounding the Water District as shall be required by the Trustees for any of the purposes herein mentioned, or the flow of water in or through any of the waterworks;

Otherwise injures or obstructs the passage of the water in a pure and wholesome state in any of such rivulets or streams, or through any waterworks.

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

Fouling water.

(1.) Every person who bathes in any part of the *Humphrey's* Rivulet or other rivulets or streams flowing through or bounding the Water District above any waterworks of the

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Trustees, or in any reservoir, aqueduct, or other waterwork of the Trustees, or washes, throws, or causes to enter therein any dog or other animal alive or dead :

- (2.) Every person who throws any rubbish, dirt, filth, or other noisome thing into the said rivulets or streams, or into any such reservoir, aqueduct, or other waterwork as aforesaid, or washes or cleanses therein any cloth, wool, leather, or skin of any animal, or any clothes or other thing :
- (3.) 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 the said rivulets or streams above any waterworks of the Trustees, or into any such reservoir, aqueduct, or other waterwork, or who does or permits any other act whereby the water of the waterworks or supplying the same is fouled :
- (4.) 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.

126 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.

127 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.

128 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.

129 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.

130 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.

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131 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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Suffering service pipe to be out of repair.

132 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.

Destroying valves, &c.

133 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.

134 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.

135 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.

Appropriation of penalties.

By-laws.

136 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 59 and 60 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 River *Derwent* in the vicinity of *Glenorchy* :

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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Miscellaneous.

Powers conferred on Trustees to extend to officers duly authorised.

137 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.

Compensation in lieu of water taken may be by supply of water.

138 Wherever the owners or occupiers of property through or by which any streams flow, the water of which has been taken, diverted, or compounded by the Trustees under the authority of this Act, have now by Law the right of using such water for any purpose, and water in lieu of that which may be thereby taken away can be supplied from the waterworks, it shall be lawful for the Trustees, instead of making pecuniary compensation to the owners or occupiers for the time being of such land, to afford a reasonable supply of water for such purpose from the waterworks, free of charge, other than the Water Rates for the time being made and in force under this Act, and an order to that effect may be made by an Arbitrator or a Judge of the Supreme Court in lieu of compensation; and in case the Trustees and any such owner or occupier do not agree as to the quantity to be so supplied, or as to the mode of supply, the same shall be determined in the manner provided by Section Forty-six of this Act.

Only existing rights to water to be recognised.

139 The Trustees shall only recognise those rights, if any, to the use of the water taken or diverted by the Trustees under the authority of this Act that have accrued up to the passing thereof; but no rights to the use of the water other than those that have so accrued shall be deemed hereafter to exist as against the Trustees.

Interest in execution of Act not to be a disqualification.

140 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 ratepayer of the Water 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.

Trustees how to sue and be sued.

141 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 *Glenorchy Water District*," without otherwise naming such Trustees, and service of any legal process on the Chairman or Secretary shall be deemed and taken as good service on the said Trustees.

Property may be laid in the Trustees.

142 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; and in any proceedings civil or criminal relating to any such land, waterworks, money, or property so vested in the Trustees for the

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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 *Glenorchy Water District.*"

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143 All offences against this Act, or any By-law, 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 or any By-law 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.

144 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.

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

145 In all proceedings whatever for the recovery of any rates or charges for the supply of water under this Act, and in all other proceedings before Justices in pursuance of this Act, it shall be lawful for the Justice or Justices in his or their discretion to award and order that the Defendant shall pay such costs as to such Justice or Justices shall seem just and reasonable in that behalf; and in cases where such Justice or Justices instead of making an order as aforesaid shall dismiss the information or complaint, it shall be lawful for him or them, in his or their discretion, to award and order to the Defendant such costs as to such Justice or Justices shall seem just and reasonable; and the sums so allowed for costs shall in all cases be specified in the order or order of dismissal as aforesaid, and the same shall be recoverable in the same manner and under the same Warrants as any penalty or sum of money adjudged to be paid in and by such order is to be recoverable; and in cases where there is no such penalty or sum to be thereby recovered, then such costs shall be recoverable by distress and sale of goods and chattels of the party, and in default of such distress by imprisonment, with or without hard labour, for any time not exceeding One month, unless such costs shall be sooner paid.

Power to award costs.

146 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

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

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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 confluence of Faulkner's Rivulet with the River Derwent and bounded by that rivulet south-westerly to 62 acres granted to M. M. Stocker crossing the Main Road to Hobart and the Tasmanian Main Line Railway, thence by the northern boundary of that land and of lands granted to — Leriston and Charles Beechy extending easterly to land granted to James Turnbull, thence by the south-western boundary of that land and of lands granted to G. Wood and Joseph Berrisford respectively to the south-eastern angle of 102 acres of land granted to Thomas Horne, thence by the north-western boundary of that land extending south-westerly to 165 acres of land also granted to the said Thomas Horne, thence by the north-eastern boundary of the said 165 acres extending south-easterly to the Islet Rivulet, thence by that rivulet south-westerly to 100 acres granted to Thomas Wells, thence by the north-eastern and south-eastern boundaries of the said 100 acres to 128 acres granted to W. J. Overall, thence by the north-eastern boundary of the said 128 acres south-easterly to the Humphrey's Rivulet, thence by that rivulet to the south-western boundary of a grant of 2000 acres to George Hull, thence by the western and south-western boundaries of that grant extending south-easterly in two bearings to the New Town Rivulet, thence by that rivulet north-easterly to land now or formerly belonging to — Scott, thence by the south-western boundary of the last-mentioned land extending to the north-west angle thereof and being a north-eastern boundary of the said 2000 acres, thence in a straight line from the north-western angle of the said land of the said — Scott to the south-eastern angle of 218 acres granted or located to John Hiddlestone, thence by the boundaries of the said 2000 acres in various bearings in a general north-easterly direction to the south-western angle of land of J. Williams, thence by the north-western boundary of the last-mentioned land to 96 acres granted or located to Thomas Giblin, thence by the south-western boundary of that land north-easterly to 163 acres of land granted to Robert Pitcairn and E. P. Butler, thence by the north-western boundaries of the said 163 acres of land of a location to John Dunn, of a grant of 113 acres to E. Bryant (recrossing the said Main Road and Main Line Railway), and by the north-western boundary of land granted or located to G. H. McGuire to the River Derwent aforesaid, and by that river to the point of commencement.

(2.)

The _____ day of _____ 18 ____ .

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

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

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

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

A.B.

