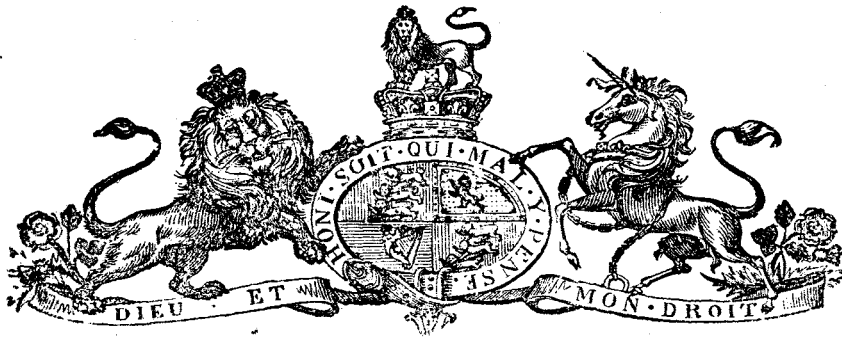


T A S M A N I A .



1877.

ANNO QUADRAGESIMO-PRIMO

VICTORIÆ REGINÆ,

No. 22.



AN ACT to consolidate and amend the Laws A.D. 1877.
relating to the Supply of Water to the Town
of *Launceston* and the Suburbs of the said
Town. [11 *December*, 1877.]

WHEREAS it is desirable and expedient that the Laws relating to PREAMBLE.
the supply of Water to the Town of *Launceston* should be consolidated
and amended :

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 :—

Preliminary.

Interpretation.

1 In this Act—

“The Municipal Council” and “Council” mean the Municipal
Council of the Town of *Launceston* :

“Waterworks” extends to and includes all reservoirs, wells,
cisterns, tanks, aqueducts, tunnels, feeders, drains, channels,
cuts, floodgates, sluices, conduits, filters, troughs, dams,
embankments, pumps, culverts, pipes, pipe-breaks, engines,
buildings, and other works of what kind soever which are
from time to time necessary or used for effecting the purposes

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of this Act ; whether made, erected, built, or laid under any Act hereby repealed or this Act :

“ Street ” extends to and includes any public and common highway, road, footway, bridge, square, court, passage, alley, thoroughfare, and public way and place :

“ Person ” includes Corporations :

“ Corporation ” means the Corporation of *The Mayor, Aldermen, and Burgesses of the Town of Launceston.*

Supply of water to *Launceston* to be under control of the Municipal Council.

2 The supply of water for the use of the inhabitants of the Town of *Launceston*, and of the shipping in the harbour thereof, shall be under the control, management, and direction of the Municipal Council of the Town of *Launceston*.

Powers under former Acts transferred to Council.

3 All waterworks made, erected, built, or laid under any Act hereby repealed, and all rights, matters, and things which by virtue of any Act hereby repealed were vested in the Mayor and Aldermen of the Town of *Launceston* are hereby transferred to and vested in the Corporation.

Property in the waterworks vested in the Corporation.

4 All waterworks transferred to and vested in the Corporation by this Act, or made, constructed, repaired, or maintained under this Act, and all appliances and appurtenances thereto respectively belonging, and the materials of which the same consist, excepting communication pipes and their appliances within the outer boundary of any premises, and all materials, tools, implements, and things furnished and provided by the Council, under the authority or for any of the purposes of any Act hereby repealed or this Act, shall be the property of the Corporation.

Power to erect works and divert water of *Saint Patrick's River*.

5 It shall be lawful for the Council to enter from time to time upon the *Saint Patrick's River*, and the bed and banks thereof, and to cause such works to be erected or established in the bed of the said river, and on the banks thereof, as shall be necessary from time to time to divert the waters of the same, and to divert and appropriate such quantity of the water of the said river as shall be required for the purposes of this Act.

Construction of Works.

Purchase of land.

6 The Council is hereby empowered to purchase any Land which the Council may consider to be necessary for the purposes of this Act, and which the Council may think proper to purchase ; and for the purpose of facilitating and effectuating any such purchase *The Lands Clauses Act* shall be incorporated with this Act.

Entry upon land.

7 For the purposes of this Act it shall be lawful for the Council to enter upon any land, and to take levels of the same, and to set out such parts of such land as the Council thinks 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.

Construction of waterworks.

8 It shall be lawful for the Council, from time to time, to make, construct, lay down, maintain, alter, or discontinue such waterworks upon any land as the Council thinks necessary for supplying the inhabitants of *Launceston* with water.

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9 Prior to the first entry upon any land by the Council for the purposes of this Act, not less than Seven days notice of the intention of the Council to enter shall be given by the Council to the owner and occupier, if any ; but no notice shall be necessary previous to any subsequent entry by the Council upon such land for the purposes of this Act.

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Council to give notice, prior to first entry upon land.

10 The Council is hereby empowered to maintain, alter, or discontinue any now existing waterworks for the purposes of this Act, as the Council may from time to time think proper, in the same manner as any waterworks constructed under the authority of this Act ; and all the powers and provisions of this Act relating to waterworks shall equally apply to such existing waterworks.

Provisions of Act to apply to existing waterworks.

11 In the exercise of the powers conferred by this Act the Council shall do as little damage as can be, and, in all cases where it can be done, shall provide other watering-places, drains, and channels for the use of adjoining lands, in place of any such as are taken away or interrupted by the Council.

Council to do as little damage as may be.

12 The Corporation shall make compensation, in manner hereinafter provided, to all parties lawfully interested in any land, other than land purchased by the Council, 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 Council of the powers hereby conferred, for all damage sustained by reason of the exercise as to such land of the powers vested in the Council by this Act.

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

13 Any person claiming such compensation shall prefer his claim by notice in writing addressed to the Council, and served upon the Town Clerk, 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 land in respect of which the claim is preferred ; and if any such person and the Council do not agree as to the amount of such compensation, the same, and the application thereof, shall, except in the cases hereinafter mentioned, be determined by arbitration in the manner provided by *The Lands Clauses Act* in cases of disputed compensation.

Persons damaged to make claim for compensation.

Compensation how to be ascertained.

14 In determining such claims, regard shall be had to any benefit which may be done or accrue to the claimant, by or as the result of the provisions in this Act contained.

Regard to be had to any benefit which may accrue.

15 If the Council, by notice in writing, requires 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 Council 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.

Persons not making claim when required to be barred.

16 No land, the property of or held by the Council, or in which the Council is in any way interested, and used or to be used in connection

Land used in connection with

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waterworks not subject to "The Cross and Bye Roads Act, 1870."

with the waterworks, shall, unless with the consent of the Governor in Council, be subject to the operation of the Thirty-seventh, Thirty-eighth, Thirty-ninth, Fortieth, Forty-first, and Forty-second Sections of "The Cross and Bye Roads Act, 1870," anything in the same Act contained to the contrary thereof notwithstanding.

Breaking up of Streets.

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

17 The Council may, from time to time, open and break up the soil and pavement of any streets within the Town of *Launceston* and the suburbs thereof, and may open and break up any sewers, drains, or tunnels within or under such streets, and lay down and place 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 do all other acts which the Council from time to time deems necessary for supplying water to the inhabitants of the said Town and suburbs, 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.

18 The Council shall, before opening or breaking up any street without the Town, 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 Council 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 persons having control of same.

19 No street without the Town 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 Council as aforesaid, or do not propose any plan for breaking up or opening the same, or refuse or neglect to superintend the operation, the Council 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.

20 When the Council opens or breaks up any street, sewer, drain, or tunnel, it 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 Town.

21 The Council shall, at the request of the owner or occupier of any house or part of a house occupied as a separate dwelling situated within

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the Town, the outer boundary of which is within Fifty Feet of any main or other pipe of the Council, 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 Council 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. A.D. 1877.

22 The Council may, if practicable, cause pipes to be laid down and water to be brought to every part of the places and districts beyond the Town, whereunto the Council is required by the owners or occupiers of houses in any place or district beyond the Town, on payment of the expense of providing and laying down such pipes; provided always, that no such requisition shall be binding on the Council unless such owners or occupiers shall severally execute an Agreement binding themselves to take such supply of water for three successive years at least, and on such terms as to payment for the same as may be agreed upon. Supply of water for domestic use beyond the Town.

23 The Council may, if it sees fit, furnish to any person a supply of water 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 Council 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.

24 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 Council determines, either generally, or in classes of cases or in any particular case, and the Council 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. Council may determine the description of service pipes to be used.

25 It shall be lawful for the Council to supply and distribute water at such places as it thinks proper for the use of the shipping in and frequenting the River *Tamar* at *Launceston*, and to charge for the same any sum not exceeding One Shilling for every One hundred gallons; and the Council is 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.

Fouling the Water by Gas.

26 For the purpose of ascertaining whether the water supplied by the Council is fouled by the gas of any persons making or supplying gas, the Council may dig up the ground and examine the pipes and works of the persons making or supplying gas: Provided that, before proceeding so to dig and examine, the Council shall give Twenty-four Power to examine gas pipes to ascertain whether water is fouled.

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hours notice in writing to the persons so making or supplying gas of the time at which such digging and examination is intended to take place.

The expenses to abide the result of the examination.

27 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 Council shall pay all the expenses of the examination and repair, and also make good to the said persons any injury which may be occasioned to those works by such examination.

How expenses to be ascertained.

28 The amount of the expenses of every such examination and repair, and any injury done to the Corporation, 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.

Waste or Misuse of Water.

Service pipes to be kept in repair.

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

Council may repair service pipes.

30 The Council 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 Council by the person so allowing the same to be out of repair, and may be recovered by the Council from such person in a summary way.

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

31 Every cistern or other receptacle for water which the Council may permit to be used, and every closet, soil-pan, and private bath supplied with water by the Council, shall be so constructed and used in such manner as may be prescribed by regulations to be made by the Council, 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 Council, or into any pipes connected or communicating therewith; and the Council 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.

Power to enter premises to inspect.

32 The Superintendent of Waterworks, or any other person acting under the authority of the Council, may at any time by night or by day 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 refused admittance into such house or premises for the purpose aforesaid, or is prevented from making such examination as aforesaid, the Council may turn off the water from such house or premises.

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Rating.

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33 The Council shall once in every year make and levy a Water Rate to be paid by the respective owners or occupiers of all houses, buildings, or other premises within the Town for the purposes of this Act : And such Rate shall be deemed to be a Municipal Rate and may be of an amount not exceeding the sum of Seven Pounds per centum per annum on the assessed annual value of every house, building, or other premises owned or occupied as aforesaid according to the Assessment Roll in force for the time being.

Council to fix Water Rate in respect of buildings within the Town.

In case of the owners or occupiers of houses, buildings, or other premises in the suburbs of the Town of *Launceston* requiring a supply of water for domestic or other purposes, such several supplies shall and may in any case be furnished by the Council at such Charges as shall from time to time be agreed upon and settled by and between the Council and such persons respectively, anything herein contained to the contrary notwithstanding.

Supply of Water outside Town at such Charges as may be agreed.

34 No person who is the occupier or owner of any of the aforesaid description of premises shall be liable to the payment of the said Water Rate, in a greater proportion than according to One-fourth part only of such annual value thereof, unless such premises are actually supplied with water for domestic purposes, or unless the mains or other pipes of the Council are laid down and properly supplied with water, within Fifty feet from the outer boundary of such premises.

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

35 The Council shall, from time to time, so regulate the Water Rate and Charges to be levied and made for the supply of water under the provisions of this Act that the amount of such Rate and Charges shall be, as near as may be, sufficient to pay the interest upon any money borrowed by the Council for the purposes of any Act hereby repealed or this Act, together with the costs of managing and conducting the waterworks, and such further sum that will amount to One Pound per centum per annum on the amount or amounts borrowed for the purposes of this Act as the Council may set apart, as hereinafter provided, for the purpose of the Sinking Fund, anything in Section 118 of *The Launceston Corporation Act* to the contrary notwithstanding ; and if in any year the amount received is more than sufficient for all the purposes aforesaid, the Council is 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.

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

36 Upon the making of any Water Rate under this Act, a notice signed by the Mayor and not less than Five Aldermen, specifying the amount in the pound of the rate, the period for which the same is made, and at what times the same is payable, shall be published in the *Gazette* ; and upon any such notice being so published, the rate therein mentioned shall be payable and paid at the times specified in such notice by the persons liable to pay the same, according to the annual value of such property as ascertained and determined by the Assessment Roll then in force for the Town ; 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.

Upon making Rate notice of same to be given

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Where several premises supplied by one pipe each to pay.

37 When 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.

38 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 Council may stop the water from flowing into the premises in respect of which such rate is payable, by cutting off the pipe to such premises, or by such means as the Council thinks 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.

Charges for water how to be recovered.

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

No imprisonment for non-payment of rate or charges.

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

Applies provisions of 22 V. No. 12, relating to rates.

41 Subject to the provisions of this Act, so much of *The Launceston Corporation Act* as relates to rates shall be applicable to all rates to be made and levied under this Act.

Borrowing Money.

Power to borrow money under former Acts saved.

42 All powers vested in the Municipal Council by any Act hereby repealed to borrow money for the purposes of any of the said Acts may, save so far as such powers have been exercised before the commencement of this Act, be exercised in all respects as if such Act had not been repealed.

The total sum which may be borrowed by the Council under any of the said Acts shall not exceed the sum of Twenty thousand Pounds in addition to the sums of Thirty thousand Pounds and Ten thousand Pounds borrowed by the Council under certain of the said Acts before the commencement of this Act.

Part of 22 Vict. No. 12, to be applicable to mortgages under this Act.

43 Whenever the Municipal Council hereafter borrows upon mortgage any money authorised to be borrowed by any Act hereby repealed, the provisions of *The Launceston Corporation Act* relating to mortgage of rates shall, subject to the provisions of this Act, be applicable to such mortgages.

Moneys borrowed under former Acts to be deemed to be borrowed under this Act until repaid.

44 All moneys borrowed by the Council by virtue of any Act hereby repealed shall, until such moneys with the interest due thereon shall be repaid, be deemed to be secured upon the rates and charges payable under this Act.

Subsisting mortgages under former Acts to be valid notwithstanding repeal.

45 All valid mortgages subsisting upon the commencement of this Act made by the Municipal Council under any Act hereby repealed of the several rates and charges leviable and paid thereunder shall be good, valid, and subsisting mortgages, notwithstanding such repeal; and all

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the provisions of *The Launceston Corporation Act* relating to mortgages of rates shall be applicable to such mortgages so far as the same can be applied thereto. A.D. 1877.

46 If after having borrowed any sum of money as aforesaid, or any part thereof, the Council pays off the same, it shall be lawful for the Council again to borrow the amount so paid off, and so from time to time; and the provisions of *The Launceston Corporation Act* relating to mortgages of rates shall, subject to the provisions of this Act, be applicable to mortgages to be granted under the authority of this Act. Power to borrow money.

47 In order to facilitate the borrowing by the Council of any sum of money which the Council is authorised to borrow as aforesaid, it shall be lawful for the Governor in Council to guarantee the payment of interest upon the same, or any part thereof, to the lenders: Provided always, that in every such case, and so far as the Governor in Council, 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 Council under the authority of this Act. Governor in Council may guarantee interest on the loan.

48 It shall be lawful for the Trustees for the time being of any Bank for Savings in *Tasmania*, now or hereafter to be established, and the Trustees of any "Certified Friendly Society" under "The Friendly Societies Act," to advance and lend to the Council, upon the security aforesaid, any sum of money which the Council is authorised to borrow as aforesaid, anything in any Act to the contrary notwithstanding. Trustees may invest in such loans.

49 The holder of any valid subsisting mortgage issued under any Act hereby repealed may, if the Council approves, exchange the same for mortgages of equal amount to be issued under this Act upon such terms and conditions as may be agreed upon between the holders of such mortgage and the Council. Mortgages may be exchanged.

Where any mortgage is exchanged as aforesaid no Stamp Duty shall be payable upon the issue of such new mortgage, but the same shall be endorsed by a Collector of Stamp Duty as "not liable to Stamp Duty," if the collector shall be satisfied that such new mortgage is not liable to Stamp Duty—and if such new mortgage is issued not being endorsed as aforesaid, or not being duly stamped, such mortgage shall be null and void.

Sinking Fund.

50 It shall be lawful for the Council, and it is hereby required, annually to set apart as a Sinking Fund from and out of any surplus moneys appearing upon the yearly balance of the *Launceston Water Account* hereinafter mentioned a sum of One Pound per centum per annum on the amount or amounts raised and borrowed for the purposes of this Act; and such Sinking Fund shall be from time to time applicable to the redemption of mortgages of the Waterworks, and to no other purpose whatsoever. Sinking Fund to be established.

Offences.

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

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Injuring Water-works or preventing flow of water.

52 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 :—

Destroys or injures any of the waterworks ;

In any manner wilfully prevents or obstructs the flow of water in the *St. Patrick's* River, or in or through any watercourse, tunnel, or other waterwork ;

Otherwise injures or obstructs the passage of the water in a pure and wholesome state in the *St. Patrick's* River, or through any watercourse, tunnel, or other waterwork.

Fouling water.

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

(1.) Every person who bathes in any part of the *Saint Patrick's* River within Three miles above the dam erected by the Council thereon, or in any reservoir, aqueduct, or other waterwork of the Corporation, 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 river as aforesaid above the said dam, 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 river above the said dam, 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 :

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 Council.

Maliciously injuring works or fouling water a misdemeanor.

54 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.

55 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.

56 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 Council from the waterworks,

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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. A.D. 1877.

57 Every person who, without due authority, takes any water from any reservoir, watercourse, or conduit belonging to the Corporation, or any pipe leading to any such reservoir, watercourse, or conduit, or from any cistern or other like place containing water belonging to the Corporation, 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. **Taking water without authority.**

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

59 Every person supplied with water by the Council 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 Council is wasted, shall for every such offence incur a penalty not exceeding Five Pounds. **Suffering service pipe to be out of repair.**

60 Every person who wilfully or carelessly breaks, injures, or opens any lock, cock, valve, pipe, work, or engine belonging to the Corporation, or flushes or draws off the water from the reservoirs or other waterworks of the Corporation, 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.**

61 Whenever the water supplied by the Council 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.**

62 Where the doing of any act or thing is made punishable by this Act, or by any Bye-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.**

63 All penalties for offences against this Act shall be applied to the use of the Corporation, or at the discretion of the convicting Justice or Justices any portion not exceeding a moiety thereof shall be applied to the use of the informer or person prosecuting, and the remainder to the use of the Corporation; and all penalties or portions of penalties to be applied to the use of the Corporation shall be paid to the Treasurer of the Corporation, and shall be carried to the credit of the Water Account. **Appropriation of penalties.**

Water Account.

64 The Treasurer of the Corporation shall keep a separate and distinct account, to be called the *Launceston Water Account*, of all moneys received and paid under the powers and provisions of this Act; and all rates and moneys received by the Council or the Treasurer **Water account to be kept.**

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under the provisions of this Act shall be carried to the credit of the said account, and shall be appropriated and applied to the purposes of this Act including any purchase money of land and compensation payable under this Act and to no other purpose whatsoever.

Officers.

Appointment of officers.

65 The Council may from time to time appoint and employ a Superintendent of Waterworks and such other Officers and other persons as the Council thinks necessary and proper for the execution of the powers vested in the Council by this Act; and, subject to the provisions of this Act, the provisions of *The Launceston Corporation Act* relating to officers and their accountability shall be applicable to all officers and other persons appointed or employed under this Act, and shall be incorporated with this Act.

Powers conferred on Council to extend to officers duly authorised.

66 Wherever by this Act authority is conferred on the Council 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 Council, and to all necessary agents, assistants, servants, workmen, means and appliances whatsoever.

Bye-laws.

Bye-laws.

67 The Council shall have power from time to time to make, alter, modify, amend, or repeal Bye-laws for the following purposes:—

For regulating the charges, terms, and conditions upon which water shall be supplied in the cases provided for by Section 23 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 *Tamar* at *Launceston*:

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

For preventing injury to the waterworks:

For regulating all or any matters and things whatsoever connected with the water to be supplied by means of the waterworks:

And otherwise for the better effectuating any of the purposes of this Act in any matter not otherwise sufficiently provided for.

And to provide that any such Bye-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 Twenty Pounds, as the Council thinks proper.

Subject to the provisions of this Act the provisions of Section One hundred and thirty-eight of *The Launceston Corporation Act* shall be applicable to the Bye-laws made under this Act.

Miscellaneous.

Interest in execution of Act not to be a disqualification.

68 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 therewith, by reason only of his being a Burgess of the Town of *Launceston*, or by reason of his being liable to any rate

Launceston Water Supply.

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. A.D. 1877.

69 On and after the day on which this Act commences and takes effect the Acts of Council and of the Parliament of *Tasmania* set forth in the Schedule shall be hereby repealed: Repeal of Acts mentioned in the Schedule.

Provided that such repeal shall not affect—

- (1.) Anything duly done before this Act commences and takes effect:
- (2.) Any liability accruing before this Act commences and takes effect:
- (3.) Any penalty, forfeiture, or other punishment incurred or to be incurred in respect of any offence committed before this Act commences and takes effect:
- (4.) The institution of any legal proceeding, or any other remedy for enforcing or recovering any such liability, penalty, forfeiture, or punishment as aforesaid:
- (5.) Any appointment duly made under any enactment hereby repealed, and subsisting at the time when this Act commences and takes effect; and the same shall be deemed to have been made under this Act, and shall be subject to such provisions of this Act as are applicable thereto respectively.

8 W. 4, No. 6,
not to apply to
the waterworks
under this Act.

70 The provisions of the Act of Council of the 8th *William* the 4th, No. 6, shall not apply to the waterworks and other works of the Corporation under this Act. Commencement of Act.

71 This Act shall commence and take effect on the First day of *January*, 1878. Short Title.

72 This Act may be cited as “The *Launceston Water Act*, 1878.”

SCHEDULE.

ACTS TO BE REPEALED.

Date and Number of Act.	Title.
16 Vict. No. 19	<i>An Act to secure a Supply of Pure Water for the Town and Port of Launceston.</i>
19 Vict. No. 12.	“ <i>The Launceston Water Act.</i> ”
20 Vict. No. 10.	An Act to enable the Government to guarantee the payment of Interest upon a further Sum of £10,000 to be borrowed by the Mayor and Aldermen of the Town of <i>Launceston</i> .
21 Vict. No. 18.	<i>The Launceston Water Act, No. 2.</i>
22 Vict. No. 14.	<i>The Launceston Water Act, No. 3.</i>
25 Vict. No. 18.	<i>The Launceston Water Act, No. 4.</i>
39 Vict. No. 14.	“ <i>The Launceston Water Act, No. 5.</i> ”

CHARLES THE FIRST

The first part of the reign of Charles the first was spent in the preparation of the army for the expedition to France. The king's health was so weak that he was unable to go himself, and he left the command of the army to the Duke of Buckingham. The Duke's conduct was so negligent that the army was defeated at the battle of Marston. The king then retired to the north, and the Duke of Buckingham was executed. The king's health continued to decline, and he died on the 30th of January, 1649.