

No. XXIII.

An Act for the appointment of Commissioners for managing and upholding the Public Reservoir for the Supply of Water to the Inhabitants of Campbelltown and for other purposes relating thereto. [10th November, 1854.]

CAMPBELLTOWN
RESERVOIR.

WHEREAS a Reservoir has been established in the Town of Preamble. Campbelltown in the County of Cumberland at the public expense for the purpose of providing a supply of pure and wholesome water for the use of the inhabitants of the said town and adjoining neighbourhood. And whereas it is expedient to place the said Reservoir in Trust and to vest any funds which may be collected for the use of the water thereof or granted by the Legislative Council for repairing and upholding the same and preserving the water collected therein to and in Commissioners to be appointed in that behalf by the Governor for the time being and to make provision for the application of such funds and for such other purposes as may relate to the said Reservoir. Be it therefore enacted by His Excellency the Governor of New South Wales with the advice and consent of the Legislative Council thereof as follows:—

1. The said Reservoir and its appurtenances (as described in the The Reservoir placed in Trust. Schedule to this Act annexed marked A 1) shall be placed in Trust as hereafter mentioned.

2. It shall be lawful for His Excellency the Governor to appoint Governor to appoint Commissioners. Commissioners to carry out the provisions of the said Trust.

3. All questions matters and things which shall be discussed or Questions to be decided by majority. considered at any meeting of the said Commissioners shall be decided and determined by the majority in number of the members present and the President (who shall be elected by the Commissioners from their own body) shall be entitled to vote thereat and in case of an equality in votes shall have an additional or casting vote Quorum. Provided however that the said Commissioners shall in no case be competent to proceed to business unless there be at least three members present.

4. The right interest and property in the said Reservoir and Property to be vested in Commissioners. the waters to be derived therefrom and the rails fences and other erections and buildings dams drains and all other things which shall have been or shall be hereafter erected and provided on or for the said Reservoir under and by virtue of this Act with the several conveniences and appurtenances thereunto belonging and the materials of which the same shall consist and all materials tools and implements which shall be provided for repairing and upholding the said Reservoir shall be vested in the said Commissioners for the time being and they are hereby

Campbelltown Reservoir.

Commissioners authorized to make cuts and tunnels &c. and to lay down pipes.

Commissioners to levy fees and dues.

Government Gazette evidence of notice.

Money vested in Commissioners.

Power to collect dues and fees and to grant leases.

Commissioners to appoint ministerial officers.

Commissioners may prosecute for nuisances &c.

Commissioners to keep accounts of all moneys received and expended by them under this Act and to render such ac-

hereby authorized to apply and dispose of the same as they may think fit and to bring any action or prosecute any information or indictment or other proceeding for any injury to the property so vested in them or for any violation of this Act committed on the said Reservoir or in any way affecting the same.

5. The said Commissioners shall have full power and they are hereby authorized to make and construct such cuts tunnels and pipe-tracts and to lay down such pipes as they may think necessary proper or convenient for conveying a supply of water from such Reservoir to such portions of the Town of Campbelltown as they may think fit.

6. It shall be lawful for the Commissioners so appointed by a notice to be published in the *New South Wales Government Gazette* to appoint and direct certain fees or dues to be demanded taken and levied at such Reservoir for the use of the water collected therein and in such notice shall be stated the rate of such fees or dues and from time to time to alter such rate as they may deem fit Provided that such rate to be so stated and altered shall not exceed in amount the rates mentioned in the Schedule to this Act annexed marked B 2.

7. In any proceeding under this Act the production of the *New South Wales Government Gazette* containing such notice shall be *prima facie* evidence that such notice was duly published by the direction of the said Commissioners until the contrary shall be shewn and the like evidence shall be sufficient proof of the appointment of the said Commissioners.

8. All sums of money which shall be collected and levied under this Act at such Reservoir or for the use of the water collected therein or any sum granted for upholding maintaining or repairing the said Reservoir shall be vested in the said Commissioners to be applied by them in repairing and upholding such Reservoir and the approaches thereto and the appurtenances thereof and in erecting the necessary gates rails fences and buildings thereon and keeping the same as well as those already erected in good repair.

9. All powers of collecting such fees or dues and of appointing the place where the same shall be collected of causing houses gates bars chains rails and fences to be built and set up for the protection of the said Reservoir and its appurtenances are hereby vested in the said Commissioners for the time being of the said Trust and the said Commissioners shall be competent to grant leases of the dues and fees to be collected and levied at the said Reservoir or for the use of the water collected therein for any period not exceeding the term of two years if in their discretion they shall deem it expedient so to do either by public auction or otherwise.

10. It shall be lawful for the said Commissioners for the time being respectively to appoint all such ministerial officers as shall be necessary for carrying this Act into effect and the salaries or other remuneration of such officers shall be paid out of the funds vested in the said Commissioners.

11. It shall be lawful for the said Commissioners for the time being and they are hereby empowered if they think fit to direct prosecutions by indictment or otherwise against any offender for any nuisance or other offence done committed or continued in or upon the said Reservoir or its appurtenances or the waters contained therein or to recover any penalty or forfeiture incurred under the provisions of this Act at the expense of the revenues belonging to the said Trust.

12. The said Commissioners shall keep or cause to be kept true correct and particular accounts of all moneys received as well as of all moneys expended by them in the execution of their Trust under this Act and they shall within one month after the expiration of each half-year

Campbelltown Reservoir.

half year render such accounts for such half year to the Auditor General of the Colony who after examination of the same shall cause them to be delivered to the Colonial Secretary to be laid before the Legislative Council of the said Colony and published in the *New South Wales Government Gazette*. counts half-yearly to the Auditor General for examination and transmission to the Colonial Secretary to be laid before the Legislative Council.

13. It shall be lawful for the said Commissioners for the time being to sue and be sued in the name or names of any one of such Commissioners or of their clerk for the time being and no action or suit to be brought or commenced by or against any such Commissioners or clerk by virtue of this Act in the name or names of any one of such Commissioners or clerk shall abate or be discontinued by the death or removal of such Commissioner or clerk without the consent of the surviving or remaining Commissioners but any one of such Commissioners or clerk shall always be deemed to be the plaintiff or defendant (as the case may be) in every such action or suit Provided always that every such Commissioner or clerk shall be reimbursed and paid out of the moneys belonging to the Trust all such costs charges and expenses as such Commissioner or clerk shall incur or become chargeable with or liable to by reason of his being so made plaintiff or defendant. Commissioners may sue and be sued.

14. No Commissioner appointed under this Act nor any surveyor or other officer appointed by the said Commissioners as aforesaid shall have any share part or interest directly or indirectly in any contract or bargain for work or materials to be made done or provided upon for or on account of the said Reservoir or shall upon his or their own account directly or indirectly use or let to hire any team or use or sell or dispose of any materials to be used or employed in making or repairing such Reservoir or other works as aforesaid or he or they shall forfeit for every such offence on conviction any sum not exceeding twenty pounds and be for ever after incapable of holding or being employed in any office under this Act. Commissioners and certain other persons not to share in any contract.

15. In case any person or persons shall resist or in any manner forcibly oppose the said Commissioners for the time being respectively or their surveyors assistants workmen or laborers employed by them in the due execution of this Act every such person or persons so offending therein shall on conviction for every such offence forfeit and pay any sum not exceeding five pounds. Penalty for persons resisting or opposing Commissioners in their duties under this Act.

16. If any person shall wash any dog or other animal or any clothes wood* leather or the skins of any sheep lamb or other animal or any noisome or offensive thing or throw or cast any dead animal or any filth dirt or other noisome or offensive thing or shall bathe in such Reservoir or cause or suffer the water of any sewer or drain to run or be conveyed into the said Reservoir or cause or permit any other annoyance to be done to the water contained in the said Reservoir or shall place any night-soil or ammoniacal liquor or any other offensive matter or thing in such a situation as to drain wash or flow into such Reservoir whereby or by means whereof the said water or any part thereof shall or may be soiled fouled corrupted or injured every person so offending shall forfeit and pay any sum not exceeding £20 (Penalty. [*Sic.—Qu. wool.]

17. Any person who shall injure any portion of the said Reservoir or any fountain pump cock or water pipe cistern or any part thereof respectively belonging to the said Commissioners shall pay the costs of repairing the same and if the injury be wilfully done shall forfeit any sum not exceeding ten pounds And any person who shall in any manner clandestinely or unlawfully appropriate to his own use any water from the said Reservoir or any fountain or cistern under the charge of the said Commissioners shall forfeit any sum not exceeding five pounds and any person who shall open or leave open any cock fountain Penalty for injuring Reservoir &c. or clandestinely or unlawfully appropriating water

Campbelltown Reservoir.

or allowing water to run to waste or washing clothes to fountain or pump so that the water shall or may run to waste shall forfeit any sum not exceeding five pounds and any person who shall wash any clothes or other materials at any reservoir pump or cistern shall forfeit and pay any sum not exceeding one pound and any person who shall lead or cause to be led or taken any horses cattle sheep or other animals to such Reservoir cistern or pumps now erected or hereafter to be erected by the said Commissioners for the purpose of watering or cleansing the said horses cattle sheep or other animals at such Reservoir cistern or pumps shall for every such offence forfeit and pay any sum not exceeding five pounds unless the same be done under certain rules and regulations to be made by the said Commissioners which rules shall be painted on a board and publicly exhibited at some place at or adjoining the said Reservoir and shall be also published in the *Government Gazette*.

or watering horses &c. thereat

18. It shall be lawful for any one or more Justices of the Peace to hear and determine in a summary way all offences committed against the provisions of this Act and to impose such fines and penalties as in this Act are directed Provided that all proceedings by summons or warrant without a formal information in writing shall be as good valid and effectual to all intents and purposes as if a formal information in writing had been exhibited.

Fines and penalties may be imposed in a summary way by Justices of the Peace.

Justices may award mode of payment of penalties.

Imprisonment in default of payment of penalty.

Conviction not to be quashed for want of form.

General issue.

19. The Justice or Justices of the Peace by whom any person shall be convicted and adjudged to pay any sum of money for any offence against the provisions of this Act may adjudge that such persons shall pay the same with costs to be assessed by the Justice or Justices either immediately or within such period as such Justice or Justices shall think fit and in default of payment at the time appointed he shall be imprisoned in the common gaol or house of correction for any term not exceeding two calendar months where the sum shall not exceed the sum of five pounds and for any term not exceeding three months where the same shall exceed the sum of ten pounds the imprisonment in each such case to cease upon payment of the sum due.

20. No conviction under this Act shall be quashed for want of form or be removed by writ of *certiorari* or otherwise into the Supreme Court and no warrant or commitment shall be held void by reason of any defect therein provided that it be therein alleged that the party has been convicted and that there be a good and valid conviction to sustain the same.

21. If any Commissioner or any person acting under their authority or directions shall be sued for any matter or thing which may be done or commanded to be done by them in the execution of this Act he or they may plead the general issue and give the special matter in evidence.

SCHEDULE A 1.

CAMPBELLTOWN Water Reservoir containing four acres one rood and thirty-nine perches commencing on the south-west side of Dunaresq-street at the north-east corner of allotment number fifty-six purchased by E. McLulla and bounded on the north-east by that street bearing east forty-four degrees thirty-five minutes south nine chains on the south-east by a line bearing south forty-four degrees fifteen minutes west four hundred and seventy-three links to Allman-street on the south-west by that street ten chains to allotment number fifty-seven purchased by Ezekiel Wells on the north-west by that allotment bearing north forty-four degrees fifteen degrees* east two hundred and thirty-seven links to allotment number fifty-six again on the north-east by that allotment bearing east forty-four degrees thirty-five minutes south one chain to its south-eastern corner again on the north-west by that allotment bearing north forty-four degrees fifteen minutes east two hundred and thirty-six links to the point of commencement.

[*Sic.—Qu. minutes.]

SCHEDULE

Spirit Duties.

SCHEDULE B 2.
Table of Fees and Dues referred to.

| | £ | s. | d. |
|--|---|----|----|
| First for every cask say 63 gallons of water taken by parties who sell or supply water to the Inhabitants per cask | 0 | 0 | 1 |
| Half a pipe say equal to two casks | 0 | 0 | 2 |
| And for every ton butt equal to four casks | 0 | 0 | 4 |
| All licensed public-houses to pay per year for the use of the water of the said Reservoir | 5 | 0 | 0 |
| Butchers' shops and dwellings attached | 5 | 0 | 0 |
| Shopkeepers and private residences per year | 2 | 10 | 0 |
| On horned cattle per head for ten head or under | 0 | 0 | 0½ |
| For any exceeding that number | 0 | 0 | 0¼ |
| Horses on the same scale. | | | |