

## No. XXXII.

### An Act to provide for the Water Supply and Sewerage of the City of Sydney and its Suburbs. [10th June, 1880.]

METROPOLITAN  
WATER AND SEWERAGE  
ACT.

WHEREAS it is expedient to make adequate provision for supply-  
ing with Water the City of Sydney and its Suburbs and for  
the Sewerage thereof Be it therefore enacted by the Queen's Most  
Excellent Majesty by and with the advice and consent of the Legislative  
Council and Legislative Assembly of New South Wales in Parliament  
assembled and by the authority of the same as follows that is to say :—

#### PART I.

*Introductory Provisions—Constitution powers and duties of the Board  
of Water Supply and Sewerage—Water and Sewerage Districts—  
Appointment of Officers—By-laws &c.*

1. This Act may be cited as the "Metropolitan Water and short title and  
arrangement of Act Sewerage Act of 1880" Its provisions are arranged under Seven Parts  
embracing the following subjects viz. :—

PART I.—*Introductory Provisions—Constitution powers and duties  
of Board of Water Supply and Sewerage—Water and  
Sewerage Districts—Appointment of Officers—By-laws—  
ss. 1-88.*

PART II.—*Water Supply—ss. 39-90.*

PART III.—*Sewerage—ss. 91-116.*

PART IV.—*General provisions as to the acquisition and occupation  
of Lands for the purposes of Water Supply or Sewerage—  
Compensation for damage or injury how ascertained—ss.  
117-133.*

PART V.—*Application of Act to certain Boroughs and  
Municipal Districts—ss. 134-136.*

PART VI.—*Provisions for contingent transfer of Water and  
Sewerage Works—ss. 137-140.*

PART VII.—*Miscellaneous Provisions as to Legal Procedure  
ss. 141-153.*

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Interpretation of terms.

2. In the construction of this Act the following words and expressions in inverted commas shall unless there be something in the subject or context repugnant thereto or inconsistent therewith bear the meanings and include the persons or things hereby respectively set against such words and expressions that is to say—

- “ Catchment area ”—The drainage area of the streams and other sources of water supply included within boundaries to be proclaimed under this Act for the purpose of providing water for any water district.
- “ Conduit ”—The canals tunnels aqueducts cuttings or pipes to be constructed under the provisions of this Act by means of which the main stream of water is supplied to the City and Suburbs of Sydney.
- “ Governor ”—The Governor with the advice of the Executive Council.
- “ Justice ”—Any Justice of the Peace.
- “ Minister ”—The Secretary for Public Works or other Responsible Minister of the Crown charged with the administration of this Act.
- “ Owner ”—Any person who is in the receipt of the rents and profits of any house manufactory or buildings of whatsoever kind or of any land.
- “ Sewer ”—Any sewer or drain of what kind soever whereby any liquid refuse or any water shall be carried off.
- “ Sewerage District ”—The area to be proclaimed from time to time under this Act within which the construction and maintenance of sewerage or drainage works for sewerage or drainage is thereby authorized.
- “ Street ”—Any square court alley highway lane road thoroughfare or public passage.
- “ The Board ”—The Board of Water Supply and Sewerage.
- “ Water District ”—The area to be proclaimed from time to time under this Act within which water is authorized to be supplied to the inhabitants of such district.

When certain provisions of Act to come into force.

3. This Act and the several parts thereof shall come into force under and subject to the qualifications and limitations following viz. :— The whole Act shall come in force on the date of the passing thereof so far as it provides for the constitution of the Board of Water Supply and Sewerage and for the construction maintenance and general administration of works and the acquisition of land for water supply or for sewerage outside the boundaries of the City of Sydney Provided that for the purposes of carrying out and completing the approved schemes of water supply and sewerage for which executive authority shall have been or be given the powers authorities duties and obligations respectively conferred and imposed on the said Board by Parts II III VI and VII shall both within and without the boundaries of the said City be exercisable by and be held to be imposed on the Minister until the said works shall in each case be reported complete to Parliament as hereinafter provided But the exercise of such powers by the Minister within the boundaries of the said City shall not interfere with the existing works for water supply or sewerage nor prejudice or affect the property rights powers and obligations of the Municipal Council of the said City in respect of such works or of any property whatsoever in connection therewith now vested in or under the control of the said Council until and unless the transfer of such works and property shall be carried out and published as in the next following section provided Provided that upon such publication as aforesaid but not sooner the said last-mentioned powers authorities duties and obligations shall be exercisable by and be imposed upon the Board.

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4. Upon publication in the *Gazette* of a notice signed by the Colonial Secretary declaring that the property powers and obligations of the Municipal Council of the City of Sydney in respect of Water Supply and Sewerage has been transferred to the Board constituted by this Act and that the sewerage and water works referred to in the two hundred and fourteenth section of the "Sydney Corporation Act of 1879" have been vested in the said Board constituted by this Act the enactments specified in the First Schedule hereto to the extent therein expressed shall be repealed. Provided always that

(1.) Every resumption or reservation of land contract purchase Proviso. conveyance act matter proceeding and thing already made done executed commenced or instituted by virtue or in pursuance of any Act wholly or partly repealed by the said Corporation Act or by this Act shall be and the same is hereby declared to be good valid and effectual to all intents and purposes whatsoever

(2.) No action suit prosecution or other proceeding whatsoever commenced or carried on before this section shall take effect either by or against the Municipal Council of the City of Sydney shall abate or be discontinued or be prejudicially affected by such repeal but the same shall continue and take effect both in favor of and against the Board hereby constituted and all judgments decrees and orders made in favor of or against the said Council and all fines and penalties imposed and incurred respectively under any of the said repealed enactments shall be enforced levied recovered and proceeded for by and against and with reference to and in the name of the said Board in such and the like manner as they could have been enforced levied recovered and proceeded for by and against and with reference to and in the name of the said Council if the said Corporation Act or this Act had not been passed.

5. The authority empowered to carry out the provisions of this Act except as to such Parts thereof as empower the Minister exclusively to construct and maintain works for water supply or sewerage shall be "The Board of Water Supply and Sewerage". And such Board shall be composed of seven persons to be respectively elected and appointed as hereinafter provided—

(1.) The Governor shall by Commissions under his hand and the seal of the Colony appoint three persons to be members of the said Board who shall be designated "Official Members" and one of such persons shall in and by such Commission be appointed to be President of the Board.

(2.) The Municipal Council of the City of Sydney shall elect two members of the said Board who shall be designated "City Members."

(3.) The Mayors and Aldermen of the several Boroughs and Municipal Districts now or hereafter to be established situated wholly or in part within the county of Cumberland shall elect two members of the said Board who shall be designated "Suburban Members."

6. Such seven persons so to be elected and appointed shall be a body corporate under the name of the "Board of Water Supply and Sewerage" and by that name shall have perpetual succession and a common seal and shall sue and be sued. And shall and may accept purchase hold and enjoy to them and their successors as members of the said body corporate and for the uses thereof any real and personal estate or property of what kind soever.

7. The members of the said Board shall hold office for four years. Provided that of the first members appointed or elected under the provisions of this Act three shall be so appointed and elected for a period

Constitution of Board.

Incorporation of Board.

Duration of office of members of Board.

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period of two years only viz. one official one city and one suburban member. And the elected members so to hold office for a period of two years only shall be those who received the least number of votes at their election if the same shall have been a contested election and if not or in case of an equality of votes then the determination shall be by lot. The official member so to hold office for the like period of two years shall be determined by the Governor. But all such members whether official or elective shall if qualified be eligible for re-appointment or re-election respectively.

**President and Vice-President of Board.**

8. It shall be lawful for the Governor to appoint some member of the Board to be President and for the Board to elect one of their number to be Vice-President thereof. And such Vice-President may during the absence of the President act as President and whilst so acting shall have the same power as the President if present would have. And the President or in his absence the Vice-President of the said Board shall preside at all meetings thereof and shall have a casting in addition to his original vote.

**Remuneration of members of Board.**

9. The President of the Board shall during his tenure of office be entitled to be paid such salary as the Governor may determine and as may be voted by Parliament. And every other member of the Board shall be entitled to receive as remuneration for his services a sum not exceeding one hundred and fifty pounds per annum to be paid to him in the form of a fee for each meeting of the Board at which he shall have been present up to the time of the termination thereof and of such amount as the Governor may appoint and the office of an elected Member of the Board shall not for the purposes of the eighteenth section of the Act contained in Schedule (1) to the Imperial Act eighteenth and nineteenth Victoria chapter fifty-four and commonly cited as the "Constitution Act" be deemed to be an office of profit under the Crown.

**Extraordinary vacancies.**

10. Any member of the Board may resign his office by writing under his hand addressed to the Governor in which case or in case of the death or removal of any member the appointment or election to supply the vacancy so arising shall be for the residue of the term for which such member so resigning dying or removed was appointed or elected.

**Quorum.**

11. Any three members of the Board (of whom the President or Vice-President for the time being shall be one) shall be a quorum thereof and shall have and may exercise all the powers and authorities which by this Act are conferred on the Board and all questions at any meeting of the Board shall be decided by the majority of the members present.

**Declaration of office.**

12. Every member of the Board before entering upon the duties of his office shall make and subscribe before the Executive Council a declaration in the form contained in the Second Schedule hereto.

**First elections.**

13. The first elections of city and suburban members of the Board under this Act shall take place on a day to be appointed by the Governor and published in the *Gazette* when there shall be elected by the Mayor and Aldermen of the Municipal Council of the City of Sydney two members and likewise by the respective Mayors and Aldermen of the Boroughs and Municipal Districts situated wholly or partly within the county of Cumberland and hereinafter termed "Electoral Municipalities" two members of the "Board of Water Supply and Sewerage" constituted by this Act. And on the corresponding day and month in every second year thereafter the like elections shall take place of two members one city and one suburban to serve on the said Board in lieu of those retiring by rotation and at all such elections the voting shall be by ballot.

**Subsequent elections.**

14. For the purpose of conducting all elections under this Act there shall be a returning officer for the City of Sydney and one for the

**Returning officers.**

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the Electoral Municipalities which officers shall for the city elections be the Mayor for the time being for the said city or some Alderman to be appointed by him and for the said Municipalities such person as the Governor may appoint. The returning officer shall in every case be a member of the Municipal Council of the said City or of the Council of one of the Electoral Municipalities respectively and shall have a casting vote only. And subject to the provisions of this Act and the regulations to be made thereunder the place and time for holding all elections shall be appointed by the Governor and notified in the *Gazette* thirty-five days before the date of the holding thereof.

15. All expenses incurred in the conduct of any such election shall if certified under the hand of the returning officer of the City or of the said Municipalities in and for which such election shall respectively have been holden be paid out of the Consolidated Revenue Fund by warrant under the hand of the Governor addressed to the Colonial Treasurer. Expenses of elections how defrayed.

16. Every person shall be eligible for election as a member of the Board Qualification of members.

- (1.) As a city member—if at the time of the holding of any election he shall possess the qualification and not be within any disqualification respectively prescribed and imposed by law in respect of elections to the office of Alderman of the Municipal Council of the City of Sydney.
- (2.) As a suburban member—if at the time of the holding of any election for the said Municipalities he shall possess in and for any one or more of such Municipalities the qualification and not be within any disqualification respectively prescribed and imposed in respect of the office of Alderman by the “Municipalities Act of 1867” or any Act amending the same.

17. Twenty-eight days before the holding of any election under this Act each returning officer shall by advertisement in the *Gazette* and in or more daily newspapers circulating in the City of Sydney give public notice of such election requiring the names of all candidates and their proposers to be forwarded to him within seven days from the giving of such notice. And any person duly qualified as an elector desirous of nominating a candidate either as a city or suburban member shall within such last-mentioned time forward to such returning officer in writing the christian and surname of such candidate and such writing shall state whether the candidate is proposed as a city or as a suburban member and shall be signed by such nominator. And no person shall be capable of being elected at any such election unless he shall have been proposed in manner above-mentioned and his name as a candidate shall have been published for at least seven days before such election in some newspaper circulating in the said City.

18. All elections to supply extraordinary vacancies shall be conducted as nearly as may be in the same manner as the periodical elections. And every person appointed to fill any such vacancy shall hold office until the time when his predecessor's term of office would have expired and no longer but may be re-elected if still qualified. Extraordinary vacancies.

19. If any candidate at any such election or any other person shall directly or indirectly by himself or his agent offer pay or give any money food drink or valuable consideration to induce any person to vote or to abstain from voting at such election he shall be guilty of a misdemeanour. And the election of any such candidate shall upon any conviction for such offence be null and void. Bribery &c.

20. If at the time appointed under the provisions of this Act for any election to be holden thereunder there shall be no candidates or a less number of candidates than there are members of the Board to be elected the Governor may appoint any persons not disqualified under Governor may appoint members in certain cases.

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under the provisions of this Act to be members or a member of the said Board and all such persons so appointed shall hold office as and be members of the Board as fully and effectually to all intents and purposes as if they had been duly elected.

**Election not to be questioned for certain informalities.**

21. No election under this Act shall be questioned by reason of any want or defect of title of any person by or before whom such election shall have taken place if such person shall have really acted at such election nor by reason of any formal error or defect in any publication under this Act or purporting so to be nor by reason of any publication being out of time nor by reason of an election not having been duly holden.

**Returning Officer to certify result of election to Governor.**

22. Every returning officer shall within twenty-four hours after the official declaration by him of the poll or in the event of the election not having been contested within twenty-four hours after the expiration of the time allowed for the nomination of candidates as the case may be certify the result of such election by writing under his hand addressed to the Governor.

**Seat how vacated.**

23. If any member of the Board shall without the permission of the Board fail to give his attendance at four consecutive meetings of the Board or shall become insolvent within the meaning of any Act relating to insolvency in force for the time being or be convicted of felony perjury or any infamous offence or become insane his seat shall thereby become vacant.

**Custody and use of seal.**

24. The common seal of the Corporation constituted by this Act shall be kept in the custody of such member of the Board for the time being as the Board shall determine and shall not be affixed to any instrument or writing except in the presence of a quorum of the Board and the members in whose presence such seal shall be so affixed shall attest by their respective signatures the fact and date of such seal being so affixed. And all Courts Judges and persons acting judicially shall take judicial notice of the common seal of the Board affixed to any such instrument or writing and shall presume that such seal was properly affixed thereto.

**Seal to be judicially noticed.**

25. The Board shall keep full and accurate minutes of all their proceedings in such manner and form as the Governor may from time to time direct.

**Prohibition of alienation of Crown lands within catchment area.**

26. After the passing of this Act it shall not be lawful to make any conditional or other sales of any Crown lands situated within any catchment area or Water or Sewerage District proclaimed under this Act.

**Catchment area and Water and Sewerage District boundaries to be proclaimed by Governor.**

27. Within thirty-one days after the passing of this Act the Governor shall by Proclamation to be published in the *Gazette* define the boundaries of the metropolitan catchment area for the purposes of carrying out the authorized scheme of water supply for the City of Sydney and its suburbs and shall in like manner define the boundaries of the Metropolitan Sewerage District within which it is intended to construct works for the sewerage of the said City and suburbs. And it shall be lawful for the Governor from time to time by a like Proclamation to define the catchment area of any Water District and the boundaries of any Water or Sewerage District for the purpose of supplying with water any one or more Boroughs or Municipal Districts within the County of Cumberland or for the sewerage thereof respectively.

**Appointment of officers &c. by Board.**

28. It shall be lawful for the Board by writing under their common seal to appoint a secretary and staff of clerks and so many engineers surveyors or inspectors accountants collectors clerks rangers and such other officers and servants as they may require for the purposes of this Act and for the due administration thereof. And such persons so to be appointed shall be paid by annual salaries to be voted by Parliament and shall hold office during the pleasure of the Board be subject

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subject to the sole control and governance thereof and (where required by the Board) shall give such security for the performance of their several duties as the Board shall prescribe.

29. Suitable office accommodation for the Board and their office for the Board professional and clerical staff shall be provided by the Government. And any rent and other expenditure incurred therefor shall be paid out of the Consolidated Revenue fund.

30. All cheques for the payment of salaries rent or other office charges shall be signed by the President or in his absence by the Vice-President of the Board and be countersigned by the secretary. And all other payments shall be under proper vouchers certified under the hand of the said President or Vice-President as aforesaid and shall be made in such manner and subject to such regulations as the Governor may prescribe in that behalf.

31. All moneys payable to the Board under this Act or any by-law made thereunder shall be collected and received by the Board for the use of Her Majesty for and on account of the Consolidated Revenue Fund and shall be paid into the Treasury to the credit of accounts to be there kept under the names respectively of the "Metropolitan Water Rates" and the "Metropolitan Sewerage Rates" accounts. And the provisions of the Audit Act in force for the time being and of any Act regulating the collection of public moneys and the audit of the public accounts shall apply to the Board and to all officers acting under their authority and control.

32. Subject to the provisions of this Act the Board shall be deemed to be a Public Department in correspondence for all Administrative purposes with the Minister and subject to the control of the Governor and Executive Council.

33. The Governor may disallow any act matter or thing done or commenced by the Board not being a contract lawfully entered into by such Board for the execution of any work authorised by this Act.

34. Subject to the provisions of this Act the Board may from time make alter and repeal by-laws—

*As to Water Supply.*

- (1.) For the conduct of the business of the Board
- (2.) For regulating the form of contracts to be entered into with the Board and generally for carrying into effect the purposes of this Act
- (3.) For the appointment of a scale of charges for water supplied by measure and the minimum quantity of water to be charged for where water is so supplied
- (4.) For determining making and levying the rate to be paid in respect of lands and tenements to be supplied with water for domestic purposes otherwise than by measure or in respect of lands and tenements distant not more than sixty yards from any main constructed by or vested in the Board. Provided that the valuation of any lands or tenements for the purposes of such water supply shall not exceed in any year the valuation (if any) of such lands or tenements during the same or the previous year by the Municipal Council of the City of Sydney or of the Borough or Municipal District respectively in which such lands or tenements are situated. And no such rate shall exceed the amount of five pounds per cent. per annum on such valuation. Provided that no charge for the supply of water to any house tenement or lands shall in any case be less than the sum of ten shillings per annum
- (5.) For imposing an extra rate for water supply in places distant more than one hundred yards from the conduit

(6.)

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- (6.) For determining the time at which any charge for water shall be payable and whether in advance or otherwise
- (7.) For regulating the form material dimensions construction and arrangement of pipes and other work supplying water from the pipes of the Board to adjacent premises—the time of executing and the notices to be given for such works—the superintendence thereof the making good and replacing ground which may be displaced in the course of such works—and for inspecting all services at reasonable times whether situate within any buildings or otherwise
- (8.) For regulating the construction disposition custody and inspection of meters.
- (9.) For preventing the waste or misuse of water supplied by the Board
- (10.) For compelling persons using water supplied by the Board to keep their pipes and other appliances in proper repair—for preventing any alteration of or interference with such pipes without notice to the Board—for repairing such pipes and appliances so as to prevent waste of water and for recovering the cost of such repairs
- (11.) For preventing the use directly or indirectly of water supplied by the Board by persons unauthorized by the Board
- (12.) For preventing persons from wilfully or negligently breaking injuring or from interfering with any pipe lock cock valve engine or work belonging to the Board and from doing any other wilful act whereby the water supplied by the Board may be wasted

*As to Sewerage.*

- (13.) For regulating the drainage of roads and streets into sewers
- (14.) For regulating the dimensions material form construction and arrangement of and the maintenance cleansing and repairing of the pipes drains and other means of communicating with sewers and of the traps and apparatus connected therewith
- (15.) For the carrying out of such works of cleansing and removing and disposing of refuse as the Board is authorized by this Act to perform or require
- (16.) For regulating the assessment form and collection of rates charges and contributions the periods for the repayment of the costs of works by the persons or rates chargeable with such repayment Provided that no sewerage rate shall exceed five pounds per centum on the assessed annual value

And every such by-law shall after approval by the Governor within fourteen days after such approval has been signified to the Board be laid before Parliament if in session and if not then within fourteen days after the commencement of the next Session And no such by-law shall have any force or effect until it has been published in the *Gazette* And every such by-law shall when so published be binding upon and be observed by all persons and shall be sufficient to justify all persons acting under the same.

**Penalties in by-laws.**

35. every such by-law may state a maximum penalty for the breach thereof not in any case exceeding twenty pounds and shall also state in cases of continuing offences a further penalty not exceeding five pounds for each day after notice of the offence shall be given by the Board And the production of the *Gazette* containing any such by-law shall in any action at law or suit in equity or any other proceeding and in all Courts be sufficient evidence that such by-law as it is printed in such *Gazette* has been duly made and published as hereinbefore provided.

**Evidence of by-law.**

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36. Subject to the approval of the Minister the Board may make contracts for executing works &c. to be in the name of the Board. and enter into any contracts and agreements with any person for the purchase of lands or materials and for engaging to execute perform and construct any works which shall be authorized to be made under and in pursuance of the provisions hereof and such contracts and agreements shall be in the name of the Board and all such contracts may be made as follows (that is to say)—

With respect to any contract which if made between private persons would be by law required to be in writing and signed by the parties to be charged therewith or in writing and under seal the Board may make such contract in writing and under their common seal and in the same manner may vary or discharge the same.

With respect to any contract which if made between private persons would by law be valid although made by parol only and not reduced into writing the President of the Board may make such contract by parol only without writing and in the same manner may vary or discharge the same.

And all contracts made according to the provisions herein contained shall be effectual in law and shall be binding upon the said Board and their successors and all other parties thereto their heirs executors or administrators as the case may be and on any default in the execution of any such contract either by the Board or any other party thereto such actions or suits may be brought either by or against the Board as might be brought had the same contracts been made between private parties only.

37. All persons contracting with the said Board or the President thereof on behalf of such Board shall be deemed for the purposes of the Constitution Act hereinbefore referred to to be public contractors.

38. Subject to the provisions of this Act it shall be lawful for the Governor to make Regulations for the purpose of carrying out the meaning and intent of this Act in respect of the elections of members of the Board—the mode of keeping accounts—the collection and custody of moneys and the remittance thereof to the Treasury by such Board—for prescribing the forms of all notices under this Act—and for the guidance of all officers in the execution of their duties under this Act.

**PART II.***Water Supply.*

39. Subject to the provisions of the third section of this Act the several powers authorities obligations and duties by this Part respectively conferred and imposed on the Board shall and may be exercised and incurred by the Minister in and for the construction of all works for water supply authorized under this Act.

40. Subject to the provisions of this Act the Board may exercise any of the powers in this Part contained for the construction of waterworks for the supply of water to the City and Suburbs of Sydney and for the purposes of carrying out the provisions of this Act (that is to say) :—

- (1.) They may enter upon any lands and take levels of the same and set out such parts thereof as they shall think necessary and dig break and trench the soil of such lands and remove or use all earth stone mines minerals trees or other things dug or obtained out of or from the same.

(2.)

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- (2.) They may enter upon take and hold such land as they may from time to time deem necessary for the construction maintenance repair or improvement of any of the works authorised or transferred by this Act or for obtaining or enlarging the supply of water or for improving the quality thereof for the purposes of this Act.
- (3.) They may from time to time sink such wells or shafts and make maintain alter or discontinue such reservoirs water-works cisterns tanks aqueducts drains cuts sluices pipes culverts engines and other works and erect such buildings upon the lands streams and watercourses authorised to be taken by them as they shall think proper for supplying the inhabitants of any Water District with water.
- (4.) They may from time to time divert and impound the water from any streams as they may think fit and alter the courses of the same and also take such waters as may be found in under or on any lands so to be taken for the purposes of this Act.
- (5.) They may enter upon any Crown or private lands streets roads or thoroughfares and lay or place therein any pipes and may repair alter cut off or remove the same and may enter upon any such lands streets roads or thoroughfares for the purpose of repairing any watercourses or other works being their property or under their control.

Provided always that in the exercise of any of the powers hereby conferred the Board shall inflict as little damage as may 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 taken away or interrupted by them and shall make full compensation to all parties interested for all damage sustained by them through the exercise of such powers. Provided nevertheless that the Board shall not be liable to make compensation in respect of any damage sustained by reason of the taking or diverting of water permanently or otherwise from any river stream or watercourse unless a claim in writing shall be made in respect of such compensation within three months after the commencement of the exercise of the power and that in every case where the Board cannot agree with the owner or claimant the amount of compensation shall be ascertained and the case in other respects shall be dealt with under the provisions hereinafter contained.

Provision where compensation disputed.

Penalty for obstructing construction of works.

Penalty for illegally diverting water.

41. Every person who shall wilfully obstruct any person acting under the authority of the Board in setting out the line of any works undertaken under the authority of this Part or pull up or remove any poles or stakes driven into the ground for the purpose of setting out the line of such works or destroy or injure any works so undertaken as aforesaid shall incur a penalty not exceeding five pounds for every such offence.

42. After any stream or supply of water shall have been diverted impounded or taken by the Board under the authority of this Act every person who shall illegally or without the authority of the Board divert or take any water supplying or flowing into the stream or source of supply so diverted impounded or taken by the Board or who shall do any unlawful act whereby any such stream or supply of water may be diverted or diminished in quantity or injured in quality or purity and who shall not immediately repair the injury done by him on being required by the Board so as to restore such stream or supply of water to the state in which it was before such unlawful act shall forfeit to the Board any sum not exceeding five pounds for every day during which the said supply of water shall be so diverted or diminished or injured by reason of any act done by or by the authority of

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of such person. And any sum so forfeited shall be in addition to the sum which he may be lawfully adjudged to pay to the Board for any damage which they may sustain by reason of their supply of water being diminished. And the payment of the sum so forfeited shall not bar the right of the Board to bring any action at law or any other remedy at law or in equity in respect of the damage so committed.

43. Nothing in this Part contained shall prevent the owners and occupiers of lands through or by which such stream shall flow from using the waters thereof in such manner and to such extent as they might have done before the passing of this Act unless they shall have received compensation in respect of their right of so using such water.

44. If any person unlawfully and maliciously destroy or damage or attempt to destroy or damage any reservoir dam tank tunnel water-course sluice main pipe aqueduct bridge road way or engine or other part whatever of the works of the Board every such offender shall be guilty of felony and shall be liable to be imprisoned for any term not exceeding ten years.

45. The Board may open and break up the soil and pavement of the several streets and bridges within the limits of any Water District and may open and break up any sewers drains or tunnels within or under such streets and bridges and lay down and place within the same limits pipes conduits 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 bridges and do all other acts which the Board shall from time to time deem necessary for supplying water to the inhabitants of the district included within the said limits.

46. Before the Board shall open or break up any such street bridge sewer drain or tunnel they shall give to the persons or authority under whose control or management the same may be or to their clerk surveyor or other officer notice in writing of their intention 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 as soon as possible after the commencement of the work or the necessity for it shall have arisen.

47. When the Board shall open or break up the road or pavement of any street or bridge or any sewer drain or tunnel they shall with all convenient speed complete the work for which the same shall be broken up and fill in the ground and reinstate and make good the road or pavement or the sewer drain or tunnel so opened or broken up and carry away the rubbish occasioned thereby. And shall at all times whilst any such road or pavement shall be so open or broken up cause the same to be fenced and guarded and shall cause light sufficient for the warning of passengers to be set up and kept there for every night during which such road or pavement shall be continued open or broken up. And shall after replacing and making good the road or pavement which shall have been so broken up keep the same in good repair for six months thereafter.

48. If the Board open or break up any such street bridge sewer drain or tunnel without giving such notice as aforesaid or without making such temporary or other works as aforesaid when so required except in cases in which they are authorized to perform such works without any notice or if they make any unnecessary delay in completing any such work or in filling in the ground or reinstating and making good the road or pavement or the sewer drain or tunnel so opened or broken up or in carrying away the rubbish occasioned thereby or if they neglect to cause the place where such road or pavement has been broken up to be fenced guarded and lighted or neglect to keep the road

Reservation of existing rights.

Penalty for destroying works.

Power to open streets &c.

Notice to be served before such opening.

Reinstatement of streets &c.

Penalty for delay in reinstating streets &c.

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road or pavement in repair for the space of six months next after the same is made good the Board shall forfeit to the authority or persons having the control or management of the street bridge sewer drain or tunnel in respect of which such default is made a sum not exceeding five pounds for every such offence and an additional sum of five pounds for each day during which any such delay as aforesaid shall continue after they shall have received notice thereof.

When other persons  
may reinstate streets  
and recover.

49. If any such delay or omission as aforesaid shall take place the authority or persons having the control or management of the street bridge sewer drain or tunnel in respect of which such delay or omission shall take place may upon giving notice in writing to the Board cause the work so delayed or omitted to be executed and the expense of executing the same shall be repaid by the Board to and may be recovered by such authority or persons.

Board not liable for  
accidental failure to  
supply water nor  
compellable to  
supply water.

50. The Board shall not be liable (in the absence of express stipulation under any agreement for the supply of water) to any penalty or damages for not supplying such water if the want of such supply arises from unusual drought or other unavoidable cause or accident nor shall the Board be compellable to supply water to any person whomsoever.

Agreements to  
supply water—what  
purposes not  
domestic.

51. The Board may supply any person with water for domestic or other purposes by measure at such rates upon such terms and subject to such conditions as may be agreed upon by the Board and the person requiring to be supplied. But "domestic purposes" shall not for the purposes hereof include a supply of water for stables or for manufacturing purposes or for irrigation water power fountains or for any ornamental purpose.

Inspection of rate  
and valuation books.

52. Any officer of the Board authorized in that behalf shall have liberty at all reasonable times without charge to inspect any valuation rate or assessment for the City of Sydney or for any Borough or Municipal District within the County of Cumberland and to take a copy or make extracts from the same. And any town clerk council clerk or other person having the custody of such valuation rate or assessment books refusing or preventing such officer from having access thereto or taking copies or extracts therefrom shall incur a penalty for every such offence not exceeding fifty pounds.

Board may let  
meters.

53. The Board 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 Board and the consumer which shall be recoverable in the same manner as rates due to the Board for water.

Meters of Board not  
distainable &c.

54. Such meters instruments pipes and 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 any Court of Law or Equity or under or in pursuance of any sequestration or order in insolvency or other legal proceedings against or affecting the consumer of the water or the occupier of the premises or other person in whose possession the meters pipes instruments and apparatus may be.

Meter to be supplied  
and maintained by  
consumer.

55. Every person who shall have agreed with the Board for a supply of water by measure shall at his own expense unless he hire a meter from the Board provide a meter and keep and maintain the same in good working condition to the satisfaction of such officer as may be appointed by the Board and in the event of any repairs being required notice in writing shall be immediately given by such person to the Board and a registration of the quantity used shall be taken before such repairs are effected.

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56. Every person requiring to remove or alter the position of any meter shall give six days notice in writing to that effect to the Board and a registration of the quantity of water used shall be taken before such removal or alteration is made.

57. If any person who under the provisions hereinbefore contained ought to provide any meter neglect or refuse after having been required by the Board so to do to provide such meter he shall for every day during which such neglect or refusal continues forfeit a sum not exceeding two pounds.

58. If any person who has provided any meter as aforesaid fail to give the notice hereinbefore required of any repairs required for such meter he shall forfeit a sum not exceeding ten pounds.

59. If any person refuse or delay to have such meter properly repaired and put in correct working order after having been required by any officer of the Board so to do the Board may shut off the supply of water from the premises of such person either by cutting the service-pipe or otherwise until such meter shall have been properly repaired and certified by some officer of the Board as being in proper working order.

60. If any plumber or other person fix or refix any meter upon any premises supplied with water by the Board without having first obtained a certificate from the Board that the said meter has been examined and found in correct working order he shall forfeit a sum not exceeding ten pounds.

61. If any person remove or alter the position of or in any way interfere with any meter without giving such notice as aforesaid he shall for each such offence forfeit a sum not exceeding twenty pounds over and above the damage which he may be found liable to pay in any action at law at the suit of the Board.

62. The officers of the Board may enter any house building or lands to through or into which water is supplied by the Board 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 building or lands for the purpose of removing any meter instrument pipe or apparatus the property of the Board and if any person hinders any such officer from entering or making such inspection or affecting such removal he shall for each such offence be liable to a penalty not exceeding five pounds but except with the consent of a Justice this power of entry shall be exercised only between the hours of ten in the forenoon and four in the afternoon.

63. In all the pipes to which any fire-plug is fixed the Board shall provide and keep constantly laid on for use without charge unless prevented by unusual drought or other unavoidable accident or during necessary repairs a sufficient supply for the following purposes (that is to say) for cleansing the sewers and drains for cleansing and watering the streets and for supplying any public hospitals or charitable institutions or any public pumps baths and washhouses that may be established for the use of the inhabitants and paid for out of any municipal rates levied within the limits of any Water District and such supply shall be provided in such quantities and upon such terms and conditions as may be agreed upon by the Council of the said City or of any Borough or Municipal District to which such water is supplied and the Board Provided that no baths or washhouses shall be entitled to be supplied with water under the provisions of this section unless the charges for the use thereof by the inhabitants shall be approved of and shall not exceed the amounts fixed by the Board.

64. The Board at the request of the Municipal Council of the said City or of any Borough or Municipal District within a Water District

FIRE-PLUGS.

Board to place public fire-plugs in mains.

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District to which a supply of water has been secured by the Board shall fix proper fire-plugs in the main and other pipes belonging to them at such convenient distances and at such places as the Board may consider proper and convenient for the supply of water for extinguishing any fire which may break out within such district. And the said Board shall from time to time renew and keep in effective order every such fire-plug. And shall put up a public notice in some conspicuous place in each street in which such fire-plug is situated showing its situation. And such notice may be put up on any house or building in such street. And as soon as such fire-plug is completed they shall deposit a key thereof in each place within such district where any public fire-engine is kept. Provided always that the cost of such fire-plugs and notices and the expenses of fixing and maintaining the same in repair shall be defrayed by the Council of the City Borough or Municipal District within the boundaries of which the plugs are fixed.

**Fire-plugs for  
manufactories &c.**

65. The Board may at the request and expense of the owner or occupier of any manufactory or works situated in or near any street or road in which or within one hundred yards of which there shall be a pipe of the Board place and maintain in effective order a fire-plug (to be used only for extinguishing fires) or near as conveniently may be to such manufactory or works.

**Pipes to be kept  
charged with water  
taken for fires.**

66. The Board shall at all times keep charged with water all their pipes to which fire-plugs are fixed unless prevented by drought or other unavoidable cause or accident or during necessary repairs. And shall allow all persons at all times to take and use such water for the purpose only of extinguishing fire.

**Notice to lay service  
pipes.**

67. After pipes have been laid under the authority of this Act for the supply of water to any street or part thereof the Board shall cause a notice in the form contained in the Third Schedule hereto or to the like effect to be published in four consecutive numbers of the *Gazette* and in one or more newspapers circulating in the locality and the owner or occupier of every tenement referred to in such notice shall within three weeks from the date of the last publication of such notice in the *Gazette* cause a proper pipe and stop-cocks to be laid so as to convey a supply of water to such tenement. And after fourteen days from such last publication the owner or occupier of such tenement shall unless the Board refuse to supply him with water be liable to pay the rates and charges for such supply although no such pipe and stop-cocks be laid or no such water be used in such tenement.

**PIPES LAID BY  
OWNERS OR  
OCCUPIERS.**

**Power to inhabitants  
to lay service pipes.**

68. Any owner or occupier of any dwelling-house or part of a dwelling-house within a Water District who shall wish to have water from the waterworks of the Board brought into his premises and who shall have paid or tendered to the Board the portion of water rate in respect of such premises by this Act directed to be paid in advance may open the ground between the pipes of the Board and his premises having first obtained the consent of the owners and occupiers of such ground and lay any pipes from such premises to communicate with the pipes of the Board.

**Notice to Board of  
laying pipes.**

69. Such pipes shall be of a strength and material approved of by some officer of the Board and every such owner or occupier shall before he begins to lay any such pipe give to the Board two days notice of his intention to do so.

**Communication with  
pipes of Board to be  
made under superin-  
tendence of surveyor.**

70. Before any pipe is made to communicate with the pipes of the Board the person intending to lay such pipes shall give two days notice to the Board of the day and hour when such pipe is intended to be made to communicate with the pipes of the Board and every such pipe shall be so made to communicate under the superintendence and according to the directions of the surveyor or other officer appointed for

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for that purpose by the Board. And the bore of any such pipe shall <sup>Bore of service pipes.</sup> not exceed three-quarters of an inch except with the consent of the Board.

71. Any person who shall have laid down any pipe or other works or who shall have become the proprietor thereof may remove the same after having first given six days notice in writing to the Board of his intention so to do and of the time of such proposed removal and every such person shall make compensation to the Board for any injury or damage to their pipes or works which may be caused by such removal. <sup>Service pipes may be removed after giving notice.</sup>

72. Any such owner or occupier may open or break up so much of the pavement if any as shall be between the pipe of the Board and his house building or premises and any sewer or drain therein for any such purpose as aforesaid (doing as little damage as may be and making compensation for any damage done in the execution of any such work) Provided always that every such owner or occupier desiring to break up the pavement of any street or any sewer or drain therein shall be subject to the same necessity of giving previous notice and shall be subject to the same control restrictions and obligations in and during the time of breaking up the same and also reinstating the same and to the same penalties for any delay in regard thereto as the Board are subject to under the provisions of this Part. <sup>Power to break up pavements.</sup>

73. If any person supplied with water by the Board wrongfully does or causes or permits to be done anything in contravention of any of the provisions of this Part or wrongfully fails to do anything which under any of those provisions ought to be done for the prevention of the waste misuse undue consumption or contamination of the water of the Board the Board may (without prejudice to any remedy against him in respect thereof) cut off any of the pipes by or through which water is supplied to him or for his use and may cease to supply him with water so long as the cause of injury remains or is not remedied. <sup>PROTECTION OF THE WATER.</sup> <sup>In case of any breach of this Part of this Act water may be cut off.</sup>

74. If any persons supplied with water by the Board wilfully or negligently causes or suffers any pipe valve cock cistern bath soil-pan water-closet or other apparatus or receptacle to be out of repair or to be so used or contrived that the water supplied to him by the Board is or is likely to be wasted misused unduly consumed or contaminated or so as to occasion or allow the return of foul air or other noisome or impure matter into any pipe belonging to or connected with the pipes of the Board he shall for every such offence be liable to a penalty not exceeding five pounds. <sup>Penalty for waste of water.</sup>

75. If any person—

- (1.) Not having from the Board a supply of water for other than domestic purposes uses for other than domestic purposes any water supplied to him by the Board or
- (2.) Having from the Board a supply of water for any purpose other than domestic uses such water for any purpose other than those for which he is entitled to use the same

he shall for every such offence be liable to a penalty not exceeding forty shillings without prejudice to the right of the Board to recover from him the value of the water misused.

76. It shall not be lawful for the owner or occupier of any premises supplied with water by the Board or any consumer of the water of the Board or any other person to affix or cause or permit to be affixed any pipe or apparatus to a pipe belonging to or used by such owner occupier consumer or any other person or to make any alteration in any such communication or service pipe or in any apparatus connected therewith without the consent in every such case of the Board. And if any person acts in any respect in contravention of

<sup>Penalty for misapplication of water.</sup>

<sup>No pipe to be fixed to consumer's pipe without permission of Board.</sup>

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of the provisions of the present section he shall for every such offence be liable to a penalty not exceeding five pounds without prejudice to the right of the Board to recover damages from him in respect of any injury done to its property and without prejudice to their right to recover from him the value of any water wasted misused or unduly consumed.

**Penalty for unlawfully taking water.**

77. If any person not being supplied with water by the Board wrongfully takes or uses any water from any reservoir watercourse conduit or pipe belonging to the Board or from any pipe leading to or from any such reservoir watercourse conduit or pipe or from any cistern or other like place containing water belonging to the Board or supplied by them for the use of any consumer of the water of the Board he shall for every such offence be liable to a penalty not exceeding five pounds.

**Inspection of water.**

78. The surveyor or other person appointed for that purpose by the Board may between the hours of nine o'clock in the forenoon and four o'clock in the afternoon enter into any house or premises supplied with water by the Board in order to examine if there be any waste or misuse of such water and if such surveyor or other person at any such time be refused admittance into such dwelling-house or premises for the purpose aforesaid or be prevented from making such examination as aforesaid the Board may turn off the water supplied by them from such house or other premises.

**POLLUTING THE WATER.**

**Penalty for bathing in water of the Board.**

**Penalty for throwing dirt therein**

**Penalty for letting foul water flow thereinto.**

**Penalty for nuisance in watershed area.**

**Penalty for permitting substances produced in making gas to flow into works.**

79. If any person bathe in any stream reservoir aqueduct or other waterworks belonging to the Board or wash or throw or cause to enter therein any dog or other animal he shall for every such offence forfeit a sum not exceeding five pounds.

80. If any person throw or convey or cause or permit to be thrown or conveyed any rubbish dirt filth or other noisome thing into any such stream reservoir aqueduct or other waterworks as aforesaid or wash or cleanse therein any cloth wool leather or skin of any animal or any clothes or other thing he shall for each such offence forfeit a sum not exceeding five pounds.

81. If any person cause 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 any stream reservoir aqueduct or other waterworks belonging to the Board or shall do any other act whereby the water of the Board shall be fouled he shall for each such offence forfeit a sum not exceeding five pounds and a further sum of twenty shillings for each day (if more than one) that such offence continues.

82. Where any owner or occupier of any land within the watershed to be proclaimed as hereinbefore provided or any reservoir or source of supply transferred to or vested in the Board does or permits to be done on his land any act or permits to remain thereon any matter or thing which in the opinion of the Board is likely to injure the water supply if notice to discontinue or remove the same be given to him in writing by the Board and if he neglect or refuse to discontinue such act or to remove such matter or thing he shall for each such offence forfeit a sum not exceeding five pounds and a further sum of twenty shillings for each day (if more than one) that such offence continues.

83. Every person making or supplying gas within the limits of a Water District who shall at any time cause or suffer to be brought or to flow into any stream reservoir aqueduct or waterworks belonging to the Board or into any drain communicating therewith any washing or other substance which shall be produced in making or supplying gas or who shall wilfully do any act connected with the making or supplying of gas whereby the water in any such stream reservoir aqueduct or other waterworks shall be fouled

or

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or the pipes or conduits thereof injured shall forfeit to the Board the sum of twenty pounds to be recovered with full costs of suit in the Supreme Court for each day during which such washing or other substance shall be brought or shall flow as aforesaid or during which the act shall continue by which such water is fouled after the expiration in either case of twenty-four hours from the time when notice of the offence has been served on such person by the Board.

84. Whenever the water supplied by the Board shall be fouled by the gas of any person making or supplying gas within the district aforesaid such person shall forfeit to the Board for every such offence a sum not exceeding twenty pounds and a further sum not exceeding ten pounds for each day during which the offence shall continue after the expiration of twenty-four hours from the service of notice of such offence.

85. For the purpose of ascertaining whether the water of the Board be fouled by the gas of any person making or supplying gas within the said district the Board may dig up the ground and examine the pipes conduits and works of the persons making or supplying gas. Provided that before proceeding so to dig and examine the Board shall give twenty-four hours notice in writing to the person so making or supplying gas of the time at which such digging and examining is intended to take place and shall give the like notice to the persons having the control or management of the pavements or place where such digging shall take place and shall be subject to the like obligation of reinstating the road and pavement and to the same penalties for delay or any non-feasance or misfeasance therein as hereinafter provided with respect to roads and pavements broken up by the Board for laying their pipes and if upon such examination it appears that such water has been fouled by any gas belonging to such person the expenses of the digging examination and repairs of the street or place disturbed in any such examination shall be paid by the person making or supplying gas but if upon such examination it appears that the water has not been fouled by the gas of such person then the Board shall pay all the expenses of the examination and repair and also make good to the said person any injury which may be occasioned to his works by such examination.

86. The following provisions shall take effect for the purpose of protecting the water in the mains or other pipes of the Board from all impurities from closets and other receptacles of faecal matter or urine—

- (i.) It shall not be lawful for any person to connect with the main any pipe delivering the water directly into the closet-pan or other receptacle for faecal matter or urine without the intervention of a cistern or cisterns into which the water from the main shall be first received and any person so offending shall forfeit and pay a penalty not exceeding fifty pounds.
- (ii.) The Board may employ any artificers or workmen to cut off or otherwise disconnect from the main any pipe directly discharging the water into a closet without the intervention of a cistern [hereinafter termed "directly connected"] and which in the opinion of the Board may endanger the purity of the water by the absorption of noxious gases or suction of faecal matter or urine into such pipe or into the main or otherwise. For the purpose of effecting such disconnection the Board's artificers and workmen may enter into and upon the premises of any person or corporation whatsoever to do or cause to be done anything in his opinion requisite or necessary in relation thereto.
- (iii.) Whenever the Board shall have caused any pipe to be cut off or disconnected or other work to be done in relation thereto they shall forthwith serve the owner or occupier of the premises with a notice in writing requiring him to pay the actual cost

Penalty on gasmakers causing water to be fouled.

Power to examine gas pipes to ascertain cause of water being fouled.

The expenses to abide the result of the examination.

Provisions as to connection of closet and other pipes with mains and as to cisterns &c.

No closet pipes hereafter to connect directly with the main.

Board may disconnect pipes in certain cases.

The expense incurred by any disconnection to be paid by tenant and deducted from his rent.

**or**

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or expense incurred. And such owner or occupier shall pay the amount to the Board and if the amount be paid by an occupier only he may deduct the same from the rent then due or accruing. Upon such owner or occupier making default in any such payment after the delivery of such notice as aforesaid the Board may sue for and recover the same with full costs of suit.

Owners of premises shall fix closet-cisterns or be liable to a penalty.

(iv.) The owner of every dwelling-house or premises which shall have therein or thereon any closet with a pipe or branch-pipe directly connected with the main shall be required to fix and erect a cistern or cisterns for the reception of the water intended to be used for the closet and every cistern shall be made of such materials and dimensions and of such model or plan of construction and with such ball-cocks stop-cocks waste-pipes and other appliances as shall be deemed requisite and have been approved by the Board for securing the water from pollution through any noxious gases or matter evolved or derived from such closets or otherwise. Every owner neglecting to comply with the provisions of this section shall forfeit and pay a penalty not exceeding five pounds.

Upon neglect of owner the tenant after fourteen days notice to fix cistern and deduct the expense from rent.

(v.) Whenever any owner shall have neglected to fix and erect a cistern with its appliances as is in the last preceding sub-section provided for the tenant or occupier of the premises is hereby authorized and required after receiving a written notice thereof from the Board in that behalf to fix and erect such cistern with its appliances before mentioned within fourteen days after the receipt of such notice and the said tenant or occupier shall upon payment by him of the charges and expense of such fixing and erection be entitled either to deduct the amount so paid from the rent then due or accruing or at his option to sue for and recover the same with full costs of suit from the owner as for money paid to his use.

Any person re-establishing any connection with the main unless authorized or wilfully injuring any pipe &c. liable to a penalty.

(vi.) Any person who shall without the authority of the Board re-establish any such connection which may have been cut off removed or severed by him or who shall in any manner wilfully injure or tamper with any connection-pipe cistern ball-cock stop-cock or waste-pipe which may have been approved by the Board so as to destroy diminish or endanger its efficiency may be summoned for such offence before two Justices and on conviction thereof shall be adjudged to pay the amount of the charges and expenses which the Board may have incurred (and which they are hereby authorized to incur) in repairing or restoring the same to a state of efficiency. Every such offender shall also forfeit and pay a penalty not exceeding ten pounds and the amount of charges and expenses and penalty respectively shall when recovered be paid over to the Board.

Where several houses supplied by one pipe each to pay.

87. Where several houses or parts of houses in the separate occupation of several persons are supplied by one common pipe or where water is supplied to courts alleys and right-of-way by stand pipes the several owners or occupiers of such houses or parts of houses or of the several houses or parts of houses in every such court alley or right-of-way shall be liable to the payment of the same rates for the supply of water as they would have been liable to if each of such several houses or parts of houses had been supplied with water from the works of the Board by a separate pipe.

**WATER RATES.**

Rates to be recoverable from either land-lord or tenant.

Rates to be paid half yearly in advance.

88. The rates and charges for water and all sums due to the Board under this Part shall be paid by and be recoverable from the owner of the premises or the occupier or person requiring receiving or using the supply of water and all rates shall be paid in advance by equal

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equal payments on the first day of January and the first day of July in each year and the first payment shall be made at the time when the owner or occupier of any tenement shall become liable to pay such rates and charges and all such rates and charges may be enforced and recovered in respect of any premises in the said City of Sydney or in any such Municipality as aforesaid situate within one hundred and fifty feet from the alignment of any street or public highway along which a main water pipe belonging to the Board is laid although such premises are not actually supplied with water from such main.

89. If any person refuse or neglect to pay on demand to the Board any rate charge or sum due to the Board under this Part the Board may recover the same with costs or may order a warrant under the hand of their President or Vice-President in the form contained in the Fourth Schedule hereto to be from time to time issued to some constable or other person named therein to levy such rate charge or sum by distress and sale of the goods and chattels of the person occupying the premises in respect of which such rate charge or sum is due at the time when the warrant of distress is executed and in case no sufficient goods and chattels of such occupier be found on the premises to satisfy such distress the owner of the premises or if he be absent from the Colony his agent shall be liable for such rate charge or sum and the same may be recovered from him.

90. If any tenant of any premises be called on to pay and pay or be restrained for a greater amount of any rate charge or sum due to the Board under this Part than is due for the period of his occupancy or pay any sum for laying down service pipes to such premises upon the refusal or neglect of the owner thereof to lay down such service pipes within one month of the last publication in the *Gazette* of the notice by the Board as hereinbefore mentioned requiring such owner to lay down such pipes such tenant may deduct any sum so paid or recovered from the rent from time to time becoming due to such owner in respect of such premises or after demand may recover the same from such owner.

Tenant may recover from owner excessive payment or cost of laying services.

**PART III.***Sewerage.*

91. Subject to the provisions of the third section of this Act the several powers obligations and duties by this Part respectively conferred and imposed on the Board shall and may be exercised and incurred by the Minister in and for the construction of all sewerage works authorized under this Act.

92. The Board shall as soon as conveniently may be cause to be made surveys of the area within the limits and for the purpose of any Sewerage District and a map or maps thereof on such scale or respective scales and with such indications of levels and particulars of sewers and underground works and of the surface as to them seem fit and may cause such map or maps or any part thereof to be from time to time copied engraven and published and shall from time to time cause such map or maps to be revised and such additions made thereto as may show the new sewers and drains and the new streets roads houses or other alterations and the date of revision shall be expressed therein and every such map shall be kept in the office of the Board and the same or a copy thereof shall be open at all reasonable times to the inspection of the owner or occupier of lands or houses within the district.

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General powers of  
Board in respect to  
sewerage works.

93. Subject to the provisions of this Act the Board may exercise any of the powers in this Part contained for the construction of sewerage works for any Sewerage District and for the purposes of carrying out the provisions of this Act (that is to say):—

- (1.) They may enter upon any lands and take levels of the same and set out such parts thereof as they shall think necessary and dig break and trench the soil of such lands and remove or use all earth stone mines minerals trees or other things dug or obtained out of or from the same
- (2.) They may enter upon take and hold such land as they may from time to time deem necessary for the construction maintenance repair or improvement of any authorized works
- (3.) They may from time to time construct and maintain alter or remove such engines buildings and other sewerage works of what kind soever upon the lands authorized to be taken by them as they shall think proper for the sewerage of any such district.
- (4.) They may from time to time divert and impound the water from any such streams as they may think fit and alter the courses of the same
- (5.) They may enter upon any Crown or private lands streets roads or thoroughfares and construct or lay or place therein any drains or pipes and may repair alter or remove the same and may enter upon any such lands streets roads or thoroughfares for the purpose of repairing any sewers drains or other works being their property or under their control

Provided that the Board shall make full compensation for all damage or injury committed by them in the exercise of such powers And such compensation shall in every case where the Board cannot agree with the claimant be ascertained and the case in other respects shall be dealt with under the provisions hereinafter contained.

Construction of  
sewers.

94. The Board may make any sewers or drains of such construction and in such manner as they think proper and may (subject to the restrictions hereinafter mentioned) break up the soil pitchings and pavements of any public or private street and may excavate and sink trenches for the purpose of laying down making and constructing common sewers or drains therein and may cause such common sewers or drains to communicate with the sea or any arm thereof or with any stream or watercourse (either within or without the limits of the said district) and also from time to time may open cleanse and repair such sewers or drains or alter the position thereof and also from time to time may make any drains or sewers from any main sewer or drain of the Board laid in any street by virtue of this Part into any dwelling-house or houses public or private buildings and premises for the purpose of cleansing and draining any such house or houses or other premises by means of such sewers or drains and may do all such other acts matters and things as they shall from time to time deem proper for making repairing completing or improving any such sewers and drains or other works to be made done and provided for the purposes of this Part Provided that nothing in this Act shall authorize the Board to make or use any sewer drain or outfall for the purpose of conveying any sewage or filthy water into any natural stream watercourse lake or pond until such sewage or filthy water is freed from all excrementitious or other foul or noxious matter such as would affect or deteriorate the purity and quality of the water in such stream watercourse lake or pond.

Board to make good  
any damages.

95. In the execution of the several powers hereby granted the Board shall do as little damage as may be and shall build and construct the said sewers in a sufficient and effectual manner for accomplishing all

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all the purposes hereby intended and subject to the restrictions hereinafter mentioned and after laying or removing or altering or repairing any such drains or sewers shall immediately fill in the trenches or excavation and make good the ground soil pitchings and pavements of any such public or private street and any other damage and remove the rubbish occasioned thereby and shall in the meantime fence or guard the place or places where any ground shall be opened in such manner as to prevent danger or accidents to passengers carriages horses cattle or sheep and agreeably in all respects to the provisions in this Part contained And this Act shall be sufficient to indemnify the Board and all persons acting under its authority for all acts and things done by virtue hereof.

96. If there be any wilful or negligent delay in the Board or any of their officers or any other person acting by or under their authority in filling in any such ground trenches or excavations or removing rubbish or making good any such ground or the soil pitchings or pavements of any such public or private street or any other damage according to the provisions in this Part contained or if the same respectively be imperfectly done or if the ground so opened be not fenced or guarded in the manner herein required the person in whom the right of soil of such ground shall be or to whom there now does or hereafter shall belong any power to maintain or repair the soil pitchings and pavements of any such public or private street or any person acting for them or him may fill in such ground trenches or excavations and remove such rubbish and may repair and make good such ground so broken up and the soil pitchings and pavements of any such public or private street or any other damage and may properly fence and guard any such trench or excavation and may place and maintain such light or lights during the night as to them or him shall seem necessary and the reasonable costs and charges thereof shall be paid by the Board to the persons who shall have disbursed or incurred the same and in default of payment thereof for thirty days next after demand made for the payment thereof all such reasonable costs together with any sum not exceeding five pounds by way of penalty may be recovered in a summary manner before Justices as hereinafter provided.

Where Board makes  
wilful default damage  
may be repaired by  
parties interested.

97. The Board may open the ground and change the level or otherwise amend or enlarge any sewer lying under any public or private street within the said district for better communicating with the main sewers or drains already made or to be made in pursuance of this Part Provided always that no person shall by means of any such alteration amendment or enlargement be deprived of the use and enjoyment of any private sewer or drain which he shall be entitled to use but the Board shall at their own costs and charges so construct and alter any such private drain or sewer as to render the same as effectual for the purposes for which it was intended as any such drain or sewer may be at the time of such alteration And in case the Board refuse or neglect so to construct and alter any such private drain or sewer the use of which may be effected by the acts of the said Board for the space of twenty-eight days next after notice in writing served upon them they shall forfeit and pay to the party aggrieved any sum not exceeding forty shillings for every day during which such refusal or neglect so continues and such sum may be recovered in a summary way before Justices as hereinafter provided.

98. The Board shall cause their sewers to be constructed covered and kept so as not to be a nuisance or injurious to health and to be properly cleared cleansed and emptied And for the purpose of clearing cleansing and emptying the same may construct and place either above or under ground such reservoirs sluices engines and other works as may be necessary and may cause all or any of such sewers to communicate

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communicate with and be emptied into such places as may be fit or cause the sewage and refuse therefrom to be collected for sale or for any purpose whatever but so as not to create a nuisance.

**Fencing works  
in progress.**

99. When any ground or any of the soil pitchings or pavements of and public or private street is at any time opened or broken up by the Board or any other person proper and sufficient fences and protection for the same shall immediately thereupon be made set up and continued by the Board or by such other person to the satisfaction of the persons or authority in which the property in or control of such street is vested for the time being and at all times during the progress of digging any trenches or excavations and making altering enlarging and repairing any drains and sewers and of filling in such trenches or excavations or otherwise carrying on and finishing the works hereby authorized to be done in any street every such street shall be kept and continued by the Board or such other person as free from all obstructions and annoyances of every kind as practicable.

**Pavements replaced.**

100. When and as often as any pavement or footway is taken up or removed by the Board or by any person for the purpose of making altering or repairing any drains or sewers or any cross drains from any premises to communicate with any main sewer or drain to be made altered or enlarged by or vested or to become vested in the Board in or under any public or private street no part of any such pavement or footway respectively shall remain taken up or removed longer than a period of seven clear days exclusive of Sundays.

**Repair of sewers.**

101. The Board shall at all times maintain and keep in good order and repair all drains and sewers made altered or enlarged by the Board or by this Act or hereafter to be vested in them.

**Notice of private  
sewers.**

102. No person without notice as hereinafter mentioned may make or branch any private sewer or drain into any sewer or drain made or enlarged by or vested in the Board as aforesaid or into any drain or sewer communicating therewith and in default of such notice the Board may cut off stop up or prevent the communication of such private sewer or drain with the sewers or drains so made or enlarged by the Board or any sewer communicating therewith and may recover the costs and charges occasioned thereby and also the rates for the same from the time when such private sewer or drain shall have been made from the person so offending.

**Cleansing private  
sewers.**

103. All such private sewers or drains as shall be permitted to be branched into any of the sewers or drains vested in the Board or hereby authorized to be made and enlarged by them by virtue of this Part shall from time to time be repaired and cleansed under the inspection and direction of some officer of the Board at the costs and charges of the occupiers of the premises to which the said sewers or drains shall respectively belong.

**Opening sewers to  
main sewer.**

104. When any person desires to have a drain to the said main sewers or any sewer communicating therewith laid into his premises if he give the Board six days previous notice in writing of his intention so to do and if he obtain the consent of the owner of the premises through which the drain shall be conveyed he may (at his own expense but subject to the provisions hereinbefore contained) open the ground between the main sewer or the sewer communicating therewith and his premises and may lay from such premises to communicate with the said main sewer any drain made of cast-iron brick stone or some other material approved by the Board and in such manner and form and with such grates and of such workmanship as may be approved by the Board and shall pay to the Board the rates fixed for the same.

**SEWERAGE RATES.**

**Rates to be recoverable  
from either  
landlord or tenant.**

105. All sewerage rates and sums due to the Board under this Part shall be paid by and be recoverable from the owner of the premises or the occupier or person draining his premises into any sewer of

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of the Board and all rates shall be paid in advance by equal payments Rates to be paid half-yearly in advance. on the first day of January and the first day of July in each year and the first payment shall be made at the time when the owner or occupier of any such premises shall become liable to pay such rates and charges and all such rates and charges may be enforced and recovered in respect of any premises in the City of Sydney or in any Municipality situate within one hundred and fifty feet from any sewer or drain belonging to the Board and whether there be any communicating drain between such premises and any sewer or drain belonging to the Board or not. And if any person neglect or refuse to pay on demand to the Recovery. Board any rate charge or sum due to the Board under this Part the Board may recover the same with costs or may order a warrant under the hand of their President or Vice-President in the form contained in the Fourth Schedule hereto to be from time to time issued to some constable or other person named therein to levy such rate charge or sum by distress and sale of the goods and chattels of the person occupying the premises in respect of which such rate charge or sum is due at the time when the warrant of distress is executed and in case no sufficient goods and chattels of such occupier be found on the premises to satisfy such distress the owner of the premises or if he be absent from the colony his agent shall be liable for such rate charge or sum and the same may be recovered from him.

106. If the soil filth or cesspools attached or belonging to or Nuisances removed by drains. arising from any tenement within a Sewerage District be upon the complaint of any inhabitant thereof deemed a nuisance by the Board the Board may cause a drain or sewer to be laid down from any such tenement or the premises adjoining to or near the same to convey such soil or filth to one of the main sewers or drains of the said Board and may recover in a summary way before Justices the costs charges and expenses of laying down such drain or drains from the owner or occupier of such tenement respectively such costs and charges not exceeding the sum of five pounds in respect of any tenement which shall be under the yearly value of fifteen pounds and not exceeding the sum of ten pounds in respect of any tenement which shall be above the yearly value of fifteen pounds. Provided that every occupier shall be entitled to deduct against or to be repaid by his landlord the whole of such costs and charges as aforesaid as shall be recovered from such occupier unless he be liable to pay the same under or by virtue of his lease or agreement with his landlord.

107. Fourteen days at the least before beginning to dig or lay out Notice of building or rebuilding. the foundation of or for any new house or to rebuild any house within the limits of a Sewerage District the person intending so to build or rebuild shall give to some officer duly authorized by the Board in that behalf written notice thereof together with the level or intended levels of the cellar or lowest floor and the situation and construction of the privies and cesspools to be built constructed or used in connection with such house and it shall not be lawful to begin to build or rebuild any such house or to build or construct any such privy or cesspool until the particulars so required to be stated have been approved by such officer and he is hereby required to signify his approbation or disapprobation of the same within a space of fourteen days after receiving such notice without fee and in default of such notice or if any such house privy or cesspool be built rebuilt or constructed as aforesaid with such approval the Board may if they think fit cause such house privy or cesspool to be altered or otherwise dealt with as the case may require and the expenses incurred in so doing shall be repaid by the offender and be recoverable from him in a summary manner before Justices as hereinafter provided. And if any such house privy or cesspool be built rebuilt or constructed within any such district without such notice or approval the offender shall forfeit a sum not exceeding twenty pounds. 108.

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Entry to view  
premises.

108. When it is made to appear to the satisfaction of any Justice that there is reasonable ground for believing that any house or part thereof or the premises occupied therewith within the boundaries of a Sewerage District is in a filthy or unwholesome condition such Justice may grant a warrant under his hand authorizing any officer of the Board inspector of slaughter-houses or inspector of nuisances or inspector of police with such assistance as may be necessary and accompanied if need be by two duly qualified medical practitioners to enter in the daytime into such house or premises and to view the same and the state and condition thereof.

Houses to be purified  
on certificate of two  
medical practitioners.

109. If upon the certificate of any two duly qualified medical practitioners it appear to the Board that any house or part thereof or the premises occupied in connection therewith within the limits of any Sewerage District is in such a filthy or unwholesome condition that the health of any person is or may be liable to be affected or endangered thereby and that the whitewashing cleansing or purifying of any house or part thereof or the premises occupied in connection therewith would tend to prevent or check infectious or contagious disease the said Board shall give notice in writing to the owner or occupier of such house or part thereof or the premises occupied in connection therewith to whitewash cleanse or purify the same as the case may require and if the person to whom notice is so given shall fail to comply therewith within such time as shall be specified in the said notice he shall be liable to a penalty not exceeding ten shillings for every day during which he continues to make default and the said Board shall if they shall think fit cause such house building or part thereof or the premises occupied in connection therewith to be whitewashed cleansed or purified and for such purpose shall have power to enter the same and the expense incurred by them in so doing shall be paid by the owner or occupier in default and be recoverable from such owner or occupier before any two Justices in a summary way in case such owner or occupier upon being summoned before any such Justices as aforesaid shall neglect or refuse to pay the same.

Inspection of com-  
municating drains.

110. Any engineer surveyor or other person acting under the authority of the Board may at all reasonable times in the daytime upon giving twenty-four hours previous notice of his intention enter into any house building or other premises having a drain or sewer communicating with the sewers already made or to be made by virtue of this Act in order to inspect or examine if there be any communication with any other drain or sewer into any other building or premises and if such engineer surveyor or other person be at such time refused admittance into any such dwelling-house building or other premises for the purpose of making such inspection and examination as aforesaid or on being admitted be obstructed or prevented from making such inspection and examination as aforesaid the Board may cut off the drain or sewer supplied by the Board from such house building or other premises.

Penalty for making  
connecting drain  
without notice.

111. If any person make or branch any private sewer or drain into any sewer or drain made or enlarged by or vested in the Board or into any drain or sewer communicating therewith without the notice required by this Part the person so offending shall for each such offence forfeit a sum not exceeding five pounds.

Penalty for neglect  
to repair or cleanse  
private drains.

112. If any person permitted to branch any sewer or drain into any sewer or drain vested in the Board neglect to repair or cleanse any such first-mentioned sewer or drain according to the directions of the officer appointed by the Board in that behalf he shall forfeit for each such offence a sum not exceeding five pounds.

Penalty for building  
without notice to or  
approval by Board.

113. If any house privy or cesspool be built rebuilt or constructed in the said district without the notice or without the approval required by this Part the person offending herein shall forfeit a sum not exceeding twenty pounds.

114.

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114. If any person shall wilfully or maliciously hinder or interrupt or cause or procure to be hindered or interrupted the Board or any officer or person acting under their authority in doing any works or in the exercise of any power in this Part contained or shall wilfully or maliciously break throw down injure damage or destroy any sewer or drain works matter or thing belonging to the Board made and provided in pursuance of such Part or for the purpose of the execution of the powers therein contained every person so offending shall for every such offence forfeit a sum not exceeding ten pounds.

115. If any person supplied with a drain in pursuance of this Part or having any drain or sewer which may communicate with the sewers of the Board wilfully permit any other person not having the authority or consent of the Board to use any such drain or any branch into the same every person so offending shall forfeit for every such offence a sum not exceeding five pounds over and above the full amount of the damage sustained by the Board by the acts or means in respect of which such penalty shall be incurred and the Board shall be at liberty to cut off the drain of every such person so offending from the main sewer.

116. Nothing in this Act shall be construed to render lawful any act matter or thing whatsoever which but for this Act would be deemed to be a nuisance nor to exempt any person from any liability prosecution or punishment to which he would have been otherwise subject in respect thereof.

## PART IV.

*General Provisions as to the Acquisition and Occupation of Lands for purposes of Water Supply or Sewerage—Compensation for deprivation of land or other damage or injury how ascertained.*

117. All lands required whether by the Minister or the Board for the purposes of this Act may be acquired and appropriated and compensation for every such acquisition or appropriation of lands shall be ascertained and carried out under and in pursuance of the provisions of the statute law under which lands are authorized to be taken for public purposes. And for the purposes aforesaid the word "Board" wheresoever occurring in this Part shall be held to include the Minister for Public Works.

118. It shall be lawful for the Board and all persons by them authorized to enter upon any lands not being a garden orchard or plantation attached or belonging to a house nor a park planted walk avenue or ground ornamenteally planted and not being nearer to the mansion-house of the owner of any such lands than one hundred yards therefrom and to occupy the said lands so long as may be necessary for the construction or repair of any works authorized by this Act or of the accommodation works connected therewith hereinafter mentioned and to use the same for any of the following purposes that is to say—

For the purpose of taking earth or soil by side cuttings therefrom  
For the purpose of depositing soil thereon

For the purpose of obtaining materials therefrom for the construction or repair of the waterworks or sewerage works or such accommodation works as aforesaid or

For the purpose of forming roads thereon to or from or by the side of the said works

And in the exercise of such powers it shall be lawful for the Board and all other persons employed therein to deposit and also to manufacture and work upon such lands materials of every kind used in constructing the

Penalty for  
interrupting the  
Board and injuring  
works.

Penalty for giving  
use of drain without  
permission.

Nothing in this Act  
to exempt any per-  
son from prosecu-  
tion &c. for nuisance.

Lands required for  
Water Supply or  
Sewerage—how  
acquired.

Power to take tem-  
porary possession of  
land.

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the said works and also to take from any such lands any timber and also to dig and take from or out thereof any clay stone gravel sand or other things that may be found therein useful or proper for constructing the said works or any such roads as aforesaid and for the purposes aforesaid to erect thereon workshops sheds and other buildings of a temporary nature. Provided always that nothing in this Act contained shall exempt the Board from an action for nuisance or other injury (if any) done in the exercise of the powers hereby conferred to the lands or habitations of any party other than the party whose lands shall be so taken or used for any of the purposes aforesaid. Provided also that no stone or slate quarry brick-field or other like place which at the time of the passing of this Act shall be commonly worked or used for getting materials therefrom for the purpose of selling or disposing of the same shall be taken or used by the Board either wholly or in part for any of the purposes lastly hereinbefore mentioned.

Board to separate the lands before using them.

119. If any such lands shall be used for any of the purposes aforesaid the Board shall if required so to do by the owner or occupier thereof separate the same by a sufficient fence from the lands adjoining thereto with such gates as may be necessary for the convenient occupation of such lands and in case of any difference between the owners or occupiers of such lands and the Board as to the necessity for such fences and gates then with such fences and gates as the Governor shall deem necessary for the purposes aforesaid.

Compensation to be made for temporary occupation.

120. In any of the cases aforesaid where the Board shall take temporary possession of lands by virtue of the powers herein granted it shall be incumbent on them within one month after their entry upon such lands upon being required to do so to pay to the occupier of the said lands the value of any crop or dressing that may be thereon as well as full compensation for any other damage of a temporary nature which he may sustain by reason of the Board so taking possession of his lands.

Before roads interfered with others to be substituted.

121. If in the exercise of the powers hereby granted it be found necessary to cross cut through raise sink or use any part of any road whether carriage-road horse-road or tram-road or railway either public or private so as to render it impassable for or dangerous or more than usually inconvenient to passengers or carriages or to the persons entitled to the use thereof the Board shall before the commencement of any such operations cause a sufficient road to be made instead of the road to be interfered with and shall at the public expense maintain such substituted road in a state as convenient for passengers and carriages as the road so interfered with or as nearly so as may be.

Period for restoration of roads interfered with.

122. If the road so interfered with can be restored compatibly with the due completion of any works authorized under this Act the same shall be restored to as good a condition as it was in at the time when the same was first interfered with by the Board or as near thereto as may be and if such road cannot be so restored the Board shall cause the new or substituted road or some other sufficient substituted road to be put into a permanently substantial condition equally convenient as the former road or as near thereto as circumstances will allow and the former road shall be restored or the substituted road put into such condition as aforesaid as the case may be with all reasonable expedition.

Board to make sufficient approaches and fences to bridle-ways and footways crossing on the line.

123. If the conduit or any sewerage works shall cross any highway other than a public carriage-way on the level the Board shall make and at all times maintain convenient ascents and descents and other convenient approaches with hand-rails or other fences and shall if such highway be a bridle-way erect and at all times maintain good and sufficient gates and if the same shall be a footway good and sufficient gates or stiles on each side of such conduit or works where the highway shall communicate therewith.

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124. The Board shall make and at all times thereafter maintain works for benefit of the following works for the accommodation of the owners and occupiers <sup>owners.</sup> of lands adjoining any works authorized under this Act that is to say:—

Such and so many convenient gates bridges arches culverts and <sup>Gates bridges &c.</sup> passages over under or by the side of or leading to or from such authorized works as shall be necessary for the purpose of making good any interruptions caused thereby to the use of the lands through which the same shall be made and such works shall be carried out as soon as practicable

Also sufficient posts rails hedges ditches mounds or other fences <sup>Fences &c.</sup> for separating the land taken for the use of such works from the adjoining lands not taken and protecting such lands from trespass or the cattle of the owners or occupiers thereof from straying thereout by reason thereof together with all necessary gates made to open towards such adjoining lands and not towards the said works and all necessary stiles and such posts rails and other fences shall be made forthwith after the taking of any such lands if the owners thereof shall so require and the said other works as soon as conveniently may be

Also all necessary arches tunnels culverts drains or other passages <sup>Drains.</sup> either over or under or by the sides of such works and of such dimensions as will be sufficient at all times to convey the water from the lands lying near or affected thereby

Provided always that the Board shall not be required to make such accommodation works in such a manner as would prevent or obstruct the using of any works for water supply or sewerage nor to make any accommodation works with respect to which the owners and occupiers of the lands shall have agreed to receive and shall have been paid compensation.

125. If any difference arise respecting the kind or number of differences as to any such accommodation works or the dimension or sufficiency thereof <sup>accommodation works to be settled by Governor.</sup> respecting the maintaining thereof the same shall be determined by the Governor who shall also appoint the time within which such works shall be commenced and executed.

126. If any of the owners or occupiers of lands affected by such conduit shall consider the accommodation works made by the Board or directed by the Governor to be made by the Board insufficient for the commodious use of their respective lands it shall be lawful for any such owner or occupier at any time at his own expense to make such further works for that purpose as he shall think necessary and as shall be agreed to by the Board.

127. If the Board so desire all such last-mentioned accommodation works shall be constructed under the superintendence of the Board's engineer and according to plans and specifications to be submitted to and approved by the Board. But the Board shall not be entitled to require either that plans shall be adopted which will involve a greater expense than that incurred in the execution of similar works by the Board or that the plans selected should be executed in a more expensive manner than that adopted in similar cases by the Board.

128. If any person omit to shut and fasten any gate set up for the accommodation of the owners or occupiers of the adjoining lands as soon as he and the carriages cattle or other animals under his care have passed through the same he shall forfeit for every such offence any sum not exceeding ten pounds.

129. Every person claiming compensation in respect of any injury or damage sustained by him by reason of the construction of any works under this Act or of any work or other matter done under the

<sup>Such works to be constructed under the superintendence of the Board's engineer.</sup>

<sup>Penalty on persons omitting to fasten gates.</sup>

<sup>Notice of claim for compensation.</sup>

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the authority of this Act (not being injury caused by the permanent taking of land) shall serve a notice in writing upon the Minister and a like notice upon the Crown Solicitor which notice shall set forth the nature of the injury or damage which he has sustained or will sustain by reason of such construction work or matter as aforesaid. Provided always that nothing in this Part contained shall affect or prejudice the right of any such claimant to maintain an action in the Supreme Court as he might heretofore have done in case the Minister shall deny any liability in respect of the matter of the claim for compensation. But in every such case such action shall be subject to the provisions hereafter in Part VII contained.

Claim and report thereon.

130. Within sixty days after the receipt of every such notice of claim by the Crown Solicitor he shall forward the same together with his report thereon to the Minister who shall thereupon (unless no *prima facie* case for compensation shall have been disclosed) cause a report and appraisement of the nature and amount of such injury or damage to be made and shall inform the claimant as soon as practicable of the substance thereof by notice.

Compensation by action in Supreme Court.

131. If within ninety days after the service of notice of claim the claimant and the Minister shall not agree as to the amount of compensation the claimant shall be at liberty to institute proceedings in the Supreme Court in the form of an action for compensation against the Minister as nominal defendant. And any such action may be tried before a Judge of the said Court and a special jury of four persons to be summoned by the Sheriff from the Jurors District within which the injury or damage is alleged to have been sustained in accordance with the law regulating the summoning of jurors for the trial of civil issues. Provided always that upon proper application either of the Minister or of the claimant a special jury of twelve may be so summoned for the trial of such action.

Issue in action of compensation verdict and costs.

132. The issue to be tried in any such action shall be whether the claimant is entitled to a larger sum by way of compensation than the amount so reported to the Minister and notified to the claimant as aforesaid and if so to what sum. And if upon the trial of the said action the verdict shall be for a greater sum than the amount of the said valuation the costs of the action shall be borne by the Minister but if the verdict shall be for a sum equal to or less than such amount then the costs shall be borne by the claimant. And the power to direct a reference to arbitration shall not be exercised by the Judge before whom any such action shall be tried.

As to payment of compensation.

133. All moneys payable under this Act by way of compensation to any claimant whether under the verdict of a jury or otherwise shall be paid together with costs (if any) out of the Consolidated Revenue Fund by warrant of the Governor addressed to the Colonial Treasurer within one month after the determination of such compensation to the person lawfully entitled thereto or to his agent duly authorized in that behalf in writing.

## PART V.

*Application of Act to certain Boroughs and Municipal Districts.*

134. Whenever the construction of any works for the purpose of supplying water or of providing for the sewerage or drainage of any Borough or Municipal District in the County of Cumberland shall have been approved by the Governor it shall thereupon be lawful for the Governor by Proclamation to be published in the *Gazette* to declare that such Borough or District together with any catchment area or Water or Sewerage District to be therein defined (as the case may require) shall come under the operation of this Act. And upon the publication of such Proclamation it shall be lawful for the Board to carry out the construction of the works so approved whether for water supply or for sewerage.

Powers of Board in respect of water supply or sewerage to be extended to Municipalities.

135. Upon the completion by the Board of any such works the Board shall report the fact of such completion to the Governor and also if Parliament be then in Session to both Houses thereof. And such report shall within fourteen days after submission to Parliament be published in the *Gazette*. And upon such publication it shall be lawful for the Governor by Proclamation to be published in like manner to declare that the works so constructed whether for water supply or for sewerage together with the conduit reservoirs engines buildings mains sewers cisterns pipes drains and all machinery plant and material connected therewith or so much thereof as may by such Proclamation be expressly specified or with such exceptions as may therein be expressly excepted shall be transferred together with all the property and interest of the Board therein and all obligations lawfully attaching to the Board in connection therewith to the Municipal Council of the Borough or Municipality in and for which the said works shall have been so constructed or to such other local authority to be nominated and appointed by the same or by any other Proclamation as the Governor may consider best able to maintain the said works for the purposes respectively for which they were constructed.

Provision for transfer of works to local authority.

136. Upon the transfer to any such local authority of any works constructed by the Board under the authority of this Act it shall be lawful for the Governor by the original or any subsequent Proclamation published as aforesaid to declare that any special powers or provisions contained in this Act relating to the construction maintenance and protection of works of water supply or sewerage or relating to the levying and collection of water or sewerage rates or which in the Governor's opinion ought to be brought into force upon such transfer shall be exercisable by such local authority and be in force within the Borough or Municipal District for which such works shall have been constructed and with such modifications qualifications and exceptions as the Governor may think fit to make (if any) and thereupon all such powers and provisions shall take effect as if they had been made specifically applicable to such local authority by enactment herein. And the following provisions shall also come into force upon the publication of the proclamation of transfer hereinbefore mentioned—

Provision for recouping expenditure incurred by Board.

- (1.) The whole amount expended upon any such works as certified under the hand of the President of the Board or such proportion thereof [in cases where the expenditure ought to be apportioned between several Boroughs or Municipal Districts by reason of their common enjoyment of the benefit of the works or for any like community of benefit] as shall after ascertainment in accordance with the principle hereinafter in section one hundred and forty described be certified in like manner shall be a debt chargeable upon the general revenues from whatever sources derived of such Borough or District until defrayed as hereinafter provided.

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(2.) Such debt shall be liquidated by periodical payments to the Colonial Treasurer to be by him carried to the Consolidated Revenue Fund. And the first payment shall be made within one year from the date of the Proclamation of transfer and shall be for an amount equal to six pounds per centum of the debt so certified as aforesaid. And before the end of each succeeding Municipal year thereafter a payment shall in like manner be made until the aggregate amount so paid shall have discharged such debt with interest added thereto at the rate of four per centum on the balance remaining unpaid in each year. So soon as the sums so paid shall equal the said debt together with interest added as aforesaid all further payments shall cease and the rates and income arising from such works shall go wholly toward the endowment of such Borough or Municipal District.

(3.) If default shall be made by the Council of any such Borough or Municipal District in making any payment prescribed by this section for a period of thirty days after the same shall have become payable the Board shall be entitled forthwith to take such proceedings to enforce payment by procuring the appointment of any number of persons not exceeding three to be receivers of the rates and other revenues of such Council as may now or hereafter be taken by a mortgagee or other secured creditor or by the holder of the debentures of a Municipal Council under the "Municipalities Act of 1867" or any Act amending the same.

(4.) The Board shall by the President thereof have full power to make all necessary applications to and to procure all necessary orders and directions from the Supreme Court for and touching the appointment of receivers or a receiver and the said Court shall have power to make all such orders for the appointment of a receiver or for his removal and the appointment of another in his place as may be necessary and to make any orders and give any directions which the said Court may think proper. And every such receiver shall be deemed to be an officer and shall act under the direction of the Supreme Court.

(5.) Such receivers shall be entitled to receive all rates and other revenues payable to the Council of the Municipality for or in respect of which they shall have been appointed receivers and to make and levy rates but so nevertheless that the rates so made and levied do not exceed the limits prescribed by law. And for such purposes such receivers shall be deemed the Council of such Municipality and may exercise all the powers thereof.

(6.) Receivers shall be entitled to such commission [payable out of the rates of the Municipality] as remuneration for their services as the Supreme Court may appoint.

(7.) Receivers shall subject to any order of the Supreme Court pay over all moneys received by them to the Colonial Treasurer to be by him carried to the Consolidated Revenue Fund and if there be any balance in hand over and above the amount due and payable to the Colonial Treasurer under the provisions of this Act they shall pay such balance over to the Council of the Municipality.

## PART VI.

*Provision for contingent transfer of Metropolitan Water and Sewerage Works.*

137. When the conduit reservoirs and all work required for works reported or connected with the supply of water for the City and Suburbs of complete. Sydney shall be completed the Board shall report such completion to both Houses of Parliament and when the sewerage works undertaken by the Board for the said City and Suburbs shall be completed they shall report the completion thereof in like manner. And every such report shall be published in the *Gazette* within seven days after the same shall have been laid before Parliament.

138. Upon the reception of such report relating to the completion of the works in connection with the scheme for water supply to the City of Sydney and its Suburbs if Parliament shall by resolution approve of the transfer to the Board of the control of the Sydney Water Reserve and all reservoirs engines buildings works mains pipes material and all other property whatsoever real or personal including all books accounts and papers relating thereto or held or possessed in connection therewith then by law vested in or in the custody or possession of the Municipal Council of the City of Sydney then upon the publication in the *Gazette* of such resolution [with which duty the Colonial Secretary for the time being is hereby declared to be charged] all powers and authorities whatsoever then by law vested in and exercisable by the said Municipal Council or any persons whosoever in respect of the supply of water to the said City or suburbs shall absolutely cease and determine. And all lands reserved or resumed by the Crown under any Act together with all waters and watercourses flowing therein or being thereon or thereunder and all works reservoirs mains pipes buildings plant and machinery situate or being on any such lands and all stand-pipes branches and all other works and personal property whatsoever connected therewith on any other land (except service pipes laid at the actual cost of any owner or occupier) shall be transferred from the said Council and all the estate or interest therein of the said Council or any other persons shall be absolutely vested in the Board.

139. Upon the reception of a like report of the completion of the sewerage works for the said City and Suburbs if Parliament in like manner approve of the transfer to the Board of the control of the sewers drains pipes and other works within the said City or Suburbs then by law vested in the Municipal Council of the said City together with all powers authorities and obligations in connection therewith then upon the like publication of such resolution in manner hereinbefore provided the like results *mutatis mutandis* as hereinbefore described with respect to the resolution in the next preceding section mentioned shall take effect and thereupon all powers and authorities whatsoever then by law vested in and exercisable by the Municipal Council of the City of Sydney or any persons whosoever in respect of any works vested in or constructed by the said Council for sewerage or drainage purposes shall absolutely cease and determine. And all sewers and drains and all other works for the sewerage and drainage of the said city and suburbs constructed by or vested in the said Council under any Act shall be transferred from the said Council and all the estate or interest therein of the said Council or any other persons shall be absolutely vested in the Board. Provided always that nothing in this or the next preceding section contained shall extend to prevent the carrying out and completion in pursuance of the two hundred and fourteenth section of the "Sydney Corporation Act of 1859" of any transfer of the sewerage and water works therein referred to

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to before the reception of any such report by Parliament if the Governor shall consider that such earlier transfer would be to the public interest.

**Provisions to take effect if transfer of works to Board shall not be carried out.**

140. If Parliament shall not within three months from the reception of the Report of the Board of the completion of the works for the supply of water to or for the sewerage of the said City and suburbs approve as hereinbefore provided of the transfer of such works to the Board or if Parliament shall within the like period disapprove of any such transfer the following provisions shall take effect:—

- (1.) The Board shall hold the property and all powers of control and maintenance in and of the conduit and all reservoirs and works in connection therewith not situate within the boundaries of the City of Sydney and in like manner in respect of sewerage works the Board shall hold the like property and powers in respect of all sewers drains and other works if constructed by the Board and not situate within the said boundaries.
- (2.) The Municipal Council of the said City shall take over all works other than as last aforesaid constructed by the Board for the purposes either of water supply or sewerage.
- (3.) The Governor shall cause an estimate to be prepared by the Board showing what proportion of the total cost of the execution of the works for water supply or sewerage for the said City and suburbs under the authority of this Act should be charged to such Municipal Council and what proportion of such cost should be charged to the Council of every Borough or Municipal District which can be supplied with water or relieved of sewage by such works.
- (4.) The basis upon which such estimate shall be made shall be (in respect of the cost of works for water supply) the ratio which the requirements of the then population of the said City expressed in gallons of water per head per diem shall be found to bear to the total discharging power of the conduit expressed in gallons per diem and calculated at the point of discharge nearest to the said City.
- (5.) The proportion to be charged to every such Borough or Municipal District shall be in accordance with the ratio which the then population of such borough or district bears to that of the said City.
- (6.) The respective shares or proportions of the cost of such works to be charged to the Council of the City of Sydney and of each such borough or district having been ascertained as aforesaid shall together with interest thereon calculated at the rate of four per centum be a debt payable to the Colonial Treasurer and charged upon the rates and revenues of the said Councils respectively until defrayed or liquidated as herein-after provided.
- (7.) Such debt shall be liquidated by payments to the Colonial Treasurer to be by him carried to the Consolidated Revenue Fund. And the first payment shall be made by each of the said Councils within one year from the date of the ascertainment of such debt and the publication of the said estimate in the *Gazette* and shall be for an amount equal to six pounds per cent. of the debt as so ascertained. And before the end of each succeeding municipal year thereafter a payment shall in like manner be made equal to six pounds per cent. of such debt until such debt shall be wholly extinguished.
- (8.) If default shall be made by any Council in making any payment prescribed by this section for a period of thirty days after

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after the same shall have become payable the Board shall be entitled to take the like proceedings for the appointment of receivers of the rates and other revenues of the said Council as are described or mentioned in the one hundred and thirty-sixth section hereof. And all the provisions contained in that section relating to receivers and their powers and to the Supreme Court in relation thereto shall be applicable to any case of default by such Council under this section.

(9.) For the purpose of ascertaining the respective proportions of the cost of the sewerage works hereinbefore referred to which shall be borne by the Council of the City of Sydney and the several Councils of Boroughs or Municipal Districts a like estimate shall be prepared by direction of the Governor as in the case of the works for water supply. And all the provisions of this section shall be applicable for the purpose of making out such estimate and of making and enforcing payments of the debt to be charged upon the rates of every such Council in respect of such cost. And the amount of such debt shall be ascertained in accordance with the population basis hereinbefore prescribed.

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PART VII.*Miscellaneous Provisions as to Legal Procedure.*

141. Every officer or servant employed by the Board shall when required by the Board make out and deliver to them or to any person appointed by them for that purpose a true and perfect account in writing under his hand of all moneys received by him on behalf of the Board in consequence of his employment and such account shall state how and to whom and for what purpose such moneys shall 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 Board or to any person appointed by them to receive the same all moneys which shall appear to be owing from him upon the balance of such accounts.

142. If any such officer fail to render such account or to produce and deliver up all the vouchers and receipts relating to the same in his possession or power or to pay the balance thereof when thereunto required or if for three days after being thereunto required he fail to deliver up to the Board or to any person appointed by the Board to receive the same all papers and writings property effects matters and things in his possession or power relating to the execution of this Act or belonging to the Board 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 in his absence 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 appear either upon confession of such officer or upon evidence or upon inspection of the account that any public moneys which should be paid over to the Board are in the hands of such officer or owing by him such Justices may order such officer to pay the same and if he fail to pay the amount it

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it shall be lawful for such Justices to grant a warrant to levy the same by distress or in default thereof to commit the offender to gaol for a period not exceeding three months unless the said amount be sooner paid.

Officers refusing to deliver up documents &c. to be imprisoned.

143. If any such officer or servant refuse 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 Board such Justices may lawfully commit such offender to gaol there to remain until he shall have delivered up all the vouchers and receipts (if any) in his possession or power relating to such accounts and have delivered up all books papers writings property effects matters and things (if any) in his possession or power belonging to the Board or which should be delivered up to them by such officer or servant.

Where officer about to abscond a warrant may be issued in the first instance.

144. If the President of the Board or other person acting on behalf of the Board shall make 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 or that he has absconded it shall be lawful for the Justice before whom the complaint is made if he shall think fit to issue a warrant in the first instance for the bringing such officer or servant before such two Justices as aforesaid but no person executing such warrant shall keep such officer or servant in custody longer than twenty-four hours or such longer period as may be rendered necessary by the distance of the place of apprehension from the residence of the nearest or most convenient Justice without bringing him before some Justice and it shall be lawful for the Justice before whom such officer may be brought either to discharge such officer if he think there is no sufficient ground for his detention or to 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 give bail to the satisfaction of such Justice for his appearance before such Justices to answer the complaint of the said President or person. Provided nevertheless that no such proceeding against or dealing with any such officer or servant as aforesaid shall deprive the Board of any remedy which they might otherwise have against such officer or any surety of such officer.

Sureties not to be discharged.

Distress not unlawful for want of form.

145. Where any distress is made for any sum of money to be levied under this Act the distress itself shall not be unlawful nor the persons making the same be deemed trespassers on account of any defect or want of form in the information summons conviction warrant of distress or other proceedings relating thereto nor shall the persons distraining be deemed trespassers on account of any irregularity that shall be afterwards done by the persons distraining but the persons aggrieved by such irregularities may recover satisfaction for the special damage in an action on the case.

Moiety of penalties to be paid to informers.

Actions and executions.

146. One half of any penalty recovered under this Act or any by-law thereunder shall be paid to the informer.

147. The following provisions shall govern all actions and proceedings taken in respect of claims for compensation within the proviso to the one hundred and twenty-ninth section hereof viz.:-

(i.) No action against the Minister or the Board shall be maintainable in any Court other than the Supreme Court and no writ of execution shall be issued against the Minister or the Board until the expiration of fourteen days after final judgment has been signed and no real estate now or hereafter to be vested in the Minister or the Board shall be liable to be sold under any writ of execution or other process of any Court of Law or Equity.

(ii.)

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(ii.) No plaintiff shall recover in any such action unless notice in writing have been given to the defendant twenty-eight days before such action is commenced of such intended action signed by the attorney of the plaintiff specifying the cause of such action and the plaintiff shall not recover in any such action if tender of sufficient amends shall have been made to him or to his attorney by or on behalf of the defendant before such action brought and in case no such tender be made it shall be lawful for the defendant in any such action by leave of the Court at any time before issue joined to pay into Court such sum of money as he thinks proper whereupon such proceedings [order and judgment shall be made and given by such Court as in other actions where the defendant is allowed to pay money into Court.

(iii.) No such action or suit shall be brought after three months from the act committed and the defendant in every such action or suit may at his election plead specially or the general issue and give this Act and the special matter in evidence at any trial and prove that the same was in pursuance and under the authority of this Act and if the same appear to have been so done or if such action or suit have been brought before the expiration of twenty-eight days next after such notice has been given as aforesaid or after sufficient satisfaction made or tendered as aforesaid or after the time limited for bringing the same or be brought in any other place than as aforesaid the jury shall find a verdict for the defendant and upon such verdict or if the plaintiff be nonsuited or discontinue his action or suit after the defendant have appeared or upon any demurrer judgment be given against the plaintiff or plaintiff's the defendant shall recover full costs of suit and have such remedy for recovering the same as any other defendant has in other cases by law.

148. Where in this Act any question of compensation expenses charges or damages or other matter is referred to the determination of any one Justice or more it shall be lawful for any Justice upon the application of either party to summon the other party to appear before one Justice or before two Justices as the case may require at a time and place to be named in such summons and upon the appearance of such parties or in the absence of any of them upon proof of due service of the summons it shall be lawful for such one Justice or such two Justices as the case may be to hear and determine such question and for that purpose to examine such parties or any of them and their witnesses on oath and the cost of every such inquiry shall be in the discretion of such Justices and they shall determine the amount thereof.

149. Every penalty forfeiture charge or sum of money imposed by or made payable under this Act or by any by-law made in pursuance thereof the recovery of which is not otherwise provided for may be recovered by summary proceedings before two Justices under the provisions of the Act or Acts in force for the time being regulating summary proceedings before Justices. And where any such penalty forfeiture charge or sum be not paid either immediately after conviction or adjudication or within the time appointed thereby the same may be enforced by distress and sale of the offender's or defaulter's goods and chattels in the manner provided by the said Acts.

150. If any party shall feel aggrieved by any determination or adjudication of any Justice or Justices with respect to any penalty or forfeiture under the provisions of this Act such party may appeal to the General or Quarter Sessions for the district or place in which the cause

Method of proceeding  
ing before Justices in  
question of damages  
&c.

Penalties &c. to be  
summarily recovered  
before two Justices.

Parties allowed to  
appeal to Quarter  
Sessions on giving  
security.

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cause of appeal shall have arisen but no such appeal shall be entertained unless it be made within four months next after the making of such determination or adjudication nor unless ten days notice in writing of such appeal stating the nature and grounds thereof be given to the party against whom the appeal shall be brought nor unless the appellant forthwith after such notice enter into recognizances with two sufficient sureties before a Justice conditioned duly to prosecute such appeal and to abide the order of the Court thereon At the General or Quarter Sessions for which such notice shall be given the Court shall proceed to hear and determine the appeal in a summary way or they may if they think fit adjourn it to the following Sessions and upon the hearing of such appeal the Court may if they think fit mitigate any penalty or forfeiture or they may confirm or quash the adjudication and order any money paid by the appellant or levied by distress upon his goods to be returned to him and also may order such further satisfaction to be made to the party injured as they may judge reasonable and they may make such order concerning the costs both of the adjudication and of the appeal as they may think reasonable.

Court to make such order as they think reasonable.

Damage to be made good in addition to penalty.

Transient offenders.

Notices.

151. If through any act neglect or default on account whereof any person shall have incurred any penalty imposed by this Act any damage to any conduit main pipe sewer or other property of the Board used in connection therewith shall have been committed by such person he shall be liable to make good such damage as well as to pay such penalty and the amount of such damages shall in case of dispute be determined by the Justices by whom the party incurring such penalty shall have been convicted and on non-payment of such damages on demand the same shall be levied by distress and such Justices or one of them shall issue their or his warrant accordingly.

152. It shall be lawful for any officer or servant of the Board and all persons called by him to his assistance to seize and detain any person who shall have committed any offence against the provisions of this Act and whose name and residence shall be unknown to such officer or servant and convey him with all convenient dispatch before some Justice without any warrant or other authority than this Act and such Justice shall proceed with all convenient dispatch to the hearing and determining of the complaint against such offender.

153. Any notice required by this Act or any by-law or regulation made thereunder to be served on or given to any owner or occupier of any building land or premises or on or to any person may be in writing or partly in writing and partly printed or may be wholly printed And it shall be sufficient for all purposes of this Act unless the said Act in any case prescribes a different course to be pursued if any such notice is sent by post to the owner by registered letter addressed to his last known place of abode or of business or is served on the owner or occupier of such building land or of premises or left with some inmate apparently over the age of fourteen years living at the place of abode of such owner or occupier or if there be no occupier if such notice be posted on some conspicuous part of such building or land And any notice required to be served or given in respect of any public street road or lane may be served on or sent by post as aforesaid to the Town Clerk or Council Clerk of the city borough or municipal district wherein such street road or lane or the portion thereof affected by the notice is situated.

## SCHEDULES.

## FIRST SCHEDULE.

Year and Number of Act.	Title of Act.	Extent of Repeal.
43 Vic. No. 3.....	Sydney Corporation Act of 1879.....	As to Water Supply sections 142 143 144 146 147 148 and 153 to 162 both inclusive. As to Sewerage sections 201 to 212 both inclusive.

## SECOND SCHEDULE.

*Declaration of office by Members of the Board.*

I DO solemnly and sincerely promise and declare that according to the best of my skill and ability I will faithfully impartially and truly execute the office and perform the duties of a member (or of President or Vice-President) of the Board of Water Supply and Sewerage.

(Signed)

A.B.

## THIRD SCHEDULE.

*Notice to lay Service Pipes.*

NOTICE to the owners of tenements and premises in \_\_\_\_\_ street and the private streets lanes courts and alleys opening thereunto.

THE main pipe in the said street having been laid down the owners of all tenements and premises situated as above are hereby required on or before the day of \_\_\_\_\_ next to cause a proper pipe and stop-cocks to be laid so as to supply water from the main pipe to such tenements and premises.

A.B.

Inspector to the Board of Water Supply and Sewerage.

## FOURTH SCHEDULE.

*Warrant of Distress.*

NEW SOUTH WALES }  
TO WIT. } To constable at \_\_\_\_\_  
WHEREAS \_\_\_\_\_ of in New South Wales \_\_\_\_\_ per annum for the water rate [or charged or is liable to pay the sum of \_\_\_\_\_ due to the Board of Water Supply and Sewerage as the case may be] as the occupier [or owner] of a certain house or tenement situate in \_\_\_\_\_ street in \_\_\_\_\_ and now occupied by \_\_\_\_\_ and whereas the sum of \_\_\_\_\_ being due and payable on account of the said rate charge or sum [as the case may be] on the day of \_\_\_\_\_ in the year of our Lord one thousand eight hundred and \_\_\_\_\_ and was duly demanded by the collector of rates for \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_ of the said who has not yet paid the same These are therefore to require and authorize you forthwith to levy the said sum of \_\_\_\_\_ together with the costs of these presents by distress and sale of the goods found by you in the said building or tenement according to law and that you certify to me on the \_\_\_\_\_ day of \_\_\_\_\_ what you shall do by virtue of this warrant

Given under my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord one thousand eight hundred and \_\_\_\_\_

(L.S.)

President [or Vice-President] of the Board of Water Supply and Sewerage.