

No. XIV.

An Act to establish a system of Water Supply and Sewerage for certain Towns. [12th July, 1880.]

COUNTRY
TOWNS WATER AND
SEWERAGE.

WHEREAS it is expedient to establish a general system by means Preamble.
of which the Councils of Boroughs and Municipal Districts may be empowered to provide an adequate Supply of Water and to construct and maintain Sewerage Works for such Boroughs and Districts where the same are not included within the operation of the "Metropolitan Water and Sewerage Act of 1880" 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.

Preliminary—General Powers and Duties of Councils as to Water Supply and Sewerage—Borrowing Powers for construction and maintenance of Works—Appointment of Officers—By-laws &c.

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

PART I.—*Preliminary—General Powers and Duties of Councils as to Water Supply and Sewerage—Borrowing Powers for construction and maintenance of Works—Appointment of Officers—By-laws &c.*

PART II.—*Special Provisions as to Water Supply.*

PART III.—*Special Provisions as to Sewerage.*

PART IV.—*The acquisition and occupation by Councils of Lands for purposes of Water Supply or Sewerage—Ascertainment of Compensation in respect thereof.*

PART V.—*Special Provisions in respect of certain authorized Works—Miscellaneous Provisions—Legal Procedure.*

And 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— Interpretation terms.

"Catchment Area"—The drainage area of the streams and other sources of water supply included within boundaries set forth in any Proclamation under this Act for the purpose of providing Water for any Water District.

"Central Authority"—The Board of Water Supply and Sewerage—or until such Board shall be constituted the Minister for Public Works.

"Conduit"—The canals tunnels aqueducts cuttings or pipes by means of which the main stream of water is supplied to any Borough or Municipal District.

"Council"—The Council of any Borough or Municipal District not situate wholly or in part in the County of Cumberland.

"Governor"—The Governor with the advice of the Executive Council.

"Justice"—

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“Justice”—Any Justice of the Peace.

“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 within which the construction and maintenance of sewerage or drainage works for sewerage or drainage are authorized.

“Street”—Any square court alley highway lane road thoroughfare or public passage.

“Water District”—The area within which water is authorized to be supplied to the inhabitants of any Borough or Municipal District.

Qualified repeal of parts of the Municipalities Act 1867.

2. So much of the one hundred and sixty-fifth and one hundred and sixty-sixth sections of the “Municipalities Act of 1867” as limits the rates leviable in respect of works for water supply or sewerage to the respective amounts therein prescribed so much of the one hundred and sixty-eighth section of the said Act as declares that special and general rates for any Municipality shall not exceed the amount therein specified And so much of the said Act as is repugnant to the provisions of this Act in respect of the construction or maintenance of works for water supply or sewerage the borrowing of money therefor and the making of rates in respect thereof are hereby repealed but only so far as the said enactments might be construed to control and limit the provisions of this Act.

Power to acquire land and sell land not required.

3. The Council of any Borough or Municipal District may for the purposes and subject to the provisions of this Act acquire purchase or take on lease sell or exchange any land whether situated within or without such Borough or District They may also purchase any water privileges or easements which interfere with the proper drainage of or with the supply of water to such Borough or District And any lands acquired by such Council in pursuance of the power contained in this Act but not required for the purpose for which they were acquired may with the approval of the Governor be sold by such Council and the proceeds of such sale shall be applied in discharging by means of a sinking fund or otherwise any moneys borrowed by such Council or if no such moneys are outstanding the same shall form part of the general revenue of the Municipality.

Conditions prior to acquisition of lands.

4. Before the Council shall put into force any of the provisions contained in this Part with respect to the acquisition of land otherwise than by agreement the following conditions and provisions shall be observed:—

- (1.) The Council shall publish once at the least in each of three consecutive weeks in some local newspaper circulating in the Municipality a notice describing shortly the nature of the undertaking in respect of which it is proposed to take the land naming a place where a plan of the proposed undertaking may be seen at all reasonable hours and stating the quantity of lands required.
- (2.) The Council shall serve a notice on every owner or reputed owner lessee or reputed lessee and occupier of such lands defining in each case the particular lands intended to be taken and requiring an answer stating whether the person so served assents dissents or is neutral in respect of taking such lands.
- (3.) On compliance with the provisions of this section with respect to notices the Council may if they think fit present a petition under their common seal to the Governor and such petition

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petition shall state the lands intended to be taken and the purposes for which they are required and the names of the owners lessees and occupiers of lands who have assented dissented or are neutral in respect to the taking such lands or who have returned no answer to the notice And it shall pray that the Council may with reference to such lands be allowed to put in force the powers contained in Part IV of this Act with respect to the acquisition of lands otherwise than by agreement and such prayer shall be supported by such evidence as the Governor may require.

- (4.) On the receipt of such petition and on due proof of the proper notices having been published and served the Governor shall take such petition into consideration and may either dismiss the same or direct a local inquiry as to the propriety of assenting to the prayer of such petition but until such inquiry has been made no provisional order shall be made affecting any lands without the consent of the owners lessees and occupiers thereof.
- (5.) After the completion of such inquiry the Governor may by provisional order empower the Council to put in force with reference to the lands referred to in such order the powers of the said Part with respect to the acquisition of lands otherwise than by agreement or any of them and either absolutely or with such conditions and modifications as the Governor may think fit and it shall be the duty of the Council to serve a copy of any order so made in the manner and on the person in which and on whom notices in respect of such lands are required to be served.

5. It shall be lawful for any Council for the purpose of defraying any costs charges and expenses incurred or to be incurred by them in the execution of the powers contained in this Act (if they require to do so) to borrow any sum of money necessary for defraying such costs charges and expenses but the exercise of the said power shall be subject to the conditions and regulations following viz:—

Power to Council to borrow money.

- (1.) No moneys shall be borrowed unless for the purpose of constructing permanent works for water supply or sewerage the cost of which ought in the opinion of the Governor to be spread over a term of years.
- (2.) The sum to be borrowed shall not at any time exceed a sum equal to five times the gross amount collected for rates by the Council during the Municipal year immediately preceding that in which the power to borrow is sought to be exercised.
- (3.) In every case the Council shall submit a statement under its corporate seal showing the whole of the then existing charges (if any) upon the revenues of the Council created by the exercise of its borrowing powers under the "Municipalities Act of 1867" and shall also submit under the seal aforesaid a plan of the proposed water or sewerage works for the construction of which they propose to borrow money under this Act for the consideration of the Governor accompanied by proper sections estimates and other explanations showing the character and probable cost of the proposed works And the Governor may at the cost of the Council cause the same to be reported upon by an officer of the Central Authority or may require a local inquiry to be held and the result thereof to be reported to him.
- (4.) If the Governor shall finally approve of the plans or of any amended plans for the proposed works such approval shall be notified in the *Gazette* and after such notification but not before it shall be lawful for the Council to exercise the borrowing powers conferred by this Act.

(5.)

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First Schedule.

- (5.) All moneys borrowed by the Council shall be raised by the sale of debentures to be issued in such series and at such times and with such official stamp and otherwise in such manner as the Governor shall prescribe by regulations under this Act and all such debentures shall have a currency for such time not exceeding thirty years as the Governor may sanction in each case and shall bear interest at the rate of five pounds per centum per annum and shall be in the form in the First Schedule hereto.
- (6.) Every such debenture shall be numbered in regular ascending arithmetical progression whereof the common difference shall be one and shall have annexed for every payment of interest to grow due thereon a coupon bearing the same number in the debenture.
- (7.) Every such debenture shall name the principal sum secured thereby which shall not be less than five pounds the rate at which interest is payable thereon and the time and place where such principal and interest are payable And every such debenture shall be under the common seal of the Council and be signed by the Mayor and Council Clerk and shall bear date on the day on which it is scaled.
- (8.) Every such debenture and any coupon whether annexed thereto or not may be transferred by simple delivery.
- (9.) No debenture issued under the authority of this Act which shall be sold by the Council at or for a less price than the amount for which such debenture purports to be a security shall be deemed to entitle the holder thereof for the time being to payment of the amount of such debenture or of any sum by way of interest thereon from the Colonial Treasurer upon default made in any such payment by the said Council as hereinafter provided.

Payment of debentures

and of interest.

6. The holder of any debenture issued under the provisions of this Act shall be entitled to receive payment from the Council by which it was issued of the principal sum named therein upon presentation of such debenture on or after the due date thereof at the place where the same is expressed to be made payable And the holder of any coupon originally annexed to a debenture and whether separated therefrom or not shall be entitled to receive payment in like manner of the interest mentioned in such coupon upon presentation of the same at the place where and on or after the date when interest is payable If default be made in payment of such principal sum or interest a certificate of the fact of such default having been made under the hand of the Council Clerk shall be given to the holder of such debenture or coupon upon his demanding the same and upon presentation of such certificate of default to the Colonial Treasurer he shall within fourteen days thereafter pay to such holder the amount of such principal or interest out of the Consolidated Revenue Fund upon a warrant under the hand of the Governor which warrant shall be the said Treasurer's discharge for any such payment and every such payment shall as between the said Council and the holder of such debenture or coupon be a complete discharge of the Council to the extent of such payment but as between the Council and the Consolidated Revenue Fund shall be a debt as against the Council to be liquidated as hereinafter provided.

Provisions for recouping Consolidated Revenue Fund on default by Council.

7. When default shall have been made by the Council in making any payment whether of principal or interest to the holder of any such debenture or coupon and if such payment has been made out of the Consolidated Revenue Fund it shall be lawful for the Colonial Treasurer forthwith to take such proceedings to enforce payment by procuring the appointment of any number of persons not exceeding three

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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—

- (1.) The said Treasurer shall 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.
- (2.) Such receivers shall have power to make levy and collect all rates whether for water supply or sewerage authorized by this Act to be made levied or collected by the Council and be entitled to receive all rates and revenues whatsoever payable to the Council of the Municipality for or in respect of which they shall have been appointed receivers but the rates so to be made and levied shall not exceed the maximum limits permitted under the provisions of the law in force for the time being And for such purposes such receivers shall be deemed the Council of such Municipality and may exercise all the powers thereof.
- (3.) 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.
- (4.) 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.

8. A Council proposing to borrow under this Act shall if required by the Governor set apart in such manner and under such conditions as he may prescribe in that behalf as a sinking fund and accumulate in the way of compound interest by investing the same in the purchase of Government securities such sum as will with accumulations in the way of compound interest be sufficient after payment of all expenses to pay off the moneys so borrowed within the period sanctioned And the Council may at any time apply the whole or any part of a sinking fund set apart under this Act in or towards the discharge of the moneys for the repayment of which the fund has been established Provided that they shall pay into the fund in each year and accumulate until the whole of the moneys borrowed are discharged a sum equivalent to the interest which would have been produced by the sinking fund or the part of the sinking fund so applied.

Provision as to
Sinking Fund.

9. After the approval by the Governor of any scheme of Water Supply or Sewerage shall be notified in the *Gazette* it shall be lawful for the Governor by Proclamation to define the boundaries of any catchment area and of any Water or Sewerage District required for the purpose of supplying with water any boundaries of the Borough or Municipal District or for the sewerage thereof respectively.

Watershed and
Water and Sewerage
District boundaries
to be proclaimed by
Governor.

10. It shall be lawful for any Council to appoint such engineers or inspectors accountants collectors clerks rangers and such other officers and servants as may be required for the purposes of this Act and

Appointment of
officers &c. by
Council.

for

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for the due administration thereof And such persons so to be appointed shall where required by the Council give such security for the performance of their several duties as the Council shall prescribe.

Offices tenable
by same persons.

11. The same person may be both Surveyor and Inspector of Nuisances but neither the person holding the office of Treasurer nor his partner nor any person in the service or employ of them or either of them shall be eligible to hold or shall in any manner assist or officiate in the office of Council Clerk and neither the person holding the office of such clerk nor his partner nor any person in the service or employ of them or either of them shall be eligible to hold or shall in any manner assist or officiate in the office of Treasurer. Any person offending against this enactment shall forfeit and pay the sum of one hundred pounds which may be recovered by any person with full costs of suit in any competent Court.

Officers intrusted
with money to give
security.

12. Before any officer or servant of any Council enters on any office or employment under this Act by reason whereof he will or may be intrusted with the custody or control of money the Council by whom he is appointed shall take from him sufficient security for the faithful execution of such office or employment and for duly accounting for all moneys which may be intrusted to him by reason thereof.

Council may make
by-laws.

13. Subject to the provisions of this Act any Council may from time to time make alter and repeal by-laws:—

- (1.) For regulating the form of contract to be entered into with the Council and generally for carrying into effect the purposes of this Act

As to Water Supply.

- (2.) 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
- (3.) 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 fifty yards from any main constructed by or vested in the Council 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 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 the assessed value 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
- (4.) For imposing an extra rate for water supply in places distant more than one hundred yards from the conduit
- (5.) For determining the time at which any charge for water shall be payable and whether in advance or otherwise
- (6.) For regulating the form material dimensions construction and arrangement of pipes and other works supplying water from the pipes of the Council 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
- (7.) For regulating the construction disposition custody and inspection of meters.

(8.)

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- (8.) For preventing the waste or misuse of water supplied by the Council
- (9.) For compelling persons using water supplied by the Council to keep their pipes and other appliances in proper repair—for preventing any alteration of or interference with such pipes without notice to the Council—for repairing such pipes and appliances so as to prevent waste of water and for recovering the cost of such repairs
- (10.) For preventing the use directly or indirectly of water supplied by the Council by persons unauthorized by the Council
- (11.) For preventing persons from wilfully or negligently breaking injuring or from interfering with any pipe lock cock valve engine or work belonging to the Council and from doing any other wilful act whereby the water supplied by the Council may be wasted

As to Sewerage.

- (12.) For regulating the drainage of roads and streets into sewers
- (13.) 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
- (14.) For the carrying out of such works of cleansing and removing and disposing of refuse as the Council is authorized by this Act to perform or require
- (15.) 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 value of the premises drained

And every such by-law shall after approval by the Governor within fourteen days after such approval has been signified to the Council 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.

14. 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 Council 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

15. With respect to contracts made by any Council under this Act the following regulations shall be observed viz. :—

- (1.) Every contract made by the Council whereof the value or amount exceeds fifty pounds shall be in writing and sealed with the common seal of such Council.
- (2.) Every such contract shall specify the work materials matters or things to be furnished had or done the price to be paid and the time or times within which the contract is to be performed and shall specify some pecuniary penalty to be paid in case the terms of the contract are not duly performed
- (3.) Before contracting for the execution of any works under the provisions of this Act the Council shall obtain from their surveyor

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surveyor or other competent officer an estimate in writing as well of the probable expense of executing the work in a substantial manner as of the annual expense of repairing the same also a report as to the most advantageous mode of contracting that is to say whether by contracting only for the execution of the work or for executing and also maintaining the same in repair during a term of years or otherwise

- (4.) Before any contract of the value or amount of one hundred pounds or upwards is entered into by the Council ten days' public notice at the least shall be given expressing the nature and purpose thereof and inviting tenders for the execution of the same and such Council shall require and take sufficient security for the due performance of the same
- (5.) Every contract entered into by the Council in conformity with the provisions of this section and duly executed by the other parties thereto shall be binding on the Council by whom the same is executed and their successors and on all other parties thereto and their executors administrators successors or assigns to all intents and purposes Provided that the Council may compound with any contractor or other person in respect of any penalty incurred by reason of the non-performance of any contract entered into as aforesaid whether such penalty is mentioned in any such contract or in any bond or otherwise for such sums of money or other recompense as to such Council shall seem proper
- (6.) Officers or servants appointed or employed under this Act by the Council shall not in anywise be concerned or interested in any bargain or contract made with such Council for any of the purposes of this Act If any such officer or servant is so concerned or interested or under colour of his office or employment exacts or accepts any fee or reward whatsoever other than his proper salary wages and allowances he shall be incapable of afterwards holding or continuing in any office or employment under this Act and shall forfeit and pay the sum of fifty pounds which may be recovered by any person with full costs of suit in any competent Court.

PART II.

Special provisions as to Water Supply.

Authority of Council
to construct Water-
works.

16. Subject to the provisions of this Act the Council of any Borough or Municipal District may exercise any of the powers in this Part contained for the construction of waterworks for the supply of water to such Borough or District and for the purpose of carrying out the provisions of this Act such Council may

- (1.) 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.) 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 authorized 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.)

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- (3.) Sink from time to time such wells or shafts and make maintain alter or discontinue such reservoirs waterworks cisterns tanks aqueducts drains cuts sluices pipes culverts engines and other works and erect such buildings upon the lands streams and watercourses authorized to be taken by them as they shall think proper for supplying the inhabitants of any such Borough or District with water
- (4.) Divert from time to time 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.) 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 such Council 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 Council 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 Council cannot agree with the owner 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.

17. Every person who shall wilfully obstruct any person acting under the authority of the Council 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.

Penalty for obstructing construction of works.

18. After any stream or supply of water shall have been diverted impounded or taken by the Council under the authority of this Act every person who shall illegally or without the authority of the Council divert or take any water supplying or flowing into the stream or source of supply so diverted impounded or taken by the Council 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 Council 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 Council 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 such person And any sum so forfeited shall be in addition to the sum which he may be lawfully adjudged to pay to the Council 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 Council to bring any action at law or any other remedy at law or in equity in respect of the damage so committed.

Penalty for illegally diverting water.

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Reservation of
existing rights.

19. 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.

Penalty for
destroying works.

20. 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 Council every such offender shall be guilty of felony and shall be liable to be imprisoned for any term not exceeding ten years.

Power to open
streets &c.

21. The Council may open and break up the soil and pavement of the several streets and bridges within the limits of its 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 Council shall from time to time deem necessary for supplying water to the inhabitants of the district included within the said limits.

Reinstatement of
streets &c.

22. When the Council 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.

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

23. The Council 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 Council be compellable to supply water to any person whomsoever.

Agreements to supply
water—what pur-
poses not domestic.

24. The Council 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 Council 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.

Council may let
meters.

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

Meters of Council
not distrainable &c.

26. 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 the person in whose possession the meters pipes instruments and apparatus may be.

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27. Every person who shall have agreed with the Council for a supply of water by measure shall at his own expense unless he hire a meter from the Council 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 Council and in the event of any repairs being required notice in writing shall be immediately given by such person to the Council and a registration of the quantity used shall be taken before such repairs are effected.

Meter to be supplied and maintained by consumer.

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

Notice of removal &c. of meter.

29. If any person who under the provisions hereinbefore contained ought to provide any meter neglect or refuse after having been required by the Council 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.

Penalty for neglect to provide meter.

30. 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.

Penalty for neglecting to give notice of repairs of meters.

31. 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 Council so to do the Council 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 Council as being in proper working order.

Water may be cut off if meter not in order.

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

Penalty for fixing uncertified meter.

33. 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 Council.

For removing or altering meter without notice.

34. The Officers of the Council may enter any house building or lands to through or into which water is supplied by the Council 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 Council and if any person hinders any such officer from entering or making such inspection or effecting 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.

Powers to officers of Council to inspect meter.

35. In all the pipes to which any fire-plug is fixed the Council 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 Provided that no baths or washhouses shall be entitled to be supplied with

Supply of water for public purposes.

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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 Council.

FIRE-PLUGS.

Council to place
public fire-plugs in
mains.

36. The Council shall fix proper fire-plugs in the main and other pipes belonging to them at such convenient distances and at such places as they may consider proper and convenient for the supply of water for extinguishing any fire which may break out within the Borough or Municipal District And 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 where any public fire-engine is kept.

Fire-plugs for
manufactories &c.

37. The Council 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 two hundred yards of which there shall be a pipe of the Council 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.

38. The Council 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.

39. After pipes have been laid under the authority of this Act for the supply of water to any street or part thereof the Council shall cause a notice in the form contained in the Second Schedule hereto or to the like effect to be published in four consecutive numbers of some newspaper circulating in the Borough or District and the owner or occupier of every tenement referred to in such notice shall within four weeks from the date of the last publication of such notice 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 Council 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.

40. Any owner or occupier of any dwelling-house or part of a dwelling-house within a Borough or Municipal District who shall wish to have water from the waterworks of the Council brought into his premises and who shall have paid or tendered to the Council 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 Council 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 Council.

Notice to Council of
laying pipes.

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

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

42. Before any pipe is made to communicate with the pipes of the Council the person intending to lay such pipes shall give two days notice to the Council of the day and hour when such pipe is intended to be made to communicate with the pipes of the Council 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 that purpose by the Council And the bore of any such pipe shall not exceed three-quarters of an inch except with the consent of the Council.

Bore of service-pipes.

Country Towns Water and Sewerage.

43. 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 Council of his intention so to do and of the time of such proposed removal and every such person shall make compensation to the Council for any injury or damage to their pipes or works which may be caused by such removal.

Service-pipes may be removed after giving notice.

44. And such owner or occupier may open or break up so much of the pavement of any as shall be between the pipes of the Council and his house building or premises and at 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 Council are subject to under the provisions of this Part.

Power to break up pavements.

45. If any person supplied with water by the Council 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 any thing 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 Council the Council 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.

PROTECTION OF THE WATER.

In case of any breach of this Part of this Act water may be cut off.

46. If any person supplied with water by the Council 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 Council 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 Council he shall for every such offence be liable to a penalty not exceeding five pounds.

Penalty for waste of water.

47. If any person—

- (1.) Not having from the Council a supply of water for other than domestic purposes uses for other than domestic purposes any water supplied to him by the Council or
- (2.) Having from the Council 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

Penalty for misapplication of water.

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

48. It shall not be lawful for the owner or occupier of any premises supplied with water by the Council or any consumer of the water of the Council 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 Council And if any person acts in any respect in contravention 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 Council to recover damages from him in respect of any injury done

No pipe to be fixed to consumer's pipe without permission of Council.

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done to their property and without prejudice to their right to recover from him the value of any water wasted misused or unduly consumed.

Penalty for unlaw-
fully taking water.

49. If any person not being supplied with water by the Council wrongfully takes or uses any water from any reservoir watercourse conduit or pipe belonging to the Council 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 Council or supplied by them for the use of any consumer of the water of the Council he shall for every such offence be liable to a penalty not exceeding five pounds.

Inspection of water.

50. The surveyor or other person appointed for that purpose by the Council 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 Council 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 Council may turn off the water supplied by them from such house or other premises.

POLLUTING THE
WATER.

Penalty for bathing
in water of the
Council.

Penalty for throwing
dirt therein.

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

52. 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 ten pounds.

Penalty for letting
foul water flow
thereinto.

53. 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 Council or shall do any other act whereby the water of the Council shall be fouled he shall for each such offence forfeit a sum not exceeding twenty pounds and a further sum of twenty shillings for each day (if more than one) that such offence continues.

Penalty for nuisance
in Water District.

54. Where any owner or occupier of any land within Water District to be proclaimed as hereinbefore provided or any reservoir or source of supply the Council 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 Council is likely to injure the water supply if notice to discontinue or remove the same be given to him in writing by the Council 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 ten pounds and a further sum of forty shillings for each day (if more than one) that such offence continues.

Penalty for per-
mitting substances
produced in making
gas to flow into
works.

55. Every person making or supplying gas within the limits of any Catchment Area or 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 Council 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 the pipes or conduits thereof injured shall forfeit to the Council a sum not exceeding twenty pounds to be recovered with full costs of suit 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

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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 Council.

56. Whenever the water supplied by the Council shall be fouled by the gas of any person making or supplying gas within the district aforesaid such person shall forfeit to the Council 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.

Penalty on gasmakers causing water to be fouled.

57. For the purpose of ascertaining whether the water of the Council be fouled by the gas of any person making or supplying gas within the said district the Council 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 Council 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 nonfeasance or misfeasance therein as hereinafter provided with respect to roads and pavements broken up by the Council 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 Council 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.

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

The expenses to abide the result of the examination.

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

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

- (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 first be received and any person so offending shall forfeit and pay a penalty not exceeding fifty pounds.
- (II.) The Council 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 Council 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 Council'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 Council 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

No closet pipes hereafter to connect directly with the main.

Council may disconnect pipes in certain cases.

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

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actual cost or expense incurred And such owner or occupier shall pay the amount to the Council 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 Council 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 Council 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 sub-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 section provided for the tenant or occupier of the premises is hereby authorized and required after receiving a written notice thereof from the Council 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 Council 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 Council 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 Council may have incurred (and which he is 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 Council.

Where several houses supplied by one pipe each to pay.

59. 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 Council by a separate pipe.

WATER RATES.

Rates to be recoverable from either landlord or tenant.

60. The rates and charges for water and all sums due to the Council under this Part shall be paid by and be recoverable from the owner of the premises or the occupier or person requiring receiving

or

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or using the supply of water and all rates shall be paid in advance by 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 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 Council is laid although such premises are not actually supplied with water from such main.

Rates to be paid half-yearly in advance.

61. If any person refuse or neglect to pay on demand to the Council any rate charge or sum due to the Council under this Part the Council may recover the same with costs or the Mayor may issue his warrant in the form contained in the Third Schedule hereto 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.

Recovery of rates and charges.

Third Schedule.

62. If any tenant of any premises be called on to pay and pay or be distrained for a greater amount of any rate charge or sum due to the Council 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 of the notice by the Council 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.

Special Provisions as to Sewerage.

63. The Council 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 Council and the same or a copy thereof shall be opened at reasonable times to the inspection of the owner or occupier of lands or houses within such District.

Survey of area of Sewerage District.

64. Subject to the provisions of this Act the Council 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) :—

General powers of Council in respect to sewerage works.

- (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

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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 Council 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 Council 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.

65. The Council 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 highway or 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 subject to the provisions of the next following section 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 drains laid in any street made by the Council 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 amending repairing completing or improving any such sewers and drains or other works to be made done and provided for the purposes of this Part.

Sewage to be purified
before being dis-
charged into streams.

66. Nothing in this Act shall authorize any Council to make or use any sewer drain or outfall for the purpose of conveying sewage or filthy water into any natural stream watercourse lake or pond until such sewerage 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.

Council to make
good any damages.

67. In the execution of the several powers hereby granted the Council 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 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 other damage and

remove

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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 Council and all persons acting under their authority for all acts and things done by virtue thereof.

68. If there be any wilful or negligent delay in the Council 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 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 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 Council 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 Council makes wilful default damage may be repaired by parties interested.

69. The Council may open the ground and change the level or otherwise amend or enlarge any sewer lying under any public or private street within the Sewerage District 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 Council shall at their own cost and charge 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 Council 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 Council 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.

Altering sewers.

70. The Council 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 subject to the provisions hereinafter contained 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 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.

Sewers to be cleansed.

71. When any ground or any of the soil pitchings or pavements of any public or private street is at any time opened or broken up by the Council proper and sufficient fences and protection for the same shall

Fencing works in progress.

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shall immediately thereupon be made set up and continued by the Council 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 Council as free from all obstructions and annoyances of every kind as practicable.

Pavements replaced.

72. When and as often as any pavement or footway is taken up or removed by the Council 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 belonging to the Council 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.

Repairs of sewers.

73. The Council shall at all times maintain and keep in good order and repair all their drains and sewers.

Notice of private sewers.

74. 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 belonging to the Council as aforesaid or into any drain or sewer communicating therewith and in default of such notice the Council 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 Council 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.

75. All such private sewers or drains shall be permitted to be branched into any of the sewers or drains belonging to the Council 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 Council 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.

Rates.

76. 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 Council 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 Council and in such manner and form and with such grates and of such workmanship as may be approved by the Council and shall pay to the Council the rates fixed for the same.

Rates to be recoverable from either landlord or tenant.

Rates to be paid half-yearly in advance.

Recovery.

77. All sewerage rates and sums due to the Council 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 the Council and all rates shall be paid in advance by 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 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 within one hundred and fifty feet from any sewer or drain belonging to the Council and whether there be any communicating drain between such premises and any sewer or drain belonging to the Council or not

And

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And if any person refuse or neglect to pay on demand to the Council any rate charge or sum due to the Council under this Part the Council may recover the same with costs or may order a warrant under the hand of the Mayor 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.

78. If the soil filth or cesspools attached or belonging to or arising from any tenement within a Sewerage District be upon the complaint of any inhabitant thereof deemed a nuisance by the Council the Council 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 Council 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.

Nuisances removed
by drains.

79. Fourteen days at the least before beginning to dig or lay out 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 Council 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 Council 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.

Notice of building or
re-building.

80. 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 Council inspector of slaughter-houses or inspector of nuisances or inspector of police with such assistance as may be necessary and accompanied

Entry to view
premises.

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accompanied 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.

81. If upon the certificate of any two duly qualified medical practitioners it appear to the Council 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 Council 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 Council 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 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.

82. Any engineer surveyor or other person acting under the authority of the Council 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 Council may cut off the drain or sewer supplied by the Council from such house building or other premises.

Penalty for making
connecting drain
without notice.

83. If any person make or branch any private sewer or drain into any sewer or drain belonging to the Council 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.

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

Penalty for
interrupting the
Council and injuring
works.

85. If any person shall wilfully or maliciously hinder or interrupt or cause or procure to be hindered or interrupted the Council 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 Council 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.

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86. 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 Council wilfully permit any other person not having the authority or consent of the Council to use any such drain or any branch into the same every person so offending shall forfeit for every such offence any sum not exceeding five pounds over and above the full amount of the damage sustained by the Council by the acts or means in respect of which such penalty shall be incurred and the Council shall be at liberty to cut off the drain of every such person so offending from the main sewer.

Penalty for giving use of drain without permission.

87. The owner or occupier of any premises within a Municipality shall be entitled to cause his drains to empty into the sewers of that Municipality on condition of his giving such notice as may be required by the Municipal Council of his intention so to do and of complying with the regulations of the Council in respect of the mode in which the communications between such drains and sewers are to be made and subject to the control of any person who may be appointed by the Council to superintend the making of such communications.

Powers of owners and occupiers within district to drain into sewers of Municipality.

88. Where any house within a Municipality is without a drain sufficient for effectual drainage the Council thereof shall by written notice require the owner or occupier of such house within a reasonable time therein specified to make a covered drain or drains emptying into any sewer which the Council are entitled to use and which is not more than one hundred feet from the site of such house but if no such means of drainage are within that distance then emptying into such covered cesspool or other place not being under any house as the Council direct and the Council may require any such drain or drains to be of such materials and size and to be laid at such level and with such fall as on the report of their surveyor may appear to them to be necessary. If such notice is not complied with the Council may at the expiration of the time specified in the notice do the work required and may recover in a summary manner the expenses incurred by them in so doing from the owner or may by order declare the same to be private improvement expenses. Provided that where in the opinion of the local authority greater expense would be incurred in causing the drains of two or more houses to empty into an existing sewer pursuant to this section than in constructing a new sewer and causing such drains to empty therein the Council may construct such new sewer and require the owners or occupiers of such houses to cause their drains to empty therein and may apportion as they deem just the expenses of the construction of such sewer among the owners of the several houses and recover in a summary manner the sums apportioned from such owners or may by order declare the same to be private improvement expenses.

Power of Council to enforce drainage of undrained houses.

Disposal of Sewage.

89. For the purpose of receiving storing disinfecting distributing or otherwise disposing of sewage any Council may—

Powers for disposing of sewage.

- (1.) Construct any works within their Municipality or (subject to the provisions of this Act as to sewerage works without their Municipality) without their Municipality and
- (2.) Contract for the use of purchase or take on lease any land buildings engines materials or apparatus either within or without their Municipality and
- (3.) Contract to supply for any period not exceeding twenty-five years any person with sewage and as to the execution and costs of works either within or without their Municipality for the purposes of such supply. Provided that no nuisance be created in the exercise of any of the powers given by this section.

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Power to agree for communication with sewers of adjoining Municipalities.

90. The Council of any Municipality may by agreement with the Council of any adjoining Municipality and with the sanction of the central authority cause their sewers to communicate with the sewers of such last-mentioned Council in such manner and on such terms and subject to such conditions as may be agreed on between the local Councils or in case of dispute may be settled by the said authority. Provided that so far as practicable storm waters shall be prevented from flowing from the sewers of the first-mentioned Municipality into the sewers of the last-mentioned Municipality and that the sewage of other districts or places shall not be permitted by the first-mentioned Council to pass into their sewers so as to be discharged into the sewers of the last-mentioned Council without the consent of such last-mentioned Council.

Power to deal with land appropriated to sewage purposes.

91. Any Council may deal with any lands held by them for the purpose of receiving storing disinfecting or distributing sewage in such manner as they deem most profitable either by leasing the same for a period not exceeding twenty-one years for agricultural purposes or by contracting with some person to take the whole or a part of the produce of such land or by farming such land and disposing of the produce thereof subject to this restriction that in dealing with land for any of the above purposes provision shall be made for effectually disposing of all the sewage brought to such land without creating a nuisance.

Contribution to works under agreement for supply or distribution of sewage.

92. Where any Council agree with any person as to supply of sewage and as to works to be made for the purpose of such supply they may contribute to the expense of carrying into execution by such person all or any of the purposes of such agreement and may become shareholders in any company with which any agreement in relation to the matters aforesaid has been or may hereafter be entered into by such Council or to or in which the benefits and obligations of such agreement may have been or may be transferred or vested.

As to Sewage Districts without Municipality.

Notice to be given before commencing sewage works without Municipality.

93. A Council shall three months at least before commencing the construction or extension of any sewer or other work for sewage purposes without their Municipality give notice of the intended work by advertisement in the *Gazette* and in one or more of the local newspapers circulating within the district where the work is to be made. Such notice shall describe the nature of the intended work and shall state the intended termini thereof and the names of the roads and streets and other lands (if any) through across under or on which the work is to be made and shall name a place where a plan of the intended work is open for inspection at all reasonable hours and a copy of such notice shall be served on the owners or reputed owners lessees or reputed lessees and occupiers of the said lands.

Inspector to hold inquiry and report of the Metropolitan Water and Sewerage Board.

94. The central authority may on application of the Council appoint an inspector to make inquiry on the spot into the propriety of the intended work and into the objections thereto and to report to such authority on the matters with respect to which such inquiry was directed and on receiving the report of such inspector such authority may make an order disallowing or allowing with such modifications (if any) as they may deem necessary the intended work which order shall be complied with by the Council.

PART IV

The Acquisition and Occupation by Councils of Lands for purposes of Water Supply or Sewerage—Ascertainment of compensation in respect thereof.

95. After the notification in the *Gazette* as hereinbefore provided of the approval by the Governor of any scheme for the supply of water to or for the sewerage of any Borough or Municipal District but not before the Council of such Borough or Municipality shall be empowered to acquire or occupy lands for the purposes of such water supply or sewerage in manner hereinafter provided and compensation for every such acquisition or occupation of lands shall be ascertained and carried out as hereinafter provided. Lands required for water supply or sewerage how acquired.

96. It shall be lawful for the Council by notification to be published in the *Gazette* and in one or more newspapers published or circulating in the Borough or Municipal District wherein is situated the land the subject of such notification to declare that the land described in such notification is required for the purpose therein expressed whether of water supply or sewerage. How and when lands can be taken.

97. Upon the publication of the notification in the *Gazette* declaring that the lands therein described are so required such lands shall upon compliance with the requirements and provisions hereinafter contained be vested in the Council for the purposes of this Act for an estate of inheritance in fee simple in possession freed and discharged from all trusts obligations estates interests contracts charges rates rights-of-way or other easements whatsoever and to the intent that the legal estate therein together with all powers incident thereto or conferred by this Act shall subject to the provisions thereof be vested in the Council. Vesting &c. of lands.

98. Where the land required is Crown land at the date of such publication or is vested in any Corporation or person on behalf of Her Majesty or for public purposes by virtue of any statute or is within the limits with reference to centres of population prescribed by the Act next hereinafter cited the effect of such publication shall be to withdraw the said land (to the extent required) from any lease or license or promise thereof and to cancel to the like extent any dedication or reservation of the said land made under the authority of the "Crown Lands Alienation Act of 1861" or any Act or Acts amending the same or to divest the estate of such Corporation or person and to vest the said land to the extent aforesaid in the Council for the purposes mentioned and for the estate limited in the last preceding section Provided however that nothing in this section contained shall have any effect or operation unless the approval of the Governor shall first have been obtained with respect to the land so required. Effect of publication upon Crown lands.

99. Where the land described in any such notification consists wholly or partly of land alienated by or not the property of the Crown or is not Crown land as defined by this Act the owners thereof shall be entitled to receive such sum of money by way of compensation for the land so described as shall be agreed upon or otherwise ascertained under the provisions hereinafter contained. Compensation for private lands.

100. The estate and interest of every person entitled to lands required under this Act or any portion thereof and whether to the legal or the equitable estate therein shall upon due payment of the amount of compensation tendered by the Council or assessed by the jury as hereinafter provided be deemed to have been as fully and effectually conveyed to the Council as if the same had been conveyed by the persons legally or equitably entitled thereto by means of the most perfect Conversion of estate of proprietor of resumed land into a claim.

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perfect assurances in the law And every person shall upon asserting his claim as hereinafter provided and making out his title in respect of any portion of the said resumed lands be entitled to compensation on account of such resumption in manner hereinafter provided.

Notice of claim for compensation.

101. Every person claiming compensation in respect of any land so required or in respect of any work or other matter done under the authority of this Act shall within ninety days from the publication of such notification or at any time afterwards within such extended time as a Judge of the Supreme Court shall upon the application and at the cost of the claimant appoint in that behalf serve a notice in writing upon the Mayor of the Council which notice shall set forth the nature of the estate or interest of the claimant in such land together with an abstract of his title and if he claims in respect of damage the nature of the damage which he has sustained or will sustain by reason of the taking of his land or of such work or matter as aforesaid and such notice may be in the form in the Fourth Schedule hereto but with any modifications required by the nature of the claim.

Claim and report thereon.

102. Within sixty days after the receipt of every such notice of claim the Council shall cause a valuation of the land or of the estate or interest of the claimant therein to be made in accordance with the provisions of this Act and shall inform the claimant as soon as practicable of the amount of such valuation by notice in the form of the Fifth Schedule hereto.

Compensation by action in Supreme Court.

103. If within ninety days after the service of notice of claim the claimant and the Council 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 Council And any such action may be tried before a Judge of the said Court or in any Circuit Court and a special jury of four persons Provided always that upon proper application either of the Council or of the claimant a special jury of twelve may be summoned for the trial of such action Provided also that with the consent in writing of the Mayor and the claimant any such action may be so tried at any time (to be mentioned in such consent) before the expiration of ninety days from service of the notice of claim for compensation but not within fourteen days from service of the notice of valuation on such claimant.

Issue in action of compensation verdict and costs.

104. 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 of the valuation so made by the Council 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 Council but if the verdict shall be for a sum equal to or less than such valuation then the costs shall be borne by the claimant.

As to payment of compensation.

105. 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) and interest at the rate of six pounds per centum per annum reckoned from the date of the notification aforesaid 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 but the claimant shall be bound to make out his title to the estate or interest claimed by him in all cases where the claim is in respect of the deprivation of some estate or interest in land Provided that in the case of land under the surface taken for the purpose of constructing a subterranean tunnel for water supply or sewerage no compensation shall be allowed or awarded unless the surface of the overlying soil be disturbed or the support to such surface be destroyed or injuriously affected

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affected by the construction of such tunnel or unless any mines or underground workings in or adjacent to such land be thereby rendered unworkable or be so affected as aforesaid.

106. A District Court shall notwithstanding anything contained in the "District Courts Act of 1858" have jurisdiction to try any such action of compensation at the District Court holden within the district wherein any land acquired under this Act (or the greater portion of such land) is situated in any case where the whole amount of the claim in respect to such land served in pursuance of the one hundred and first section of this Act does not exceed two hundred pounds or if exceeding that amount in any case where the Council and the claimant by a memorandum signed by the Mayor of such Council and such claimant or by the respective attorneys of the Council and the claimant agree thereto. For the purposes of this section the provisions of the said District Courts Act and of any Act amending the same together with all rules made or to be made thereunder shall be deemed to apply to all proceedings taken in any District Court hereunder.

Where claim may be prosecuted in a District Court.

107. In estimating or assessing the compensation to be paid under this Act regard shall be had by the valuers and by the jury (on any issue) not only to the value of the land taken by the Council but also to the damage (if any) to be sustained by the claimant by reason of the severing of the lands taken from other lands or other injuries suffered by him by reason of the exercise of the powers expressed or incorporated in this Act and they shall assess the same according to what they shall find to have been the value of such lands estate or interest at the time of the resumption thereof or the extent of the damage or injury sustained.

Compensation how to be estimated.

108. Subject to the provisions of this Act it shall be lawful for the Council and for any officer there duly authorized in that behalf and for all persons employed in the carrying out of any authorized works and for any persons authorized by the Council to enter upon the lands of any person whomsoever which the Council may require to purchase or take and to take possession and appropriate the same for the purposes of this Act or of the execution of any such authorized works.

General power of entry.

109. Notwithstanding anything hereinbefore contained it shall be lawful for the Council if they think fit to agree with the owners of any lands the acquisition of which is authorized by this Act and with all parties having any estate or interest in such lands or by this Act enabled to sell and convey the same for the absolute purchase for a consideration in money of any such lands or such parts thereof as shall be thought proper and of all estates and interests in such lands of what kind soever.

Power to purchase lands by agreement.

110. It shall be lawful for all parties being seized possessed of or entitled to any such lands or any estate or interests therein to sell and convey or release the same to the Council and to enter into all necessary agreements for that purpose and particularly it shall be lawful for all or any of the following parties so seized possessed or entitled as aforesaid so to sell convey or release that is to say all corporations tenants in tail or for life married women seized in their own right or entitled to dower guardians committees or lunatics and idiots trustees or feoffees in trust for charitable or other purposes executors and administrators and all parties for the time being entitled to the receipt of the rents and profits of any such lands in possession or subject to any estate in dower or to any lease for life or for lives and years or for years or any less interest and the power so to sell and convey or release as aforesaid may lawfully be exercised by all such parties other than married women entitled to dower or lessees for life or for lives and years or for years or for any less interest not only on behalf of themselves and their respective heirs executors administrators and successors but also for and on behalf of every person entitled in reversion remainder

Parties under disability enabled to sell and convey and exercise other powers.

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remainder or expectancy after them or in defeasance of the estates of such parties and as to such married women whether they be of full age or not as if they were sole and of full age and as to such guardians on behalf of their wards and as to such committees on behalf of the lunatics and idiots of whom they are the committees respectively and that to the same extent as such wives wards lunatics and idiots respectively could have exercised the same power under the authority of this Act if they had respectively been under no disability and as to such trustees executors or administrators on behalf of their *cestuique* trusts whether infants issue unborn lunatics *feme covert* or other persons and that to the same extent as such *cestuique* trusts respectively could have exercised the same powers under the authority of this Act if they had respectively been under no disability and the power hereinafter given to release lands from any rent-charge or incumbrance and to agree for the apportionment of any such rent-charge or incumbrance shall extend to and may lawfully be exercised by every party hereinbefore enabled to sell and convey or release lands to the Council.

Authority to sell
superfluous or un-
necessary lands.

111. In case any of the lands vested in any Council under the provisions of this Act shall not be required for the purposes thereof it shall be lawful for such Council to cause such lands to be offered for sale by public auction and to convey the same to the purchasers thereof in such manner and at such times and subject to such conditions as they may think fit and the proceeds of all such sales shall be paid by the purchasers to the Council.

Incorporation of
provisions of Govern-
ment Railways Act.

112. The several sections of the Government Railways Act twenty-second Victoria number nineteen hereinafter specified together with the respective powers authorities duties liabilities obligations and other the provisions therein contained are hereby declared to be incorporated with and embodied in this Act to the intent that the same may be applied as fully and effectually to the lands taken under the authority of this Act as if the said sections had been specifically enacted herein And that wheresoever in any section so incorporated the word "Commissioner" occurs there shall for the purposes of this Act be substituted in lieu of such word the expression "The Council" And whenever the word "Railway" or words implying works connected with a railway occur there shall be substituted such words respectively as denote the nature of the work undertaking or purpose in respect of which the land in question has been appropriated or resumed The following are the sections so declared to be incorporated with this Act—

- (1.) As to the deposit of compensation money in certain cases with the Master in Equity and the application and investment thereof As to payment of such money in certain cases to trustees or to the parties themselves and the exoneration of the Council in respect thereof after payment Sections forty-seven to fifty-two both inclusive.
- (2.) As to the deposit and application of compensation money on refusal of the owner to accept the same or on his failing to make out a satisfactory title and as to presumption of ownership Sections fifty-three to fifty-six both inclusive.
- (3.) As to the procedure by the Council in case the owner or occupier of any lands resumed under this Act shall refuse to give up possession thereof or hinder the Council from entering upon or taking possession of the same Section sixty-one.
- (4.) As to the purchase or redemption of the interests of mortgagees and the deposit of principal and interest due on mortgages with the Master in Equity the procedure to be observed when the mortgaged lands are of less value than the mortgage debt and where part only of lands in mortgage are taken Sections sixty-five to seventy both inclusive.

(5.)

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- (5.) As to the release of lands from rent charges and other incumbrances and procedure thereon Sections seventy-one to seventy-four inclusive.
- (6.) As to the apportionment of rent where lands taken are under lease and as to compensation to tenants Sections seventy-five to seventy-eight both inclusive.
- (7.) As to the entry upon or temporary occupation of lands the crossing of roads and other highways the making of bridges and other works of accommodation and the provisions consequent thereon Section ten and sections eighty-four to ninety-seven both inclusive.

Provided that compensation shall in all respects be ascertained in accordance with this Act.

113. It shall be lawful for the Council and all persons by them authorized to enter upon any lands not being a garden or orchard or plantation attached or belonging to a house nor a park planted walk avenue or ground ornamentally 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 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 exercise of such powers it shall be lawful for the Council 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 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 Council 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 Council either wholly or in part for any of the purposes lastly hereinbefore mentioned.

114. If any such lands shall be used for any of the purposes aforesaid the Council 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 Council 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.

115. In any of the cases aforesaid where the Council 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

Power to take temporary possession of land.

Council to separate the lands before using them

Compensation to be made for temporary occupation.

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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 Council so taking possession of his lands.

Before roads interfered with others to be substituted.

116. 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 Council 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.

117. 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 Council or as near thereto as may be and if such road cannot be so restored the Council 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.

Council to make sufficient approaches and fences to bridle-ways and foot-ways crossing on the line.

118. If the conduit or any sewerage works shall cross any highway other than a public carriage-way on the level the Council 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 foot-way good and sufficient gates or stiles on each side of such conduit or works where the highway shall communicate therewith.

Works for benefit of owners.

119. The Council shall make and at all times thereafter maintain the following works for the accommodation of the owners and occupiers of lands adjoining any works authorized under this Act that is to say :—

Gates bridges &c.

Such and so many convenient gates bridges arches culverts and passages over under or by the side of or leading to or from such 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 made forthwith after the part of the conduit passing over such lands shall have been laid out or formed or during the formation thereof

Fences &c.

Also sufficient posts rails hedges ditches mounds or other fences 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

Drains.

Also all necessary arches tunnels culverts drains or other passages 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 Council 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

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accommodation works with respect to which the owners and occupiers of the lands shall have agreed to receive and shall have been paid compensation.

120. If any difference arise respecting the kind or number of any such accommodation works or the dimensions or sufficiency thereof 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. Differences as to accommodation works to be settled by Governor.

121. If any of the owners or occupiers of lands affected by such conduit shall consider the accommodation works made by the Council or directed by the Governor to be made by the Council 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 Council. Power to owners of lands to make additional accommodation works.

122. If the Council so desire all such last-mentioned accommodation works shall be constructed under the superintendence of the Council's engineer and according to plans and specifications to be submitted to and approved by the Council. But the Council 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 Council or that the plans selected should be executed in a more expensive manner than that adopted in similar cases by the Council. Such works to be constructed under the superintendence of the Council's engineer.

123. 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. Penalty on persons omitting to fasten gates.

PART V.

Special provisions in respect of certain authorized Works—Miscellaneous Provisions—Legal Procedure.

124. Notwithstanding anything in this Act contained it shall be lawful for the Governor to construct and complete any works whether for water supply or sewerage the construction or completion whereof shall have been or shall hereafter be authorized by the said Governor but only to the extent to which moneys voted or to be voted by Parliament shall be from time to time available therefor. And all such works shall be constructed and completed under the direction of the Minister for Public Works. Provisions for works sanctioned by Governor &c.

125. Upon the completion of any such works the said Minister shall report that fact to the Governor. And the Governor shall notify such completion in the *Gazette* and thereupon the Council of the Borough or Municipal District within and for the purposes of which the said works shall have been constructed shall take over the same and the administration and management thereof upon the terms and conditions hereinafter prescribed and upon any further terms or conditions which the Governor may in any case appoint viz.:— Report of completion of works and transfer to Council.

- (1.) The whole amount [subject to such partial remission as the Governor may think just under any special circumstances] expended upon any such works as certified under the hand of the Minister for Public Works shall be a debt chargeable upon

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upon the general revenues from whatever sources derived of such Borough or Municipal District until defrayed as hereinafter provided.

- (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 *Gazette* notification 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 amounts paid shall equal the amount so certified as aforesaid together with interest added at the rate of four per centum on the balance remaining unpaid in each year So soon as the sums so paid shall equal such amount together with interest added as aforesaid all further payments shall cease and the rates and income arising from such works shall be discharged from any further payments in respect thereof.
- (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 Colonial Treasurer 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 said Treasurer 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.) 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 shall not exceed those which the Council would have been entitled to levy under the provisions of the law in force for the time being 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.

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126. Upon the publication of such notification as aforesaid it shall be lawful for the Council to exercise all the powers (and they shall in that case be subject to all the obligations and other provisions) contained in this Act except such as are limited in operation to the Governor or the Minister and except such as are manifestly inapplicable to the purposes of administering and managing works of water supply or sewerage.

Certain powers of Councils or transfer of works to them.

127. In any case where the Council of any Borough or Municipal District within the meaning of this Act shall have constructed or commenced to construct works for water supply or sewerage within and for the purposes of such Borough or District it shall be lawful for the Governor on the petition of such Council to declare by Proclamation in the *Gazette* that any specified powers and provisions applicable for the purpose contained in this Act [including powers incident to the levying of water and sewerage rates or either as the case may require] shall be applied within such Borough or District by and with respect to the Council and inhabitants thereof respectively. And the parts of this Act and the powers and provisions so specified shall upon the publication of such Proclamation apply to and be in force within such Borough or District and with respect to such Council and inhabitants with the same effect for all purposes as if this Act had specifically declared such parts powers and provisions to be so applied as aforesaid.

Application of certain parts of Act to certain Municipal works.

128. Every officer or servant employed by the Council shall when required by the Council 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 Council 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 Council 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.

Officers to account on demand.

129. 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 Council or to any person appointed by the Council 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 Council 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 Council 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 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.

Summary remedy against parties failing to account.

130. 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

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

or

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or writings property effects matters or things in his possession or power belonging to the Council 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 Council 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.

131. If the Mayor or other person acting on behalf of the Council 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 Council of any remedy which they might otherwise have against such officer or any surety of such officer.

Sureties not to be discharged.

Moiety of penalties to be paid to informers distress not unlawful for want of form.

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

Actions and executions.

133. The following provisions shall and may be applied in respect of all actions and proceedings taken in respect of claims for damages not within the meaning and operation of Part IV hereof viz. :—

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

Tender of amends.

(II.) No plaintiff shall recover in any such action unless notice in writing has 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

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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 Limitation of action. 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 plaintiffs the defendants shall recover full costs of suit and have such remedy for recovering the same as any other defendant has in other cases by law.

134. Where by this Act any question of compensation expenses charges or damages or other matter is required to be referred to the determination of any one or more Justices 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. Method of proceeding before Justices in question of damages &c.

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

136. 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 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 Parties allowed to appeal to Quarter Sessions on giving security. Court to make such order as they think reasonable.

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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.

Damage to be made
good in addition to
penalty.

137. 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 Council 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 warrant accordingly.

Transient offenders

138. It shall be lawful for any officer or servant of the Council 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.

Notices.

139. 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 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 Council Clerk of the borough or municipal district wherein such street road or lane or the portion thereof affected by the notice is situated.

Nothing in this Act
to exempt any person
from prosecution &c.
for nuisance.

140. 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 Council or person from any liability prosecution or punishment to which such Council or person would but for this Act have been subject.

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SCHEDULES.

FIRST SCHEDULE.

No. Guaranteed Debenture £
 Issued by the Council of the [*insert name of Borough or Municipal District*] under the provisions of the "Country Towns Water and Sewerage Act of 1880."

TRANSFERABLE BY DELIVERY.

THIS Debenture was issued by the abovenamed Council in pursuance of the provisions of the abovementioned Act and is to secure to the bearer a principal sum of payable at the on the day of

Interest at the rate of five pounds per centum per annum on such principal sum in the meanwhile is payable by equal half-yearly payments on the day of and the day of and a coupon is annexed for each payment which entitles the bearer of such coupon thereto. Such principal sum and interest are payable at and are guaranteed by the Consolidated Revenue in accordance with the provisions of the abovenamed Act.

Dated this day of A.D. A.B. [Mayor] (L.S.)
K.L. Council Clerk.

SECOND SCHEDULE.

Borough (or Municipal District) of

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 (Surveyor or other Officer) for the said Borough or District.

THIRD SCHEDULE.

Warrant of Distress.

New South Wales }
 to wit. } To constable at
 WHEREAS of in New South Wales
 has been rated at the sum of per annum for the water rate [or charged
 or is liable to pay the sum of due to the Council of]
 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.) Mayor of the Council of

Municipalities Special Endowment.

FOURTH SCHEDULE.

Notice of claim and abstract.

To the Mayor of the

Council of

In pursuance of the "Country Towns Water and Sewerage Act of 1880" I (*or we*) hereby give you notice that I (*or we*) claim compensation in respect of the land hereunder described which has been resumed under the said Act. The amount of such claim and other the particulars required by the said Act are stated in the subjoined abstract.

Abstract.

Names and descriptions of parties claiming and nature of their interests whether tenants for life in tail or otherwise.	Situation and description of property.	Quit rents payable if leasehold name of landlord term of lease and rent reserved.	Names of occupiers distinguishing whether tenants-at-will or under lease rent reserved terms &c.	Particulars of claim specifying separately the amount claimed for value of property and for compensation.	Dates and other short particulars of documents of title.	Names of persons having the custody of documents and place or places where the same may be inspected and name of claimants' solicitors or agent.

(Signature)

(Address)

(Date)

FIFTH SCHEDULE.

Notice of Valuation.

To A.B. claimant in respect of the land hereunder described resumed under the "Country Towns Water and Sewerage Act of 1880."

TAKE notice that the land hereunder described being that in respect of the resumption whereof under the authority of the aforesaid Act your claim for compensation has been lodged has been valued at the sum of £

A.B.

Mayor &c.

Description of Land in respect of which claim has been made.

ALL that piece or parcel of land &c. &c. &c.