

(No. 111.)



1891.

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PARLIAMENT OF TASMANIA.

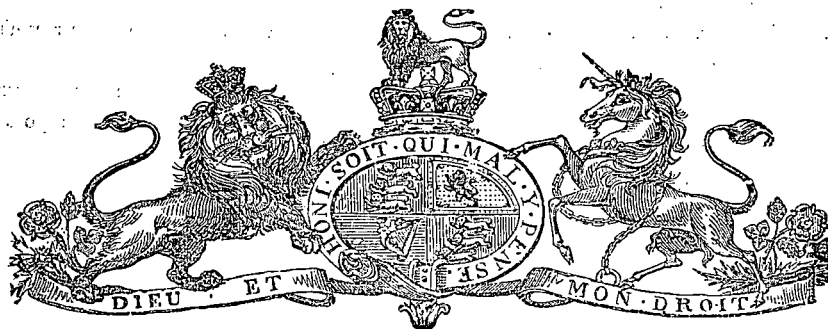
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ZEEHAN WATER AND SEWERAGE (PRIVATE)  
BILL :

REPORT OF SELECT COMMITTEE, WITH MINUTES OF  
PROCEEDINGS, EVIDENCE, AND APPENDICES.

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Brought up by Mr. Lewis, and ordered by the House of Assembly to be printed,  
September 8, 1891.



*SELECT COMMITTEE* appointed, on the 24th July, to report upon the Private Bill to authorise the Construction of the Zeehan and District<sup>23</sup> Water and Sewerage Works.

MEMBERS OF THE COMMITTEE.

MR. FEATHERSTONE.  
MR. HAWKES.  
MR. LEATHAM.  
MR. HENRY.

MR. M'CALL.  
MR. E. H. SUTTON.  
MR. LEWIS. (*Mover.*)

DAYS OF MEETING.

Wednesday, 29th July; Thursday, 30th July; Friday, 31st July; Thursday, 6th August; Thursday, 20th August; Tuesday, 25th August; Tuesday, 1st September; Tuesday, 8th September.

WITNESSES EXAMINED.

Mr. Robert Forbes Moore, Engineer; Mr. W. R. Fitzgerald Moore, Engineer; Dr. Robert Smith; Mr. W. S. Targett, Auctioneer, Zeehan; Dr. Kennedy; Mr. William Rich, Mine Manager; Mr. C. E. Hogg, Civil Engineer; Mr. Mulcahy; Mr. Arthur Richard Allison.

EXPENSES OF WITNESSES.

*Nil.*

MINUTES OF PROCEEDINGS.

WEDNESDAY, JULY 29, 1891.

The Committee met at 12 noon.

*Present.*—Mr. Lewis, Mr. Henry, Mr. Sutton, Mr. M'Call, Mr. Featherstone.

Mr. Lewis was voted to the Chair.

The Chairman laid the following plans and documents on the Table :—

1. Plan showing Trial Survey of Zeehan Water Scheme.
2. Plan showing Trial Survey of Zeehan Sewerage Scheme.
3. Plan of Zeehan Silver Sections, showing proposed lines of pipes.
4. Petition for leave to introduce the Bill.
5. Draft Bill referred by the House to the Committee.
6. Report upon Zeehan Sewerage from R. Forbes Moore, M.I.C.E.—Appendix A.
7. Report upon Zeehan Water Supply, from T. S. Atkinson, C.E.—Appendix B.

Resolved, That the Petitioner be heard by Counsel.

Ordered, That the following witnesses be summoned to attend and give evidence before the Committee at 11 A.M. on Thursday, the 30th instant :—

Mr. Fitzgerald Moore.  
Mr. Forbes Moore, M.I.C.E.  
Dr. Kennedy.  
Dr. Smith.

The Committee adjourned at 12.45 P.M. until 11 A.M. on Thursday, the 30th July.

THURSDAY, JULY 30, 1891.

The Committee met at 11 A.M.

*Present.*—Mr. M'Call, Mr. E. H. Sutton, Mr. Henry, Mr. Lewis, and Mr. Leatham (Chairman).

The Minutes of the last Meeting were read and confirmed.

Resolved, That Mr. Fitzgerald Moore be permitted to be present during examination of witnesses.

Mr. Fitzgerald Moore was admitted, with his Counsel, who addressed the Committee in support of the Bill.

Mr. Forbes Moore was admitted, and gave an explanation of the plans tabled.

Mr. Forbes Moore withdrew.

Mr. Fitzgerald Moore was then examined.

Resolved, That Mr. Targett be summoned to attend and give evidence before the Committee at 2.30 P.M.

The Committee adjourned at 1 P.M. until 2.30 P.M.

Committee resumed at 2.30 P.M.

The Committee deliberated.

Mr. W. S. Targett was called in, and gave evidence before the Committee.

Mr. Targett withdrew.

Dr. Smith was called in, and gave evidence before the Committee.

Dr. Smith withdrew.

Ordered, That the following witnesses be summoned to attend and give evidence before the Committee at 11 A.M. to-morrow :—Mr. F. Allison, Mr. Rich.

The Committee adjourned at 3.50 P.M. until 11 A.M. on Friday, the 31st instant.

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FRIDAY, JULY 31, 1891.

The Committee met at 11 A.M.

*Present.*—Mr. Henry, Mr. M'Call, Mr. Lewis, and Mr. E. H. Sutton (Chairman).

The Minutes of the last Meeting were read and confirmed.

Dr. John Smith was called in and examined by Counsel.

Dr. Smith withdrew.

The Chairman laid on the Table two telegrams from F. Bignold, Zeehan, to W. S. Targett, protesting, on behalf of the people interested, against passing of the Bill.

The Chairman tabled the Assessment Roll of the District of Macquarie for the year 1891.

Mr. William Rich was called in and examined by Counsel.

Mr. Rich withdrew.

Mr. Chas. Edward Hogg, C.E., was called in and examined by Counsel.

Mr. Hogg withdrew.

Mr. Fitzgerald Moore was recalled and examined by Counsel.

Mr. Moore withdrew.

The Committee adjourned until a date to be hereafter determined by the Chairman.

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THURSDAY, AUGUST 6, 1891.

*Present.*—Mr. Hawkes, Mr. Henry, Mr. Leatham, Mr. Lewis (Chairman).

The Minutes of the last Meeting were read and confirmed.

Counsel appeared before the Committee.

Mr. S. W. Targett was recalled and examined by Counsel.

Mr. Targett withdrew.

Mr. E. Mulcahy was called in and examined by Counsel.

Mr. Mulcahy withdrew.

Mr. A. R. Allison was called in and examined by Counsel.

Mr. Allison withdrew.

The Committee adjourned at 1 P.M. until a period to be hereafter determined by the Chairman

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THURSDAY, AUGUST 20, 1891.

The Committee met at 2 P.M.

*Present.*—Mr. Featherstone, Mr. Henry, Mr. Leatham, Mr. M'Call, and Mr. Lewis (Chairman).

The Minutes of the last Meeting were read and confirmed.

Certificate from Mr. G. P. Sinclair, of Zeehan, Chairman of a public meeting.

Letter from Mr. Frank Bignold, Secretary of the Zeehan Progress Committee to Mr. R. Fitzgerald Moore.

Two telegrams from Mr. J. C. Climie, of Zeehan, to Mr. John Henry, M.H.A.

Counsel addressed the Committee in support of the Preamble.

The Question having been put, that the Preamble be agreed to,

The Committee divided :—

AYES.

Mr. M'Call.

Mr. Featherstone.

NOES.

Mr. Leatham.

Mr. Henry.

The Chairman voting with the Ayes, it was resolved in the affirmative.—Appendix H.

Letter from Mr. E. H. Sutton, M.H.A.

At 3·30 P.M. the Committee adjourned until a date to be hereafter determined by the Chairman.

TUESDAY, AUGUST 25, 1891.

The Committee met at 10 A.M.

Present.—Mr. Henry, Mr. Sutton, Mr. M'Call, Mr. Lewis (Chairman.)

The Minutes of the last Meeting were read and confirmed.

The Committee then considered the Bill.

Clauses 1 to 3 read and agreed to.

Clause 4 read and amended in line 24 by striking out the word "such" and inserting "the" in lieu thereof, by striking out the word "or" and inserting "and" in lieu thereof, by inserting the words "of Zeehan" after "district;" in line 27 by striking out the word "or" and inserting "and" in lieu thereof, and agreed to.

At 12·50 P.M. the Committee adjourned until 10·30 A.M. on Tuesday, 1st September.

TUESDAY, SEPTEMBER 1, 1891.

The Committee met at 10·30 A.M.

The Minutes of the last Meeting were read and confirmed.

The Chairman laid the following documents upon the Table :—

1. Petition from the inhabitants of Zeehan in favour of Bill.—Appendix C.

2. Petition from inhabitants of Zeehan against Bill.—Appendix D.

Letter from J. C. Climie to the Hon. N. J. Brown, protesting against introduction of Bill.—Appendix E.

Letter from W. R. Fitzgerald Moore, Esq., apologizing for having made public use of evidence given before the Select Committee.—Appendix F.

The Committee then considered the Bill.

Clause 5 read and amended in line 33 by striking out the words "within 4 months from the passing of this Act"; in line 37 by striking out the words "Director of Public Works" and inserting "Engineer-in-Chief" in lieu thereof; in line 40 by inserting the words "within one month" after "and"; in line 44 by inserting the word "forthwith" after "shall"; in line 49 by striking out the words "of ownership" and "other"; in line 54 by striking out the words "two years" and inserting "eighteen months" in lieu thereof; in line 53 by inserting the words "as recovered shall be paid into the Consolidated Revenue Fund, subject to the penalties herein provided," and agreed to.

New Sub-section read, agreed to, and inserted as follows :—"In the event of the Promoter not completing such works within one year there shall be recovered from the Promoter the sum of £50 for every week beyond such year, and such penalty or penalties may be recovered by the Treasurer of the Colony, and when recovered shall be paid into the Consolidated Revenue Fund."

In line 4, page 4, by inserting the word "of" after the word "pounds," by inserting the figures "£6000" after the word "sum," and by adding the words "and the balance shall be repaid upon the completion of the works to the satisfaction of the Governor, or officer appointed by him, less any moneys payable by the Promoter by way of penalty under the preceding Sub-section," and agreed to.

Clause 6 read and agreed to.

Clause 7 struck out and the following new Clause inserted in lieu thereof—"For the purposes of this Act, a just and equitable assessment of the annual value of all property within the Water and Sewerage District shall be made by two Valuers, one of whom shall be appointed by the Promoter and one by the Governor. If such Valuers do not agree, then they shall appoint an Umpire to determine the assessment, and such determination shall, notwithstanding anything to the contrary in this Act contained, be subject to the right of appeal hereinafter given. All costs, charges, and expenses of and incidental to the making of such assessment shall be defrayed by the Promoter."

Clause 8 read and amended by striking out the word "Promoter" in line 29, and inserting "Valuers or Umpire" in lieu thereof, and agreed to.

Clause 9 read and amended in line 31 by striking out the word "Promoter" and inserting "Valuers or Umpire" in lieu thereof; in line 34 by striking out the word "Promoter" and inserting "Valuers or Umpire" in lieu thereof; in line 39 by inserting the words "assembled in Petty Sessions" after the word "Justices," and agreed to.

Clause 10 read and amended in line 46 by inserting the words "as aforesaid, the Valuers or Umpire shall sign and deliver the same to" after the word "made"; in line 48 by striking out the words "or any Officer appointed by him" and inserting the words "and be thereupon" in lieu thereof; and by adding the following words to the end of the clause—"Provided that no such notice shall be required in the case of any person who has left the Colony, or who cannot upon reasonable search being made be found," and agreed to.

Clause 11 read and agreed to.

Clause 12 read and amended in line 11 by striking out the word "Promoter" and inserting "Valuers or Umpire" in lieu thereof, and agreed to.

Clause 13 read and amended in line 18 by striking out the word "Promoter" and inserting the words "Valuators or Umpire" in lieu thereof; in line 36 by inserting the words "or quarter" after the word "general," and in line 40 by inserting the words "or quarter" after "general," and agreed to.

Clause 14 read and agreed to.

Clause 15 read and amended in line 47, by striking out the words "by the Promoter or any officer appointed by him," and agreed to.

Clause 16 read and amended in line 52 by inserting the words "the Promoter or" after the word "for"; in line 53 by inserting the words "the Promoter or" after the word "of"; and in line 55 by inserting the words "or quarter" after the word "general," and agreed to.

Clause 17 read and amended in line 7 by striking out the words "Promoter by leaving such notice at the office of the Promoter" and inserting the words "other party" in lieu thereof; by striking out all the words from "and" in line 9 to the end of "vexatious" in line 10; and by striking out the words "against the party so appealing" in line 12, and agreed to.

Clause 18 read and amended by striking out all the words after "measure" in line 29 to the end of "Promoter" in line 38; in line 13, page 7, by striking out the words "roads and"; by striking out all the words after "assessment" in line 24 to the end of "water" in line 30; and by inserting the word "approved" after the word "made" in line 47, and agreed to. The following new clause was inserted:—"The Promoter is hereby authorised to make and levy a rate upon and from the occupiers of all lands, houses, and buildings within the water district and sewerage district for the purposes of this Act, and such rate may be of an amount not exceeding Ten Pounds per centum on the assessed annual value according to the assessment list made under the provisions contained in this Act: Provided, that the rate payable in respect of any land, house, or building shall in no case be less than Forty Shillings per annum: Provided that, when the profits in any year shall exceed a sum more than sufficient to pay a dividend of Fifteen per cent. per annum, then the moneys in excess of the sum required to pay such dividend shall be applied in the reduction of the rates so to be levied as aforesaid," and amended by inserting the words "upon the completion of the said water and sewerage works to the satisfaction of the Governor in Council" before the word "The" at the commencement of the Clause; by striking out the words "lands, houses, and buildings" in line 50, and inserting "property" in lieu thereof; by inserting the words "on the total actual cost of the construction of the said water and sewerage works, exclusive of Promoter's expenses" after the word "annum" in line 58; and agreed to.

Clause 19 read and amended by inserting the words "within the catchment area" after the word "water-courses" in line 18; by inserting the word "or" after the word "lands" in line 27; by striking out the words "roads or thoroughfares" in line 27; by inserting the word "or" after the word "lands" in line 30; by striking out the words "roads or thoroughfares" in line 30; by inserting the words "unless released by all parties interested" after the word "done" in line 35; by inserting the words "tail-races for the use of mines and other adjoining lands" after the word "other" in line 35; and by striking out the word "Three" in line 44, and inserting the word "Six" in lieu thereof; and agreed to.

Clause 20 read and agreed to.

Clause 21 read and agreed to.

Clause 22 read and agreed to.

Clause 23 read and agreed to.

Clause 24 read and amended in line 36 by striking out the word "Two" and inserting the word "Five" in lieu thereof; in line 45 by striking out the word "Company" and inserting the word "Promoter" in lieu thereof, and agreed to.

Clause 25 read and amended in line 47 by striking out the word "road" and inserting the word "soil" in lieu thereof; in line 51 by striking out the word "road" and inserting the word "soil" in lieu thereof; in line 1, page 10, by inserting the words "and shall keep the portion of the street so broken up in repair for one month thereafter" after the word "thereby"; in line 2 by striking out the word "road" and inserting "soil" in lieu thereof; and in line 5 by striking out the word "road" and inserting the word "soil" in lieu thereof, and agreed to.

Clause 26 read and amended by striking out all the words from "accident" in line 10 to the end of the clause, and agreed to.

Clause 27 read and amended by adding the following words to the end of the clause—"Provided that the Promoter shall supply all persons who require water for domestic purposes before supplying any water for other than domestic purposes," and agreed to.

Clause 28 read and agreed to.

Clause 29 read and amended in line 28 by striking out the word "premises" and inserting the word "property" in lieu thereof, and agreed to.

Clause 30 read and agreed to.

Clause 31 read and agreed to.

Clause 32 read and agreed to.

Clause 33 read and agreed to.

Clause 34 read and agreed to.

Clause 35 read and agreed to.

Clause 36 read and agreed to.

Clause 37 read and amended in line 34 by striking out the word "ten" and inserting "nine" in lieu thereof, and agreed to.

Clause 38 read and amended in line 37 by striking out the words "or road," and agreed to.

Clause 39 read and amended in line 43 by striking out the word "their" and inserting "his" in lieu thereof; and in the same line by inserting the word "unusual" after the word "by," and agreed to.

Clause 40 read and amended in line 4, page 12, by striking out the word "tenement" and inserting the word "property" in lieu thereof; in line 8 by striking out the word "tenement" and inserting the word "property" in lieu thereof; in the same line by striking out the word "Company" and inserting the word "Promoter" in lieu thereof; in line 9 by inserting the words "one-fourth only of the" after the word "pay"; in line 10 by striking out the word "although" and inserting the word "if" in lieu thereof; and in line 11 by striking out the word "tenement" and inserting the word "property" in lieu thereof, and agreed to.

Clause 41 read and amended in line 15 by striking out the word "water," and agreed to.

Clause 42 read and agreed to.

Clause 43 read and agreed to.

Clause 44 read and agreed to.

Clause 45 read and amended in line 48 by striking out the words "pavement of any," and by inserting the words "or pavement" after the word "street" in the same line; and in line 2, page 13, by striking out the word "Part" and inserting "Act" in lieu thereof, and agreed to.

Clause 46 read and amended in line 5 by striking out the word "Part" and inserting "Act" in lieu thereof; and in line 8 by inserting the words "upon obtaining an order from two Justices sitting in Petty Sessions and" after the word "may," and agreed to.

Clause 47 read and agreed to.

Clause 48 read and agreed to.

Clause 49 read and agreed to.

Clause 50 read and agreed to.

Clause 51 read and agreed to.

The Committee adjourned at 1 P.M. until a date to be hereafter determined by the Chairman.

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TUESDAY, SEPTEMBER 8, 1891.

The Committee met at 2:30 P.M.

*Present.*—Mr. E. H. Sutton, Mr. Leatham, Mr. Henry, Mr. Featherstone, Mr. Hawkes, and Mr. Lewis (Chairman).

The Minutes of the last Meeting were read and confirmed.

The Committee then considered the Bill.

Clause 52 read and amended in line 12 by inserting the words "within the catchment area" after the word "stream," and agreed to.

Clause 53 read and agreed to.

Clause 54 read and amended in line 24 by inserting the words "within the catchment area" after the word "stream," and agreed to.

Clause 55 read and amended in line 33 by striking out the words "in the opinion of the promoter," and agreed to.

Clause 56 read and amended in line 43 by inserting the words "within the catchment area" after the word "stream," and agreed to.

Clause 57 read and agreed to.

Clause 58 read and agreed to.

Clause 59 read and agreed to.

Clause 60 read and agreed to.

Clause 61 struck out.

Clause 62 read and amended in line 33 by striking out the words "for the Water District," and inserting the words "and if there shall be no occupier then by the owner of such property" after the word "force" in the same line, and agreed to.

Clause 63 read and amended in line 39 by striking out the words "for water"; in line 40 by striking out the word "Company" and inserting the word "Promoter" in lieu thereof; in the same line by striking out the word "Part" and inserting "Act" in lieu thereof; in line 41 by striking out the words "or the person requiring, receiving, or using the supply of water"; by striking out all the words from "pay" in line 46 to the end of "main" in line 51; by inserting the words "Provided that" in line 51 by striking out "64" at the commencement of Clause 64; by striking out the word "water" in line 52; and by striking out the words "One hundred and fifty" in line 2, page 18, and inserting "sixty" in lieu thereof, and agreed to.

Clause 65 read and agreed to.

Clause 66 read and amended by striking out all the words after "may" in line 15 to the end of "may" in line 17; all the words after "costs" in line 18 to the end of "water" in line 19; and by inserting the following words after the word "distress" in line 26—"the Promoter may stop the water from flowing into the premises in respect of which such rate is payable by cutting off the pipe to such premises by such means as the Promoter thinks fit," and agreed to.

The following new clause was inserted as Clause 67:—"Any officer of the Central Board, or of the Local Board of Health for the Town and District of Zeehan, or any Superintendent or Inspector of Police, may at any time procure a sample of any water which may be supplied by the Promoter for human consumption, and may submit the same to be analysed by the Government Analyst, who shall, upon receiving a fee of Five Shillings from such officer, with all convenient speed analyse the same, and give a certificate to such officer wherein he shall specify the result of such analysis, and shall report whether the water be fit or unfit for human consumption; and if the said Analyst reports that the water supplied by the Promoter is unfit for human consumption, the said fee of Five Shillings shall be repaid by the Promoter to the person who paid the same, and the Promoter shall immediately take all necessary and effective steps to supply pure and wholesome water; and in the event of his neglecting to do so within one week after notice of the Analyst's report has been served upon him by such officer he shall be liable to a penalty of Five Pounds for every day until he supplies water fit for human consumption."

Clause 68 read and amended in line 41 by striking out the words "as soon as conveniently may be," and inserting the words "within Four months from the passing of this Act" in lieu thereof, and agreed to.

Clause 69 read and amended in line 24 by inserting the word "or" after the word "lands"; in the same line by striking out the words "roads or thoroughfares"; in line 27 by inserting the word "or" after the word "lands," and in the same line by striking out the words "roads or thoroughfares," and agreed to.

Clause 70 read and amended by striking out all the words after "any" in line 38 to the end of "private" in line 39; by striking out all the words after "River," in line 3, page 20, to the end of the clause, and inserting the

following words in lieu thereof—"not being closer than Two miles from the southern boundary of the present Town of Zeehan," and agreed to.

Clause 71 read and amended in line 13 by inserting the words "and keep the same in repair for one month" after the word "damage," and agreed to.

Clause 72 read and agreed to.

Clause 73 read and agreed to.

Clause 74 read and agreed to.

Clause 75 read and agreed to.

Clause 76 read and agreed to.

Clause 77 read and agreed to.

Clause 78 read and agreed to.

Clause 79 read and agreed to.

Clause 80 read and agreed to.

Clause 81 struck out.

Clause 82 struck out.

Clause 83 struck out.

Clause 84 struck out.

Clause 85 struck out.

Clause 86 struck out.

Clause 87 read and amended in line 10 by striking out the word "deemed" and inserting "proved" in lieu thereof; and in the same line by striking out the words "by the Promoter" and inserting the words "to the satisfaction of Two Justices in Petty Sessions assembled" in lieu thereof, and agreed to.

Clause 88 read and amended by striking out all the words after "house" in line 33 to the end of "provided" in line 44; and in line 47 by striking out the word "Pounds" and inserting the word "Shillings" in lieu thereof, and agreed to.

Clause 89 read and agreed to.

Clause 90 read and agreed to.

Clause 91 read and amended in line 18 by striking out the word "Five" and inserting the word "One" in lieu thereof, and agreed to.

Clause 92 read and agreed to.

Clause 93 read and amended in line 33 by striking out the word "Five" and inserting "One" in lieu thereof; and by striking out all the words after "incurred" in line 35 to the end of the Clause.

Clause 94 read and amended in line 39 by inserting the words "upon obtaining an order to that effect signed by Two Justices of the Peace, or with the sanction of the Local Authority and" after the word "shall"; in line 46 by striking out the word "Promoter" and inserting the words "order of the Justices" in lieu thereof; and by striking out all the words after "necessary," line 49, page 24, to the end of the Clause, and inserting the following words in lieu thereof—"and every person neglecting to comply with such order or requirement shall be liable to a penalty of One Pound, together with a further penalty of One Pound for every week such neglect continues," and agreed to.

Clause 95 read and amended in line 14 by inserting the words "with the approval of the local authority" after the word "may," and agreed to.

Clause 96 read and agreed to.

Clause 97 read and agreed to.

Clause 98 read and agreed to.

Clause 99 read and amended in line 9 by striking out the words "the Minister, with the consent of," and agreed to.

Clause 100 read and agreed to.

Clause 101 read and agreed to.

Clause 102 read and amended in line 26, by striking out the word "this," and inserting the words "the last preceding" in lieu thereof, and agreed to.

Clause 103 read and agreed to.

Clause 104 read and agreed to.

Clause 105 read and agreed to.

Clause 106 read and agreed to.

Clause 107 read and agreed to.

Clause 108 read and agreed to.

Clause 109 read and agreed to.

Clause 110 read and agreed to.

Clause 111 read and agreed to.

Clause 112 read and agreed to.

Clause 113 read and agreed to.

Clause 114 read and agreed to.

Clause 115 read and agreed to.

Clause 116 read and agreed to.

Clause 117 read and agreed to.

Clause 118 read and agreed to.

Clause 119 read and agreed to.

Clause 120 read and agreed to.

Clause 121 read and agreed to.

Clause 122 read and agreed to.

Clause 123 read and agreed to.

Clause 124 read and amended in line 24 by striking out the word "One" and inserting "Three" in lieu thereof, and agreed to.

Clause 125 read and amended in line 31 by striking out the words "Twenty-one," and inserting "Fifteen" in lieu thereof; by striking out all the words after "the" in line 31 to the end of "arbitrator" in line 54, and inserting the following words in lieu thereof—"costs of construction, with an amount added thereto equal to Twenty per cent. on such cost of construction, and shall refund to the Promoter all moneys expended by him in the purchase of all lands, buildings, plant, and machinery for carrying into effect the purposes of this Act. Until such purchase as aforesaid shall have taken place, all the rights, powers, privileges, benefits, concessions, advantages, and liabilities conferred or imposed upon the Promoter by this Act, or by any lease of Crown Land granted thereunder, shall, so far as the same may be applicable, continue in force in like manner and to the like effect as if the said lease were still undetermined."

The Draft Report was tabled, considered, and agreed to.

The Committee adjourned *sine die*.

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## R E P O R T.

Your Committee, having taken evidence in support of the allegations contained in the Preamble of the Bill, have the honor to report that the said Preamble has been proved to their satisfaction.

Your Committee having agreed that the Preamble should stand part of the Bill, then entered into consideration of the several Clauses.

Your Committee recommend a large number of Amendments, and, for the convenience of the House, beg to submit an amended Bill, which is signed by the Chairman and attached to this Report.

The more important of the Amendments suggested are as follows:—

1. That the Promoter be compelled to lay before the Governor in Council plans of the proposed works within Four months of the passing of the Act, and to commence the said works within Two months, and to complete the same within Eighteen months after such plans have been approved by the Governor in Council, and that the Promoter should become liable to a penalty of £50 for every week beyond such Eighteen months.
2. That the Assessment be placed in the hands of two Valuers, one appointed by the Governor in Council and one by the Promoter, and an Umpire to be chosen by the two Valuers, a right of appeal to be given in all cases.
3. That one rate of 10 per cent. for water and sewerage purposes be substituted for the two separate and distinct rates of 10 per cent. each as proposed by the Bill, and that provision also be made for the proportionate reduction of the rate in any year so that the profits shall not exceed a sum more than sufficient to pay a dividend of 15 per cent. on the total actual cost of the construction of the works.
4. That for the purpose of ascertaining the cost of construction and the profits to be derived from the undertaking, all accounts for construction and for maintaining and working the undertaking be submitted to the Auditor-General.
5. That the Governor in Council or Local Authority be empowered to purchase the works at the end of 15 years from the passing of the Act upon payment of the cost of construction with an addition of 20 per cent. to such cost.
6. That provision be made for the analysis of water provided by the Promoter for human consumption.

With these suggestions your Committee have the honour to present the Bill, as amended, for the favourable consideration of your Honourable House.

N. E. LEWIS, *Chairman.*

*Committee Room, Tuesday, 8th September, 1891.*

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# EVIDENCE.

THURSDAY, JULY 30, 1891.

ROBERT FORBES MOORE, *called and examined.*

1. *By Mr. Muir.*—What is your name? Robert Forbes Moore.
2. What are you? I am a Student Member of the Institute of Civil Engineers.
3. Have you been to Mount Zeehan to ascertain the practicability of making water supply and sewage works there? Yes.
4. And have you prepared plans in accordance with what you ascertained? Yes.
5. Will you explain to the Committee what you have discovered? Yes. In the first place, the whole of the creeks in the vicinity of Zeehan were traversed with the view of finding suitable water for domestic purposes. We found all the creeks impracticable, so we traversed the Henty River, and a branch which joins it called the Second Branch. We traversed this to a point where it separates into two creeks known as the Right and Left branches of the Henty. We found the water very clear indeed, and we came to the conclusion that it was the only available spot from which to get water, and therefore we ran a survey through there to connect the spot with the town. The red line on the plan is an open race, through which, in case of necessity, water can be taken from the right hand or left hand branches at will.
6. What is the population of Zeehan? About two or three thousand. There are about 2500 in the town itself.
7. And in the outskirts? There would be about 3500 altogether, not including Dundas.
8. *By Mr. Henry.*—What fall have you to Zeehan? There is a fall of 150 feet, and a pressure of about 75 lbs. It will give a sufficient pressure for any height of building in Zeehan.
9. What size is the main? It is a 12-inch one.
10. What population would that provide for? 30,000 people. The main will be 4 miles 68 chains in length. It is proposed to take it half a mile further up the branch, which would make it over 5 miles in length.
11. Is there any danger to the water supply from the mines? Not on the left hand branch.
12. Would there be any danger on the other branch? There would be no immediate danger, but it would be impossible to tell. The mineral belt seems to run on the right-hand side of the right-hand creek.
13. *By Mr. M'Call.*—How would you get rid of tailings? That would be easily done. If any company were to put up machinery and discharge tailings into our water, we could cut a race and carry them away.
14. *By Mr. Muir.*—Would this company affect the working of the mines at all? Not in the least.
15. *By Mr. M'Call.*—Would it affect the water of the Henty? Not in the least. We only take the water in the catchment area of the head of the river, and the amount of water taken at that point is so small that it does not affect the river in the slightest degree.
16. *By Mr. Muir.*—It would not interfere with the flow of water from the hills below the dam? Of course not. The dam is only constructed to take a certain amount of water, and whatever is over flows down the by-wash and into the river again. The other source is the same, but it is only on extraordinary occasions that it would be used.
17. *By Mr. M'Call.*—Is there any danger of interfering with the sources of the river? No; the river is very small at this point.
18. *By the Chairman.*—What portion of the whole amount of water would go into your pipes? 183,000 gallons per hour.
19. *By Mr. Henry.*—What relation would the amount used bear to the whole quantity of water in the river? A population never takes more than 60 gallons per head per day; thus, to provide for thirty thousand people would require 1,800,000 gallons per day. Our figures provide for 4,385,000 gallons per day of 24 hours. That would not interfere with the river in any way. With a sufficient fall to supply the town of Zeehan we found four times the quantity of water that we required, but upon gauging the river further down we found twenty times as much, thus showing that the drainage would not be materially interfered with by us. We can get four times the quantity we want even in the dry season, and therefore we propose to construct a dam to hold a three months' supply for 30,000 people, and all the water that is not used passes over into the river again. The quantity of water we would require is so small when compared with the volume of the river below, that it would hardly be felt at all. We found a whole series of small creeks and little gullies below our headworks which are the feeders of the river, and its increase in size will show the quantity of water that it receives from them. It would not materially matter if we took the whole of the water at our headworks.

20. Is there any risk of the water being contaminated by the mines? All risk could be obviated without any direct cost to the mines.

21. In the event of a mine pumping out water it would be required to divert that, so that the water supply would not be polluted. Would not the expense of that fall on the mine? I think that the Water Company would take the risk of that to a large extent.

*Mr. Fitzgerald Moore.*—We take that risk. I think it is a fair risk to take.

22. Has any analysis been made of the water? Yes, there has been one. It is attached to the report; 30 grains of impure matter is usually allowed to the gallon, but in this case there is only 5 grains. The water supply is very bad indeed, and if there is three days of dry weather the people have to resort to the little creeks in the vicinity for water.

23. *By Mr. M'Call.*—What is the extent of the catchment area? That is a matter that will have to be gone into in detail by actual survey. It is not usual to do this in detail at the present stage, because it is an expensive business, and if the Bill was rejected by the House the promoters would be put to a great deal of useless expense.

24. *By Mr. Mugliston.*—You have already expended some £2000 in getting these plans ready? Yes, and the detailed surveys will run into £12,000 or £15,000.

25. *By Mr. M'Call.*—We want to know what amount of land it would require? As long as we find sufficient water in the creek we do not need to know where it comes from.

25. *By the Chairman.*—Have you any idea of the number of square miles? Roughly speaking, I think about ten square miles.

27. *By Mr. Mugliston.*—You are following the ordinary course in these matters? Yes. In regard to the Broken Hill waterworks, which were constructed on the same principle, all these details were left until the final asking for the rights. My instructions were to make a trial survey.

28. How is the water to be distributed? There will be 6-inch pipes in the town, with which the houses will be connected by 1½-inch or 2-inch pipes, which would give them ample pressure. Mr. Atkinson surveyed for a pressure of 100 lbs. at the highest point in the town.

29. Will you now explain the system of sewerage that it is proposed to adopt? Yes. The town of Zeehan itself is flat, and is situated on a portion of the Silver King property. It is proposed to lay the line of main sewer through the main street, and let all the pipes from the houses drain into it. It will be 24 inches in diameter; the street drains will be at least 9 inches in diameter, and the drains from the houses 6 inches in diameter. It is advisable to have the drains as large as possible, and this size will give ample discharge and minimise friction. It is proposed to lay the pipe following the contour of the country, and drain everything into the creek.

30. *By Mr. Henry.*—Is it intended to discharge it into the river? Yes; but the river is polluted to such an extent already that it is useless.

31. What is the cause of the pollution of the river? Vegetable matter is the most important cause at present, and next there comes lead-poisoning from acetate of lead and other combinations of lead that have got into the river from the mines. At Broken Hill the fumes of lead from the works there, falling on the roofs of the houses, rendered the roof-water unfit for use, and those who used it suffered from lead-poisoning. The river is polluted by natural causes, and Mr. Mault's depositing ground for night-soil is in a corner of the bend of the river near Brickyard Road, and the drainage all enters it. The discharge point is about two miles from the present township, so that all the foul airs from the sewer are away from all human habitation. If the mines prove a success the water in the river could never be used under any circumstances.

32. *By the Chairman.*—Are any water-rights held below the point B shown on the plan that would be interfered with? No, I think not.

33. *By Mr. Mugliston.*—In your opinion as an engineer is it desirable that the water supply and sewerage schemes should both be in the hands of the same person or company? Yes, in England it is the usual thing. In this case it would be necessary to prevent any wrangling about the supply of water necessary for flushing out the drains. The two would have to work together, and I think it best for them both to be in the same hands.

34. Would it lessen the cost of construction? Yes, it would, and matters would be facilitated generally. One surveyor could carry on both surveys together.

35. *By Mr. Henry.*—You have some English experience? Yes.

36. Do you know of any companies there having the control of water and sewerage works? Yes, the majority of these works are in the hands of private companies. The waterworks are all in the hands of private companies. The sewerage of Zeehan at the present time is very bad; in fact there are not many places that have closets at all. Where there are any they are allowed to flow over, and the stuff flows into the main creek. The people go all round into the scrub and deposit their excreta there, and when rains come it is spread all over the place, and the germs of typhoid fever are created. One cannot move forty yards from the road without getting ankle deep in filth.

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WALTER ROBERT FITZGERALD MOORE, *called and examined*

37. *By Mr. Mugliston.*—You are an Engineer, and the Promoter of this scheme? Yes.

38. Will you tell the Committee your ideas on the subject? I visited the field in company with the Chairman of the Committee and many others. It was my first visit, and I made heavy investments.

After I had stayed some time on the field my attention was called to the state of the town, because there is no sewerage or drainage there of any description. I was spoken to by many, who asked me if it would not be possible to raise the funds necessary for introducing a proper system of water supply and sewerage. I said that the place was so small that it would not warrant any one raising the money, but I promised to give the matter consideration. However, I got all the data that I could at the time, and interviewed the Minister on the subject. He said that it had been a troublesome question to themselves, and that the Chief Engineer would very much like to see me on the subject. I interviewed the Engineer, and saw the plans that were in preparation at that time for a temporary scheme, because the complaints of the inhabitants were so great that the Government was bound to do something. I said, "Supposing I raise the capital and carry out the scheme on a proper basis, would the Government help me?" The Engineer replied that, as far as he could, he would give me the best aid, because the scheme the Government intended to carry out would be really of little service to the town. He said they were only allowed £2000, and added, "You, as an engineer, know how far that will go." I therefore took the scheme in hand, and, after consulting with my co-partners, I found that we could carry out the scheme. The next thing was to get the reports and surveys. We found that there was a first class engineer on the field, and I sent my nephew, Mr. Forbes Moore as assistant to Mr. Atkinson, with the result that the surveys and reports are before you. Having examined the town closely, I felt that the sooner I got out of it the better, because for vile smells I never found another place like Zeehan. Looking at the whole scheme, it is a great venture on the part of capitalists, because there is no security as to the life of a mine. The general average of the life of a mine is about 15 years, and it is upon that basis that your leases are granted. Sometimes they last 100 years, and sometimes they go out in less than 7 years, so, taking the risk into consideration, I think that it is a very bold scheme indeed. Our object is to get a fair return on the risk, and if we can do that we will come down to the very lowest fraction. It is a very fair Bill, and the most of it is copied from other Bills working on the same principle. The Perth Bill, which I have sent for for you to examine, is on the same lines, as also the Adelaide Bill, which I have placed in the hands of the Chairman, with the exception of a difference in the price and the risk. The Broken Hill Water Supply, which was commenced about five years ago, with Mr. Hogg as resident engineer, found it impossible to raise the money, owing to the great risk. It was then called the Stevens' Creek Water Supply Company. I took the scheme out of the hands of that company, and brought forward the Broken Hill Water Supply Company. Before we got our Act we invited the Ministers up to the field, and the Minister of Mines came. Before we got complete sanction we invited Sir Henry Parkes up. We got the Bill on somewhat different lines, as the country is a dry one, and our security is that it is impossible for people to get water unless they take it from us. In lieu of making a rate, we charge 1s. 6d. per 1000 gallons, which is beyond the price we are asking here, and we did not put in any sewerage system at all. It would be, however, impossible to capitalise a company on that principle here, so we went on the lines of the Perth Waterworks, which are given the same rights as in this Bill, with the exception that it is a perpetual Bill.

39. Is 10 per cent. a fair price?  $7\frac{1}{2}$  per cent. is charged in Adelaide, but 10 per cent. is a fair price here.

40. You have had a large experience? Yes, I have been engineering all over the world in regard to water. I have had a vast experience in America, Russia, India, and Australia. I may say that, as far as regards the catchment area, we would only ask for what we actually require; and where a rich mine was found on the verge of the watershed, and there were no means of working it without polluting the water, I would regard it as just that the Water Company should form an open flume to take the water from the mine away below our dam.

41. Would you be willing to have a clause to that effect inserted in the Bill? Yes; I would be willing to do all that is fair and right between the people and the company.

42. Can you say anything about the size of the catchment area? It is not a very large one, because it is between two hills, and we are nearly on the top of the hills. I don't think there will be the slightest chance of interfering with the mines up there, because I know of none working at that height. Another reason is that in the gossan leads what is known as leaching takes place, and the metal line never rises in proportion to the outcrop line. On the outcrops the water percolates through, and takes the metal through to the metal line, and we are above that there. The chances of having a mine that will pollute the waters of the dam are very small; but in the event of such, I do not fear the insertion in the Bill of a clause that will secure all parties.

43. What would be the cost of construction? For 11 miles of piping, in an undertaking exactly similar (with the exception of a pump) the cost, for water alone, was £137,000. Here we will have a lesser dam to construct, and our figures give the cost at £80,000 for the joint job. That amount would have to be spent before there would be any return.

44. Would you be willing to have clause 125 erased and another inserted to give the Government or Local Authority power to take over the works in 21 years by arbitration? I am willing to have a clause inserted which will give the Government or Local Authority power to take over the works in 21 years upon paying 20 per cent. upon the cost of construction.

45. *By Mr. M'Call.*—In the event of the mines requiring water, what would be their position? You must have the water for the town: that is the first consideration. The water taken in the dam would in no way interfere with the working of the mines, because they will have too much water of their own. As far as the catchment area is concerned, that will either have to be estimated from the trigonometrical survey or we will have to survey it for ourselves.

46. You have asked permission to levy a tax of 20 per cent. in all upon the annual value of the property? We could come down somewhat in this price, considering that the town is advancing faster than I had any idea that it would. The risk will be great, but I would be prepared to modify that rate to 10 per cent. all round and take the chances.

47. *By Mr. Mugliston.*—Would you agree to 10 per cent. water and 5 for sewerage? Yes, I would accept that. We must get some return upon our capital, and though this would not leave any return on the capital at all for 2 years, I am willing to accept it. We go in upon a speculative chance, and the life of the scheme is only 15 years. Of course we are working solely for the people's and our own benefit. I may tell you, however, that I am the largest owner in Zeehan by a long way.

48. *By Mr. M'Call.*—Is it meant to supply the mineral sections? No, only the residence areas.

49. *By the Chairman.*—Have you heard anything about an opposition scheme? Yes; and I am in position to say that it will not be gone on with. We thought it better not to bring two schemes before you, and I fixed the matter up with the promoters. That scheme was started by the residents themselves, and their desire now is that my scheme should be carried out. In fact, it was an appeal from the residents that made me take it up.

50. *By Mr. Henry.*—Has there been any alteration in the views of the people? No, they are willing to pay if you give them water.

51. *By the Chairman.*—There is a disposition on the part of certain Members to ask that promoters of schemes such as this should make a deposit of about 10 per cent. on the cost of construction before the second reading of the Bill. The deposit would be returned if the work was not gone on with; and if the work proceeded, that money would be returned when an equal amount had been expended. Would you be willing to make a deposit of that nature? Any money taken out of the business would only harrass the investors. We propose to go on with the work as soon as possible, and give all the guarantee that is necessary in the case. The great thing you have to look to is to see that the scheme is started, or else forfeit the Bill.

52. *By Mr. Mugliston.*—Would you agree to a clause providing that the work must be commenced in six months or the Bill would be forfeited? Yes. Depositing money would be useless, because we have another use for it. It would have a tendency to cripple us, as we must have money to put in at once. The very first contracts would amount to about £10,000, and there would be survey fees as well of a large amount.

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ROBERT SMITH, *called and examined.*

53. *By Mr. Mugliston.*—What is your name? Robert Smith.

54. What are you? I am a legally qualified medical practitioner.

55. Have you had experience in Broken Hill? Yes; I went there about five years ago.

56. How was the water supplied? There was none.

57. What was the general state of health? It was very bad. We had eight or ten deaths a day from typhoid fever for several months.

58. To what did you attribute that? To the want of proper drainage and water supply.

59. Is there drainage and water supply there now? Yes.

60. What effect had that upon health? It reduced the fever to a minimum.

61. Do you know anything of Zeehan? Yes.

62. We have been told there is no drainage or water supply, and the water for domestic purposes is taken from creeks? Yes, that is the case.

63. Is the water impure? Yes, it is impregnated with lead and vegetable matter.

64. Was there any typhoid fever when you were there? Yes, it was just commencing to break out.

65. Have you read this Bill? Yes.

66. Do you think it will be beneficial to Zeehan? Yes, decidedly.

67. Do you think it will have a tendency to reduce the fever? Yes.

68. Is there any system of drainage at Zeehan? Not at present.

69. You approve of this Bill, taking it as a whole? Yes.

70. Do you think it desirable that the two systems should be in the hands of one Company? Yes, it would be very advantageous.

71. Have you made an analysis of the water at Zeehan? No.

72. *By the Chairman.*—Have you read the Reports of Messrs. Chas. Atkinson and Forbes Moore? Yes.

73. Do you bear out what is said there? Yes, as far as my experience goes.

74. You think those Reports accurately describe the state of affairs at Zeehan? Yes, I think so.

75. *By Mr. M'Call.*—You think there ought to be a better system of water supply and drainage? Yes, decidedly.

76. You are not offering an opinion as to this Bill being the best means of obtaining a better state of things? No.

77. Were you in practice at Zeehan? Yes, I left about two months ago, with no intention of returning.

78. You think it hardly likely that the people there could organize and obtain these benefits without outside assistance? I don't think they could.

79. *By Mr. Henry.*—Do you think the bad water at Broken Hill caused the typhoid fever there? Yes, combined with the want of drainage.

80. Is there the same danger to the health of the people at Zeehan as at Broken Hill? Yes, the danger is equally great.

81. How many deaths were there at Broken Hill when the epidemic was worst? From 5 to 8 a day.

82. How many cases of typhoid fever came under your notice at Zeehan? Only one, and that was a doubtful one.

83. Then, if the conditions are the same in both places, how do you account for the difference in the results? When I went to Zeehan first the population was very small compared with what it was a few months afterwards. Typhoid fever is very bad there now,—it was expected.

84. Do you think it would be a right thing to deposit all the sewage of the town in the river? Yes, if it was taken a proper distance away from the town.

85. What do you think would be a safe distance? About  $1\frac{1}{2}$  or 2 miles.

86. Say for a town of 30,000 inhabitants? Two miles would be a safe distance if there was a fair current in the river to carry the stuff away.

87. *By Mr. Mugliston.*—The spread of typhoid fever depends upon the closeness with which a population is packed together? Yes, as the population increases the chance of the epidemic spreading increases also.

88. Is it not a fact that the whole of the sewage of the City of London is sent into the Thames at Barthing? I don't know exactly where, but I know it is sent into the Thames.

89. *By Mr. Henry.*—There is a difference between the Thames and the Henty? Yes, but there is also a difference in the population of the two places.

90. *By Mr. Mugliston.*—It would be advantageous if the sewage was carried away and deposited on a farm? Yes, that would not be injurious to health.

91. You would approve of a Bill containing a provision of that sort? Yes.

92. *By Mr. Henry.*—Which would you advise as a medical man? I would prefer the river, because the frequent heavy rains would sweep everything away.

93. *By the Chairman.*—Do you think the point B. on the plan on the Silver Bell section is far enough away to be free from danger? Yes, I should think so.

(*Mr. Fitzgerald Moore*: We would be willing to have the distance made two miles by the Bill.)

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WALTER SCOTT TARGETT, *called and examined.*

94. *By Mr. Mugliston.*—What is your name? Walter Scott Targett.

95. Are you a resident of Zeehan? Yes, I have been living there for about eight months.

96. Have you read this Bill? Yes.

97. Do you agree with it? Yes, with the exception of one or two details, I think it would be beneficial to the town.

98. What do you object to in the Bill? In the first place, I think that the charge of 10 per cent. is an excess upon what is usually charged. Of course, I am aware of the difficulties of the place and the expense of the works; but when it is remembered that some of the houses there would be taxed to the extent of £100 or £150 a year, I think it is much too heavy.

99. Would that excess be removed if the promoters were willing to reduce that rate from 10 per cent. to  $6\frac{1}{2}$ ? Yes, to a large extent.

100. The Promoter has agreed to that, so one objection is removed? Yes.

101. What are your other objections? I think that the time during which the company hold the works is too long. The local authority should have the option of taking over the work at any time at the cost price plus a reasonable advance.

102. With these two exceptions, you approve of the Bill in its entirety? Yes, I am largely in favour of something of the kind, because if a local authority was appointed, it would not be in a position to do work of this kind for a long time, as it would have to look after roads and so forth.

103. For that reason you are in favour of this Bill being granted to the promoters? Yes.

104. You are Chairman of the Progress Committee at Zeehan? Yes.

105. The object of that Committee is to advance the interests of the town? Yes. The Progress Committee think that the matter should be left to the local authority. I am only speaking for myself.

106. *By the Chairman.*—How do you arrive at the conclusion that some of the hotels there would have to pay £130 on a rate of 10 per cent.? Some of the houses there would let to-morrow at from £20 to £30 a week, and 10 per cent. on that would be £150.

107. *By Mr. M'Call.*—You would not assess the annual value at anything like that? No; I should say £600 would be ample in that respect. At present there are not as many hotels as the town is entitled to, but as it progresses and more hotels spring up, they will decrease in value.

108. *By the Chairman.*—Would you think a rate of  $6\frac{1}{2}$  per cent. for water and  $6\frac{1}{2}$  for sewage too high? Yes, I think it is too high.

109. *By Mr. Mugliston.*—As the township goes ahead the number of hotels will increase? Yes, but rents will never be higher than at present.

110. You think rents will go down? Yes.

111. *By the Chairman.*—When do you think the promoters would get interest on an outlay of £80,000? I think it will be two years before the scheme is completed, and then it may be fairly expected that the town will be treble its present size.

112. *By Mr. Mugliston.*—Would the 15 years you mention include these two years? I would start from the day that the full scheme came into operation. I have no idea of the valuation of the town at present. The majority of the landholders there are desirous of improving their property, but the question is whether they are prepared to have it improved at the rates this Bill proposes. I would be satisfied to have the benefits of sanitation and water, but not at 13 per cent. per annum—I should think 10 per cent. would be ample to cover both rates. I think also that a less expenditure than £80,000 would provide for the exigencies of the next year or two. I think it is fair that the people should pay on their annual valuation, but I think the amount asked for is excessive. I do not object to the system proposed at all.

113. *By the Chairman.*—If £80,000 is expended, when do you think the promoter would get interest upon his money, judging from the rate of increase of population at Zeehan? If we take the same ratio as in other silver-fields, I should say in about four years. I don't think the population at Zeehan will ever be so concentrated as at Broken Hill.

114. *By Mr. Henry.*—Do you think it is a judicious thing for the Colony to grant a Bill with a provision requiring the local authority or Government to pay 20 per cent. on the cost of the work at the end of 21 years? I think it is excessive,—10 per cent. would be sufficient to recoup the promoters.

115. Do you think works of this kind should be done by the local authority? If possible, matters of this kind should always be in the hands of the local authorities.

116. Why do you suppose a local authority could not do this work? On account of the enormous sum to be raised, and the quantity of municipal work to be done. The streets alone would be an enormously expensive item, and would give a corporation formed to-morrow enough work for a year or two.

117. If this Bill is granted a heavy tax will be laid on the people? Yes, but they are bound to be taxed for this purpose.

118. *By the Chairman.*—If the promoters said it would be impossible to find the money if the local authority or the Government had the power to come in and purchase at the end of 21 years, would you give the concession asked for? I certainly would say that if the town is to be improved, something of this kind will have to be done.

119. There are gentlemen at Zeehan applying for similar powers: would you be in favour of conceding them what they ask for? Certainly not. Their capital is too small. The only excuse upon which I would grant such a concession would be of the scheme being of such a complete nature as to comprise both sewerage and water.

120. *By Mr. Henry.*—Have you heard whether this scheme has been discussed at Zeehan? I believe there was a public meeting, but I have not heard the result of it.

121. *By Mr. McCall.*—Do you think this scheme will interfere with the successful working of the mines? I think that the mines will benefit as much as anything else.

122. And you think it would be a good thing if the town could have the works secured to them at the end of 15 years at an advance of 10 per cent. on the cost, and that both rates combined should be 10 per cent.? Yes, I do. I should like to see the local authority given the power to take it over at any time, and if such a thing were done I should not hesitate in supporting the Bill to the full extent as amended.

123. *By Mr. Henry.*—If the Government had the power to acquire the works at any time, would you support an advance of 20 or 30 per cent. on the cost price? I think the limits I have made are sufficient.

124. *By Mr. Mugliston.*—A local authority would have a great deal of difficulty in raising this money when the streets are unmade and the city unformed? Yes, I don't think they would get it. I think it will be a year before all the arrangements for a town Board are made. The limits of the town are laid out far away from where the town actually exists. Of course, the more compact the town the less expense the promoters will be put to.

125. What is the average life of a mine? About 15 to 20 years.

126. This scheme is a speculative one? Yes.

127. And in such schemes you look for a larger rate of interest? Yes. If 10 per cent. of the mines are successful this scheme will still pay. The deepest mine at present is down only 180 feet, and I cannot say what is under that.

128. A Municipality would have to pay a high rate of interest if they borrowed £80,000 to make waterworks? Yes, but not 10 per cent.

FRIDAY, JULY 31, 1891.

JOHN KENNEDY *called and examined.*

129. *By Mr. Muir.*—What is your name? John Kennedy.

130. What are you? I am a legally qualified medical practitioner, and have been in practice in the neighbourhood of Zeehan for 7 or 8 months.

131. Have you read this Bill? No.

132. Do you know the object of the measure? Yes.

133. Do you think, as a medical man, that a system of drainage and water supply should be carried out in Zeehan? Yes, most decidedly.

134. Is the population increasing there? Yes, very rapidly.

135. Is there any system of drainage there now? The drainage system of Mr. Mault's is a very primitive one; beyond that there is none.

136. Is there any system of water supply? No.

137. What water is consumed there? Rain-water collected from the roofs of the houses.

138. Is it pure? It is very good.

139. When smelting works are established would the fumes affect the water? Yes. It would render the roof-water dangerous to use. I have heard that the roof-water at Broken Hill has been poisoned by that means.

140. You think it is desirable there should be a proper system of water supply? Most decidedly so.

141. If a township developed rapidly would the absence of drainage and water supply have a tendency to create disease? Yes, of course.

142. This Bill would obviate those risks? Yes.

143. What is the population? About 2000. There is only one street.

144. Is that formed? No.

145. Do you think the water in the Henty is liable to become impregnated with lead? Yes; below where the mines are it would not be fit for domestic purposes.

146. As the mines are opened would the water become more polluted? Yes, decidedly.

147. Would 1½ miles from the township be a safe distance to empty a sewer into the river? It would be better to empty it as far down the river as possible.

148. There is sufficient current in the river to wash all impurities away? Yes, and very often there are heavy floods which would scour the river out.

149. There would be no danger caused by it, then? No, there is no chance of anyone living on that part of the river, and the water is useless for consumption.

150. As a medical man, you see no objection to emptying the sewage into the river? No, it would be very safe.

151. *By the Chairman.*—How much was laid out on Mr. Mault's scheme? £700, but the Government furnished the pipes, and delivered them on the field.

152. If the population of Zeehan increases, is there any danger of fever under existing circumstances? Yes, unless something is done there will be an outbreak of a serious nature.

153. *By Mr. McCall.*—Do you think it is desirable that this scheme should be carried out by private enterprise? I should prefer the Government to do it.

154. Is there any possibility of any local authority doing it? I don't know how they would manage to do it.

155. Would you like to see the powers conferred in such a way that any local body could agree with the Company to supply water and drainage? That would be a very good thing to do.

156. Are the people of Zeehan in favour of this scheme? I cannot say.

157. You think something should be done for the sake of the public health? Yes.

158. You would favour a proposal by which the town could enter into an agreement with the private company? Yes.

159. *By the Chairman.*—Is there anything more in the Bill you would like to mention? I think the rate of 10 per cent. is too high. I am sure there will be protests about it. The people would not agree on those terms.

160. *By Mr. Henry.*—You think the local authorities ought to do the work themselves? If possible; but if the terms were suitable it would be wise to hand it over to the private syndicate to have it done at once. I cannot form an opinion as to what reasonable terms would be.

161. Do you think it is a wise thing to lodge the sewerage of a large city in a river? Yes, where a river is available. In this case especially the river is the most suitable place, because everything would be washed away at once.

162. At what distance from the mouth of the Henty would this deposit be made? I cannot say,—I know nothing of the country. There might be some danger if there was settlement along the banks of the river, but that would be very small indeed, as there is a strong current always, and floods come down very often.



163. *By Mr. Mugliston.*—In your opinion as a medical man, is it desirable that this scheme should be carried out at once? Yes, or some scheme like it.
164. If the local authority cannot do it, it should be done by private enterprise? Yes.
165. Do you think  $6\frac{1}{2}$  per cent. an excessive rate? I would not like to give an opinion.
166. Would not the local authority have to make roads and paths before undertaking a work of this kind? Yes. We have no organisation of any kind there at present.
167. How would a local body raise the money? I cannot say.

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WILLIAM RICH *called and examined.*

168. *By Mr. Mugliston.*—What is your name? William Rich.
169. You are a resident of Zeehan? Yes, I have resided there for about  $2\frac{1}{2}$  years.
170. What is the population? About 2000.
171. Are the streets unformed? Yes. There is only one street formed.
172. Is the population increasing? Yes, very fast.
173. Before you went to Zeehan you were at the Broken Hill field? Yes.
174. Does what you saw at Broken Hill lead you to think that it would be desirable to have a supply of pure water and a system of drainage for Zeehan? Yes, certainly.
175. Do you think that the work should be made by the Government or by private enterprise? At first I thought the work should be done by the Government, but when no steps were taken, I, among others, formed a syndicate to do the work. However, I have been in Melbourne for some time and do not know exactly what took place. I would rather see the work given into private hands than that it should not be done.
176. Were you at Broken Hill when the water system was carried out there? I was at Broken Hill before the water scheme was started, and felt the effects of bad water.
177. Did it improve the health of the people generally? Yes. The death-rate was nine per day on an average, but when the water was brought in it was reduced one-third. I attributed the high death-rate to the bad drainage and water.
178. Will the population of Zeehan increase rapidly? Yes, without doubt.
179. Is it necessary that some system of water supply and drainage should be undertaken at once? Yes, for the sake of the health of the district.
180. *By the Chairman.*—Where did the syndicate you mention propose to get water? From the Eureka as a permanent supply, and from the Queen Extended as a temporary supply.
181. How much was the undertaking to cost? When the syndicate was formed £1000 was called up.
182. *By Mr. Sutton.*—How long is it since you were in Zeehan? About 9 months.
183. And the place is increasing? Yes, during this coming summer it will more than double its population.
184. Do you think that in a reasonable time it will grow large enough to take municipal action? Yes, I think it will have local government in some form.
185. Do you think that the want of water and drainage would act as an incentive to the people to take local government on themselves? Oh, yes.
186. *By the Chairman.*—Do you think such a local body could raise from £50,000 to £100,000 for such a work, in addition to the money they would require for streets and so forth? That is a question I am unable to answer.
187. *By Mr. Sutton.*—Do you think they would be willing to pay interest on £50,000 if borrowed from the Government? There is no doubt about the place being large enough to bear the responsibility.
188. *By the Chairman.*—What is the existing state of affairs at Zeehan? There is no drainage, and the water supply is not fit for consumption.
189. *By Mr. Sutton.*—Would the residents be prepared to take on themselves the responsibility of paying interest on £50,000 or £75,000 for such works? I have no doubt they would be willing.
190. Would the wealth of the place warrant it? Undoubtedly it will.
191. *By Mr. Mugliston.*—Would they be in a position to guarantee the repayment of the money in, say 21 years? I think they would be able to do so, judging by the present prospects of the field.
192. Your answer is based on the expectation of the mines turning out a success? Yes, I believe they will be a great success.
193. Have the miners taken their wives and children there? Yes, families are going there every week. It is a permanent settlement, and some scheme of this sort should be carried out forthwith.
194. Have you ever tested the water? The water in general is not fit for consumption, as there is too much mineral in it.
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CHARLES EDWARD HOGG, *called and examined.*

195. *By Mr. Mugliston.*—What is your name? Charles Edward Hogg.
196. You are a Civil Engineer? Yes.
197. You know a great deal about Broken Hill? Yes, I was the original engineer of the water supply system there.
198. What was the state of health before the water was laid on? It was something awful; people were leaving the town in hundreds.
199. Has it improved since? It improved immediately a temporary supply of water was laid on.
200. How is the water supplied? By a company.
201. Were you one of the promoters of that company? Yes.
202. Were any public meetings held in regard to the granting of the concessions? Yes. The big meetings were generally in favour of it, but there were several what I may call little "pot-house" meetings, at which people objected.
203. Have you seen this Bill? I read a few clauses in it.
204. The Promoter claims a right to be recouped by a rate of  $6\frac{1}{2}$  per cent. in regard to sewage, and  $6\frac{1}{2}$  per cent. in regard to water supply: do you think that is a fair amount to claim? Yes. A place like Zeehan is different from an old-established place, as it will depend entirely upon the success of the mines, and the Promoter thus takes a great risk.
205. 10 per cent. in each respect was first claimed? That is not too much, considering the risks run.
206. It will cost from £80,000 to £100,000? Yes, judging from Broken Hill, where our water supply cost £187,000, without sewerage at all.
207. What rate do they pay at Broken Hill? I have paid £6 per 1000 gallons for two years. It used to cost 5s. to have a bath. We sold it when we brought in temporary pipes at £2 per thousand gallons; that would be a long way beyond 10 per cent. on the annual value of property. It is from my knowledge of Broken Hill that I think 10 per cent is not excessive.
208. Is it desirable that sewerage and water supply should go hand in hand? There is no question about it,—I maintained that in Broken Hill.
209. How far did you bring the water at Broken Hill? About 12 or 13 miles; it was a very expensive scheme.
210. Do you know Zeehan well? Yes. I propose to work smelting machinery below Moore's dam by water-power, and, in order to ascertain the supply, we had to carefully examine the whole ground.
211. Do you consider that it would be dangerous to empty the sewerage into the river two miles below the town? It is not desirable, but there is nothing else to do. It goes there now. Sewage is generally emptied into a river where one is available.
212. Are there any residents below where the sewage would fall in? No, and if there were they could get water from the little side creeks. The river runs from 5 feet per second up to 15 feet per second, and the bed of the river would be completely scoured out by the current.
213. *By Mr. Sutton.*—Is it a tidal river? No.
214. What is the value of the river, as it is now, for domestic purposes? Not great. I don't think anyone there bothers much about the river. At present the water is not bad, but it is bound to get leaded from the working of the mines.
215. Do you think it probable that work of this kind should be undertaken by a corporation? No. As a rule the people who compose corporations in places of this kind are drawn from a floating population, and take little interest in the town. There is no doubt about the immediate necessity of carrying out the work, because it will be more economical if done at once.
216. *By Mr. M'Call.*—Had you any power to tax the people at Broken Hill? No, we simply sold them the water.
217. People in mining towns are not capable of carrying works of this kind out? No, they don't stay long enough, or take enough interest in local matters. Two-thirds of the people at Zeehan are Broken Hill men, and when other fields break out a large number will go away to them.
218. You are going to erect smelting works on the Henty? Yes.
219. And there will be settlement round them? Yes.
220. How far below the point where the sewage is to be discharged will they be? About  $2\frac{1}{2}$  miles.
221. It won't be objectionable to you? Not in the least.
222. *Mr. Mugliston.*—Do you think a local authority could raise the money required for a work of this kind? They would find great difficulty in doing so. The New South Wales water and sewage Act provides for the Government guaranteeing loans, but they refused to give any to Broken Hill because they would not give money to speculative places. It is all these little facts I know of that make me think it is desirable to have this work done by private enterprise.
223. That objection of the Government would apply to all mining towns? Yes, on the grounds that the population is a floating one.
224. Would that be the case at Zeehan? Yes, but the Promoter takes the risk.
225. On those grounds  $6\frac{1}{2}$  per cent. would be very reasonable? Yes.

WALTER ROBERT FITZGERALD MOORE, *re-called and examined.*

226. *By Mr. Mugliston.*—You were asked about making a deposit in the event of the Bill passing: are you willing to deposit £8000 in the hands of the Treasurer, on receiving 5 per cent. interest, and being allowed to draw upon it as a first fund for the works? I am quite willing to do so. On the commencement of the work I will place £8000 in the hands of the Government, and will commence work as soon as the surveys are in our hands. In the event of the Bill passing, to put it more clearly, I am willing to deposit 10 per cent. on the estimated cost of the work with the Treasurer, on receiving 5 per cent. interest, as a guarantee of good faith.

227. It is impossible to ascertain the amount of deposit until the surveys are completed? Yes.

228. But directly the surveys are made you will deposit 10 per cent.? Yes.

229. It is understood you are to have the right to draw on that money at once? Yes, and it won't be in the hands of the Government for five minutes. In undertakings of this kind you cannot commence without a large outlay at once. In this case the contracts would be let for the piping, and we would not wait for the complete surveys.

230. You are willing to do anything that can reasonably be expected to show your *bona fides*? Yes, I am.

231. Is there anything more you would like to add? Yes. In regard to the telegrams which have been received, I have given the people on the field the option of taking half of the stock in the Company, so that it is really a ratepayers' business. Every one held liable for the rate has the option of taking some of the stock, and that privilege is still open to them. I told my agent to go round and tell every one that they had the right of taking up stock in proportion to their holdings in the district. I insist that they cannot transfer that stock to anyone else, and that they must be tied to the conditions of the Company, as I am myself. I need not point out how the field will be benefited generally. You have only to look at Broken Hill to see what it will do.

*Mr. Mugliston:* That is all the evidence I wish to bring.

## THURSDAY, AUGUST 6, 1891.

MR. W. S. TARGETT, *re-called and examined.*

232. *By the Chairman.*—You are in favour of the Bill as amended?—Do you think it would be a good thing for the district if this Bill, as amended, should pass? Yes, I am in favour of that. Of course I speak purely from a personal point of view, not as a representative.

233. *By Mr. Henry.*—Have you any idea as to what area it is proposed to include in this water district,—how it is to be defined? No.

234. Is it desirable, in your opinion, that it should be a defined district? Yes, I think it is highly desirable. I do not say I approve of the whole of the Bill, though I approve of its principle. In fact, I should like to see a revised copy before it is adopted. The provisions that have been spoken of by Mr. Mugliston were alterations suggested by myself, and I think they are improvements on the previous Bill.

235. Do you wish the Committee to understand that in your own opinion it is desirable that such a work should be undertaken by a syndicate rather than by a local body? No, I have always said local bodies should do it.

236. Why, then, do you think the Bill a desirable thing? Because I think no local body will be able to do the work for a considerable time.

237. What are your reasons for forming that opinion? In the first place, there is no such local body in existence, and it would take some time to form one. Then I think it would take all their resources for the next two years to construct streets, side walks, and various other works in the town.

238. You are aware, Mr. Targett, that the interest on this work must be paid by the townspeople in the shape of rates? I am.

239. What difference would it make to them if they had to pay that rate in the shape of interest to local bodies? None at all; the load must be borne.

240. Will you give your reasons for saying a local body cannot do it? I do not think one could be formed within 12 months, that is my chief reason.

241. Are you aware that there is a Town Board in existence now under which local government could be undertaken at Zeehan? It is not possible.

242. What are your reasons for saying so? For the simple reason that the town of Zeehan as gazetted contained, I think, three or four buildings upon it. Since then there have been new leases, and until the titles are validated and the boundaries re-gazetted—nothing having been done so far—it cannot be done by the previous Town Board.

243. Are you aware that the Governor-in-Council can at any time declare a certain area for a Town Board? Yes, if the residence areas were made into freeholds I believe it could be done at once.

244. Are you aware that there is such a thing as a Local Bodies Loans Act? Yes.

245. Assuming that a Town Board might be constituted in the district, and the people took upon themselves local government under the Town Boards Act, would there be any difficulty in raising sufficient

money—guaranteed by the Government under the Local Bodies Loans Act—for the people to carry out this sewerage and water scheme? There would be no difficulty.

246. Is the credit of Tasmania good enough to raise sufficient money for the purpose? Yes.

247. Have you any idea of the probable cost of the work? None, other than the statement made in the Bill.

248. It is the statement in the Bill that you are relying upon? Yes, but I do not think that is an excessive amount.

249. Do you know the distance it has to be taken? Three or four miles.

250. You know something of the Mersey? Yes.

251. And the proposed water scheme there? Yes.

252. Do you know the distance from the Mersey to Devonport? I should think between five and six miles.

253. What is the distance from Latrobe to Devonport? In a straight line from the hill-top, certainly not more than four miles.

254. How far up the Mersey is it proposed to carry the water?

255. What rate is it likely to cost Latrobe? I am not aware.

256. You are aware that there is a scheme for pumping water, and another to get it by gravitation. What will be the difference in the cost? Well, they are practically the same, because the same power—turbine—is required, although there is an intermediate process.

257. In your opinion, the gravitation scheme is equal in cost to the pumping scheme? Yes.

258. Assuming that a local body could be formed within a reasonable time, and that it had the power to borrow a sufficient sum of money for that work, would you hand the work over to a syndicate? No.

259. And yet it is proposed in this Bill? Yes, it is a matter of necessity. I think it will be some time before a local body can undertake the work. If the money were granted under the provisions of the Local Bodies Loans Act it could be done, and, of course, under the assurance of the Government, they would do it if they had the opportunity afforded them.

260. If a Local Government Bill might be granted them within six months, would you still approve of Parliament giving the necessary powers under this Bill to a syndicate? No, I would not.

261. *By Mr. Hawkes.*—What is your opinion with regard to the extension of the Town of Zeehan? I think that the Town of Zeehan will reach pretty well from what is called the Government Township, that is, the one that was sold at Hobart, and where there are only about three buildings at present, until it will cover, and that before very long, as far as “The Queen,” a distance along the road of from one and a half miles to a mile and three quarters. Half the present township is hemmed in by mountains, and it will never be more than a quarter of a mile wide; it will be pretty well occupied in less than a year.

262. Do you think the conditions for opening up the country are such as are calculated to create a very large population in the vicinity of Zeehan? I do.

263. Will you tell the Committee why you think so? For the reason that there are in the vicinity of the town a large number of lodes which are rich from the surface, and are daily being proved to be wider and richer than was first anticipated, that is, in the immediate vicinity of the town. I could name a dozen mines that have good lodes to work upon.

264. What number of inhabitants do you think there will be? There should be 10,000 people there within a couple of years.

265. Do you think that the development and extension of mining in other directions, such as Mount Dundas, Mount Read, and North Dundas, would be calculated to draw the inhabitants away from Zeehan? No; I think that Zeehan will always be the centre of the district.

266. Can you tell me the conditions that resulted in the concentration of the inhabitants at Broken Hill? Yes; I was there when there were only some four or five thousand people there. The town of Broken Hill is in the immediate vicinity of the mines, which are in one series; the whole of the profitable mines, with the exception of some little rich leader-carrying mines in the vicinity, are within a mile and a half long; the consequence is the concentration of the people.

267. Do you think that practically the main conditions that have led up to a concentration of inhabitants at Broken Hill refer to any particular place on the West Coast? I think there is such a quantity of mineral in the vicinity of Zeehan that the largest population will be there.

268. Then, you base your belief upon the extra quantity of metal there? No; in the first place, Zeehan is the commercial centre of the West Coast. In the second place, it is the termination of the present railway, and all the other proposed railways propose to junction at Zeehan or in its vicinity, which always means concentration.

269. Then, you think that the extra-large concentration of inhabitants at Zeehan will arise from local circumstances? Yes.

270. Is it not very likely that the inhabitants will locate themselves in other places as the West Coast is substantially opened up? Undoubtedly there will be several centres, exactly as there are around Broken Hill and other places.

271. Do you not think that the present concentration of the inhabitants in and about Zeehan is largely due to the fact that there are no roads connected with other places where mining is likely to be carried on? No; the importance of such mines as the King, and Queen, Sylvester, and a dozen more is ample justification for a concentration of people there. I do not think there will be 25,000 people there in four years' time, as there was at Broken Hill; but there will be 10,000 there within the next three or four years.

272. *By the Chairman.*—Do you think that debentures for sewerage and water works at Zeehan, secured upon the rates of the district, would be readily taken up? I should not like to say now. At the present price I do not think they would be.

273. At what rate per cent. do you think the debentures should carry? I have no opinion on the subject; it is not for me to say.

274. You were asked one or two questions about the Local Bodies Loans Act, and you are aware of the means adopted of raising money debentures under that Act, secured upon the rates of the district, and payable within 30 years. Can you say whether debentures would be readily taken up secured upon the rates of Zeehan? I cannot say that.

275. *By Mr. Mugliston.*—You told Mr. Hawkes that there would be several important centres besides Zeehan in the neighbourhood of Zeehan. Would not that have a tendency to increase the risks of the promoters of this scheme? No; I think the whole place will improve; and I do not think Zeehan will be weakened. A scheme of this kind will find ample field in and around Zeehan, and be a great source of revenue to either corporation or company.

276. In saying that you prefer this scheme to be carried out by a local body instead of by a company, have you taken into consideration the fact that the population of Zeehan is a floating one? Yes, of course the people have to take the risk.

277. Would that not have an influence with the Government in becoming security for a local body? Yes, that must come into calculation.

278. Do you know that the New South Wales Government refused to grant money in this particular way? I know there is a private Water Company there; but I was not aware of that.

279. You know that the sanitary arrangements of Hobart are in the hands of the Corporation? Yes.

280. Do you know that the Corporation does not give satisfaction? I should think not.

281. And yet you prefer to see the sanitary arrangements of Zeehan in the hands of a corporation? Yes, we could profit by their mistakes.

282. But then, you will want money? I think we will have more money than you have here.

283. [Mr. Targett suggested that copies of the Bill should be sent up to Zeehan for the criticism and approval by the people there before it was brought before Parliament. He would recommend also that the Corporation have power to purchase.]

284. *Mr. Mugliston.*—What return would you expect the promoters to get? That would be a matter for arbitration. I should not like to dictate what would be a fair thing between the promoters and the corporation. If that provision were introduced, however, it would largely discount the undoubted opposition which prevails at Zeehan at present.

285. Do I understand that at any time after 15 years the local body should have the right of purchase, and that the price should be fixed by arbitration? Yes, that undoubtedly would largely do away with the opposition that there is now. I know that exists, from the telegrams which I have laid before the Committee.

286. *By Mr. Henry.*—And upon what lines do you propose that the arbitration should be proceeded with? I should like the promoters to appoint one and the corporation another.

287. Yes, but I do not mean that—what return should the promoters have?—would you propose that its value be ascertained by arbitration, and that power be given to acquire it at its then value? No, that would not be fair to the promoters. I would propose a certain advance on the cost.

288. Will you give us an idea of what that advance should be? I think that 20 per cent., and six months' notice, would be ample.

289. *To Mr. Mugliston.*—I would not define a period, and for this reason: I think it will be two years before the work will be finished in its entirety, and I believe it will be possible within twelve months to make it of value, for not even a temporary pipe would be put down which would be sufficient for present wants. I would not undertake to define a period for this arbitration clause, but I think at the completion of the works it should be competent for a local body, if they were willing to do so, to purchase, at a rough estimate of 20 per cent., with six months' notice.

290. *Mr. Mugliston.*—In other words, you consider that local bodies should have power to turn the promoters into directors against their own will—that they shall do this work with the greatest economy in their own interests, and then, directly they have done, you would turn round and say “we make you directors” at a profit of 20 per cent. [*Mr. Henry*: A very good profit too.]

291. *Mr. Mugliston.*—Would you enter into a contract like that yourself? I would like to enter into a lot of investments with 20 per cent. sure profit.

292. You are assuming that there will be a local body able to raise the necessary money, and that there will be a fixed population—not a fluctuating one? Yes, but I do not think it will be a fluctuating population for ten years.

Well, we will take it that way—ten years or more; we have it that the life of a mine is fifteen years? That is only the average. I would like to qualify that. I am reported as fixing the life of a mine at 15 years, but that is a gold mine. A silver mine has been known to be worked for centuries, and nobody can say what its average life would be in Australia. The silver mines that I know of in Australia, with one exception, are better than ever they were.

293. Then, you consider there will be a fixed population for ten years? Yes.

294. And do you consider that the Government would be justified in going security for moneys borrowed by a local body for the construction of works when you can only fix a definite period of ten years for the life of the district? I do not fix a definite period. I say I can see enough in sight for ten years; my belief is that there is enough for a century.

295. But, at the same time you believe that, taking your period of ten years, a local body will be justified in borrowing the money, and the Government in going security for it? I do, most decidedly.

296. *By Mr. Henry.*—Do you think that the facts would justify a private syndicate in entering upon this work, and also justify the Government in aiding a local body to do so? Yes.

297. *By Mr. Lewis.*—You say that the promoters should be compelled to sell. If it is a complete failure would you be willing that the local body should guarantee to the Promoters any expenses they have incurred? I think, in the event of there not being sufficient profit, it would be perfectly justifiable for the corporation to subsidise.

298. *By Mr. Mugliston.*—In fact, you want to make it one-sided; you want to get the advantages without any risk to the local body? Well, I could not say that, for the simple reason that there is no machinery to enforce it. You could not force a corporation to take it whether they wanted it or not, and, as I take it, the promoters receive certain privileges.

299. But you want to fetter those privileges. If not carried out by the promoters it will not be carried out by a local body within two or three years, and is it desirable to run a risk by putting a clause in the Bill that would prevent any promoter from taking up the scheme; or is it better to allow the promoters to have fair profits, with the option on the part of the local body to take it over after a period of 15 years if they thought fit? I think 15 years much too long.

300. *By Mr. Hawkes.*—Do you consider a temporary measure proposed by the Government would meet the requirements of the township until such time as the local body could do it? No, it would not be a bit of use.

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MR. MULCAHY *called in and examined.*

301. *By the Chairman.*—The Committee have asked you to give information on the Water and Sewerage Bill which has been promoted by Mr. Fitzgerald Moore, and certain modifications have been made in it. Have you seen the Bill? Yes. [Mr. Mugliston explained the proposal contained in the Bill, and asked if Mr. Mulcahy approved.] I do not think this scheme should be undertaken by private enterprise at all.

302. What would be the first work of the local body when it was constituted at the township of Zeehan? I think sanitation should be the first work under the present circumstances. The answer to that question would be guided by the opinion of the members of the Board.

303. Then you think this scheme should be postponed? I think members of the local body would take the opinion of the general public; and I know the opinion of the general public at Zeehan is that a sanitary scheme should be gone into immediately.

304. By whom? By themselves.

305. How do they propose to raise the money? Possibly with the assistance of Government and powers to tax themselves.

306. Do you know that, as a matter of fact, New South Wales refused to grant such assistance where there was a fluctuating population? I do not know that.

307. Would that alter your opinion? I would not like to state, without consideration.

308. I tell you that New South Wales refused because the mining population was a fluctuating one. Would that qualify your opinion? No.

309. How, then, do you propose to raise the money? I think the citizens of Zeehan will be quite willing to raise the money.

310. How do you know that? Seeing that a private syndicate are willing to undertake certain risks with the prospect of making a profit, I think the citizens of Zeehan may look forward to devise a scheme that would not cost more money, and divide the profits.

311. What is the population at the present time? I think nearly three thousand, and it is increasing.

312. How many do you think the population will increase to in 12 months? To 10,000, if it goes on at the same ratio as at present.

313. Take it that the population will increase 6000. I am willing to take a fixed number as near as possible. Do you think the people will be able to pay? Yes, and willing.

314. Will every man residing at Zeehan be able to contribute to this? Every householder; every man who comes under the taxation scheme.

315. How many men are there at Zeehan? The population, I estimate, consists of about 95 per cent. of men.

316. And what would it cost to carry out a system of sewerage and water? I am not an expert; I do not know.

317. You know that roads and footpaths have to be constructed at Zeehan, and would they be willing, with these liabilities, to incur the expense of the sewerage and water scheme? At the present time we can supply ourselves with rain-water very well. I do not regard the scheme for supplying water as a present urgency. I think it can be considered later on. At the present time we get plenty of water, as good as possible.

318. Then you put your opinion against that of medical men with regard to the impurity of the water? I question if that is the opinion of medical men.

319. We have had medical men before the Committee? Well, they drank plenty of it when they were there.

320. Of course, that is a matter of necessity. You say the water is pure at the present time, and that the population will increase very rapidly within the next 12 months. Could you still be supplied with rain-water? Yes; it is only a matter of providing tanks enough.

321. Would not the increase of population be dependent upon the development of the mines? Yes.

322. And do you not think that the effect of working these mines, which are lead mines, would be to make the water impure? I take it that the smelting works which are to be put up will be erected at such a sufficient distance from the township that they will not interfere with the rain-water. The present smelting works are about four miles from Zeehan, and I do not think they will seriously affect the rain-water at Zeehan.

323. You do not think, then, that the water scheme is so absolutely essential as that of sanitation? No.

324. Do you think Mr. Mault's scheme would do? I do not think that was a perfect scheme.

325. Only a makeshift, in fact? I think so.

326. Don't you return Members of Parliament for the express purpose of looking after the interests of Zeehan? Yes, but they cannot do it; they would require to know more about Zeehan than they know at present.

327. In the event of a local body not being prepared to carry out this scheme, would you approve of the Bill being passed? Yes; half a loaf is better than no bread.

328. Were you present at the meeting held at Zeehan? No, but I know the state of public feeling there very well.

329. They have not petitioned against the Bill? They cannot do things in 24 hours there. I know that recently I had some little experience in getting a petition signed, and it took nearly a fortnight to get 600 signatures.

330. Can you tell us any way by which a local body could raise the capital that would be required without going to Government? I do not think a local body should be required to raise the whole of the capital.

331. Assuming that it would be so, would any local body be in a position to raise the money? Yes.

332. *By the Chairman.*—You know that there is a private company at Zeehan formed for similar purposes? Yes; I was aware of that, but I understand there was to be an amalgamation.

333. I suppose the shareholders are in favour of the private company taking up these works? I do not think there are many shareholders in it, and they should not be taken to represent public opinion.

334. Do you think you can raise £8000 by debentures on the Zeehan rates within 12 months? I could not answer that question.

335. *By Mr. Leatham.*—What is the feeling of the majority of the people? They are determined that the powers provided for by this Bill shall not pass out of their hands, and if this Bill pass there will be something like a riot there.

336. *By Mr. Henry.*—Assuming that the Government would borrow money under the Local Bodies Loans Act, do you think the local body at Zeehan would advocate that course, and that they would be justified in asking the Government to do it? Yes, certainly I do.

337. You know that if this Bill became law the property-holders would contribute a certain amount in the shape of rates? Yes.

338. Would it be better in your opinion that the contribution should go in payment of interest to a local body instead of in rates to a syndicate? That is my opinion.

339. Do you see any difficulty in constituting a local body there to carry on local government in the place? No difficulty at all; there is a very healthy public spirit there.

340. You are satisfied that there is a population of intelligence there who would be able to form a sound local body? Yes, I am sure of it.

341. Can you tell us how many men there are in the other local syndicate? I do not know, but I believe about four or five individuals.

342. At all events, they cannot be taken to represent public opinion? No, not in any way; they are a very small percentage of the people there. I know that the public spirit is very much against these powers going out of their hands.

343. Is it within your knowledge that the people have sent urgent telegrams? Yes.

344. You have stated that the sewerage question is one of paramount importance. Do you think it would be possible to have an effective sewerage system without a good water supply? That is a question that requires the answer of an expert. The system followed down there is the pan system, which is very objectionable both here and there; I think a good water system would be preferable.

345. *By Mr. Hamkes.*—There has been a question raised as to the quality of the water, whether it is of a poisonous character. Are you aware if there is any water in the vicinity of Zeehan which, being charged with lead and so on, would be used for drinking purposes, or would it be used for sewerage purposes? The country is very wet, and I don't think there would be any difficulty in obtaining any quantity of water for flushing.

346. You are certainly in a position to give us very good information upon it. In reference to the supply for drinking purposes, you state that the rainfall gives you an ample supply? Yes, it does, both

summer and winter ; it is only a question of supplying sufficient tank accommodation and you can have as much water as you require.

347. I understand that there is, at Zeehan, a local body formed by a large poll of the inhabitants?  
Yes.

348. Are you one of them? I am not. I am not a resident of Zeehan.

349. Have you been in contact with any member of that body? Yes, all of them.

350. Will you tell the Committee their opinion? They are decidedly opposed to the Act.

351. *By Mr. Mugliston.*—Were you present at any meeting held for the purpose of considering this Bill? No, for the reason that a meeting could not be held ; the matter could not be properly considered until the Bill was received at Zeehan, and that was only recently.

352. Can you state what the public feeling will be in regard to this modified Bill? No, because it has not yet received all its modifications ; it is hardly finished.

353. Under what control is this pan system? It is very badly conducted, I do not know by whom. A contract has been entered into by, I think, the Health Board.

354. You have a Health Board? Yes.

355. And the pan system is carried out badly? Well, not nearly so well as it might be. You must make many allowances for a place like Zeehan.

356. And yet, having that experience with a simple pan system, you think they could carry out a larger scheme? The Board of Health cannot work miracles ; but a properly constituted Board can do as much as a syndicate.

357. I ask you what makes you draw the conclusion, as you have done, that if the local authorities had the powers given to them which are asked for in this Bill, they would see that they were carried out, while they have not carried out the pan system as it should have been carried out? That is a fact, but they can do anything if they have money.

358. Well, where will they get the money? By taxation from the people. At the present time Zeehan is to a certain extent in a state of chaos. There are no roads outside the main road, and there is a great difficulty in disposing of the night-soil.

359. Would not that fact necessitate the construction of roads before any other work? There is one particular road proposed. I think arrangements are very badly carried out now, but I don't say they could be carried out much better at the present time.

360. They can make roads? They cannot do it,—this refers to the Reminé road.

361. How do you expect them to construct this particular road, then? It is for a specific purpose.—Under any circumstances public feeling is against the work being taken out of their hands.

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MR. ARTHUR RICHARD ALLISON, *called and examined.*

363. At the request of the Chairman, Mr. Allison made an explanation of the cause of his absence at a previous meeting when summoned to give evidence.

364. *By the Chairman.*—What is your name? Arthur Richard Allison.

365. Do you reside at Zeehan? Yes, I have resided there since 1887.

366. And you are well acquainted with the locality? Yes.

367. Have you seen the Zeehan Sewerage and Water Bill? [Mr. Mugliston explained the objects of the Bill, which Mr. Allison thought desirable, and that something should be done almost immediately.]

368. You had the Zeehan water analysed by the Government? Yes.

369. And did he condemn it? Yes ; and when Mr. Mault came down he gave the same returns which I had from Mr. Ward two years ago.

370. And then the population was not so great as it is now? No, and there was really no mining at all at that particular time. It must be worse now.

371. You think, then, that there should be a supply at once? Yes.

372. Is sewerage very necessary? Yes.

373. We have been told that there is a Board of Health there ; is it efficient? No.

374. Have you heard any strong objection on the part of the inhabitants of Zeehan against this Bill? No, I cannot say I have.

375. The question has been asked other witnesses, and I now ask you, in your opinion will it be desirable that this scheme should be handed over to a local body, or be at once constructed under the promoters' scheme? The local body, I think, will waste time ; that is the only thing I am afraid of, and if this Bill passes the Company will go to work immediately.

376. *By Mr. Henry.*—You say that you have had the water at Zeehan analysed, and consider it dangerous to health? Yes.

377. Is there any disease at Zeehan consequent upon bad water? There is a deal of sickness—several cases of fever.

378. How long is it since you left Zeehan? I left on the 15th July.



379. Can you tell us how many cases of typhoid fever there were then at Zeehan? About six or seven, and one death had occurred. One gentleman who has since come down from there died a few days ago in the Hospital.

380. You attribute this sickness to the use of the water? Yes, and the bad state of the town generally.

381. You say that the water is dangerous to health; how is it that there are so few cases of sickness there?—what other cases are there? I am not a doctor.

382. But you state that there is considerable sickness? Yes, people are constantly complaining.

383. If a gentleman has stated that there was sufficient rainfall at Zeehan to supply the people with water provided there was sufficient tank accommodation, what would you say? I know I saw one summer there when I had to take my billy and walk half a mile for water. Mr. Littler and I had to go down to the Queen Creek before we could get a drop to drink.

384. Have you any knowledge of the feeling at Zeehan with reference to this Bill? I don't think they are very strongly opposed to it.

385. Have you any knowledge of the circumstances? Yes, I have heard several speak about it, and they are not opposed to it so strongly.

386. That was prior to the 15th July? I am speaking principally of what the people say here. Before I came down there was nothing spoken about it; I was not in a position to hear it discussed.

387. Then you cannot give this Committee any information as to the feeling at Zeehan on the subject? Only from what I hear from those who have just come down.

388. From what you have heard, then, do you infer that there is no opposition to this Bill? I do not believe the opposition is as strong as some people think.

389. You think it is not desirable that the local body should have control of the water supply and sewerage of the town? It all depends.

390. Assuming that a local body could be created within a reasonable time at Zeehan, who would be able to undertake the work, would it not, in your opinion, be more desirable that they should have control of the work? Yes.

391. If a local body could raise sufficient money to carry out this work, which course, as a property holder and resident at Zeehan, would you advise in the interests of the people,—the control to be handed over to a private company or to the local body? Well, I should rather let a private company have it, because they would push it ahead very much quicker than a local body, who would probably take 12 months to get into shape, and another 12 months to get to work. We know how very slowly these things are gone about.

392. Why do you think that this syndicate would do the work much more rapidly than a local body? They bind themselves.

393. What by? I could not give you any idea, but I do know they bind themselves to make a start within a reasonable time.

394. Do you know if there is anything in the Bill compelling the Company to complete the work within a given period? Oh, yes, I am under that impression, but I do not profess to have the Bill at my fingers' ends.

395. But you tell us that within a given time this Company will carry out the work and afterwards you tell us you do not know.

396. *The Chairman.*—Mr. Allison knows that they will be made to carry it out.

397. *Mr. Allison.*—I know that the township of Zeehan will be improved by them within a short time, but it will probably be 12 months before a local body would start at all.

398. *Mr. Henry.*—That is merely your opinion? The promoters told me so.

399. Then you have been in communication with the promoters on the subject? Yes, I have met them about the town, the same as I have met some of those who are fighting against it.

400. Oh, then you have met men about the town who are fighting against it? Yes.

401. *By Mr. Hawkes.*—Do you think under the present circumstances, provided there was sufficient tank accommodation throughout Zeehan, the rainfall would be ample to supply the town with water? Certainly; there is enough rainfall during the winter to supply the whole of Tasmania, but the accommodation must be very large, and then it is quite possible that standing a considerable time might have a bad effect upon the water. I experienced a summer there, and if a similar season occurred now I do not know what the result would be.

402. What is your experience in the summer time?—is the rainfall very little? I cannot exactly tell you; but I know that the water was a great deal too low altogether, and the people were running about all over the place to get a drop. Mr. Littler and I were staying at the hotel there, and had to take our billies every night and go down to the Queen Creek, three quarters of a mile away, to get a drop of water that was fit to drink; and then when we came back we had to look after it, or others would have taken it as fast as we got it.

403. *Mr. Mugliston.*—You say that you prefer that this scheme should be in the hands of a syndicate, because they would get it done more quickly? As a matter of fact, the Bill provides that they start it within four months.

404. Would that strengthen your opinion? Certainly it would.

APPENDIX A.  
REPORT UPON ZEEHAN SEWERAGE.

GENTLEMEN,

I HAVE the honor to report the following upon the Drainage for the Town of Zeehan, Tasmania, and to hand to you the plan of the trial survey of the scheme.

I have taken every precaution to make the plan as plain as possible, so that the general features of the country surrounding Zeehan may be seen at a glance. The town itself is growing very rapidly, every day shows great advancement, and buildings are being run up with all possible speed; and I have no hesitation in saying that, in a very few months' time, a population of from 20 to 25 thousand people may reasonably be expected to make Zeehan their place of abode.

Every day also shows very clearly the great want of a proper system of Sewerage, and it cannot be urged, or rather impressed, upon the authorities too much, that delay in this matter will, in all probability, mean the loss of many valuable lives through disease brought about by imperfect, or want of, drainage.

At the present time the streets alone are in a terrible state owing to the excessive rainfall—I believe 80 inches per annum—and no means being provided to carry away the water which accumulates and renders the roads impassable. As to that, after heavy weather the excessive traffic works up the road into a mud which rots after a few hot days are experienced, and gives off most unpleasant and unhealthy odours. With a perfect system of drainage all this would be obviated, and make the roads passable as well as comfortable to foot passengers, giving them a proper opportunity to dry, and to be kept in thorough repair at a cost vastly less than at the present.

Again, the house and closet drainage is in a most fearful condition. Slops of every description are being thrown into open drains, or in the immediate vicinity of the dwellings, causing foul smells to arise and rendering the place almost unfit to live in. Many of the houses are without even the ordinary conveniences which are absolutely necessary for the sake of health; and places are used for deposit of nightsoil which will simply turn out a hotbed of typhoid fever and other dangerous diseases. Most of the sewage-matter from the higher portions of the Town makes its way into the Main Creek, which runs immediately behind the Town, at present mostly built upon, and empties itself into the Little Henty River (Main Branch).

I look upon this creek as the probable source of much disease in the future, unless steps are taken at once to divert the sewerage into a proper channel, because the people who reside on the lower portion of the town make use of the water out of this creek for drinking purposes when rain-water runs out, which is very often the case after a few days dry weather. I believe the Government of Tasmania has undertaken a small system of drainage, but this only embraces the town at the Silver Queen end.

For the safety of the town growing, as it is with such rapid strides, it is most important that the work of draining the town thoroughly and efficiently should be at once carried out.

I would suggest that a main sewer composed of cast iron, wrought iron, or steel piping, as may be considered best, should traverse the town at a point most suitable for the complete drainage of houses and streets, giving it a sufficient fall to enable the sewage matter to be carried away by gravitation.

The line of sewer shown on plan is 24 inches diameter, commences at the top end of the town on the Silver Queen Mining property, and marked A., running along the main street for a considerable distance, then diverging till it reaches the lower portion of the Government Town of Zeehan (the drainage from which would also be directed into this main sewer), and thence going south until it cuts the bank of the main branch of the Little Henty River, marked B. on plan, making the total length of main sewer 3 miles 10 chains. A grade of at least 15 feet per mile, giving a velocity to the sewage of 198 feet per minute, which is ample for all purposes of drainage, must be given to this pipe, and all the necessary junctions provided for the reception of the smaller drains from the streets and houses.

The street drains I would recommend to be not less than 9 inches diameter, and those connected with the houses not less than 6 inches diameter.

The course of the main sewer pipe could be taken along the lower part of the town, which would considerably lessen the expense of trenching; but this being a matter of detail, I will leave it for future decision.

The main sewer could be flushed from a small reservoir placed above the town on the hill overlooking the Silver Queen Company's property, and supplied from the Zeehan Water Supply pipes, and worked automatically. The smaller drains could be flushed from the street supply.

The question of discharge is most important, as it may give rise to serious complications in the future, and I would suggest that this matter be thoroughly weighed before a decision is arrived at. The point at which I propose to discharge is marked B on plan, and is situated on the bank of the Little Henty River (Main Branch) on the Silver Bell Company's property.

Now, the river at this point is in a condition not fit for human consumption, but the question of water supply to any township which may spring up on its banks lower down may at any time arise, and serious objections raised against the discharge of sewerage above any such township. However, at the present, and, no doubt for a very long time to come, there is nothing to fear from this source, and I would recommend that the river be used as the best method for the disposal of the sewerage.

Even supposing the river to be allowed to remain as it is, the question of its fitness for use could only be answered in the negative, because, surrounded as it is by mines, which, when drained, will and must pollute the river owing to the amount of mineral matter in the water, lead predominating, which in itself is a deadly poison; and again, in its present condition, supposing it were free from the town pollution, it is unfit for use owing to the great quantity of decayed vegetable matter it carries, and so, unless the river could be freed from all these substances, which I very much doubt, there is no reason why this should not be made the natural outlet for the disposal of sewage matter, and the river having a good velocity, which is considerably increased during wet weather, all this matter would be conveyed into the sea.

The only other methods open for the disposal of sewerage are by means of farms and chemical works. But I think, as the country along the West Coast of Tasmania is in such an undeveloped state, it would not be advisable to adopt either of these systems.

I must point out that the survey was merely a flying one, and that it will be necessary, before any work is undertaken in connection with the above work, to make a complete and permanent contour survey of the Town and District, also a detailed survey of the Town itself, showing all houses, &c. to be drained.

From the point A to the point B, marked on plan there is a difference of 104 feet, and the length of piping 3 miles 10 chains. The country falls very evenly, and a grade of 15 feet to the mile can easily be obtained. The smaller street-drains will cover a distance of 11 miles 20 chains.

Trusting what I have written may meet with your approval,

I remain,  
Gentlemen,  
Yours truly,

R. FORBES MOORE, *M.E.C.E.*

9th June, 1891.

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*ESTIMATE of Cost of Work in connection with the Zeehan Sewerage Works.*

250 chains 24-inch main sewer piping (iron), including carriage on to the ground, opening and refilling trenches, and laying the pipes—£125 per chain .....	£	s.	d.
	31,250	0	0
900 chains 9-inch drain-pipe (iron), including carriage on to the ground, opening and re-filling trenches, and laying pipes—£30 per chain .....	27,000	0	0
	58,250	0	0
Plus 10 per cent. ....	5825	0	0
Surveys and plans, including superintendence .....	3000	0	0
	£67,075	0	0

R. FORBES MOORE, *M.E.C.E.*  
9th June, 1891.

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## APPENDIX B.

ZEEHAN WATER SUPPLY COMPANY, TOWN OF ZEEHAN, TASMANIA.

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*COPY of Report thereon by T. S. M. ATKINSON, Assoc. M.I.C.E. Lond., and Analyst's Report on Water.*

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GENTLEMEN,

*Instructions.*

IN accordance with your instructions, I have the honor to report that I have made the trial survey and examination of country around Zeehan for the purpose of finding out the best method of supplying the Town of Zeehan with an adequate supply of water for domestic and other purposes, and herewith hand you plan. If you remember, my instructions were somewhat vague, so I therefore took it as my duty to examine every available source before accepting any particular one.

*M'Lean's Creek.*

The creek known as M'Lean's, in the vicinity of Grubb's S.M. Co's. ground, was examined, but the supply in the first place would be too small, in the second vegetable discoloration was visible, and actual pollution was taking place from the surrounding workings.

*Main Creek.*

Main Creek is even now known as "Typhoid gutter," so it was no use thinking of that source.

*Parting Creek.*

Parting Creek was examined, but though there is a medium quantity of water in it, the same objections can be applied to it as to M'Lean's.

*Second Branch of Little Henty.*

The second branch of Little Henty River was examined, but its immediate mineral pollution from the mines at Dundas was so self-evident that, although, as regards distance, pressure, and quantity of water, there was nothing to complain of, yet it would be perfectly useless to think of this source for anything but as a motive power.

Having so far failed, I decided to examine the head of the main branch of the Little Henty River; but, as it had never been surveyed or charted by the Government, I was compelled to cut traverse lines to define its source, and found the higher I went the more clear it became, the creek *débris* showing that the water runs or passes over sandstone, ironstone, diorite, and lime.

The water being as clear as rain-water, and of sufficient quantity, this branch was adopted; and as an analysis of the water has been made by Dr. Gibbons [copy herewith attached], there is no necessity for my referring further to it beyond saying that, in my opinion, it is particularly satisfactory.

*Pollution.*

As pollution from vegetable, mineral, or other production is of vital importance in connection with the supply of water to towns or cities, I have examined the country from which the supply will be obtained, and there is not, in my opinion, any fear whatever that the water in the proposed Reservoirs will even be tainted by anything that will give a greater proportion of impurities than those set forth in the analysis of Dr. Gibbons, and it must be remembered that when the site of Reservoir and the creek leading to same are cleared of vegetation and dead timber, good as the water now is, it must of necessity be better still.

In any case it is *the only* source from which an adequate supply can be obtained free from present and possibly future pollution.

There are two creeks from which it is proposed to lift the water, the first of which I will describe as the right-hand branch, and the other the left (*vide* plan). In the first I found by gauging, after weeks of the driest weather known here, that it discharged 3.105, and the second 5.032 cubic feet of water per second; total, 8.139, or 183,127 gallons per hour, or 4,395,000 gallons per day of 24 hours, which would, from the intake alone without any storage, supply a population of 73,251 with 60 gallons of water each per day.

The works will consist principally of piping, as the country is too broken to be of much service for open ditching; and as the line is shown on plan, it is not necessary to further refer to the matter beyond pointing out the fact that the pipes can be delivered a greater portion of the way by the Zeehan and Dundas Railway, the proposed pipe line being adjacent and parallel to it.

From the point marked A to point B on plan, I suggest an open race; at B a small weir sufficiently high to give Friction and Velocity Head, and from thence convey the water to C by means of 12-inch wrought-iron pipes, from which point the water can be distributed afterwards, as requirements necessitate, by 6-inch and other sized pipes.

I estimate that a 12-inch pipe, with a head of 20 feet to the mile, to be capable of discharging 1,300,000 gallons of water per day of 24 hours, which will supply a population of 21,666 persons with 60 gallons of water per day. Although I have made mention of a head of 20 feet to the mile, I have only done so as a matter of convenience, that being the head I have adopted for my survey; but as the creeks rise much more rapidly above the points A and B than below, a greater pressure could easily be obtained at a very moderate proportion of extra cost, and the water being purer the higher it is traced, then I advise that, taking supply into consideration, it should be taken as far as possible.

In addition to water rights, I suggest that a water reserve be applied for as a catchment area so as to prevent any squatting in the vicinity of the intake point or reservoir.

In conclusion, I wish to point out that the estimate and survey are only approximate, and before any works could be started a permanent and detailed survey will have to be made, the object of the present being only to prove that the scheme is practicable, and that there is a plentiful supply of good and pure water. This I claim honestly to have done.

I desire to state that Mr. R. Forbes Moore has been of great service to me both in office and field.

I have the honor to be,  
Gentlemen,

Your obedient Servant,

THOS. M. ATKINSON, *Assoc. M.I.C.E. Lond.*

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*ANALYSIS Samples of Water.*

	I.	II.	III.
	<i>Parts in a Million.</i>		
Free ammonia .....	0·08	0·10	0·05
Albumenoid ammonia .....	0·32	0·46	0·10
Nitrogen as nitrates .....	0·06	0·08	1·13
	<i>Grains in a Gallon.</i>		
Chlorine as chlorides.....	1·10	1·20	3·00
Total solids ..	4·50	5·00	30·00

No. 1 contains 4·50 grains of solid matter per gallon, consisting of—

Basic 1: Iron, magnesium, and calcium.

Acid 2: Carbonic, hydrochloric, and sulphuric organic matter.

No. 2 contains 5·00 grains per gallon of solid matter, with same constituents as No. 1, but more calcium.

No. 3 shows limits of impurity in drinking water as fixed by Dr. Parkes for purposes of comparison.

The organic matter in both samples is very much below the quantity as fixed as the limit of impurity, viz., 30 grains per gallon, No. 1 containing  $4\frac{1}{2}$ , and No. 2, 5 grains respectively. The basic solids are iron, magnesium, and calcium in each sample; and the acids are carbonic, hydrochloric (in very small quantity), sulphuric (a trace), and nitric (also in small quantity).

The two samples are almost identical in composition, and both compare most favourably with water from any source I have examined from Zeehan and the neighbourhood.

C. S. GIBBONS, *M.A., L.R.C.P.E., &c*

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## APPENDIX C.

*To the Honorable the Speaker and Members of the House of Assembly,  
in Parliament assembled.*

The humble Petition of the undersigned residents and property holders of the Town and District of Zeehan,

SHEWETH :

1. THAT we are acquainted with the provisions of the Private Bill now before your Honorable House, the object of which is to empower Walter Robert Fitzgerald Moore to establish a system of Water Supply and Sewerage the Town and District of Zeehan.

2. We are also acquainted with the several Amendments to the said Bill suggested by the said Walter Robert Fitzgerald Moore.

3. That we have fully taken into consideration the objects and provisions thereof.

4. That in our opinion it would be of great public and local advantage to confer upon the said Walter Robert Fitzgerald Moore the necessary powers to enable him to establish such system; and the reasons of our opinion are as follows:—

- (a.) That a proper system of Water Supply is urgently needed.
- (b.) That a complete system of Sewerage Works for the safety of the public health and the welfare of your petitioners must be immediately provided.
- (c.) That in the event of a Municipal Council being at some future time established, several years must elapse before such Council could have the funds necessary for the construction of the works now proposed by the said Walter Robert Fitzgerald Moore, and that the delay thereby necessarily incurred would be disastrous to the public health of this community.
- (d.) That in the event of such Municipal Council being formed, large sums of money will be required for forming, metalling, and laying out the streets of the Town of Zeehan and other works in connection with the improvement of the Town.
- (e.) That it is believed by your Petitioners that the Government would decline to accept the responsibility of undertaking the works now proposed, as the mines are not sufficiently developed to warrant such action on their part, and that the residents in other parts of the Colony would object to being taxed to such an extent for works of a purely local nature.
- (f.) That the rates proposed to be levied under the said Bill will, in our opinion, be considerably less than the rates which would have to be levied by any proposed Municipal Council.

Your Petitioners therefore humbly pray that your Honorable House will give the said Walter Robert Fitzgerald Moore legislative authority to enable him to carry out the proposed works in the terms of the said Bill as amended.

And your Petitioners will ever pray, &c.

[Here follow 350 signatures.]

## APPENDIX D.

## PETITION FROM THE RESIDENTS OF ZEEHAN.

*To the Honorable A. T. PILLINGER, Minister of Lands and Works.*

The Petition of the undersigned Inhabitants of Zeehan,

RESPECTFULLY SHEWETH :

THAT your Petitioners desire to protest against the Parliament of Tasmania granting to Companies the power or right to construct or maintain Water, Sewerage, Gas, or Tramway Works in and around the Settlement now called the Town of Zeehan.

That these powers or rights should only be acquired by constitutionally elected Municipal Representatives of the people of the said Town of Zeehan.

That the residents of the said Town of Zeehan are suffering serious losses and inconveniences through being deprived of Municipal powers.

That neither the amended Bill of Mr. Fitzgerald Moore nor any such measure meets with the approval of your Petitioners.

Your Petitioners therefore pray that you will take such steps as may be necessary to at once conserve the interests of the said Town of Zeehan as against those of Companies seeking to acquire the powers and rights indicated by your Petitioners, and that the said so-called Town of Zeehan shall at once be lawfully declared a Town

And your Petitioners will ever pray, &c.

[Here follow 1134 signatures.]

## APPENDIX E.

Zeehan, August 20, 1891.

SIR,

As Chairman of a public meeting held at Zeehan on the evening of August 14, to protest against the granting of the powers sought to be obtained by Mr. Fitzgerald Moore under his Water and Sewerage Supply Act, it was decided that a petition should be signed and forwarded to you for presentation to the Minister of Lands and Works by this Mail (21st instant). Portion of that petition has been posted to you.

There are, I believe, 1003 signatures attached, but I am afraid that some of them, being in pencil, will not be admissible; of this I am sure, and forward all lists to hand, as the names will indicate the wishes of those that signed, even though they cannot be received or counted.

I think that there must be fully 150 more names to come in yet; this place is so scattered, and the collecting of signatures was not properly organized, scarcely any expense being incurred over this petition.

Should Mr. Moore's measure become law it will do so in direct opposition to the wishes of the greater number of the residents of this district.

You will observe that the petition we have forwarded contains the names of nearly every storekeeper and business person at Zeehan, if I except those that are shareholders in the local water scheme.

Trusting that our petition will meet with your support,

I remain, &amp;c.

J. C. CLIMIE.

To the Hon. N. J. BROWN.

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FORWARDED to the Chairman of Select Committee on "The Zeehan Water Supply and Sewerage Bill" with the request that the opinions expressed by the writer may be brought under the consideration of the Committee.

NICHOLAS J. BROWN.  
27. 8. 91.

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## APPENDIX F.

29th August, 1891.

DEAR SIR,

I BEG to acknowledge receipt of yours of 28th instant *re* my speech made recently at Zeehan, and making use of evidence taken in your presence before your Select Committee. In explanation, I beg to state that the tenor of the evidence mentioned by me was known to me before I heard it in the Committee, but, notwithstanding that fact, my speech was made in entire ignorance of the Standing Order. Had I known that such order was your rule, it would have been the last thing I should have done, viz., to have broken any part of such rule.

Apologising for being led through ignorance into this indiscretion, and hoping you will accept this as a satisfactory explanation,

I have, &amp;c.

W. R. FITZGERALD MOORE.

N. E. LEWIS, *Esq.*, Chairman of Select Committee Zeehan Water and Sewerage Bill, House of Assembly, Hobart.

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**As amended by the Select Committee.**

A

**B I L L**

TO

Establish a System of Water Supply and Sewerage to the Town and District of Zeehan, Tasmania. A.D. 1891.

**W**HEREAS it would be of great public and local advantage to make legislative provision to ensure an adequate supply of pure Water, and the construction and maintenance of Sewerage Works, for the Town and District of Zeehan and other places suburban or adjacent thereto: PREAMBLE.

5 And whereas *Walter Robert FitzGerald Moore* is willing, and it is expedient that he should be authorised, to provide such supply of pure Water and to construct and maintain such Sewerage Works, but the authority of Parliament is requisite to enable him so to do:

10 And whereas it is expedient to confer upon the said *Walter Robert FitzGerald Moore*, his executors, administrators, and assigns, the authorities, rights, powers, and privileges hereinafter set forth, but subject to the provisions hereinafter contained:

15 Be it therefore enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1 This Act may be cited as “The Zeehan and District Water and Sewerage Act, 1891.” Short title.

2 The provisions of this Act are arranged under Five Parts, embracing the following subjects; viz.— Subjects of Act.

20 Part I.—General powers and duties of the Promoter as to Water Supply and Sewerage, By-laws, &c.

Part II.—Special provisions as to Water Supply.

Part III.—Special provisions as to Sewerage.

25 Part IV.—The acquisition and occupation by the Promoter for the purpose of Water Supply or Sewerage; (ascertainment of compensation in respect thereof.)

Part V.—Special provisions in respect of certain authorised Works; Miscellaneous Provisions; Legal Procedure.

[Private.]

\* \* The words proposed to be struck out are enclosed in brackets [ ]; those to be inserted, in parentheses ( ).



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Interpretation  
of terms.

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

“Catchment Area”—The drainage area of the streams and other sources of water supply included within boundaries set forth in any Proclamation under this Act for the purpose of providing water for the Town and District of Zeehan : 5

“The Commissioner”—(1) Any one of the Commissioners of Goldfields for *Tasmania*. (2) Any one of the Commissioners of Mines : 10

“Conduit”—The canals, tunnels, aqueducts, cuttings, or pipes by means of which the main stream of water is supplied to the Town and District of Zeehan : 15

“Crown Lands” or “Crown Land”—Any lands in the Colony which are or may become vested in the Crown, and includes all lands of the Crown which are or may be occupied for pastoral or mining or other purposes under any lease or licence issued (or applied for) in pursuance of any Act of the Parliament in this Colony : 20

“Gazette”—*The Hobart Gazette* :

“Governor”—The Governor, with the advice of the Executive Council : 25

“The first Lessee”—Any person entitled to occupy any land previously leased :

“Local Authority”—The Municipal [Authority,] (Council) Road Trust, Town Board, [or] body (person) or persons having the control or management of the [road] (street) in respect of which such expression shall be used, if the same shall be used in respect of any particular [road] (street); but if the same shall not be used in respect of any [road,] (street) it shall mean the Municipal Authority or body corporate having the local government of any City, Town, or District in which any of the works hereby authorised may be situate : 30

“Minister”—The Minister of Lands and Works for the time being :

“Occupier”—Used with reference to any property, shall mean the person entitled to the immediate possession and occupation thereof : 40

“Owner”—The person for the time being in the actual receipt of, or entitled to receive, the rents and profits of any house, manufactory, or buildings of whatsoever kind, or of any land : 45

“Person”—Includes Corporation, Company, and Local Authority.

“Promoter”—The said *Walter Robert FitzGerald Moore*, his heirs, executors, administrators, and assigns :

“Property”—Land or buildings, and land and buildings; (but shall not include land occupied solely for mining purposes : ) 50

“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 authorised (under this Act : ) 55

“Street”—Any public and common highway, main road, road, bridge, footway, square, court, alley, lane, thoroughfare, or public way, place, or passage : 60

“Water District”—The area within which water is authorised to be supplied to the inhabitants of the Town and District of Zeehan :

"Waterworks"—All reservoirs, wells, cisterns, tanks, aqueducts, watercourses, tunnels, feeders, drains, channels, cuts, flood-gates, sluices, conduits, pipes, pipe-breaks, engines, buildings, and other works of what kind soever which are from time to time necessary or used for effecting the purposes of this Act:

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"Zeehan" ("The Town and District of Zeehan")—The Town [and District] of Zeehan, in the County of *Montagu*, and (the inhabited portions of the mineral sections now leased to the Silver King Prospecting Association, the Silver King Extended Prospecting Association, the *Mount Zeehan* Silver Mining Company, and the Silver Queen Prospecting Association,) all places adjacent, suburban, or contiguous [to such Town and District] (thereto.)

## PART I.

## GENERAL POWERS AND DUTIES OF THE PROMOTER AS TO WATER SUPPLY AND SEWERAGE, BY-LAWS, &amp;c.

15 4 The Promoter 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] (the) Town [or] (and) District (of *Zeehan*), which he may consider necessary for the purposes of this Act. He may also purchase any privileges or ease-  
20 ments which interfere with the supply of water to, or the proper sewerage of, such Town [or] (and) District.

Power to acquire land and sell land not required.

5 Before the Promoter shall put into force any of the provisions contained in this Act with respect to the acquisition of land otherwise than by agreement, the following conditions and provisions shall be  
25 observed:—

Conditions prior to acquisition of lands.

(1.) The Promoter shall lay (within Four months from the passing of this Act) before the Governor detailed plans, sections, and specifications of such works as he proposes to commence or undertake; and it shall be lawful for the Governor thereupon to refer such plans, sections, and specifications to the [Director of Public Works] (Engineer-in-Chief) or other competent person, who is hereby required to examine and consider the same, and (within One month) fully report thereupon to the Governor with reference to the practicability and nature of such works.

(2.) If the Governor shall finally approve of the plans, or of any amended plans, for the proposed works, such approval shall (forthwith) be notified in writing to the Promoter, and notice of such approval shall also be given in the *Hobart Gazette*; and after such notification, but not before, it shall be lawful for the Promoter to exercise the right(s) [of ownership] and [other] powers conferred by this Act in order to provide an adequate supply of water, and to construct and maintain sewerage works for such Town and District of Zeehan; (and such works shall be commenced within Two months after the Promoter shall have received notification of such approval as aforesaid, and shall be completed within Eighteen months after such notice shall have been received by the Promoter, or within such further time as the Governor may think fit to allow, subject to the penalties hereinafter provided.)

(3.) In the event of the Promoter not completing such works within Eighteen months, there shall be recoverable from the Promoter the sum of £50 for every week beyond such Eighteen months, and such penalty or penalties may be recovered by the Treasurer of the Colony, and when recovered shall be paid into the Consolidated Revenue Fund.)

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£2000 to be deposited.



(4.) The Promoter shall, within One month from the date when such notification shall have been received by him, place upon fixed deposit with some bank to be approved of, by and in the name of the Treasurer for the time being of the Colony of *Tasmania*, the sum of Eight thousand 5 Pounds, of which sum £6000 shall be returned to the Promoter when and so soon as there shall have been expended the sum of Twelve thousand Pounds in the construction of the said works. And the balance shall be repaid upon the completion of the works to the 10 satisfaction of the Governor or officer appointed by him, less any moneys payable by the Promoter by way of penalty under the preceding Sub-section.)

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

6 After the approval by the Governor of any scheme of Water Supply or Sewerage shall be notified in the *Gazette*, it shall be lawful 15 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 the Town and District of *Zeehan*, or any portion thereof, or for the sewerage thereof respectively, and from time to time to alter and re-define such boundaries. 20

Assessment to be made.



[7 The Promoter may, for the purposes of this Act, assess by a just and equitable assessment the annual value of all property within the Water and Sewerage Districts.]



(7 For the purposes of this Act, a just and equitable assessment of the annual value of all property within the Water and Sewerage 25 Districts shall be made by Two Valuators, one of whom shall be appointed by the Promoter and one by the Governor. If such Valuators do not agree, than they shall appoint an Umpire to determine the assessment, and such determination shall, notwithstanding anything to the contrary in this Act contained, be subject to the right of 30 appeal hereinafter given. All costs, charges, and expenses of and incidental to the making of such assessment shall be defrayed by the Promoter.)

Portions of building, &c. to be separately assessed.



8 Where any building is occupied in apartments or portions by more persons than one, the [Promoter] (Valuators or Umpire) shall 35 assess the annual value of such apartments or portions separately.

Penalty on occupier refusing to disclose name of owner of property.



9 If, on the request of the [Promoter,] (Valuators or Umpire) or of any officer appointed by him, the occupier of any property refuses or wilfully omits to disclose, or wilfully misstates to such [Promoter] (Valuators or Umpire) or officer the name of the owner 40 of such property, any Justice of the Peace, on oath made before him of such request or of such refusal or wilful omission or misstatement, may summon the person who has so refused or wilfully omitted or misstated as aforesaid to appear, at a time and place to be mentioned in such summons, before any Two Justices (assembled in Petty Sessions;) and 45 if the person so summoned neglects or refuses to attend at the time and place mentioned in the summons, or attends and does not show good cause to Two or more Justices then present for such his refusal or wilful omission or misstatement, such Justices, upon proof, in case of the neglect or refusal to attend, of the due service of the summons, 50 may impose a penalty upon such person not exceeding Five Pounds.

Notice of Assessment.




10 Upon any such assessment being made (as aforesaid, the Valuators or Umpire shall sign and deliver the same to) the Promoter, [or any officer appointed by him,] (and he thereupon) shall cause notice in writing to be given to every owner and occupier of any 55 property affected thereby; and every such notice shall contain the following particulars, that is to say:—The description and situation of the property so assessed; the annual value at which the same is assessed, and the names of the then owner and occupier, or reputed


owner and occupier, of such property. (Provided, that no such notice shall be required in case of any person who has left the Colony, or who cannot upon reasonable search being made be found.) A.D. 1891.

11 Upon any such assessment being made, the Promoter shall forth-  
5 with cause to be made a list containing a full and true account of each property assessed, the annual value at which the same are respectively assessed, and the names of the owners and occupiers thereof, which list shall be signed by the [Promoter or any officer appointed by him,]\* and shall be and be called the Assessment List of the District for Water and  
10 Sewerage purposes, and shall be kept at the principal Office of the Promoter within the Water and Sewerage Districts; and every owner and occupier of any property within the Water or Sewerage District shall have access to the Assessment List at all reasonable times, and be permitted to inspect the same without fee or reward;  
15 and if the Promoter, or any officer appointed by him, refuses to allow any owner or occupier to inspect the same as aforesaid, then and in every such case such Promoter or officer shall forfeit and pay for any such offence a sum not exceeding Five Pounds.


Assessment List to be prepared.

 \*(the two Valuators or the Umpire)

[12] (14) When and as often as any change takes place in the owner-  
20 ship or occupation of any assessed property, the [Promoter] (Valuators or Umpire) shall, upon satisfactory proof being given of such change, cause the Assessment List to be amended by striking out the name of the person who theretofore owned or occupied such property, and inserting instead thereof the name of the person who becomes the owner  
25 or occupier of such property; and notice in writing of such amendment shall be forthwith given to the person whose name is so inserted.

 Provides for amendment of Assessment [Roll] (List) in case of change of ownership or occupation.


[13] (15) The [Promoter, or any officer,] (Valuators or Umpire) may  
from time to time—  
30 (1.) Insert in the Assessment List the name of any person who ought to be included in the Assessment List and who has been omitted therefrom :  
(2.) Insert therein any property acquired by any person, and which is not included in the Assessment List :  
35 (3.) Insert therein any addition made in the annual value of any property included in the Assessment List, and make any reduction in the annual value of any such property :  
(4.) Make any other alteration, amendment, insertion, or addition that may be necessary :

 Assessment [Roll] (List) may be added to or amended whilst in force.


Provided, that the Promoter, or any officer appointed by him, shall  
40 forthwith give, or cause to be given, to the persons to be affected (if any) notice in writing of any alteration, amendment, insertion, or addition in or to the Assessment List or any assessment; and no such alteration, amendment, insertion, or addition shall be effectual until opportunity has been afforded to the persons to be affected thereby to  
45 appeal against the same to the then next Court of General (or Quarter) Sessions of the Peace to be holden in or nearest to the Water or Sewerage District not less than Fourteen days after such notice; and every such  
50 person shall be entitled to appeal to such General Sessions in the same manner as persons are hereinafter entitled to appeal to the General (or Quarter) Sessions of the Peace: Provided also, that no such notice shall be required in case of any person who has left the Colony, or who cannot, upon reasonable search being made, be found.



[14] (16) Subject to the right of appeal, every such amended assessment shall have the same effect and be accompanied by the same  
55 consequences as an original assessment.

 Effect of amended assessment.

[15] (17) The Assessment List so made [by the Promoter, or any officer appointed by him] as aforesaid, and all entries made therein in manner hereinbefore directed, by the production thereof alone and without any evidence that the requirements of this Act have been  
60 complied with, shall be received as *prima facie* evidence of the facts therein mentioned.

 Assessment List and amendments evidence.

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Grounds of  
appeal.

[16] (12) It shall be lawful for (the Promoter or) any person affected by any such assessment, or for the attorney or agent of (the Promoter or) such person, to appeal from such assessment to the then next Court of General (or Quarter) Sessions of the Peace to be holden in or nearest to the Water or Sewerage District not less than Fourteen days after 5 such notice has been given, either on the ground that any property is overvalued, or that he is erroneously stated in such assessment to be the owner or occupier of any property, or that the property of some other person is undervalued or is omitted altogether from the said assessment, or on any other ground whatsoever of the 10 inequality or unfairness of such assessment as respects the property of the person so appealing; and the said Court shall hear and determine all such appeals as are made thereat, and shall have power to alter such assessment or to confirm the same, and also to correct any mistake and supply any omission which is proved to the said Court to have been 15 made in such assessment.

Notice of appeal  
to be given.

Costs.

[17] (13) No such appeal as aforesaid shall be entertained by the said Court of Appeal unless notice in writing of such appeal, specifying the grounds thereof, is given by the Appellant to the [Promoter by leaving such notice at the Office of the Promoter] (other party) at least Four 20 days previous to the day of holding such Court; and [in case it appears to such Court that any such appeal is frivolous or vexatious,] it shall be lawful for the Court to award such costs, not exceeding Five Pounds, as to such Court seems meet, [against the party so appealing,] and such costs shall be recoverable in a summary way. 25

Company may  
make By-laws.

18 Subject to the provisions of this Act, the Promoter may from time to time make, alter, and repeal By-laws—

For regulating the form of contract to be entered into with the Promoter, and generally for carrying into effect the purposes of this Act. 30

As to Water Supply—

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 :

For making further provision for obtaining a just and equitable 35 assessment of the annual value of all property within the Water District, and for making provision for hearing appeals from such assessment :

For making further provision for determining and levying the rate to be paid by occupiers in respect of property to be supplied 40 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 the Promoter; and no such rate shall exceed the amount of Ten Pounds per centum per annum on the assessed value : Provided, that no charge for the 45 supply of water to any house, tenement, or lands shall in any case be less than the sum of Forty Shillings per annum :]

[For imposing an extra rate for water supply in places distant more than One hundred yards from any main constructed by the Promoter :] 50

For determining the time at which any charge for water shall be payable, and whether in advance or otherwise :

For regulating the form, material, dimensions, construction, and arrangement of pipes and other works supplying water from the pipes of the Promoter to adjacent premises, the time of 55 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 building or otherwise. 60

For regulating the construction, disposition, custody, and inspection of meters :

For preventing the waste or misuse of water supplied by the Promoter : A.D. 1891.

5 For compelling persons using water supplied by the Promoter to keep their pipes and other appliances in proper repair, for preventing any alteration of or interference with such pipes without permission from the Promoter, 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 Promoter by persons unauthorised by the Promoter :

15 For preventing persons from wilfully or negligently breaking, injuring, or interfering with any pipe, lock, cock, valve, engine, or work belonging to the Promoter, and from doing any other wilful act whereby the water supplied by the Promoter may be wasted.

As to Sewerage—

For regulating the drainage of [roads and] streets into sewers :

20 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 :

For the carrying out of such works of cleansing and removing and disposing of refuse as the Promoter is authorised by this Act to perform or require :

25 For making further provision for obtaining a just and equitable assessment of the annual value of all property within the Sewerage District, and for making provision for hearing Appeals from such Assessment :

30 [For regulating the amount, 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 Ten Pounds per centum per annum on the assessed value of the premises drained as provided for water :]

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

40 And every such By-law shall, after approval by the Governor, and after such approval has been signified to the Promoter, be by him published at least once in the *Gazette*. 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.

45 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 Promoter. And the production of the *Gazette* containing any such By-law shall in any action at law or suit in equity, or any other  
50 proceeding, and in all Courts, be sufficient evidence that such By-law as it is printed in such *Gazette* has been duly made (approved) and published as hereinbefore provided.

Penalties in By-laws.

Evidence of By-law.

55 **(18a)** Upon the completion of the said Water and Sewerage Works to the satisfaction of the Governor in Council, the Promoter is hereby authorised to make and levy an annual rate upon and from the occupiers of all property within the Water District and Sewerage District for the purposes of this Act, and such rate may be of an amount not exceeding Ten Pounds per centum on the assessed annual value according to the Assessment List made under the provisions contained in this Act :  
60 Provided, that the rate payable in respect of any land, house, or building shall in no case be less than Forty Shillings per annum. Provided that, when the profits in any year shall exceed a sum more than sufficient to pay a dividend of Fifteen per cent. per annum on the total actual cost of the construction of the said Water and Sewerage Works,

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exclusive of Promoter's expenses, then the moneys in excess of the sum required to pay such dividend shall be applied in the reduction of the rates so to be levied as aforesaid.)

## PART II.

### SPECIAL PROVISIONS AS TO WATER SUPPLY.

Authority for Promoter to construct water-works.

**19** Subject to the provisions of this Act, the Promoter may exercise any of the powers in this Part contained for the construction of water-works for the supply of water to the Water District; and for the purpose of carrying out the provisions of this Act the Promoter may—

- (1.) Enter upon any lands and take levels of the same, and set out such parts thereof as he shall think necessary, and dig, break, and trench the soil of such lands, and remove or use all earth, stone, trees, or other things dug or obtained out of or from the same :
- (2.) Enter upon and take and hold such land as he may from time to time deem necessary for the construction, maintenance, repair, or improvement of any of the works authorised 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.) Sink from time to time such wells or shafts, and make, maintain, alter, or discontinue such waterworks upon the lands, streams, and watercourses (within the catchment area) authorised to be taken by him as he shall think proper for supplying the inhabitants of the Water District with water :
- (4.) Divert from time to time and impound the water from such streams within the catchment area as he 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 taken for the purposes of this Act :
- (5.) Enter upon any Crown or private lands, (or) 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, (or) streets, [roads, or thoroughfares] for the purpose of repairing any water-courses or other works being his property or under his control.

Provided always, that in the exercise of any of the powers hereby conferred the Promoter shall inflict as little damage as may be, and in all cases where it can be done (unless released by all parties interested) shall provide other (tail-races for the use of mines and other adjoining lands,) 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 Promoter 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] (Six) months after the commencement of the exercise of the power; and that in every case where the Promoter cannot agree with the owner as to the amount of compensation, the same and the application thereof shall be determined by arbitration in the manner provided by *The Lands Clauses Act* in cases of disputed compensation.

Provision where compensation disputed.

Penalty for obstructing construction of works.

**20** Every person who shall wilfully obstruct any person acting under the authority of the Promoter 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. A.D. 1891.

**21** After any stream or supply of water shall have been diverted, impounded, or taken by the Promoter under the authority of this Act, every person who shall illegally, or without the authority of the Promoter, divert or take any water supplying or flowing into the stream or source of supply so diverted, impounded, or taken by the Promoter, 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 Promoter 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 Promoter 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 Promoter for any damage which he may sustain by reason of his supply of water being diminished. And the payment of the sum so forfeited shall not bar the right of the Promoter 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.

**22** Nothing in this Part contained shall prevent the owners and occupiers of lands through or by which any 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. Reservation of existing rights.

**23** If any person unlawfully and maliciously destroy or damage or attempt to destroy or damage any of the waterworks or any part thereof, or who wilfully and maliciously does any act calculated to render the water in the waterworks or supplying of the same unwholesome or offensive, every such offender shall be guilty of Felony, and shall be liable to be imprisoned for any term not exceeding Three years. Penalty for destroying works.

**24** The Promoter may, upon giving <sup>(Five)</sup> [Two] days' notice in writing to the local authority of his intention so to do, open and break up the soil and pavement of the several streets and bridges within the limits of the 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 or 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 [Company] (Promoter) shall from time to time deem necessary for supplying water to the inhabitants of the Water District. Power to open streets, &c.

**25** When the Promoter shall open or break up the <sup>(soil)</sup> [road] or pavement of any street or bridge, or any sewer, drain, or tunnel, he 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 <sup>(soil)</sup> [road] or pavement or the sewer, drain, or tunnel so opened or broken <sup>(road)</sup> [Private.]. Reinstatement of streets, &c.



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up and carry away the rubbish occasioned thereby, (and shall keep the portion of the street so broken up in repair for one month thereafter). And shall at all times whilst any such [road] (soil) 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] (soil) or pavement shall be continued open or broken up. 5

Promoter not liable for accidental failure to supply water, nor compellable to supply water.



**26** The Promoter 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 Promoter be compellable to supply water to any person whomsoever.] 10

Agreements to supply water.

What purposes not domestic.



**27** The Promoter may supply any person with water for other than domestic purposes by measure, at such rates, upon such terms, and subject to such conditions as may be agreed upon by the Promoter and the person requiring to be supplied. But "domestic purposes" shall not for the purposes hereof include a supply of water for stables or dairies, or for manufacturing purposes, or for mining purposes, or for irrigation, water-power fountains, or for any ornamental purposes. (Provided, that the Promoter shall supply all persons who require water for domestic purposes before supplying any water for other than domestic purposes.) 20

The Promoter may let meters.

**28** The Promoter 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, and storage of the water, for such remuneration in money as may be agreed upon between the Promoter and the consumer, which shall be recoverable in the same manner as rates due to the Promoter for water. 25 30

Meters not de-strainable, &c.



**29** Such meters, instruments, pipes, and apparatus shall not be subject to distress for rent of the [premises] (property) 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 adjudication, sequestration, or Order in Bankruptcy, 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. 35

Meter to be supplied and maintained by consumer.

**30** Every person who shall have agreed with the Promoter for a supply of water by measure shall, at his own expense, unless he hire a meter from the Promoter, 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 Promoter; and in the event of any repairs being required notice in writing shall be immediately given by such person to the Promoter, and a registration of the quantity used shall be taken before such repairs are effected. 45

Notice of removal &c. of meter.

**31** Every person requiring to remove or alter the position of any meter shall give six days' notice in writing to that effect to the Promoter, and a registration of the quantity of water used shall be taken before such removal or alteration is made. 50

Penalty for neglect to provide meter.

**32** If any person who, under the provisions hereinbefore contained, ought to provide any meter, neglect or refuse, after having been required by the Promoter 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. A.D. 1891.

**33** 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.

**34** 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 Promoter so to do, the Promoter 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 Promoter to be in proper working order. Water may be cut off if meter not in order.

**35** If any plumber or other person fix or re-fix any meter upon any premises supplied with water by the Promoter without having first obtained a certificate from the Promoter 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.

**36** 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 Promoter. For removing meter without notice.

**37** The officers of the Promoter may enter any house, building, or lands to, through, or into which water is supplied by the Promoter 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 Promoter; 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. Power to officers of Promoter to inspect meter.

**38** The Promoter 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 Promoter, place and maintain in effective order a fire-plug (to be used only for extinguishing fires), or as near as conveniently may be to such manufactory or works. Fire-plugs for munufactories, &c.

**39** The Promoter shall at all times keep charged with water all [their] pipes to which fire-plugs are fixed unless prevented by (unusual) 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. Pipes to be kept charged and water taken for fires.

**40** After pipes have been laid under the authority of this Act for the supply of water to any street or part thereof, the Promoter shall Notice to lay service pipes.

A.D. 1891.

cause a notice in the form contained in the First Schedule hereto or to the like effect to be published in Four consecutive numbers of some newspaper circulating in the Town or District, and the owner or occupier of every [tenement] (property) referred to in such notice shall, within Four weeks from the date of the last publication of such notice, 5 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] (property) shall, unless the [Company] (Promoter) refuse to supply him with water, be liable to pay (one-fourth only of) the rates and charges for such supply, 10 [although] (if) no such pipe and stop-cocks be laid or no such water be used in such [tenement] (property).

Pipes laid by owner or occupiers. Power to inhabitants to lay service pipes.

41 Any owner or occupier of any dwelling-house or part of a dwelling-house within the Water District who shall wish to have water from the waterworks of the Promoter brought into his premises, and 15 who shall have paid or tendered to the Promoter 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 Promoter and his premises, having first obtained the consent of the owners and occupiers of such ground, and lay any pipes from such premises to 20 communicate with the pipes of the Promoter.

Notice to Promoter of laying pipes.

42 Such pipes shall be of a strength and material approved of by some officer of the Promoter, and every such owner or occupier shall before he begins to lay any such pipe give to the Promoter Two days' notice of his intention to do so. 25

Communication with pipes of Promoter to be made under the superintendence of surveyor.

43 Before any pipe is made to communicate with the pipes of the Promoter the person intending to lay such pipes shall give Two days' notice to the Promoter of the day and hour when such pipe is intended to be made to communicate with the pipes of the Promoter, and every such pipe shall be so made to communicate under the superintendence, 30 and according to the directions, of the surveyor or other officer appointed for that purpose by the Promoter. And the bore of any such pipe shall not exceed three-quarters of an inch, except with the consent of the Promoter.

Bore of service pipes.

Service pipes may be removed after giving notice.

44 Any person who shall have laid down any pipe or other works, 35 or who shall have become the proprietor thereof, may remove the same after having first given Six days' notice in writing to the Promoter of his intention so to do, and of the time of such proposed removal, and every such person shall make compensation to the Promoter for any injury or damage to his pipes or works which may be caused by such 40 removal.

Power to break up pavements.

[pavement of

45 Any such owner or occupier may open or break up so much of the street or pavement (if any) as shall be between the pipes of the Promoter and his house, building, or premises, and of any sewer or drain therein, for any such purpose as aforesaid (doing as little damage 45 as may be, and making compensation to the Local Authority for any such damage done in the execution of any such work). Provided always, that every such owner or occupier desiring to break up the any] street (or pavement,) or any sewer or drain therein, shall be subject to the same necessity of giving previous notice, and shall be subject to 50 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 Promoter is subject to under the provisions of this [Part] (Act.)

A.D. 1891.

46 If any person supplied with water by the Promoter wrongfully does, or causes or permits to be done, anything in contravention of any 5 of the provisions of this [Part] (Act), or wrongfully fails to do anything which under any of those provisions ought to be done for the prevention of the waste, misuse, undue consumption, or contamination of the water, the Promoter may (Upon obtaining an order from Two Justices sitting in Petty Sessions and) without prejudice to any remedy 10 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.

47 If any person supplied with water by the Promoter wilfully or negligently causes or suffers any pipe, valve, cock, cistern, bath, soil-pan, 15 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 Promoter 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 20 of the Promoter, he shall for every such offence be liable to a penalty not exceeding Five Pounds.

Penalty for waste of water.

48 If any person--

- 25 (1.) Not having from the Promoter a supply of water for other than domestic purposes, uses for other than domestic purposes any water supplied to him by the Promoter; or
- (2.) Having from the Promoter a supply of water for any purpose other than domestic, uses such water for any purpose other than those for which he is entitled to use the same,
- he shall for every such offence be liable to a penalty not exceeding 30 Forty Shillings, without prejudice to the right of the Promoter to recover from him the value of the water misused.

Penalty for mis-application of water.

49 It shall not be lawful for the owner or occupier of any premises supplied with water by the Promoter, or any consumer of the water of the Promoter, or any other person, to affix, or cause or permit to be 35 affixed, any pipe or apparatus to a pipe belonging to or used by such owner or 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 Promoter. And if any person acts in any respect in contraven- 40 tion 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 Promoter to recover damages from him in respect of any injury done to his property, and without prejudice to his right to recover from him the value of any water wasted, misused, or 45 unduly consumed.

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

50 If any person, not being supplied with water by the Promoter, wrongfully takes or uses any water from any reservoir, watercourse, conduit, or pipe belonging to the Promoter, or from any pipe leading to or from any such reservoir, watercourse, conduit, or pipe, or from 50 any cistern or other like place containing water belonging to the Promoter, or supplied by him for the use of any consumer of the water

Penalty for unlawfully taking water.

A.D. 1891.

of the Promoter, he shall for every such offence be liable to a penalty not exceeding Five Pounds.

Inspection of water.

**51** The surveyor or other person appointed for that purpose by the Promoter 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 Promoter 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 Promoter may turn off the water supplied by him from such house or other premises. 5 10

Polluting th  
water.  
Penalty for  
bathing in water  
of the Promoter.

**52** If any person bathe in any stream (within the Catchment Area, or) reservoir, aqueduct, or other waterworks belonging to the Promoter, 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. 15

Penalty for  
throwing dirt  
therein.

**53** 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 every such offence forfeit a sum not exceeding Ten Pounds. 20

Penalty for letting  
foul water flow  
thereinto.

**54** If any person cause the water of any sink, sewer or drain, steam-engine boiler, or other filthy water, or any tailings belonging to him or under his control, to run or be brought into any stream (within the Catchment Area, or any) reservoir, aqueduct, or other waterworks belonging to the Promoter, or shall do any other act whereby the water of the Promoter 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. 25 30

Penalty for  
nuisance in Water  
District.

**55** Where any owner or occupier of any land within the Catchment Area, or within the Water District, or adjacent to any reservoir or source of supply, 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 Promoter] is likely to injure the water supply, if notice to discontinue or remove the same be given to him in writing by the Promoter, 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. 35 40

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

**56** Every person making or supplying gas within the limits of the Catchment Area or Water District who shall at any time cause or suffer to be brought or to flow into any stream (within the Catchment Area), reservoir, aqueduct, or waterworks belonging to the Promoter, 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 Promoter a sum not exceeding Twenty Pounds, to be recovered with full costs of suit for each day during which such washing or other 45 50

substance shall be brought or shall flow as aforesaid, or during which the act shall continue by which such water is fouled after the expiration in either case of Twenty-four hours from the time when notice of the offence has been served on such person by the Promoter. A.D. 1891.

5 **57** Whenever the water supplied by the Promoter shall be fouled by the gas of any person making or supplying gas within the district aforesaid, such person shall forfeit to the Promoter 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  
10 continue after the expiration of Twenty-four hours from the service of notice of such offence. Penalty on gas-makers causing water to be fouled.

**58** For the purpose of ascertaining whether the water of the Promoter be fouled by the gas of any person making or supplying gas within the said district, the Promoter may dig up the ground and  
15 examine the pipes, conduits, and works of the persons making or supplying gas: Provided, that before proceeding so to dig and examine the Promoter 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  
20 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  
25 broken up by the Promoter 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  
30 examination it appears that the water has not been fouled by the gas of such person, then the Promoter 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.

**59** The following provisions shall take effect for the purpose of  
35 protecting the water in the mains or other pipes of the Promoter 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.

(1.) 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. No closet pipes hereafter to connect directly with the main.

(2.) The Promoter 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 Promoter, 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 Company's Promoter may disconnect pipes in certain cases.

A.D. 1891.

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

Owner of premises shall fix closet cisterns, or be liable to a penalty.

Upon neglect of owner the tenant, after Fourteen days' notice, to fix cistern and deduct the expenses from rent.

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

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.

- (3.) Whenever the Promoter shall have caused any pipe to be cut off or disconnected, or other work to be done in relation thereto, they shall forthwith serve the owner or occupier of the premises with a notice in writing, requiring him to pay the actual cost or expense incurred; and such owner or occupier shall pay the amount to the Promoter, 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 Promoter may sue for and recover the same with full costs of suit.
- (4.) 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 Promoter 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 subsection shall forfeit and pay a penalty not exceeding Five Pounds.
- (5.) 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 authorised and required, after receiving a written notice thereof from the Promoter 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 expenses 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.
- (6.) Any person who shall, without authority of the Promoter, 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 Promoter, 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 Promoter 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 Promoter.

A.D. 1891.

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60 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 rights-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 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 Promoter by a separate pipe.

Where several houses supplied by one pipe, each to pay.

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[61 The Promoter is hereby authorised to make and levy a Rate, to be called the Water Rate, upon and from the occupiers of all lands, houses, and buildings within the Water District, for the purposes of this Act; and such Rate may be of an amount not exceeding Ten Pounds per centum on the assessed annual value according to the Assessment List made under the provisions contained in Part I. of this Act: Provided, that the Rate payable in respect of any land, house, or building shall in no case be less than Forty Shillings per annum.]

[Water Rate.]

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[62] (18b) Upon the making of any Rate under this Act a notice, signed by the Promoter or any officer appointed by him, specifying the amount of the Rate, the period for which the same is made, and at what times the same is payable, shall be published in the *Gazette* and also in at least two consecutive numbers of a newspaper circulating in the Town and District of Zeehan; and upon any such notice being so published the Rate therein mentioned shall be payable and paid at the times specified in such notice by the persons liable to pay the same according to the annual value of such property as ascertained and determined by the Assessment List [for the Water District] then in force; (and if there shall be no occupier then by the owner of such property;) and it shall not be necessary in any such notice to set forth the names of the persons liable to the payment of the Rate, or the sums which, according to such Rate, such persons are liable to pay, or any other particulars than hereinbefore in that behalf mentioned.

Notice of Rate to be given.

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[63] (18c) The Rates and charges [for water,] and all sums due to the [Company] (Promoter) under this [Part] (Act,) shall be paid by and be recoverable from the occupier of the premises [or the person requiring, receiving, 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 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 Promoter is laid, although such premises are not actually supplied with water from such main.] (Provided that) [64] no person shall be liable to the payment of the said [Water] Rate in a greater proportion than according to one-fourth part of such annual value of any land or houses or buildings owned or occupied by such person [unless the same are actually supplied with water, or unless the mains or other pipes of the Promoter are laid down and properly supplied with water within [One hundred and fifty] (Sixty) feet from the outer boundary of such lands or houses or buildings.]


Rates to be recoverable from either landlord or tenant. Rates to be paid half-yearly in advance.

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


[Private.]



A.D. 1891.

 If no occupier, owner liable in first instance.


**[65] (18d)** In case at the time when any Rate is made payable by such notice as aforesaid there is no occupier of any property, or the occupier cannot be found, or is not known, the Rate in respect of such property shall be payable by and recoverable from the owner in the first instance, who shall be entitled to recover the same from the tenant, if any, if not paid on demand, by distress as for rent in arrear or as money paid to his use. But nothing herein shall affect as between themselves any agreement made between the landlord and tenant as to the payment of the Rate.


 Recovery of Rates and charges.

Second Schedule.

**[66] (18e)** If any person refuse or neglect to pay on demand to the Promoter any Rate, charge, or sum due to the Promoter under this Act, the Promoter may [stop the water from flowing into the premises in respect of which such Rate is payable by cutting off the pipe to such premises by such means as the Promoter thinks fit, and the Promoter may] recover the Rate due from such person with costs [and with the expenses of cutting off the water,] or any Justice may issue his warrant in the form contained in the Second 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 Promoter may stop the water from flowing into the premises in respect of which such Rate is payable by cutting off the pipe to such premises by such means as the Promoter thinks fit) 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.

Tenant may recover from owner excessive payment or cost laying service.

 **67** If any occupier 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 Promoter 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 Company as hereinbefore mentioned requiring such owner to lay down 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.


 **(67** Any officer of the Central Board, or of the Local Board of Health for the Town and District of Zeehan, or any Superintendent or Inspector of Police, may at any time procure a sample of any water which may be supplied by the Promoter for human consumption, and may submit the same to be analysed by the Government Analyst, who shall, upon receiving a fee of Five Shillings from such officer, with all convenient speed analyse the same, and give a certificate to such officer wherein he shall specify the result of such analysis, and shall report whether the water be fit or unfit for human consumption; and if the said Analyst reports that the water supplied by the Promoter is unfit for human consumption, the said fee of Five Shillings shall be repaid by the Promoter to the person who paid the same, and the Promoter shall immediately take all necessary and effective steps to supply pure and wholesome water; and in the event of his neglecting to do so within one week after notice of the Analyst's report has been served upon him by such officer he shall be liable to a penalty of Five Pounds for every day until he supplies water fit for human consumption.)

## PART III.

A.D. 1891.

## SPECIAL PROVISIONS AS TO SEWERAGE.

- 68** The Promoter shall, [as soon as conveniently may be,] (within Four months from the passing of this Act) cause to be made surveys of the area within the limits and for the purpose of the Sewerage District of the Town and District of *Zeehan*, 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 him seems fit, and may cause such map or maps or any part thereof to be from time to time 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 Promoter, and the same or a copy thereof shall be open at all reasonable times to the inspection of the owner or occupier of lands or houses within such District.
- 69** Subject to the provisions of this Act, the Promoter may exercise any of the powers in this Part contained for the construction of sewerage works for the Sewerage District of the Town and District of *Zeehan* and for the purposes of carrying out the provisions of this Act; that is to say:—
- 20 He may enter upon any lands and take levels of same, and set out such parts thereof as he shall think necessary, and dig and trench the soil of such lands, and remove or use all earth, stone, trees, or other things dug or obtained out of or from the same.
- 25 He may enter upon, take, and hold such land as he may from time to time deem necessary for the construction, maintenance, repair, or improvement of any authorised works.
- 30 He 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 authorised to be taken by him as he shall think proper for the sewerage of such District.
- He may from time to time divert and impound the water from any such streams as he may think fit, and alter the courses of the same.
- 35 He may enter upon any Crown or private lands, (or) streets, [roads, or thoroughfares,] and construct or lay down, or place therein any drains or pipes, and may repair, alter, or remove the same, and may enter upon any such lands, (or) streets, [roads, or thoroughfares] for the purpose of repairing any sewers, drains, or other works being their property or under their control.
- 40 Provided, that the Promoter shall make full compensation for all damage or injury committed by him in the exercise of such powers; and such compensation shall, in every case where the Promoter cannot agree with the claimant, be ascertained, and the case in other respects shall be dealt with, according to the provisions of *The Lands Clauses Act*.
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- 70** The Promoter may make any sewers or drains of such construction and in such manner as he may 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 river, stream, or watercourse authorised by the Governor (either within or without the limits of the said Sewerage District); and also from time to time may open, cleanse, and repair such sewers or drains, or alter the position thereof; and

 Survey of area of Sewerage District.

General powers of Promoter in respect to sewerage works.



Construction of sewers.



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also from time to time may make any drains or sewers from any main sewer or drains laid in any street made by the Promoter 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, 5 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.

It shall be lawful for the Promoter to cause all his sewers to communicate with and flow into the main branch of the Little Henty River at any point in the passage of such river [through Mineral Section No.  $\frac{2}{8} \frac{9}{7} \frac{8}{M}$ , or at any point in the course of such river below the said mineral section.] (not being closer than Two miles from the southern boundary of the present Town of Zeehan.) 15

Promoter to make good any damages.

71 In the execution of the several powers hereby granted, the Promoter 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 keep the same in repair for One month,) and remove the rubbish occasioned thereby, and shall in the meantime fence or guard the place or places where any ground shall be opened in such manner as to prevent danger or accidents to passengers, carriages, horses, cattle, or sheep, and agreeably in all respects to the provisions in this Part contained. And this Act shall be sufficient to indemnify the Promoter and all persons acting under his authority for all acts and things done by virtue thereof. 20 25 30

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

72 If there be any wilful or negligent delay on the part of the Promoter, or any of his officers, or any other person acting by or under his 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 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 Promoter 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 any Two Justices of the Peace. 35 40 45 50 55

Altering sewers.

73 The Promoter may open the ground and change the level, or otherwise amend or enlarge any sewer lying under any public 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 Promoter shall, at his own cost and charge, so construct and alter any such private drain or sewer so as to render  
 5 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 Promoter refuses or neglects so to construct and alter any such private drain or sewer the use of which may be affected by the acts of the said Promoter, for the space of Twenty-eight days next after notice  
 10 in writing served upon him, he 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 any Two Justices of the Peace as hereinafter provided.

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15 **74** The Promoter shall cause his 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  
 20 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.

25 **75** 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 Company, proper and sufficient fences and protection for the same shall immediately thereupon be made, set up, and continued by the Promoter; and at all times during the progress of digging any trenches  
 30 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 authorised to be done in any street, every such street shall be kept and continued by the Promoter as free from all obstructions and annoyances of every kind as  
 35 practicable.

Fencing works in progress.

**76** When and as often as any pavement or footway is taken up or removed by the Promoter or by any person for the purpose of making or altering or repairing any drains or sewers, or any cross drains from any premises to communicate with any main sewer or drain belonging  
 40 to the Promoter 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*.

Pavements replaced.

**77** The Promoter shall at all times maintain and keep in good order  
 45 and repair all his drains and sewers.

Repairs of sewers

**78** 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 Promoter as aforesaid, or into any drain or sewer communicating therewith; and in default of such notice,  
 50 the Promoter 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 Promoter, 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  
 55 have been made, from the person so offending.

Notice of private sewers.

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Cleansing private  
sewers.

**79** All such private sewers or drains as shall be permitted to be branched into any of the sewers or drains belonging to the Promoter, or hereby authorised to be made and enlarged by him by virtue of this Part, shall from time to time be repaired and cleansed under the inspection and direction of some officer of the Promoter, at the costs 5 and charges of the occupiers of the premises to which the said sewers or drains shall respectively belong.

Opening sewers  
to main sewer.

**80** 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 Promoter Six days' previous notice in writing of his inten- 10 tion 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 15 with the said main sewer any drain made of cast-iron, brick, stone, or some other material approved by the Promoter, and in such manner and form, and with such grates, and of such workmanship as may be approved by the Promoter, and shall pay to the Promoter the rates fixed for the same. 20

[Sewerage Rate.]



**[81** The Promoter may, once in every year, make and levy a Rate, to be called the Sewerage Rate, not exceeding the sum of Ten Pounds per centum in any one year, upon the annual value of all property situate within the Sewerage District as shown by the Assessment List made under the provisions of this Act, and in force for the time being 25 in respect of such Sewerage District.]

[Notice of Rate  
to be given.]

**[82** Upon the making of a Sanitary Rate by the Promoter as aforesaid, a notice, signed by the Promoter or some officer appointed by him, specifying the amount per centum of such Rate, and the period for which the same is payable, shall be published in the *Gazette* and 30 in some newspaper circulating in the Sanitary District; and upon such notice being so published the Sanitary Rate therein mentioned shall be payable and paid at the times specified in such notice, by the occupiers of the properties in respect of which the Rate is levied, as shown by the Assessment List then in force, and, if there shall be 35 no occupier, then by the owner of such property; and it shall not be necessary in any such notice to set forth the names of the persons liable to pay such Rate or the sums which, according to such Rate, such persons are liable to pay, or any other particulars than hereinbefore in that behalf mentioned.] 40

[When Rate pay-  
able.]

**[83** Any such Sanitary Rate shall be payable in advance at such time or times in every year as the Promoter may from time to time appoint.]

[Rates, how  
recoverable.]

**[84** If any person liable as herein provided to pay any amount of 45 Sanitary Rates, neglects to pay the same within due time after the same has been lawfully demanded, the Promoter may recover the amount due from such person in the same manner as any Water Rate is recoverable under the provisions of this Act.]

[Enforcement of  
Rate.]

**[85** The like proceedings may be had for the recovering and 50 enforcing of any Sanitary Rate or charge for the sanitary service by the Promoter; and similar provisions shall prevail with regard to the Sanitary Rate as in the case of Water Rates under this Act.]

**86** All Sewerage Rates and sums due to the Promoter under this Part shall be paid by and be recoverable from the occupier of the premises, or the person draining his premises into any sewer of the Promoter; 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.]

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[Rates to be recoverable from either landlord or tenant.]

**87** If the soil, filth, or cesspools attached or belonging to or arising from any tenement within the Sewerage District be, upon the complaint of any inhabitant thereof, [deemed] (proved) a nuisance [by the Promoter,] (to the satisfaction of Two Justices in Petty Sessions assembled) the Promoter 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 Promoter, and may recover in a summary way, before any two 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.

Nuisances removed by drains.

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.

**88** 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 the Sewerage District, the person intending so to build or rebuild shall give to some officer duly authorised by the Promoter 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 Promoter may, if he thinks 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 any two 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] (Shillings).

Notice of building or rebuilding.

**89** Any engineer, surveyor, or other person, acting under the authority of the Promoter, may at all reasonable times in the day time, 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 communica-

Inspection of communicating drains.

A.D. 1891.

tion 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 Promoter may cut off the drain or sewer supplied by the Promoter from such house, building, or other premises.

Penalty for making connection drain without notice.

**90** If any person make or branch any private sewer or drain into any sewer or drain belonging to the Promoter, or into any drain or sewer communicating therewith, without the notice required by this Part, the person so offending shall for each offence forfeit a sum not exceeding Five Pounds.

Penalty for neglect to repair or cleanse private drains.



**91** If any person permitted to branch any sewer or drain into any sewer or drain belonging to the Promoter neglect to repair or cleanse any such first-mentioned sewer or drain according to the directions of the officer appointed by the Promoter in that behalf, he shall forfeit for each such offence a sum not exceeding [Five] (One) Pound[s].

Penalty for interrupting the Promoter and injuring works.

**92** If any person shall wilfully or maliciously hinder or interrupt, or cause or procure to be hindered or interrupted, the Promoter or any officer or person acting under his 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 Promoter made and provided in pursuance of this 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.

Penalty for giving use of drain without permission.



**93** 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 Promoter, wilfully permit any other person, not having the authority or consent of the Promoter, 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] (One) Pound[s] over and above the full amount of the damage sustained by the Promoter by the acts or means in respect of which such penalty shall be incurred; [and the Promoter shall be at liberty to cut off the drain of every such person so offending from the main sewer.]

Power of Promoter to enforce drainage of undrained houses.



**94** Where any house within the Sewerage District is without a drain sufficient for effectual drainage, the Promoter shall, (upon obtaining an order to that effect, signed by Two Justices of the Peace assembled in Petty Sessions, or with the sanction of the Local Authority, and) 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 Promoter is entitled to use, and which is not more than One hundred feet from the outer boundary 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 [Promoter] (order of the Justices may) direct; and the Promoter 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 his Surveyor may appear to him to be necessary. [If such notice is not complied with, the Promoter 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 him 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 Promoter 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 Promoter 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 he deems 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.] (and every person neglecting to comply with such order or requirement shall be liable to a penalty of One Pound, together with a further penalty of One Pound for every week such neglect continues.)

A.D. 1891.

### *Disposal of Sewage.*

**95** For the purpose of receiving, storing, disinfecting, distributing, or otherwise disposing of sewage, the Promoter may (with the approval of the Local Authority)—

(1.) Construct any works within or without the Sewerage District; and

(2.) Contract for the use of, purchase, or take on lease any land, buildings, engines, materials, or apparatus either within or without the Sewerage District; and

(3.) Contract to supply, for any period not exceeding Twenty-one years, any person with sewerage, and as to the execution and costs of works either within or without the sewerage area for the purposes of such supply: Provided, that no nuisance be created in the exercise of any of the powers given by this Section.

Powers for disposing of sewage.

**96** The Promoter may deal with any lands held by him for the purpose of receiving, storing, disinfecting, or distributing sewage in such manner as he 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 sewerage brought to such land without creating a nuisance.

Power to deal with land appropriated to sewerage purposes.

## PART IV.

### THE ACQUISITION AND OCCUPATION BY THE PROMOTER OF LANDS FOR PURPOSES OF WATER SUPPLY OR SEWERAGE.—ASCERTAINMENT OF COMPENSATION IN RESPECT THEREOF.

**97** 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 to the Town or District of *Zeehan*, but not before, the Promoter shall be empowered to acquire or occupy lands for the purposes of such water supply or sewerage in manner herein- after 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.

[Private]




A.D. 1891.

21 Vict. No. 11  
Incorporated.

**98** *The Lands Clauses Act* shall, except as hereby expressly varied, be incorporated with this Act ; but—

- (1.) There shall not be incorporated with this Act Sections Eight and Nine of the said *Lands Clauses Act* :
- (2.) In the construction of this Act and the said incorporated Act 5 this Act shall be deemed to be the special Act, and the said Promoter shall be deemed to be the Promoter of the undertaking.

 Lease of Crown Lands may be granted.

**99** It shall be lawful for [the Minister, with the consent of] the Governor, to grant to the Promoter from time to time, for any term not 10 exceeding Thirty years, at a nominal rental, a lease of any Crown lands that the Promoter may consider necessary for the purposes of this Act.

Effect of Lease.

**100** Such lease shall, subject to the provisions of Section Ninety-nine, operate and take effect merely as a licence to the said Promoter to 15 construct and maintain the works hereby contemplated, and shall not confer any right or title to any mines or minerals.

Protection to rights of first lessee.

**101** In case such lease comprises any Crown land previously leased, then such lease shall not affect the rights of the first lessee, except so far as may be necessary for carrying out the objects of such 20 lease, and the first lessee may accordingly exercise all powers conferred upon him in respect of the land previously leased : Provided, that he shall not carry on any mining operations upon any land comprised in the said lease in such a way as to endanger or inconvenience the works of the said Promoter. 25

Settlement of disputes.

**102** Should any dispute arise between any persons under [this] (the last preceding) Section, the same shall be decided by the Com- 30 missioner, who shall have power to decide what, if anything, shall be done or shall not be done by any person, and what damages and costs, if any, shall be paid by any person.

Notice of intention to construct works.

**103** In case such lease shall comprise any Crown land previously leased, then the Promoter shall serve upon the first lessee a notice, comprising with all reasonable accuracy, by means of a plan or other- 40 wise, the proposed course, direction, or situation of the said works.

Effect of publication upon Crown Lands.

**104** Where the land required is Crown land at the date of such 35 publication, or is vested in any corporation or person on behalf of Her Majesty, or for public purposes, by virtue of any Act, the effect of such publication shall be to withdraw the said land (to the extent required) from any lease or licence or promise thereof, and to cancel to the like extent any dedication or reservation of the said land made 40 under the authority of such Act 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 Promoter for the purposes mentioned and for the estate limited in the last preceding Section : Provided how- ever, that nothing in this Section contained shall have any effect or 45 operation unless the approval of the Governor shall first have been obtained with respect to the land so required.

Promoter may enter after notice.

**105** The Promoter may, for the purpose merely of surveying and taking levels, after giving not less than Twenty-four hours' notice to

the first lessee, enter upon any Crown land of the first lessee which may be comprised in such lease without the previous consent of any person. A.D. 1891.

**106** Before any work shall be constructed under or in pursuance of such lease through, over, or upon any land previously leased, the first lessee shall be paid by the Promoter such compensation, if any, as shall be determined by agreement between the first lessee and the Promoter; and if such compensation shall not be fixed by agreement within One month after the service of the notice mentioned in Section 10 One hundred and three, then such compensation, if any, shall be determined by the Commissioner. Compensation to first lessee.

**107** In estimating the compensation, if any, to be paid to the first lessee, regard shall be had only to the damage, if any, to be sustained by the first lessee by reason of the severing of the lands occupied by the Promoter from the other lands of the first lessee, or otherwise injuriously affecting such other lands or buildings or mining works by the exercise of the powers given to the Promoter by this Act or by such lease. The Commissioner shall not be bound to award any sum for damage unless in his opinion substantial damages shall have been sustained. Compensation how estimated.

**108** In case of nonpayment of any sum of money awarded by the Commissioner under this Act within such period as the Commissioner shall at any time appoint, the Commissioner shall, for the purpose of enforcing payment of such sum, have and may exercise all the powers conferred upon a Justice of the Peace by *The Magistrates Summary Procedure Act*. Commissioner may exercise powers conferred upon Justices.

**109** The Commissioner shall have and may exercise, for the purpose of procuring and enforcing the attendance of persons and witnesses, and for hearing and determining any matter brought before him under this Act, all the powers conferred upon a Justice of the Peace by *The Magistrates Summary Procedure Act*, and such Commissioner may award and order that one party shall pay to the other party such costs and expenses as to such Commissioner shall seem just and reasonable, and the amount thereof shall be recoverable in the same manner as costs ordered by a Justice of the Peace to be paid may be recovered under the said Act. Power to enforce attendance of witnesses.

**110** Either party to any proceeding before the Commissioner under this Act may at any time within Twenty days after the Commissioner has given his decision thereon, appeal to the Supreme Court or a Judge thereof against the decision of the Commissioner; and such Court or Judge may make any Order as to the costs of such appeal, and by and to whom the same are to be paid. Appeal.

**111** It shall be lawful for the Promoter, and all persons by them authorised, to enter upon any lands not being a garden, orchard, or plantation attached or belonging to a house, nor a park, planted walk, avenue, or ground 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 authorised by this Act, of the accommodation works connected therewith hereinafter mentioned, Power to take temporary possession of land.

A. D. 1891.

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 Promoter 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 Promoter 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, brickfield, 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 Promoter, either wholly or in part, for any of the purposes lastly hereinbefore mentioned.

Materials from Crown Lands.

**112** The Promoter may, from time to time, for the purposes of this Act, fall timber, and use and carry away the same, and dig and use clay, stone, and other material upon any Crown land, and may fall all timber which, in the opinion of the Promoter, it may be necessary to remove for the safety of the works hereby contemplated, notwithstanding anything contained in Section One hundred of this Act: Provided, that full compensation shall, in the case of Crown land belonging to the first lessee, be made to all parties interested in such land for the damage done under this Section, and such compensation shall be settled by arbitration in the mode prescribed by *The Lands Clauses Act* in cases of disputed compensation.

Compensation.

Compensation to be made for temporary occupation.

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

Before roads interfered with others to be substituted.

**114** If, in the exercise of the powers hereby granted, it be found necessary to crosscut 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 Promoter 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.

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**115** If the road so interfered with can be restored compatibly with the due completion of any works authorised 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 Promoter, or as near thereto as may be; and if such road cannot be so restored, the Promoter 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.

Period for restoration of roads interfered with.

## PART V.

### SPECIAL PROVISIONS IN RESPECT TO AUTHORISED WORKS.— MISCELLANEOUS PROVISIONS.—LEGAL PROCEDURE.

**116** Wherever by this Act authority is conferred on the Promoter to enter upon any land for the purposes of this Act, or to do any act in or relating to the construction or maintenance of any work, the same authority shall extend to all persons acting by direction of the Promoter, and to all necessary agents, assistants, servants, workmen, means, and appliances whatsoever.

(Officers of Promoter.)

**117** All offences against this Act, or any By-law made hereunder, shall be heard and determined in a summary way by any Two Justices of the Peace in the mode prescribed by *The Magistrates Summary Procedure Act*; and any person convicted of any offence against this Act, or any By-law made hereunder, may appeal against the conviction in the mode prescribed by *The Appeals Regulation Act*.

Penalties, &amp;c. to be summarily recovered before two Justices.

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

Power to award costs.

A.D. 1891.

Persons under  
Act entitled to  
notice of action.

**119** No action shall lie against any person for anything done in pursuance of this Act unless notice in writing of such action and of the cause thereof is given to the defendant One month at least before the commencement of the action, and such action is commenced within Three months after the cause of action has accrued ; and in any such 5 action the defendant may plead the general issue and give this Act and the special matter in evidence ; and no plaintiff shall recover in any such action if tender of sufficient amends has been made before such action brought, or if a sufficient sum of money has been paid into Court by or on behalf of the defendant after such action brought 10 together with the costs incurred up to that time ; and if a verdict passes for the defendant, or if the plaintiff becomes non-suit or discontinues such action, or, if upon demurrer or otherwise, judgment is given against the plaintiff, the defendant shall recover his full costs as between attorney and client, and have the like remedy for recovering 15 the same as any defendant has by law in other cases ; and though a verdict is given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant unless the Judge before whom the case is tried certifies his approbation of the action and the verdict obtained thereupon. 20

Damage to be  
made good in  
addition to  
penalty.

**120** 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 Promoter used in connection therewith shall have been committed by such person, he shall be liable to make good such damage, as well as to 25 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 nonpayment of such damages on demand the same shall be levied by distress, and such Justices, or one of them, shall issue their warrant accordingly. 30

Transient  
offenders

**121** It shall be lawful for any officer or servant of the Promoter, 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 35 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.

**122** 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 40 any building, land, or premises, or to any person, may be in writing or 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 45 abode or 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 50 given in respect of any public street, road, or lane, may be served on or sent by post as aforesaid to the secretary or clerk, or left at the office of the local authority having control of such street, road, or lane, or the portion thereof affected by the notice.

**123** It shall be lawful for the Promoter, at any time after the passing hereof, to assign, transfer, convey, and release to any Company duly incorporated for that purpose all the rights, powers, authorities, privileges, liabilities, and obligations conferred and imposed upon them 5 by this Act, together with all lands, tenements, and hereditaments, estates, chattels, and effects of every kind acquired by him under or in pursuance thereof, and purchased, occupied, or used in connection with the construction, maintenance, and working of the works hereby authorised; and upon and after the completion of such assignment, 10 transfer, conveyance, and release, the said Company, their officers, agents, and servants, may lawfully exercise and enjoy all the rights, powers, authorities, and privileges, and shall be and continue to be subject to all the liabilities, obligations, penalties, and forfeitures, to which the said Promoter, or his officers, agents, or servants, would 15 have been entitled or subject had no such assignment, transfer, conveyance, and release been completed: Provided however, that nothing herein contained shall prejudice or affect any rights, accrued actions or proceedings taken against or liabilities, obligations, penalties, or forfeitures incurred by the said Promoter before the completion of the said 20 assignment, transfer, conveyance, and release.

**124** Upon the completion of any such assignment, transfer, conveyance, or release, as in the last preceding Section mentioned, this Act shall be read so that whenever the word "Promoter" occurs it shall be omitted and the words "Company duly incorporated within the 25 meaning of the Section One hundred and twenty-[one] (three) hereof" shall be inserted in their stead; and whenever the words "his hand, or his hand and seal," occur they shall be omitted and the words "corporate seal of the Company" be inserted in their stead.

**125** It shall be lawful for the Governor, or for the Local Authority 30 of the city, town, or district in which any of the works hereby authorised are situate, at any time after the expiration of [Twenty-one] (Fifteen) years from the passing of this Act, to purchase the said works and other works, with all the rights, privileges, lands, buildings, plant, and appurtenances of the Promoter, upon giving to the said Promoter Six months' 35 notice in writing of such intention; and the Promoter shall thereupon, at the expiration of Six months from the service of such notice, sell the works authorised by this Act, and the rights, privileges, lands, buildings, plant, and appurtenances belonging to the Promoter, upon the terms of paying to the Promoter the [then value of the works, and all 40 the rights, privileges, lands, buildings, plant, and appurtenances of the Promoter suitable to or required for the purposes of such works such value to be in case of differences determined by Three Arbitrators, or any two of them, one of such Arbitrators to be appointed by the Governor or Local Authority, as the case may be, another of such 45 Arbitrators by the Promoter, and the third of such Arbitrators by such other Two Arbitrators before they proceed to the arbitration.

If either the Governor or Local Authority, as the case may be, or the Promoter shall neglect or refuse to appoint an Arbitrator pursuant to the above provision, for one calendar month after the other of them 50 shall have been appointed an Arbitrator, and given notice thereof to the other of them, then the Arbitrator already appointed shall appoint a second Arbitrator, and such Two Arbitrators shall jointly appoint the third Arbitrator.] (costs of construction, with an amount added thereto equal to Twenty per cent. on such cost of construction, and shall refund

A.D. 1891.

Rights, powers, &c. under this Act may be assigned, &c. to incorporated Companies.

How Act to be read upon completion of assignment, &c. under the last preceding section.



(Purchase of Works.)



A.D. 1891.

to the Promoter all moneys expended by him in the purchase of all lands, buildings, plant, and machinery for carrying into effect the purposes of this Act.) (Until such purchase as aforesaid shall have taken place, all the rights, powers, privileges, benefits, concessions, advantages, and liabilities conferred or imposed upon the Promoter by this Act, or 5



by any lease of Crown Land granted thereunder, shall, so far as the same may be applicable, continue in force in like manner and to the like effect as if the said lease were still undetermined.)  
When any such sale has been made, all the rights, powers, and authorities of the Promoter in respect to the works authorised by this 10 Act shall be transferred to, vested in, and may be exercised by the Governor or the Local Authority to which the works shall have been sold, in like manner as if the Governor or such Local Authority had constructed the same under the powers of this Act.



**(125a)**—(1.) If the Promoter should at any time assign, transfer, 15 or convey his interest under this Act to any Company formed or incorporated in any country or place beyond this Colony, and which is not registered in *Tasmania* under *The Companies Act, 1869*, then such Company shall, before commencing to construct the said Water and Sewerage Works, register with the Registrar of Companies under 20 the said Act the name and place of abode or business of the person appointed by such Company to carry on the business of the Company in *Tasmania*, and also the situation of the office of such Company; and the person so registered shall be deemed to be the Agent of such Company, and such Office shall for all purposes be the registered office 25 of such Company.

(2.) Upon such registration such Company may sue and be sued in its corporate name in *Tasmania*, and the liability of and proceedings against such Company shall be in the same manner as if such Company had been duly registered in *Tasmania* under the provisions 30 of *The Companies Act, 1869*.

(3.) Sections 43, 44, 45, and 46 of *The Companies Act, 1869*, shall be incorporated with this Act, and shall apply to any such Company aforesaid in the same manner and to the like effect as if such Company had been duly registered under the said Act.) 35

(Accounts of cost of construction to be submitted to Auditor General.)



**(126)** For the purpose of ascertaining the actual cost of *boná fide* construction work under this Act, the lessees shall, upon completion of the said works, and thereafter from year to year, submit to the Auditor-General accounts and proper vouchers of all construction works; and upon computing the amount of compensation to be paid to the 40 lessees in the event of the lease and the works connected and used therewith being resumed, the amount of the accounts as passed by the Auditor-General shall be deemed to be the actual cost of the construction of the railway.)

(Accounts of construction subject to 52 Vict. No. 43.)



**(127)** The accounts of the lessees in and about the construction of 45 the works shall be subject to all the provisions of "The Audit Act, 1888," in the same manner in all respects as if such accounts had been specifically mentioned therein.)

(New construction works to be approved by Governor in Council.)

**(128)** Upon the completion of the works authorised by this Act no new works of construction in connection with the works shall be 50 commenced or carried out without the consent of the Governor, and in the event of such works being carried out without such consent

such works shall not be deemed construction works for the purpose of computing the amount of compensation upon the resumption of the lease as aforesaid. A.D. 1891.

(129 In the event of any dispute, question, or difference arising between the said lessees and the Governor, or any official to whom any powers are given by this Act, the same shall be referred to and decided by arbitration in like manner as is prescribed by *The Lands Clauses Act*.) (All disputes referred to arbitration.)

(130 For the purpose of ascertaining the profits derived in every year by the Promoter, he shall cause books to be provided and kept, and true and regular accouts to be entered therein of all sums of money received and paid under the authority of this Act, and of the several purposes for which such sums of money have been received and paid, and, for the purpose aforesaid, the provisions contained in "The Audit Act" shall extend and apply to the accounts herein mentioned.)

## SCHEDULE.

### (1.)

#### NOTICE TO LAY SERVICE PIPES.

NOTICE to the owners of tenements and premises in street, and the private streets, lanes, courts, and alleys opening thereto. THE main pipe in the said street having been laid, 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-cock 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

### (2.)

#### WARRANT OF DISTRESS.

TASMANIA  
TO WIT.

To Constable at  
WHEREAS ; of , in *Tasmania*, has been rated at the sum of per annum for the water and sewerage rates [or water or sewerage rates or charges], or is liable to pay the sum of due to [the Promoter] as the occupier (or owner) of a certain house or tenement situated 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, as is made to appear to me on the signing of this my warrant, was duly demanded by , the Collector of Rates for the said [Promoter,] on the day of , in the year of the said who has not yet paid the same : These are therefore to require and authorise 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.) J.P.

[Private.]

WILLIAM THOMAS STRUTT,  
GOVERNMENT PRINTER, TASMANIA.