

THE ST. MARYS, AVOCA, AND CORNWALL WATER ACT, 1910.

ANALYSIS.

1. Short title.
2. Interpretation.
 - "Any water district."
 - "Assessed annual value."
 - "Avoca Water District."
 - "Cornwall Water District."
 - "Property."
 - "Purposes of this Act."
 - "St. Marys Water District."
 - "The Council."
 - "Waterworks."
3. Powers as to water-supply for Town of St. Marys.
4. Powers as to water-supply for Town of Avoca.
5. Powers as to water-supply for Town of Cornwall.
6. Power to enter upon private lands and erect works.
7. Power to cut timber and remove materials from private land.
8. Provisions as to compensation.
9. Council may open soil of streets to lay pipes, and of gardens, &c., to lay service pipes.
10. Persons authorised by Council may enter buildings and land occupied therewith for inspection.
11. Adding areas to water districts.
12. Agreements for supply of water to Crown Departments or properties not within the water districts.
13. Council may provide drinking-troughs.
14. Waterworks to be the property of the Council.
15. Council may levy rates: Two Shillings in the Pound for St. Marys, Three Shillings in the Pound for Avoca.
 - Gross rate not less than One Pound for each owner or occupier, Cornwall.
 - Minimum rate for St. Marys and Avoca.
16. One-half of rate to be levied unless premises are supplied or within One hundred feet of supply.
17. If rate not paid supply may be cut off.
18. Council may borrow money within certain limits.
19. Poll to be taken before any money is borrowed.
 - Two-thirds of number of votes recorded must be in favour of borrowing.
 - Another poll may be taken.
20. Notice of poll.
21. Form of notice.
22. Form of voting-paper.
23. Voting and proceedings same as at council election.
24. Expenses of polls.
25. Power to make by-laws.
26. What acts deemed offences.
27. All acts done under authority of this Act shall be deemed to have been done under any law relating to councils.
28. Power of Council to add to supply of creek.
29. Procedure.

THE UNIVERSITY OF CHICAGO

DEPARTMENT OF CHEMISTRY

LABORATORY OF ORGANIC CHEMISTRY

CHICAGO, ILLINOIS

REPORT OF RESEARCH

BY

ROBERT M. WAYNE

AND

WILLIAM H. WATSON

IN

ASSISTANCE TO

PROFESSOR RICHARD B. WOODWARD

AND

PROFESSOR ROBERT H. WOOD

CHICAGO, ILLINOIS

1955

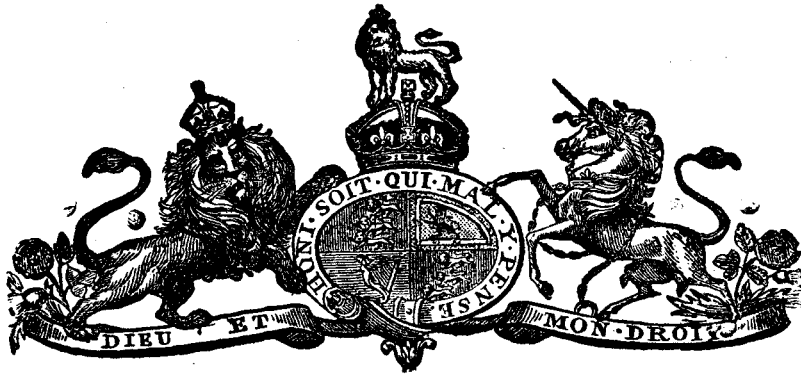
CHICAGO, ILLINOIS

UNIVERSITY OF CHICAGO PRESS

CHICAGO, ILLINOIS

1955

T A S M A N I A



1910.

ANNO PRIMO

GEORGII V. REGIS,

No. 36.



AN ACT to make Provision for a Supply of ^{A.D.} 1910.
Pure Water for the Towns of *St. Marys*,
Avoca, and *Cornwall*. [20 December, 1910.]

WHEREAS it is expedient to make legislative provision to ensure ^{PREAMBLE.}
a supply of pure water for the use of the inhabitants of the Towns of
St. Marys, *Avoca*, and *Cornwall* from such sources and in such
manner and under such control, management, and conditions as are
hereinafter provided :

And whereas, for the purpose of obtaining a supply of pure water to
the Town of *Cornwall*, *Thomas Brough*, Esquire, of *Cornwall*, has
granted the Municipality of *Fingal* permission to take the water
flowing from a spring in his garden and to lay the necessary pipes
therefrom free of cost :

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 for all purposes as “ The *St. Marys. Avoca*, Short title.
and *Cornwall Water Act*, 1910.”

St. Marys, Avoca, and Cornwall Water.

A.D. 1910.

Interpretation.

"Any water district."

"Assessed annual value."

"Avoca Water District."

"Cornwall Water District."

"Property."

"Purposes of this Act."

"St. Marys Water District."

"The Council."

"Waterworks."

2 In this Act—

"Any water district" means any water district described in Schedule (1.):

"Assessed annual value" means the annual value shown by the assessment roll in force for the time being under "The Assessment Act, 1900":

"Avoca Water District" means the district of that name described in Schedule (1.):

"Cornwall Water District" means the district of that name described in Schedule (1.):

"Property" includes lands and buildings:

"Purposes of this Act" means and includes the supply of water to the towns mentioned in this Act and the construction of waterworks required therefor:

"St. Marys Water District" means the district of that name described in Schedule (1.):

"The Council" means the Warden and Councillors of the Municipality of *Fingal*:

"Waterworks" means and includes all engines, pumps, windmills, reservoirs, dams, tanks, fences, pipes, service pipes, troughs, and other works of whatsoever kind, which may from time to time be required or used for effecting the purposes of this Act.

General Powers of the Council as to taking Water and Construction of Waterworks.

Powers as to water-supply for Town of St. Marys.

3 For the purpose of supplying water to the Town of *St. Marys* it shall be lawful for the Council from time to time to enter upon Crown land north of and adjoining an allotment of Thirty-three acres Two roods and Thirteen perches in the name of *Edward Haas*, and being Section S, Lot 2, in the Town of *St. Marys*, and to excavate and construct a reservoir or dam upon the bed of the creek flowing through such allotment into the *St. Marys Rivulet*, and to divert and appropriate from the said creek such a quantity of water as shall be required for the purposes of this Act, and to lay pipes upon or under the soil of the said Crown land, and also to take therefrom or from any other Crown land, and make use of, any earth, stone, or timber for the purposes of the construction of waterworks, without making any payment therefor, but doing as little damage to such Crown land as possible, and reinstating the surface thereof so far as it may reasonably be done.

Powers as to water-supply for Town of Avoca.

4 For the purpose of supplying water to the Town of *Avoca* it shall be lawful for the Council from time to time to enter upon Crown land forming the esplanade or reserve on the south-east bank of the *South Esk River*, and to construct thereon One or more windmills, and One or more pumps for raising water, and to divert and appropriate from the *South Esk River* such quantity of water as shall be required for the purposes of this Act, and to lay pipes upon or under the soil of the

St. Marys, Avoca, and Cornwall Water.

said Crown land, and to take therefrom or from any other Crown land, and make use of, all earth, stone, and material, and timber required for the purposes of this Act without making payment therefor, but doing as little damage to such Crown land as possible and reinstating the surface thereof so far as it may reasonably be done. A.D. 1910.

5 For the purpose of supplying water to the Town of *Cornwall* it shall be lawful for the Council, from time to time, to divert and appropriate from the spring in the garden of *Thomas Brough*, Esquire, such a quantity of water as shall be required for the purposes of this Act, and to enter upon any Crown land and thereon to construct One or more tanks, and to lay pipes upon or under the soil, and to take from any Crown land all earth, stone, timber, and material required for the purposes of this Act without making any payment therefor, but doing as little damage to such Crown land as possible and reinstating the surface thereof so far as it may reasonably be done.

Powers as to
water-supply
for Town of
Cornwall.

6 It shall be lawful for the Council from time to time to enter upon any private land within any water district, and to erect and excavate tanks or reservoirs and to lay pipes upon or under the soil of such land, and to construct other waterworks, and to repair such tanks, reservoirs, pipes, or waterworks, making compensation to the respective owners of such land for all damage sustained by reason of the exercise of the powers conferred upon the Council by this section.

Power to enter
upon private
lands and erect
works.

7 The Council shall have the same power to enter upon any land for cutting down and removing timber to be used in the erection of a fence round any reservoir or dam constructed under the authority of this Act, or for obtaining and removing materials for the construction of any part of the waterworks, as the trustees of a road district now have for purposes in connection with the making, repairing, or fencing off of roads within the road district, or as the council of a municipality may have under any law hereafter to be passed for the construction of public works within a municipality.

Power to cut
timber and
remove materials
from private
land.

8 Any person claiming compensation in respect of injury done to, or timber cut down, or materials removed from land owned or occupied by him, shall prefer his claim by notice in writing addressed to the Council and served upon the Council Clerk; and if such person and the Council do not agree as to the amount of such compensation, the same and the application thereof shall be determined by arbitration in the manner provided for by "The Lands Clauses Act" in cases of disputes respecting compensation.

Provisions as to
compensation.

9 The Council may from time to time open and break up the soil of any street or road in any water district to lay pipes thereon or thereunder, and of gardens or other land to lay service pipes thereon or thereunder leading from any main pipe to any property, if requested so to do by the owner or occupier of such property and at his expense, and repair, remove, or relay such pipes, or service pipes, and do any

Council may open
soil of streets to
lay pipes, and of
gardens, &c., to
lay service pipes.

St. Marys, Avoca, and Cornwall Water.

A.D. 1910.

other acts which it may from time to time deem necessary for the purpose of supplying water.

Persons authorised by Council may enter buildings and land occupied therewith for inspection.

10 Any person authorised by the Council may at all reasonable times enter any house or building supplied with water by the Council, and the land occupied therewith, in order to ascertain whether there is any waste of water, or whether the service pipes are in good repair, and may for the latter purpose break the surface of the ground under which the service pipes are laid.

Power to add Areas to Water Districts and to supply Crown and Persons outside the Water Districts.

Adding areas to water districts.

11 The Council may from time to time declare that any area within the Municipality of *Fingal* shall be added to any water district, and every owner or occupier of property within the area so added shall thenceforth be subject to the same liability to be rated as if the said area had originally formed part of the water district.

Agreements for supply of water to Crown Departments or properties not within the water districts.

12 The Council may in its absolute discretion enter into agreements with the head of any department of the State, or any other person acting for or on behalf of the Crown, or with the owners or occupiers of any property not situate within any water district, for the supply of water to any property belonging to or occupied by the Crown or any department of the State, or such owners or occupiers as aforesaid, upon such terms as shall be mutually agreed upon; and in the case where the property is not situate within any water district, the Council shall have the same powers of opening and breaking up streets and of laying down pipes and service pipes for supplying such property with water as if it were situate therein.

Council may provide drinking-troughs.

13 The Council may, if it shall think fit so to do, erect in any street or public place in the Towns of *St. Marys, Avoca, and Cornwall* any trough for supplying horses and, if it thinks fit, other animals with water.

Property in Waterworks.

Waterworks to be the property of the Council.

14 All waterworks, whether the same are situate in the streets or roads of the Municipality of *Fingal*, or in land belonging to the Crown, or to private owners, shall be deemed to be the property of the Warden, Councillors, and electors of *Fingal*.

Provisions as to Rating.

Council may levy rates: Two Shillings in the Pound for *St. Marys*, Three Shillings in the Pound for *Avoca*.

15—(1.) It shall be lawful for the Council yearly, or at such other periods as the Council shall deem desirable, to make and levy rates (to be called water rates), as follows, namely:—

- i. A water rate not exceeding the sum of Two Shillings in the Pound per annum for the *St. Marys* Water District, to be paid by the owners or occupiers of all property within that

St. Marys, Avoca, and Cornwall Water.

water district on the assessed annual value of the property within that district : A.D. 1910.

- ii. A water rate not exceeding the sum of Three Shillings in the Pound per annum for the *Avoca* Water District, to be paid by the owners or occupiers of all property within that water district on the assessed annual value of the property within that district : and
- iii. A uniform rate of not less than One Pound per annum from each owner or occupier within the *Cornwall* Water District.

Gross rate not less than One Pound for each owner or occupier, Cornwall.

(2.) Every such rate shall be made, levied, and recovered in the same manner as other rates made by the Council: Provided always that the water rate payable in respect of any property actually supplied with water, and situate within the respective Water Districts of *St. Marys* and *Avoca*, shall in no case be less than Twelve Shillings per annum.

Minimum rate for *St. Marys* and *Avoca*.

16 No person shall be liable to the payment of the said water rate in any water district in a greater proportion than upon One-half part only of the annual value of any property, unless such property is actually supplied with water for domestic purposes, or unless the mains or other pipes are laid down and properly supplied with water within One hundred feet from a dwelling-house on such property.

One-half of rate to be levied unless premises are supplied or within One hundred feet of supply.

17 If any person liable to pay a water rate shall neglect to pay the same the Council may stop the water from flowing into the premises in respect of which such rate is payable by cutting off the pipe to such premises, and may recover the expense of cutting off the water in the same manner as the water rate is recoverable.

If rate not paid supply may be cut off.

Provisions as to Borrowing Money.

18—(1.) It shall be lawful for the Council, on behalf of the Corporation of the Municipality, to borrow any sum or sums of money within the following limits, namely :—

Council may borrow money within certain limits.

- i. A loan not exceeding One thousand two hundred Pounds for the purpose of supplying water to the Town of *St. Marys* :
- ii. A loan not exceeding One thousand Pounds for the purpose of supplying water to the Town of *Avoca* : and
- iii. A loan not exceeding the sum of Two hundred Pounds for the purpose of supplying water to the Town of *Cornwall*.

(2.) It shall be lawful for the Governor in Council from time to time to lend to the Warden, Councillors, and electors of the Municipality of *Fingal*, upon the security of all the revenues of the said Corporation, any such sum or sums as aforesaid under the provisions of "The Local Public Works Loans Act, 1890;" and such sum or sums of

St. Marys, Avoca, and Cornwall Water.

A.D. 1910.

money shall be defrayed out of moneys to be provided by Parliament for the purpose.

(3.) It shall not be necessary to lay before either House of Parliament plans and specifications of the proposed works nor a report by the Engineer-in-Chief thereon, as provided in Section Two of the last-mentioned Act; but before any part of any such loan as aforesaid shall be advanced to the Council, plans and specifications of the proposed works for which such loan is required, together with a report by the Engineer-in-Chief upon the probable cost thereof, the suitability of the site proposed therefor, the sufficiency of the plans and specifications, and upon such other matters connected with the works as the Engineer-in-Chief may deem it desirable to refer to in his said report, and that the work can be completed for the amount proposed to be borrowed, shall be submitted to and approved by the Governor in Council.

Poll to be taken before any money is borrowed.

19 The Council shall not proceed in the matter of borrowing the said sum of One thousand two hundred Pounds, or the said sum of One thousand Pounds, or the said sum of Two hundred Pounds, until a poll has been taken of the electors of the Municipality of *Fingal* who are owners or occupiers of property within the Water District in connection with which the money is proposed to be borrowed, for the purpose of determining whether the Council shall borrow the money. If at the taking of such poll a less number than Two-thirds of the votes recorded shall be in favour of the Council's proceeding to borrow, the Council shall not borrow; but the Council may, nevertheless, at any time after the expiration of Three months, cause another poll of the electors to be taken, and if at any such subsequent poll Two-thirds of the votes recorded shall be in favour of the Council's borrowing, the Council may proceed to borrow.

Two-thirds of number of votes recorded must be in favour of borrowing.

Another poll may be taken.

Notice of poll.

20 When the Council shall have decided to take a poll as aforesaid, it shall cause a notice that the poll will be taken to be published not less than Fourteen days before the day fixed for the taking of the poll, not less than Three times in a daily newspaper circulating in the Municipality, and in Two consecutive numbers of the "Gazette."

Form of notice.

21 The notice shall state the hours during which and the place at which the poll will be taken, and the amount which it is proposed to borrow.

Form of voting-paper.

22 The voting-paper to be used at the taking of the poll shall be in the form in the Schedule (2.), or to the like effect.

Voting and proceedings same as at Council election.

23 The number of votes to which each elector is entitled shall be the same as that to which he is entitled at an election of councillors, and the proceedings at the taking of the poll shall, with any necessary changes, be the same as those prescribed by law at an election of councillors.

St. Marys, Avoca, and Cornwall Water.

24 The expense of taking a poll shall be defrayed out of the Municipal Fund of the Municipality of *Fingal* in the first instance, but shall be refunded to such Municipal Fund out of the money borrowed when the same is raised.

A.D. 1910.

Expenses of polls.

By-laws.

25—(1.) The Council may from time to time make by-laws for all or any of the following purposes:—

Power to make by-laws.

- I. For regulating the charges, terms, and conditions upon which water shall be supplied to the occupiers of property within any water district, and the charges to be made for laying down or repairing service pipes:
 - II. For preventing injury to the waterworks:
 - III. For regulating all matters connected with the supply of water by means of the waterworks, and for preventing the waste or misappropriation of water:
- and generally for the better effectuating the purposes of this Act.

(2.) By-laws may impose a penalty not exceeding Ten Pounds for any breach thereof.

Offences.

26 Any person—

What acts deemed offences.

- I. Who wilfully obstructs any person acting under the authority of the Council when doing any act or work by this Act authorised to be done by the Council: or
- II. Who wilfully or through his negligence wastes water supplied by the Council, or permits water so supplied to be wasted: or
- III. Who wilfully supplies water to any other person not residing on the property supplied with water, or permits such other person to take water from the property so supplied, except for the purpose of extinguishing any fire, or unless such other person is a person whose property is supplied with water by the Council, and the pipe by which it is supplied with water is, without any default on his part, out of repair: or
- IV. Who without authority takes water from any of the waterworks: or
- V. Who bathes in any dam, reservoir, or tank constructed under the authority of this Act, or who throws therein any dog or any animal, alive or dead, rubbish, filth, or any other noisome thing: or
- VI. Who washes or cleanses any clothes, cloth, or wool, or skin of any animal in any water flowing into any dam, reservoir, or tank, within half a mile of the intake of the waterworks: or
- VII. Who permits or suffers any filthy water, or the drainage from any yard, pig-sty, stable, cowhouse, or any other premises, to flow into or percolate into any water from

St. Marys, Avoca, and Cornwall Water.

A.D. 1910.

which the Council derives its supply, or who does any act whereby the water of the waterworks or supplying the same is contaminated—
shall be liable for every such offence to a penalty not exceeding Ten Pounds.

Miscellaneous Provisions.

All acts done under authority of this Act shall be deemed to have been done under any law relating to Councils.

27 All acts done by the Council under this Act, including the making of by-laws, shall for all purposes be deemed to have been done by the Council under the provisions of any law now or hereafter to be in force conferring powers to do acts upon the councils of municipalities, and all obligations imposed upon the Council by any law now or hereafter to be in force imposing obligations upon such councils shall be deemed to be obligations imposed upon the Council in respect of acts done by it under this Act.

Power of Council to add to supply of creek.

28 The Council shall have full power, if in the future it considers it desirable, to add to the supply of water in the creek mentioned in Section Three, to divert any other stream to the amount necessary, and to divert it into the said creek.

Procedure.
19 Vict. No. 8.

29 All informations for offences against the provisions of this Act or any by-law, and all penalties, fines, and forfeitures imposed by or under the provisions of this Act or any by-law, may be heard, determined, recovered, and enforced in a summary way by and before a police magistrate or any Two or more justices in the mode prescribed by "The Magistrates Summary Procedure Act," the provisions of which Act shall apply.

FIRST SCHEDULE.**ST. MARYS WATER DISTRICT.**

Commencing at the south-east angle of Lot 3 Section H purchased by Thomas Bateman on St. Marys Rivulet and bounded by the east boundary of that lot to Talbot-street by the south side of that street for a distance of 8 chains 20 links or thereabouts westerly thence by a northerly line to the south-east angle of Section N purchased by Jacob Morey by the east boundary of that section thence after crossing Morey-street by the east and north boundaries of Section O purchased by Mary Ann Newman thence after crossing Richardson-street by the north boundary of Lot 1 Section S purchased by John Clarke to the German Town-road by the north-east side of that road to Talbot-street aforesaid by the south side of that street westerly crossing the beforementioned road to Cameron-street by the east side of that street for a distance of 24 chains 60 links or thereabouts southerly thence by a westerly line for a distance of 6 chains 40 links or thereabouts crossing Cameron-street aforesaid thence by a southerly line to St. Marys Rivulet aforesaid thence by that rivulet after crossing the same to a point opposite the east side of Storey-street thence by a south-easterly line for a distance of 10 chains 30 links or thereabouts thence by a north-easterly line to a point on Margison's Creek distant 8 chains or thereabouts south-easterly from its junction with St. Marys Rivulet aforesaid to the south-west side of that creek to St. Marys Rivulet after crossing the same to the point of commencement.

St. Marys, Avoca, and Cornwall Water.

AVOCA WATER DISTRICT.

A.D. 1910.

Commencing at the north angle of the Town of Avoca on the South Esk River and bounded by the north-east and south-east boundaries of that town to the St. Pauls River by the northern side of that river to the south-east angle of Lot 6 Section I purchased by Thomas Dumelone by the south boundary of that lot by the south boundary of a municipal reserve thence by a westerly line to the east side of a bridge over the St. Pauls River thence by that bridge crossing that river and by a south-easterly line to the east side of Louisa-street by that street to Stieglitz-street by the south-west side of that street to Talbot-street by the west side of that street to the South Esk River aforesaid thence by that river after crossing the mouth of the St. Pauls River to the point of commencement.

CORNWALL WATER DISTRICT.

Commencing at the north-west angle of 153 acres purchased by Robert William Legge and bounded by the west boundary of that land for a distance of 10 chains 42 links thence by a westerly line crossing Alexander-street and along the south boundary of Lot 1 Section U to the centre line of a tramway by the centre line of that tramway northerly to the south boundary of Section 1144-m leased to the Cornwall Coal Company by part of the south and by part of the east boundary of that lease to the north boundary of George-street by that boundary to the south-west angle of Lot 1 Section L purchased by Arthur Edward Cornish by the west and north boundaries of that lot by the north boundary of Lot 2 purchased by Annie Cornish by the north boundary of Lot 3 by the north and east boundaries of Lot 4 again by the north boundary of George-street aforesaid for a distance of 2 chains 80 links thence by a south-easterly line (bearing 173 degrees 33 minutes) to the said north boundary of 153 acres purchased by Robert William Legge aforesaid and thence by that boundary westerly to the point of commencement.

SECOND SCHEDULE.

VOTING-PAPER.

FOR.

AGAINST.

If you are in favour of the Council's borrowing money for the purpose of supplying St. Marys [*or Avoca or Cornwall, as the case may be*] with water, you are to put a cross in front of the word "For." If you are opposed to its borrowing money, you are to put a cross in front of the word "Against."

