New South Wales.

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VICTORIÆ REGINÆ.

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Interpretation of terms.

And in the construction of this Act the following words and expressions in inverted commas shall, unless there be something in the 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:—

"Central Authority"—The Minister for Public Works or the Minister charged with the administration of this Act.

"Company"—The said "Barrier Ranges and Broken Hill Water Supply Company (Limited)," its representatives or assigns, owners for the time being of the Broken Hill Waterworks.

"Conduit"—The canals, tunnels, aqueducts, cuttings, or pipes, by means of which the water is supplied.

"Crown Lands"—Lands within the meaning of the "Crown Lands Act of 1884" and any Acts amending the same.

"District"—All the districts which are now included within the District of Broken Hill and Silverton, and within the area as described in the First Schedule hereto.

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

"Justice"—Any Justice of the Peace.

"Owner"—Any person who is in the receipt of the rents and profits of any house, manufactory, or buildings of whatsoever kind, or of any land within the District.

"Street"—Any square, court, alley, highway, railway, tramway, lane, road, thoroughfare or other passage, footpath, or place, whether public or private, within the District.

"Water District"—The area within which water is authorized to be supplied to the inhabitants of the District.

PART I.

Preliminary.

Conditions prior to acquisition of lands.

2. Before the Company 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 observed:—

(I) The Company shall publish once at the least in each of three consecutive weeks in some local newspaper circulating in the District, a notice describing shortly the nature of the undertaking in respect of which it is proposed to take any lands, naming the Broken Hill Court-house as the place where a plan of the proposed undertaking may be seen at all reasonable hours, and stating the quantity of lands required.

(II) The Company shall serve a printed or written notice on every owner or reputed owner, lessee or reputed lessee, and occupier of such lands, defining in each case the particular lands intended to be taken, and requiring an answer to be given within thirty days, stating whether the person so served assents, dissents, or is neutral, in respect of taking such lands.

(III) On compliance with the provisions of this section with respect to notices, the Company may, if it thinks fit, present a petition to the Governor, and such petition shall state the lands intended to be taken, and the purposes for which they are required, and the names of the owners, lessees, and occupiers of lands who have assented, dissented, or are neutral, in respect to the taking such lands, or who have returned

returned no answer to the notice. And it shall pray that the Company may, with reference to such lands, be allowed to put in force the powers contained in Part III of this Act with respect to the acquisition of lands otherwise than by agreement, and such prayer shall be supported by such evidence as the Governor may require.

(IV) On the receipt of such petition, and on due proof of the proper notices having been published and served, the Governor shall take such petition into consideration, and may either dismiss the same or direct a local inquiry, at the cost of the Company, as to the propriety of assenting to the prayer of such petition, but until such inquiry has been made no provisional order shall be made affecting any lands without the consent of the owners, lessees, and occupiers thereof.

(V) After the completion of such inquiry the Governor may, by provisional order, empower the Company to put in force with reference to the lands referred to in such order, the powers of the said Part, with respect to the acquisition of lands, otherwise than by agreement or any of them, and either absolutely or with such conditions and modifications as the Governor may think fit; and it shall be the duty of the Company to serve a copy of any order so made in the manner and on the person in which and on whom notices in respect of such lands are required to be served.

PART II.

Provisions as to Water Supply.

Authority to construct water-works.

3. Subject to the provisions of this Act, and within the area as described in the First Schedule hereto, the Company may, subject to the approval of the Governor, exercise any of the powers in this Part contained for the construction of water-works for the supply of water to the Municipal District of Broken Hill, and to any Municipal District or Borough which may be established within or partly within the boundaries of the catchment area as defined in the First Schedule, and for the purpose of carrying out the provisions of this Act the Company may

(I) Enter upon any lands and take levels of the same, and set out such parts thereof as it shall think necessary.

(II) Enter upon, take, and hold such land, after having paid, as hereinafter provided, the owners thereof compensation for the same as it may from time to time deem necessary for the construction and maintainance of any of the works authorized by this Act, or for obtaining or enlarging the supply of water, or for improving the quality thereof for the purposes of this Act.

(III) Under such superintendence, and subject to such consent, as are hereinafter specified enter upon any Crown or private lands, streets, roads, or thoroughfares, and lay or place therein any pipes, and may repair, alter, or cut off, or remove the same, and under such superintendence, and subject to such consent as aforesaid, may enter upon any such lands, streets, roads, or thoroughfares, for the purpose of repairing any watercourses, or other works, being its property or under its control.

Provided always that in the exercise of any of the powers hereby conferred, the Company shall inflict as little damage as may be, and in

in all cases where it can be done, shall provide other watering-places, drains, and channels, for the use of adjoining lands in place of any taken away or interrupted by it, and shall make full compensation to all parties interested, for all damage sustained by them through the exercise of such powers. It shall not be lawful for the Company to exercise any of the powers conferred upon it by this Act until the plans or scheme for the proposed work shall have been first approved by the Governor, and such approval duly notified in the *Gazette*. Provided also that nothing in this Act contained shall prejudice or affect the rights and privileges of any Municipal District or Borough now or hereafter to be established within the area described in the First Schedule hereto.

Penalty for obstructing construction of works.

4. Every person who shall wilfully obstruct any person acting under the authority of the Company 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 alter the position of any level, or destroy or injure any works so undertaken as aforesaid, shall incur a penalty not exceeding ten pounds for every such offence.

Penalty for destroying works.

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

Power to open streets.

6. Subject to the provisions of this Act the Company may open and break up the soil and pavement of the several streets and bridges within the limits of the district, and may open and break up any sewers, drains, or tunnels within or under such streets and bridges, and lay down and place within the same limits, pipes, conduits, service pipes, and other works and engines, and from time to time repair, alter, or remove the same, and for the purposes aforesaid remove and use all earth and materials in and under such streets and bridges, and do all other acts which the Company shall from time to time deem necessary for supplying water to the inhabitants of the district included within the said limits. Before the Company proceed to open or break up any pavement, street, road, sewer, drain, or tunnel, or to interfere with, divert, or alter any pipe not their own, or any wire used for transmission of electricity, bridge, or culvert, they shall give to the local authority under whose management or control the same may be, and, in the case of a pipe or wire, to the owners thereof, or their local representative, notice in writing of their intention to open and break up, or otherwise to interfere with the same, not less than seven clear days before beginning the work, except in cases of emergency, arising from accidents to, or defects in, the pipes, or other works, the property of the Company, and then so soon as is possible after the necessity for the work shall have arisen.

Notice to be given before streets, &c., are broken up.

Reinstatement of streets.

7. When the Company shall open or break up the road, path, or pavement of any street or bridge, or any sewer, drain, or tunnel, culvert-pipe wire, it 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 to the satisfaction of the local authority or its officer the road, path, or pavement of the sewer, drain, tunnel, culvert-wire, or pipe, so opened or broken up, and carry away the rubbish occasioned thereby. And shall at all times whilst any such road or pavement shall be so open or broken up cause the same to be fenced and guarded, and shall cause light sufficient for the warning of passengers to be set up and kept there for every night during which such

such road or pavement shall be continued open or broken up. No such pavement, street, road, sewer, drain, tunnel, pipe, wire, bridge, or culvert, shall be opened, broken up, or interfered with, except in cases of emergency, as aforesaid, and except as hereinafter provided, except under the superintendence of the local authority having the control thereof, or its officer; and according to such plan as shall be approved of by the local authority, the Company shall make such temporary or other works as may be necessary for guarding against any interruption of the drainage traffic, access, or other public right and convenience during the continuance of the operations. And in the case of interference with any pipe, not the property of the Company, or any wire used for the transmission of electricity, the owners of which may intimate their desire to have the work, temporarily or permanently, of severing, altering, or restoring their pipes or wires, effected by their own employees, or with their own material, the Company shall afford every facility to such employees, and shall accept and use such material, paying to such owners the actual reasonable cost of labour and material disbursed by such owners, and in default of the Company making such payment when called upon so to do, the owners aforesaid shall be entitled to recover the amount due by summary process in accordance with the provisions of this Act.

Streets, &c., to be broken up under superintendence of local authority.

8. For the purposes of this Act, and subject to the approval of the Governor, the Company may, from time to time, after the expiration of thirty days notice in some newspaper published and circulated in the District of Broken Hill of their intention to apply for the powers hereinafter in this section contained, divert or alter temporarily any part of the course of any creeks, watercourses, roads, streets, or ways, in order the more conveniently to exercise any of the powers conferred upon the Company; but shall first provide sufficient substitutes for any creek, watercourse, road, street, or way, while so interfered with, and shall maintain the same during such time at their own expense in good order. For the purposes of this Act, and subject to the approval aforesaid, the Company may construct weirs and dams in any creek or watercourse, cut drains and deliver into or take water from, and embank, widen, or deepen any creek, watercourse, lagoon, or swamp within the catchment area of Stephen's Creek, as defined in First Schedule, provided always that such works shall not interfere with any existing rights, nor with the construction hereafter by any person of other necessary works approved by the Governor for providing water supply for domestic use, or for live stock, or for mining or manufacturing, or other purposes, provided however that the Company shall pay to the Colonial Treasurer such yearly sum, by way of rent, as the Local Land Board may determine, in accordance with the provisions of the "Crown Lands Act of 1884" and any Acts amending the same in consideration of any such concession to be conferred under this Act.

Temporary diversion of water.

9. The Company shall supply water for domestic or other purposes, by measure or otherwise, at such rates, upon such terms, and subject to such conditions as may be agreed upon by the Company and the person requiring to be supplied. Provided always that the Company shall not be entitled to withhold water from any person, unless such person be in arrears with his payment, or shall have been convicted of misapplication of water, and the Company shall not charge for water any person a greater rate than other persons are charged under like conditions.

Agreements to supply water.

10. The Company 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 or continuing to supply such water if the want of such supply arises from unusual drought or other unavoidable cause or accident or from necessary repairs.

Company not liable for accidental failure to supply water.

Company may let meters.

11. The Company may let for hire to any consumer of water supplied by measure any meter or instrument for measuring the quantity of water supplied and consumed, and any pipes and apparatus for the conveyance, reception, or storage of the water, for such remuneration in money as may be agreed upon between the Company and the consumer, which shall be recoverable in the same manner as rates due to the Company for water.

Meters of Company not distrainable.

12. Such meters, instruments, pipes, and apparatus shall not be subject to distress for rent of the premises where the same are used, or be liable to be attached or taken in execution under any process of any Court of Law or Equity, or under or in pursuance of any sequestration or order in insolvency, or other legal proceedings against or affecting the consumer of the water, or the occupier of the premises, or other the person in whose possession the meters, pipes, instruments, and apparatus may be.

Meter to be supplied and maintained by consumer.

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

Power to officers of Company to inspect meter.

14. The officers of the Company may enter any house, building, or lands, to, through, or into which water is supplied by the Company by measure, in, or 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, or to examine if there be any waste or misuse of such water; 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 Company; 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 two Justices a power of entry shall be exercised only between the hours of nine in the forenoon and six in the afternoon.

Supply of water for public purposes.

15. In all the pipes to which any fire-plug is fixed, the Company shall provide and keep constantly laid on for use, unless prevented by unusual drought or other unavoidable accident, or during necessary repairs, a sufficient supply for the following purposes (that is to say), for supplying any public hospitals or charitable institutions, or any public pumps, baths, and washhouses that may be established for the use of the inhabitants, and paid for out of any municipal rates; and such supply shall be provided at such rates and upon such terms and conditions as may be agreed upon by any Municipal Council and the Company, or, in case of disagreement, as shall be settled by two Justices. Provided that hospitals and charitable institutions shall be provided with water without charge.

FIRE-PLUGS.

Company to place public fire-plugs in mains.

16. The Company, at the request of any Municipal Council in the Borough of which it shall construct its works or any of them, shall fix proper fire-plugs in the main and other pipes belonging to it at such convenient distances and at such places as it may consider proper and convenient for the supply of water for extinguishing any fire which may break out within any such Borough, and shall from time to time renew and keep in effective order every such fire-plug; and shall put up a public notice in some conspicuous place in each street in which such fire-plug is situated, showing its situation; and such notice may be put up on any house, wall, fence, or building in such street;

street; and as soon as such fire-plug is completed, the Company shall deposit a key thereof in each place where any public fire-engine is kept. The cost of such fire-plugs and notices, and the expense of fixing, placing, and maintaining the same in repair, and of supplying such keys as aforesaid, shall be defrayed by the Municipal Council in which the same may be. And no supply of water from such fire-plugs shall be taken for any other purpose than that of extinguishing fires, unless such purpose be allowed in writing by the Company.

Fire-plugs for manufactories.

17. The Company 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 Company, place and maintain in effective order a fire-plug (to be used only for extinguishing fires) or near as conveniently may be to such manufactory or works.

Pipes to be kept charged, and water taken for fires.

18. The Company shall at all times keep charged with water all its pipes to which fire-plugs are fixed unless prevented by drought or other unavoidable cause or accident or during necessary repairs. And shall allow all persons at all times to take and use such water for the purpose only of extinguishing fire without making compensation for the same.

Penalty for refusal to fix fire-plugs, or for occasional failure of supply of water.

19. If, except when prevented as aforesaid, the Company neglect or refuse to fix, retain, or repair such fire-plug, or to furnish to such Municipal Council a sufficient supply of water for the public purposes aforesaid, upon such terms as shall have been agreed on or settled as aforesaid, or if, except as aforesaid, it neglects to keep its pipes charged as aforesaid, or neglects or refuses to furnish water to any owner or occupier liable to be rated under this Act during any part of the time for which such rates have been paid or tendered, shall be liable to a penalty of fifty pounds, and shall also forfeit to any such Municipal Council, or to every person having paid or tendered the rate, the sum of twenty shillings for every day during which such refusal or neglect shall continue after notice in writing shall have been given to the Company of the want of supply.

Company may make regulations.

20. Subject to the provisions of this Act, the Company may, from time to time, make, amend, and repeal regulations for or relating to all or any of the following subjects:—

(I) The supply of water to the owner or occupier of any house, factory, or land;

(II) The rate at which water shall be sold, and the time of payment for the same;

(III) The prevention and remedying of waste, undue consumption, fouling or contamination of the water contained in or supplied from any part of the Company's works;

(IV) The protection of the water and every part of the works from trespass and injury;

(V) The imposing of penalties for any breach of any regulation by this Act authorized to be made by the Company, not exceeding for any offence the sum of fifty pounds; and

(VI) Generally for duly administering and carrying out the powers given to the Company.

And such regulations shall, upon being approved by the Governor and published in the *Gazette*, be valid in law.

Maximum price of water.

21. The price to be charged by the Company for water sold shall in no case exceed sixpence per hundred gallons.

PROTECTION OF THE WATER.

22. If any person supplied with water by the Company wrongfully does, or causes or permits to be done, anything in contravention of any of the provisions of this Act or of the regulations of the Company, or wrongfully fails to do anything which under any of those provisions ought to be done for the prevention of the waste, misuse, undue

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

undue consumption, or contamination of the water of the Company, the Company may (without prejudice to any remedy against him in respect thereof) cut off any of the pipes by or through which water is supplied to him or for his use, and may cease to supply him with water so long as the cause of injury remains or is not remedied.

Penalty for misapplication of water.

23. If any person—

(I) Not having from the Company a supply of water for other than domestic purposes, uses for other than domestic purposes any water supplied to him by the Company; or

(II) Having from the Company a supply of water for any purpose other than domestic, uses such water for any purpose other than those for which he is entitled to use the same,—

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

Definition of domestic supply.

24. A supply of water for domestic purposes shall not include a supply to any stable, or for any manufacturing purpose, or for irrigation (which shall mean any mechanical or artificial contrivance for conveying water to plants without labour), or for water-power, or for fountains or any ornamental purpose. The Company shall at all times have the power to decide whether the supply of water to any person shall be by measure or otherwise.

Penalty for unlawfully taking water.

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

POLLUTING THE WATER.

Penalty for bathing in water of the Company.

26. If any person bathe in any stream, drain, reservoir, aqueduct, or other waterworks belonging to the Company, 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.

Protection of water supply from pollution, &c.

27. The Company shall take all reasonable precautions, by fencing and otherwise, for the protection of the water supply from pollution or contamination, and the Central Authority may at any time require the Company to construct such works, or take such precautions, as he may deem necessary or advisable in the interests of the public health. If the Company neglect or fail to construct such works, or take such measures, within the time prescribed by such Authority, the said Company shall become liable to a penalty of not more than fifty pounds for every day after the expiration of such prescribed time.

Penalty for throwing dirt therein.

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

Penalty for letting foul water flow thereinto.

29. If any person cause the water of any sink, sewer, or drain, steam-engine boiler, or other filthy water belonging to him or under his control to run or be brought into any stream, drain, reservoir, aqueduct, or other waterworks belonging to the Company, or shall do any other act whereby the water of the Company shall be fouled, he shall for each such offence forfeit a sum not exceeding twenty pounds, and a further sum of twenty shillings for each day (if more than one) that such offence continues.

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

30. Every person or company making or supplying gas within the limits of any water district who shall at any time cause or suffer to be brought or to flow into any stream, drain, reservoir, aqueduct, or water-works belonging to the Company, or into any stream or 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 reservoir, aqueduct, or other waterworks shall be fouled, or the pipes or conduits thereof injured, shall forfeit to the Company a sum not exceeding twenty pounds, to be recovered with full costs of suit for each day during which such washing or other substance shall be brought or shall flow as aforesaid, or during which the act shall continue by which such water 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 Company.

Penalty on gasmakers causing water to be fouled.

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

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

32. For the purpose of ascertaining whether the water of the Company be fouled by the gas of any person or company making or supplying gas within the said district, the Company may dig up the ground and examine the pipes, conduits, and works of the persons or company making or supplying gas. Provided that before proceeding so to dig and examine, the Company shall give twenty-four hours' notice in writing to the person or company so making or supplying gas of the time at which such digging and examining is intended to take place, and shall give the like notice to the persons having the control or management of the pavements or place where such digging shall take place, and shall be subject to the like obligation of reinstating the road and pavement, and to the same penalties for delay or any nonfeasance or misfeasance therein, as hereinafter provided, with respect to roads and pavements broken up by the Company for laying their pipes; and if upon such examination it appears that such water has been fouled by any gas belonging to such person or company the expenses of the digging, examination, and repairs of the street or place disturbed in any such examination shall be paid by the person or company making or supplying gas; but if upon such examination it appears that the water has not been fouled by the gas of such person or company, then the Company shall pay all the expenses of the examination and repair, and also make good to the said person or company any injury which may be occasioned to his works by such examination. The Company shall apply three-fourths of any amounts received under the two last preceding sections in reduction of the charges for water supplied to users from pipes between the point of contamination and the points of delivery, during the period of contamination for which the penalties have been inflicted, proportionately to the consumption of such users, and in the event of the Company neglecting or refusing to make such reduction, any user of water as aforesaid may recover the proportion due to him by summary process before two Justices.

The expense to abide the result of the examination.

Proportion of profits to be applied towards reduction of charges.

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

33. Any person who shall, without the authority of the Company, re-establish any 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, meter, cistern, ball-cock, stop-cock, or waste-pipe, which may have been approved by the Company,

Company, 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 Company may have incurred (and which it 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 Company.

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

34. Where several houses or parts of houses in the separate occupation of several persons are supplied by one common pipe, or where water is supplied to courts, alleys, and right-of-ways by stand-pipes, the several owners or occupiers of such houses or parts of houses, or of the several houses or parts of houses in every such court, alley, or right-of-way, shall be liable to the payment of two-thirds 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 Company by a separate pipe.

Steam-boilers not to connect directly with Company's pipes.

35. All steam-boilers and hot-water apparatus must be supplied from cisterns without over-flow pipes, and no such boiler or apparatus shall in any way be connected directly with the service pipe or main of the Company. It shall not be lawful for the owner or occupier of any premises supplied with water by the Company, or any consumer of the water of the Company, or any other person to affix, or cause or permit to be affixed, any pipe or apparatus to a pipe belonging to or used by such owner, occupier, consumer, or any other person, or to make any alteration in any such connection or service-pipe, or in any apparatus connected therewith, without the consent in every such case of the Company. And if any person acts in any respect in contravention of the provisions of the present section he shall for every such offence be liable to a penalty not exceeding five pounds, without prejudice to the right of the Company to recover damages from him in respect to any injury done to its property, and without prejudice to its right to recover from him the value of any water wasted, misused, or unduly consumed.

Charges and rates for water payable in advance.

36. The charges for water and all sums due to the Company shall be paid by and be recoverable from the owner of the premises or the occupier or person requiring, receiving, or using the water. Except where water is supplied by measure, all rates for water shall be paid in advance by equal payments on the first day of January, April, July and October in each year, and the first payment shall be made when the water is first supplied. The rent payable for meters shall be payable in advance on the above-mentioned dates.

Refusal to pay charges.

37. If any person refuse or neglect to pay on demand to the Company any rate, charge, or sum due by him to the Company under this Act, the Company may recover the same with costs in any Court of competent jurisdiction.

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

38. If any tenant of any premises be called on to pay, and shall pay a greater amount of any rate, charge, or sum due to the Company under this Act than is due for the period of his occupancy, such tenant may deduct any sum so paid or recovered from the rent from time to time becoming due to the owner in respect of such premises, or after demand, may recover the same from the owner of such premises.

PART III.

Acquisition and occupation by the Company of lands for the purposes of water supply—ascertainment of compensation in respect thereof.

Lands required for water supply, how acquired.

39. After the notification in the *Gazette*, as hereinbefore provided, of the approval by the Governor of a scheme for the supply of water to the said district, but not before the Company shall be empowered to acquire or occupy lands for the purposes of such water supply in manner hereinafter provided, and compensation for every such acquisition or occupation of lands shall be ascertained and carried out as hereinafter provided.

How and when lands can be taken.

40. It shall be lawful for the Company, by notification to be published in the *Gazette* and in one or more newspapers published or circulating in the said town and suburbs to declare that the land described in such notification is required for the purpose therein expressed.

Vesting of lands.

41. Upon the publication of the notification in the *Gazette* declaring that the lands therein described are so required, such lands shall, upon compliance with the requirements and provisions hereinafter contained, be vested in the Company for the purposes of this Act. Provided, however, that the Company shall have no right or title to any mine or minerals, nor shall the said Company be entitled to interfere in any way with the working or management of any such mine or minerals as aforesaid, which may lie in, upon, or under any private or Crown Lands within the said catchment area, although the said lands may be vested in the Company for the purposes of this Act.

Effect of publication upon Crown Lands.

42. Where the land required is Crown Land at the date of such publication, or is vested in any corporation, or in any person on behalf of Her Majesty, or for any public purposes by virtue of any statute, or is within the limits with reference to centres of population prescribed by the "Crown Lands Act of 1884" or any Acts amending the same, the effect of such publication shall be to withdraw the said land (to the extent required) from any lease or license or promise thereof, and to cancel to the like extent any dedication or reservation of the said land however made, and to divest the estate of such corporation or person, and to vest the said land in the said Company for the purposes of this Act for a lease of twenty-eight years at such rent as may be determined by the Local Land Board under the provisions of the "Crown Lands Act of 1884" and the Acts amending the same. Provided, however, that nothing in this section contained shall have any effect or operation unless the approval of the Governor shall first have been obtained with respect to the land so required, and the said Company shall have made such compensation and payments as the Local Land Board may determine, subject to the provision of the "Crown Lands Act of 1884" and any amendments of the same.

Compensation for private lands.

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

Conversion of estate of proprietor of resumed land into a claim.

44. The estate and interest of every person entitled to lands required under this Act, or any portion thereof, and whether to the legal or equitable estate therein, shall upon due payment of the amount of compensation tendered by the Company, and accepted by the owner, or assessed by the jury as hereinafter provided, be deemed to have been as fully and effectually conveyed to the Company as if the same had been conveyed by the persons legally or equitably entitled

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

Notice of claim for compensation.

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

Claim and report thereon.

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

Compensation by action in Supreme Court.

47. If within ninety days after the service of notice of claim the claimant and the company shall not agree as to the amount of compensation, the claimant shall be at liberty to institute proceedings in the Supreme Court in the form of an action for compensation against the Company. And any such action may be tried before a Judge of the said Court or in any Circuit Court and a jury of four persons. Provided always that, upon proper application, either of the Company or of the claimant, a special jury of twelve may be summoned for trial of such action. Provided also that with the consent in writing of the Company and the claimant, any such action may be so tried at any time (to be mentioned in such consent) before the expiration of ninety days from service of the notice of claim for compensation, but not within fourteen days from service of the notice of valuation on such claimant.

Issue in action of compensation verdict and costs.

48. The issue to be tried in any such action shall be whether the claimant is entitled to a larger sum by way of compensation than the amount of the valuation so made by the Company and notified to the claimant as aforesaid, and if so, to what sum. And if upon the trial of the said action the verdict shall be for a greater sum than the amount of the said valuation, the costs of the action shall be borne by the Company, but if the verdict shall be for a sum equal to such valuation then each party shall bear its own costs, or less than such valuation then the costs shall be borne by the claimant.

As to payment of compensation.

49. All moneys payable under this Act by way of compensation to any claimant, whether under the verdict of a jury or otherwise, shall be paid, together with costs (if any) and interest at the rate of six pounds per centum per annum, within one month after the determination of such compensation to the person lawfully entitled thereto, or to his agent duly authorized in that behalf in writing, but the claimant shall be bound to make out his title to the estate or interest claimed by him, in all cases where the claim is in respect of the deprivation of some estate or interest in land, and no interest shall be payable except from the time when such title shall have been made out. Provided that in the case of land under the surface taken for the purpose of constructing a subterranean tunnel for water supply or sewerage, no compensation

compensation shall be allowed or awarded, unless the surface of the overlying soil be disturbed, or the support to such surface be destroyed, or injuriously affected by the construction of such tunnel, or unless any mines or underground workings in or adjacent to such land be thereby rendered unworkable or to be so affected as aforesaid.

Where claim may be prosecuted in District Court.

50. The District Court shall, notwithstanding anything contained in the "District Courts Act of 1858," have jurisdiction to try any such action of compensation in any case where the whole amount of the claim in respect to such land served in pursuance of this Act does not exceed two hundred pounds, or if exceeding that amount in any case where the Company and the claimant by a memorandum signed by the Company and such claimant, or by the respective attorneys of the Company and the claimant agree thereto. For the purposes of this section, the provisions of the said District Courts Act and of any Act amending the same, together with all rules made or to be made thereunder, shall be deemed to apply to all proceedings taken in the said District Court hereunder.

Compensation how to be estimated.

51. In estimating or assessing the compensation to be paid under this Act, regard shall be had by the valuators and by the jury (on any issue), not only to the value of the land taken by the Company, but also to the damage (if any) to be sustained by the claimant by reason of the severing of the lands taken from other lands, or other injuries suffered by him by reason of the exercise of the powers expressed or incorporated in this Act, and they shall assess the same according to what they shall find to have been the value of such lands, estate, or interest, at the time of the resumption thereof, or the extent of the damage or injury sustained, but in making any such estimate or in assessing the compensation to be paid under this Act, any increased value which may be given to the adjacent lands of the same owner by reason of the water-works or water supply, shall be taken into consideration, and shall be deducted from the compensation to be paid to the owner of the lands so taken.

General power of entry.

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

Power to purchase lands by agreement.

53. Notwithstanding anything hereinbefore contained, it shall be lawful for the Company, if it shall think fit, to agree with the owners of any lands, the acquisition of which is authorized by this Act, and with all parties having any estate or interest in such lands, or by this Act enabled to sell or convey the same, for the absolute purchase, for a consideration in money, of any such lands, or such parts thereof as shall be thought proper, and of all estates and interests in such lands of what kind soever. Provided also that it shall be lawful for the Company from time to time, and at all times hereafter, to lease any lands, or the right to use or occupy or enter upon any lands, for such term and upon such conditions as may be agreed upon.

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

54. It shall be lawful for all parties being seized, possessed of, or entitled to any such lands, or any estate or interest therein, to sell and convey or release the same to the Company, and to enter into all necessary agreements for that purpose, and particularly it shall be lawful for all or any of the following parties so seized, possessed, or entitled, as aforesaid, so to sell, convey, or release, that is to say, all corporations, tenants in tail or for life, married women seized in their own right, or entitled to dower, guardians, committees of lunatics and idiots, trustees, or feoffees in trust for charitable or other purposes, executors and administrators,

administrators, and all parties for the time-being entitled to the receipt of the rents and profits of any such lands in possession, or subject to, any estate in dower, or to any lease for life or for lives and years, or for years or any less interest, and the power so to sell and convey or release as aforesaid, may lawfully be exercised by all such parties, other than married women entitled to dower, or lessees for life, or for lives and years, or for years, or for any less interest, not only on behalf of themselves and their respective heirs, executors, administrators, and successors, but also for, and on behalf of, every person entitled in reversion, remainder, or expectancy, after them, or in defeasance of the estates of such parties, and as to such married women, whether they be of full age or not, as if they were sole and of full age, and as to such guardians on behalf of their wards, and as to such committees on behalf of the lunatics and idiots of whom they are the committees respectively, and that to the same extent as such wives, wards, lunatics and idiots respectively, could have exercised the same power under the authority of this Act if they had respectively been under no disability, and as to such trustees, executors, or administrators on behalf of their *cestui que* trusts, whether infants, issue unborn, lunatics, *feme covert* or other persons, and that to the same extent as such *cestui que* trusts respectively could have exercised the same powers under the authority of this Act if they had respectively been under no disability, and the power hereinafter given to release lands from any rent-charge or incumbrance, and to agree for the apportionment of any such rent-charge or incumbrance shall extend to, and may lawfully be exercised by every party hereinbefore enabled to sell and convey or release lands to the Company.

Purchase money payable to parties under disability amounting to £200 to be deposited with Master in Equity.

55. If the purchase money or compensation payable in respect of any lands or any interest therein purchased or taken by the Company from any corporation, tenant for life or in tail, married woman seized in her own right or entitled to dower, guardian, committee of lunatic or idiot, trustee, executor, administrator, or person having a partial or qualified interest only in such lands and not entitled to sell or convey the same, except under the provisions of this Act, or the compensation to be paid for any permanent damage to such lands amount to or exceed the sum of two hundred pounds, the same shall be paid into the hands of the Master in Equity, to be by him deposited to the account of such Master in Equity *ex parte* the Company in the matter of A or B (the party entitled) pursuant to the method prescribed by any Act or by any rules, for the time being in force, for regulating moneys paid into the Supreme Court in its Equitable Jurisdiction; and such moneys shall remain so deposited until the same be applied to some one or more of the following purposes, (that is to say)—

Applications of moneys deposited.

(I) In the redemption of the quit rent, or the discharge of any debt or incumbrance affecting the land in respect of which such money shall have been paid, or affecting other lands settled therewith to the same or the like uses, trusts, and purposes; or

(II) In the purchase of other lands or of Government Debentures or other stock, to be conveyed, limited and settled upon the like uses, trusts and purposes and in the same manner as the lands, in respect of which such money shall have been paid, stood settled; or

(III) If such money shall be paid in respect of any buildings taken under the authority of this Act, or injured by the proximity of any work,—in removing or replacing such buildings or substituting others in their stead, in such manner as the Supreme Court or the Primary Judge in Equity shall direct; or

(IV) In payment to any party becoming absolutely entitled to such money.

56.

Order for application and investment meanwhile.

56. Such money may be so applied as aforesaid upon an order of the said Court or Judge made on the petition of the party who would have been entitled to the rents and profits of the lands in respect of which such money shall have been deposited; and until the money can be so applied, it may, upon the like order, be invested by the said Master in Equity in the purchase of Government Debentures or real securities, and the interest, dividends, and annual proceeds thereof may be paid to the party who would, for the time being, have been entitled to the rents and profits of the lands.

Sums from £20 to £200 to be deposited or paid to trustees.

57. (I) If such purchase money or compensation shall not amount to the sum of two hundred pounds and shall exceed the sum of twenty pounds, the same shall either be paid to the Master in Equity to be by him deposited and applied in the manner hereinbefore directed with respect to sums amounting to or exceeding two hundred pounds, or the same may be lawfully paid to two trustees.

(II) Such trustees shall be nominated by the parties entitled to the rents or profits of the lands in respect whereof the same shall be payable, such nomination to be signified by writing under the hands of the party so entitled. In case of the coverture, infancy, lunacy, or other incapacity of the parties entitled to such moneys, such nomination may lawfully be made by their respective husbands, guardians, committees, or trustees.

(III) Payment of such moneys shall not be made to such trustees as aforesaid unless the Company approve thereof and of the trustees named for the purpose.

(IV) The money so paid to such trustees and the produce arising therefrom shall be by such trustees applied in the manner hereinbefore directed with respect to money deposited to the account of the Master in Equity; but it shall not be necessary to obtain any order of the Court for that purpose.

Sums not exceeding £20 to be paid to parties.

58. If such money shall not exceed the sum of twenty pounds, the same shall be paid to the parties entitled to the rents and profits of the lands in respect whereof the same shall be payable, for their own use and benefit; or, in case of the coverture, infancy, lunacy or other incapacity of such parties, such money shall be paid for their use to the respective husbands, guardians, committees or trustees of such persons.

All sums payable under contract with persons not absolutely entitled to be paid to Master in Equity or trustees.

59. All sums of money exceeding twenty pounds which may be payable by the Company in respect of the taking, using, or interfering with any lands under a contract or agreement with any person who shall not be entitled to dispose of such lands, or of the interest therein contracted to be sold by him absolutely for his own benefit, shall be paid to the Master in Equity or to trustees, in manner aforesaid. It shall not be lawful for any contracting party not entitled as aforesaid to retain to his own use any portion of the sums so agreed or contracted to be paid for or in respect of the taking, using, or interfering with any such lands, or in lieu of bridges, tunnels, or other accommodation works, or for assenting to or not opposing the taking of such lands; but all such moneys shall be deemed to have been contracted to be paid for and on account of the several parties interested in such lands, as well in possession as in remainder, reversion, or expectancy. Provided always that it shall be in the discretion of the Judges of the Supreme Court, or the Chief Judge in Equity, or the said trustees, as the case may be, to allot to any tenant for life or for any other partial or qualified estate, for his own use, a portion of the sum so deposited or so paid to such trustees as aforesaid, as compensation for any injury, inconvenience, or annoyance which he may be considered to sustain, independently of the actual value of the lands to be taken and of the damage occasioned to the lands held therewith by reason of the taking of such lands and the making of the works.

Payments made under this Act sufficient discharge to the Company.

60. All payments which shall be made in any of the cases aforesaid to the parties entitled under this Act to receive the same shall be a good and valid discharge to the Company; and such Company shall not be bound or required to see to the application of any of the moneys paid to the Master in Equity or other person by virtue hereof, or to see to the performance of any trusts.

Court of Equity may direct application of money in respect of leases or reversions as they may think just.

61. Where any purchase money or compensation paid or deposited pursuant to this Act shall have been paid in respect of any lease for a life or lives or years, or for a life or lives and years, or any estate in lands less than the whole fee simple thereof, or of any reversion dependent on any such lease or estate, the said Court or Judge may, on the petition of any party interested in such money, order that the same shall be laid out, invested, accumulated, and paid in such manner as the said Court or Judge may consider will give to the parties interested in such money the same benefit therefrom as they might lawfully have had from the lease, estate, or reversion in respect of which such money shall have been paid or deposited, or as near thereto as may be.

Purchase money or compensation may in certain cases be paid to the Master in Equity.

62. If the owner of any lands taken or purchased under the authority of this Act, or of any interest therein, on tender of the purchase money or compensation either agreed or awarded to be paid in respect thereof,

(I) Refuse to accept the same;

(II) Neglect or fail to make out a title to such lands or to the interest therein claimed by him, to the satisfaction of the Company;

(III) Refuse to convey or release such lands as directed by the Company;

(IV) Be absent from the Colony or cannot, after diligent inquiry, be found;

The Company may, if it shall think fit, deposit the purchase money or compensation payable in respect of such lands or any interest therein in the hands of the Master in Equity, to be by him deposited as aforesaid to his account to the credit of the parties interested in such lands (describing them so far as he can do) subject to the control and disposition of the said Court.

Application of money so deposited.

63. Upon the application by petition of any party making claim to the money so deposited as last aforesaid or any part thereof, or to the lands in respect whereof the same shall have been so deposited, or any part of such lands, or any interest in the same, the said Court or Judge may in a summary way, as to such Court or Judge shall seem fit, order such money to be laid out or invested in the purchase of Government Debentures or real securities; or may order distribution thereof or payments of the dividends thereof, according to the respective estates, titles or interest of the parties making claim to such money or lands or any part thereof, and may make such other order in the premises as to such Court or Judge shall seem fit.

Party in possession to be deemed the owner.

64. If any question arise respecting the title to the lands, in respect whereof such moneys shall have been so paid or deposited as aforesaid, the parties respectively in possession of such lands as being the owners thereof or in receipt of the rents of such lands as being entitled thereto at the time of such lands being purchased or taken, shall be deemed to have been lawfully entitled to such lands, until the contrary be shown to the satisfaction of the Court; and unless, upon such inquiry as the Court shall think fit to direct, the contrary be shown as aforesaid, the parties so in possession and all parties claiming under them or consistently with their possession, shall be deemed entitled to the money so deposited, and to the dividend or interest of the securities purchased therewith, and the same shall be paid and applied accordingly.

Costs in case of money deposited.

65. In all cases of moneys deposited under the provisions of this Act, except where such moneys shall have been so deposited by reason of the wilful refusal of any party entitled thereto to receive the same, or to convey or release the lands in respect whereof the same shall be payable, or by reason of the neglect of any party to make out a good title to the land required, the said Court or Judge may order the costs of the following matters, including therein all reasonable charges and expenses incident thereto, to be paid by the Company (that is to say) the costs of—

(I) The purchase or taking of the lands or which shall have been incurred in consequence thereof, other than such costs as are herein otherwise provided for;

(II) The investment of such moneys in Government Debentures or real securities and of the reinvestment thereof in the purchase of other lands;

(III) Obtaining the proper orders for any of the purposes aforesaid, and of the orders for the payment of the dividends and interest of the securities upon which such moneys shall be invested, and for the payment out of Court of the principal of such moneys or of the securities whereon the same shall be invested;

(IV) All proceedings relating thereto, except such as are occasioned by litigation between adverse claimants.

Provided always that the cost of one application only for reinvestment in land shall be allowed, unless it shall appear to the said Court or Judge that it is for the benefit of the parties interested in the said moneys that the same should be invested in the purchase of lands, in different sums and at different times; in which case the Court may, if it think fit, order the costs of any such investment to be paid by the Company.

Proceeding in case of refusal to deliver possession of lands.

66. If, in any case in which, according to the provisions of this Act, the Company is authorized to enter upon and take possession of any lands required for the purpose of the work, the owner or occupier of any such lands or any other person refuse to give up the possession thereof, or hinder the Company from entering upon or taking possession of the same, it shall be lawful for such a Judge of the Supreme Court upon application by the Company to issue his warrant to the Sheriff to deliver possession of the same to the person appointed in such warrant to receive the same. Upon the receipt of such warrant the Sheriff shall deliver possession of any such lands accordingly; and the cost accruing, by reason of the issuing and execution of such warrant, to be settled by the Sheriff, shall be paid by the person refusing to give possession; and the amount of such costs shall be deducted and retained by the Company from the compensation, if any, then payable to such party, or if no such compensation be payable to such party, or if the same be less than the amount of such costs, then such costs or the excess thereof beyond such compensation, if not paid on demand, shall be levied by distress, and upon application to any Justice for that purpose he shall issue his warrant accordingly.

Power to redeem mortgages.

67. (I) The Company may purchase or redeem the interest of the mortgagee of any such lands which may be required for the purposes of this Act; and that whether it shall have previously purchased the equity of redemption of such lands or not; and whether the mortgagee thereof be entitled thereto in his own right or in trust for any other party; and whether he be in possession of such lands by virtue of such mortgage or not; and whether such mortgage affect such lands solely or jointly with any other lands not required for the purposes of this Act.

(II) In order thereto, the Company may pay or tender to such mortgagee the principal and interest due on such mortgage, together with his costs and charges, if any, and also six months' additional interest; and thereupon such mortgagee shall immediately convey his interest in the lands comprised in such mortgage to the Company or as it shall direct.

(III) The Company may give notice in writing to such mortgagee that it will pay off the principal and interest due on such mortgage at the end of six months, computed from the day of giving such notice; and if it shall have given any such notice, or if the party entitled to the equity of redemption of any such lands shall have given six months notice of his intention to redeem the same, then, at the expiration of either of such notices, or at any intermediate period, upon payment or tender by the Company to the mortgagee of the principal money due on such mortgage and the interest which would become due at the end of six months from the time of giving either of such notices, together with his costs and expenses, if any, such mortgagee shall convey or release his interest in the lands comprised in such mortgage to the Company, or as it shall direct.

Deposit of mortgage money on refusal to accept.

68. If, in either of the cases aforesaid, upon such payment or tender, any mortgagee shall fail to convey or release his interest in such mortgage as directed by the Company, or if he fail to adduce a good title thereto to its satisfaction, then it shall be lawful for the Company to pay into the hands of the Master in Equity, to be dealt with by him in the manner provided by this Act in the cases of moneys required to be paid to such Master in Equity, the principal and interest, together with the costs, if any, due on such mortgage; and if such payment be made before the expiration of six months notice as aforesaid, such further interest as would at the time become due; and also, if the Company think fit, to execute a deed poll, containing a description of the lands in respect whereof such deposit shall have been made and describing the circumstances under which and the names of the parties to whose credit such deposit shall have been made, and such deed poll shall be duly registered by the Company. And thereupon, as well as upon such conveyance by the mortgagee, if any such be made, all the estate and interest of such mortgagee and of all persons in trust for him or for whom he may be a trustee in such lands shall vest in the Company, and the Company shall be entitled to immediate possession thereof, in case such mortgagee were himself entitled to such possession.

Sum to be paid when mortgage exceeds the value of the lands.

69. (I) If any of such mortgaged lands shall be of less value than the principal, interest, and costs secured thereon, the value of such lands or the compensation to be made by the Company in respect thereof shall be settled by agreement between the mortgagee of such lands and the party entitled to the equity of redemption thereof on the one part, and the Company on the other part.

(II) If the parties aforesaid fail to agree, respecting the amount of such value or compensation, the same shall be determined, as in other cases of disputed compensation.

(III) The amount of such value or compensation being so agreed upon or determined shall be paid by the Company to the mortgagee, in satisfaction of his mortgage debt, so far as the same will extend; and upon payment or tender thereof the mortgagee shall convey or release all his interest in such mortgaged lands to the Company or as it shall direct.

Deposit of money when refused on tender.

70. If, upon such payment or tender as aforesaid being made, any such mortgagee fail so to convey his interest in such mortgage or to adduce a good title thereto to the satisfaction of the Company, it shall be lawful for the Company to pay the amount of such value

value or compensation into the hands of the Master in Equity, to be dealt with by him, in the manner provided by this Act in like case of moneys required to be paid to such Master in Equity; and every such payment or deposit shall be accepted by the mortgagee in satisfaction of his mortgage debt, so far as the same will extend, and shall be a full discharge of such mortgaged lands from all money due thereon; and the Company may, if it think fit, execute a deed poll in manner hereinbefore provided. And thereupon such lands, as to all such estate and interest as were then vested in the mortgagee or any person in trust for him, shall become absolutely vested in the Company and the Company shall be entitled to immediate possession thereof in case such mortgagee were himself entitled to such possession. Nevertheless, all rights and remedies possessed by the mortgagee against the mortgagor, by virtue of any bond or covenant or other obligation, other than the rights to such lands, shall remain in force, in respect of so much of the mortgage debt as shall not have been satisfied by such payment or deposit.

Sum to be paid where part only of mortgaged lands taken.

71. (I) If a part only of any such mortgaged lands be required for the purposes of this Act, and if the part so required be of less value than the principal money, interest, and costs secured on such lands, and the mortgagee shall not consider the remaining part of such lands a sufficient security for the money charged thereon, or be not willing to release the part so required, then the value of such part and also the compensation (if any) to be paid in respect of the severance thereof or otherwise shall be settled by agreement between the mortgagee and the party entitled to the equity of redemption of such land on the one part, and the Company on the other part.

(II) If the parties aforesaid fail to agree respecting the amount of such value or compensation, the same shall be determined as in other cases of disputed possession.

(III) The amount of such value or compensation being so agreed upon or determined shall be paid by the Company to such mortgagee in satisfaction of his mortgage debt, so far as the same will extend; and thereupon such mortgagee shall convey or release to the Company or as it shall direct, all his interest in such mortgaged lands, the value whereof shall have been so paid, and a memorandum of what shall have been so paid shall be endorsed on the deed creating such mortgage, and shall be signed by the mortgagee, and a copy of such memorandum shall at the same time (if required) be furnished by the Company, at the expense of the Company, to the party entitled to the equity of redemption of the lands comprised in such mortgage deed.

Deposit of money when refused on tender.

72. If, upon any payment or tender to any such mortgagee of the amount of the value or compensation so agreed upon or determined, such mortgagee shall fail to convey or release to the Company or as it shall direct, his interest in the lands, in respect of which such compensation shall so have been paid or tendered, or if he shall fail to adduce a good title thereto to the satisfaction of the Company, it shall be lawful for the Company to pay the amount of such value or compensation into the hands of the Master in Equity, to be dealt with by him in the manner provided by this Act in the case of moneys required to be paid to such Master in Equity; and such payment or deposit shall be accepted by such mortgagee in satisfaction of his mortgage debt, so far as the same will extend, and shall be a full discharge of the portion of the mortgaged lands so required from all money due thereon; and also, if he think fit, to execute a deed poll in the manner hereinbefore provided. And thereupon such lands shall become absolutely vested in the Company, as to all such estate and interest as were then vested in the mortgagee or any person in trust for him, and

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in case such mortgagee were himself entitled to such possession he shall be entitled to immediate possession thereof. Nevertheless, every such mortgagee shall have the same powers and remedies for recovering or compelling payment of the mortgage money or the residue thereof (as the case may be) and the interest thereof respectively, upon and out of the residue of such mortgaged lands or the portion thereof not required for the purposes of this Act as he would otherwise have had or been entitled to for recovering or compelling payment thereof, upon or out of the whole of the lands originally comprised in such mortgage.

Release of land from rent charges.

73. If any difference shall arise between the Company and the party entitled to any rent-service, rent-charge, chief or other rent, or other payment, or incumbrance, not hereinbefore provided for, upon any lands taken for the purposes of this Act, respecting the consideration to be paid for the release of such lands therefrom, or from the portion thereof affecting the lands required for the purposes of this Act, the same shall be determined as in other cases of disputed compensation.

Release of part of land from rent-charge.

74. If part only of the lands charged with any such rent-service, rent-charge, chief-rent, or other rent-payment or incumbrance, be taken for the purposes of this Act, the apportionment of any such charge may be settled by agreement between the party entitled to such charge and the owner of the lands on the one part and the Company on the other part; and, if such apportionment be not so settled by agreement, the same shall be settled by two Justices. But if the remaining part of the lands so jointly subject be a sufficient security for such charge, then, with consent of the owner of the lands so jointly subject, it shall be lawful for the party entitled to such charge to release therefrom the lands required, on condition or in consideration of such other lands remaining exclusively subject to the whole thereof.

Deposit in case of refusal to release.

75. Upon payment or tender of the compensation so agreed upon or determined to the party entitled to any such charge as aforesaid, such party shall execute to the Company a release of such charge. If he fail so to do, or if he fail to adduce a good title to such charge to the satisfaction of the Company, it shall be lawful for the Company to pay the amount of such compensation into the hands of the Master in Equity to be dealt with by him in the manner hereinbefore provided in the case of moneys required to be paid to such Master in Equity; and also if the Company think fit to execute a deed poll, in the manner herein provided for in the case of the purchase of lands by it. And thereupon the rent-service, rent-charge, chief or other rent, payment or incumbrance, or the portion thereof in respect whereof such compensation shall so have been paid, shall cease and be extinguished.

Charge to continue on lands not taken.

76. If any such lands or portion thereof be so released from any such charge or incumbrance to which they were subject jointly with other lands, such lastmentioned lands shall alone be charged with the whole of such charge or with the remainder thereof, as the case may be, and the party entitled to the charge shall have all the same rights and remedies over such lastmentioned lands, for the whole or for the remainder of the charge, as the case may be, as he had previously over the whole of the lands subject to such charge. If, upon any such charge, or portion of charge, being so released, the deed or instrument creating or transferring such charge be tendered to the Company for the purpose, it shall affix its seal to a memorandum of such release, indorsed on such deed or instrument, declaring what part of the lands originally subject to such charge shall have been purchased by virtue of this Act, and if the lands be released from part of such charge, what proportion of such charge shall have been released, and how

how much thereof continues payable; or if the lands so required shall have been released from the whole of such charge, then that the remaining lands are thenceforward to remain exclusively charged therewith. Such memorandum shall be made and executed at the expense of the Company, and shall be evidence in all Courts and elsewhere of the facts therein stated, but not so as to exclude any other evidence of the same facts.

Leases.

77. (I) If any lands shall be comprised in a lease for a term of years unexpired, part only of which lands shall be required for the purposes of this Act, the rent payable in respect of the lands comprised in such lease shall be apportioned between the lands so required and the residue of such lands. Where part only of lands under lease taken the rent to be apportioned.

(II) Such apportionment may be settled by agreement between the lessor and lessee of such lands on the one part, and the Company on the other part; and, if such apportionment be not so settled by agreement between the parties, such apportionment shall be settled by two Justices.

(III) After such apportionment, the lessee of such lands shall, as to all future accruing rent, be liable only to so much of the rent as shall be so apportioned in respect of the lands not required for the purposes of this Act; and, as to the lands not so required, and as against the lessee, the lessor shall have the same rights and remedies for the recovery of such portion of rent as, previously to such apportionment, he had for the recovery of the whole rent reserved by such lease; and all the covenants, conditions, and agreements of such lease, except as to the amount of rent to be paid, shall remain in force, with regard to that part of the land which shall not be required for the purposes of this Act, in the same manner as they would have done in case such part only of the land had been included in the lease.

78. Every such lessee as last aforesaid, shall be entitled to receive from the Company compensation for the damage done to him in his tenancy, by reason of the severance of the lands required from those not required, or otherwise, for the purposes of the authorized work. Tenants to be compensated.

79. (I) If any such lands shall be in the possession of any person having no greater interest therein than as tenant for a year, or from year to year, and if such person be required to give up possession of any land so occupied by him before the expiration of his term or interest therein, he shall be entitled to compensation for the value of his unexpired term or interest in such lands, and for any just allowance which ought to be made to him by any incoming tenant, and for any loss or injury he may sustain; or, if a part only of such lands be required, compensation for the damage done to him in his tenancy, by severing the lands held by him or otherwise injuriously affecting the same. Compensation to be made to tenants from year to year.

(II) The amount of such compensation shall be determined by two Justices in case the parties differ about the same.

(III) Upon payment or tender of the amount of such compensation, all such persons shall respectively deliver up to the Company or to the person appointed by the Company to take possession thereof, any such lands in their possession required for the purposes of this Act.

80. If any party having a greater interest than as tenant at will, claim compensation in respect of any unexpired term or interest under any lease or grant of any such lands, the Company may require such party to produce the lease or grant in respect of which such claim shall Where greater interest claimed than at will, lease to be produced.

shall be made, or the best evidence thereof in his power; and if, after demand made in writing by the Company, such lease or grant or such best evidence thereof be not produced within twenty-one days, the party so claiming compensation shall be considered as a tenant holding only from year to year, and be entitled to compensation accordingly.

Power to take temporary possession of land.

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

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

For the purpose of depositing soil thereon;

For the purpose of obtaining materials therefrom for the construction or repair of the waterworks or 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 Company 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 Company 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 Company either wholly or in part for any of the purposes lastly hereinbefore mentioned, and that the Company shall pay to the owner of the land a fair price for any timber, clay, stone, gravel, sand, or other things taken therefrom.

Company to separate the lands before using them.

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

Compensation to be made for temporary occupation.

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

84.

Before roads interfered with others to be substituted.

84. If in the exercise of the powers hereby granted it be found necessary to cross cut through, raise, sink, or use any part of any road whether carriage-road, horse-road, or tram-road, or railway, either public or private, so as to render it impassable for, or dangerous, or more than usually inconvenient to passengers or carriages, or to the persons entitled to the use thereof, the Company 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 its own expense maintain such substituted road in a state as convenient for passengers and carriages as the road so interfered with, or as nearly so as may be.

Period for restoration of roads interfered with.

85. If the road so interfered with can be restored compatibly with the due completion of any works authorized under this Act the same shall be restored to as good a condition as it was in at the time when the same was first interfered with by the Company, or as near thereto as may be, and if such road cannot be so restored, the Company 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 possible expedition.

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

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

Works for benefit of owners.

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

Gates, bridges.

Such and so many convenient gates, bridges, arches, culverts, and passages, over, under, or by the side of or leading to or from such works as shall be necessary for the purpose of making good any interruptions caused thereby to the use of the lands through which the same shall be made, and such works shall be made forthwith after the part of the conduit passing over such lands shall have been laid out or formed, or during the formation thereof.

Fences.

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

Drains.

Also all necessary arches, tunnels, culverts drain or other passages, either over or under or by the side of such works, and of such dimensions as will be sufficient at all times to convey the water from the lands lying near or affected thereby.

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

Differences as to accommodation works to be settled by Governor.

88. If any difference arise respecting the kind or number of any such accommodation works, or the dimensions or sufficiency thereof respecting the maintaining thereof, the same shall be determined by the Governor, who shall also appoint the time within which such works shall be commenced and executed.

Power to owners of lands to make additional accommodation works.

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

Such works to be constructed under the superintendence of the Company's engineer.

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

Penalty on persons omitting to fasten gates.

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

PART IV.

Miscellaneous Provisions—Legal Procedure.

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

92. Except as hereinbefore provided with respect to penalties for contamination of the water, one-half of any penalty recovered under this Act shall be paid to the informer; and where any distress is made for any sum of money to be levied under this Act, the distress itself shall not be unlawful, nor the persons making the same be deemed trespassers, on account of any defect or want of form in the information, summons, conviction, warrant of distress, or other proceedings relating thereto, nor shall the persons distraining be deemed tresspassers on account of any irregularity that shall be afterwards done by the persons distraining, but the persons aggrieved by such irregularities may recover satisfaction for the special damage in an action on the case.

Penalty for default not otherwise provided for.

93. If it shall be proved to the satisfaction of any two Justices of the Peace in Petty Sessions assembled that the Company or any of its officers have been guilty of any default under this Act not otherwise provided for, they shall be liable for each and every such default to a penalty not exceeding five pounds, to be recovered in a summary way.

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

94. Where by this Act any question of compensation, expenses, charges, or damages, or other matter is required to be referred to the determination of any Justices, it shall be lawful for any Justice, upon the application of either party, to summon the other party to appear before two Justices, at a time and place to be named in such summons, and upon the appearance of such parties, or in the absence of any of them upon proof of due service of the summons, it shall be lawful for such Justices to hear and determine such question, and for that purpose

to

to examine such parties or any of them and their witnesses on oath, and the cost of every such inquiry shall be in the discretion of such Justices, and they shall determine the amount thereof.

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

95. Every penalty, forfeiture, charge or sum of money imposed by or made payable under this Act, the recovery of which is not otherwise provided for, may be recovered by summary proceedings before two Justices, under the provisions of the Act or Acts in force for the time being, regulating summary proceedings before Justices.

Parties allowed to appeal to Quarter Sessions on giving security.

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

Court to make such order as they think reasonable.

Damage to be made good in addition to penalty.

97. 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 Company, used in connection therewith, shall have been committed by such person, he shall be liable to make good such damages as well as to pay such penalty, and the amount of such damages shall in case of dispute be determined by the Justices by whom the party incurring such penalty shall have been convicted, and on non-payment of such damages on demand the same shall be levied by distress, and such Justices, or one of them, shall issue their or his warrant accordingly.

Transient offenders.

98. It shall be lawful for any officer or servant of the Company and all persons called by him to his assistance, to apprehend any person who shall be found committing any offence against the provisions of this Act, and whose name and residence shall be unknown to such officer or servant, and deliver him to the custody of the nearest constable or police officer, to be conveyed before a Justice of the Peace to be dealt with according to law.

Notices.

99. Any notice required by this Act, or by any regulation made thereunder to be served on or given to any owner or occupier of any building, land, or premises, or on or to any person may be in writing or partly in writing and partly printed, or may be wholly printed. And it shall be sufficient for all purposes of this Act, unless the said Act in any case prescribes a different course to be pursued, if any such notice is sent by post to the owner by registered letter addressed to his last-known place of abode or of business, or is served on the owner or occupier of such building, land, or premises, or left with some inmate apparently over the age of fourteen years living at the place of abode of such owner or occupier, or if there be no occupier, if such notice be posted on some conspicuous part of such building or

land. And any notice required to be served or given in respect of any public street, road, or lane, may be served on or sent by post as aforesaid, to the Council Clerk of the borough or municipal district wherein such street, road, or lane, or a portion thereof affected by the notice is situated.

Indictment for nuisances.

100. In the event of the wrongful exercise of any powers given by this Act, nothing in this Act contained shall be construed to prevent any person from indicting, or otherwise proceeding, either civilly or criminally, against the Company or its officers, for nuisance or otherwise in respect of the works, or means used or employed by the Company in the exercise of the privileges hereby conferred on the Company, or to prevent the Company or any person recovering any sum of money, or otherwise proceeding in any Court of competent jurisdiction; but the Company or any person, to whom any penalty or sum of money may, by the provisions of this Act, be awarded, may elect either to proceed in manner in this Act provided, or to proceed for and recover damages or otherwise, in any Court of competent jurisdiction.

Borrowing powers.

101. For any of the purposes of the Company authorized by this Act the Company may, with the sanction of a general meeting of shareholders, from time to time borrow money in such sum or sums as the directors of the Company may think fit; and for securing the repayment of the money so borrowed, with interest, it shall be lawful for the Company to issue debentures, to be charged and secured upon the Company's works, materials, and revenues.

Rights, powers, &c., under this Act may be assigned, &c., to incorporate company.

102. Subject to the special sanction of the Governor it shall be lawful for the Company, at any time after the passing of this Act, to assign, transfer, convey, and release to any person, or to any Company duly incorporated for that purpose, all the rights, powers, authorities, privileges, liabilities, and obligations conferred and imposed upon it by this Act, together with all lands, tenements, hereditaments, estates, chattels, and effects of every kind, acquired by it under or in pursuance thereof, and purchased, occupied, or used in connection with the same; and upon and after the completion of such assignment, transfer, conveyance, and release, the said person or 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 Company, its officers, agents, or servants, would 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, action or proceedings taken against, or liabilities, obligations, penalties, or forfeitures incurred by the Company before the completion of the said assignment, transfer, conveyance, and release.

Works to become the property of Municipal Council of Broken Hill.

103. All the works of the company, together with all the rights, powers, and authorities conveyed by this Act, with all their hereditaments and appurtenances, shall at the expiration of twenty-eight years from the date of this Act become and remain the absolute property of the Government, freed and discharged from all claims and liabilities whatsoever.

Limitation of time for erection of works.

104. The Company shall not be entitled to any of the rights and privileges conferred upon it by this Act unless it shall have completed, to the satisfaction of the Central Authority, the works necessary for carrying out the purposes of this Act within the period of three years from the date of the passing of this Act.

Rights of the Crown not to be interfered with.

105. Nothing in this Act shall be construed to limit or in any way interfere with the rights of the Crown to the general control of the natural supplies of water, nor with the right of the Governor from time

time to time to resume and dedicate any portion of the Crown Lands comprised in the First Schedule to this Act for a common, park, or other public purposes of a like nature, subject to such regulations as the Governor may approve, nor in any way interfere with any right conferred before the passing of this Act, nor in any way interfere with, abridge, or encroach upon any rights, powers, privileges, or concessions conferred upon the Broken Hill and District Water Supply Company (Limited) by the "Broken Hill and District Water Supply Act of 1889"; and the provisions of this Act shall be subject to the provisions of any Act dealing generally with water conservation throughout the Colony.

SCHEDULES.

FIRST SCHEDULE.

Description of Catchment Area required by the "Barrier Ranges and Broken Hill Water Supply Company (Limited)."

Starting at the One Tree Hill, on the watershed dividing the eastern from the western waters (said hill is on that watershed); thence along that watershed in a north-easterly direction to where the watershed of the Yancowinna and Stephen's creeks joins it; thence along the watershed dividing the abovementioned creeks to where the northern watershed of Mulga Springs Creek joins it; thence south-westerly to a point one half-mile below the site already fixed for retaining dam on Stephen's Creek; thence still in a south-westerly direction taking in all waters running into Stephen's Creek, above said retaining dam and along the western watershed of Stephen's Creek passing to the south-west of the town of Willyama and along said western watershed until it meets the watershed dividing the eastern from the western waters; thence along said watershed, to the point of commencement. Area about two hundred square miles.

SECOND SCHEDULE.

(Section 45.)

Notice of Claim and Abstract.

To the Barrier Ranges and Broken Hill Water Supply Company (Limited)
Council of

In pursuance of the "Broken Hill Water Supply Act of 1890," I (*or* we) hereby give you notice that I (*or* we) claim compensation in land hereunder described which has been resumed under the said Act. The amount of such claim and other the particulars required by the said Act are stated in the subjoined abstract.

Abstract.

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

(*Signature*)
(*Address*)
(*Date*)

THIRD

THIRD SCHEDULE.

(Section 46.)

Notice of Valuation.

To A.B., claimant in respect of the land hereunder described, resumed under the "Broken Hill Water Supply Act of 1890."

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

A.B. (Seal)
Manager *or* Secretary of Company.

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

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

By Authority: CHARLES POTTER, Government Printer, Sydney, 1890.

[1*s.* 3*d.*]

New South Wales.

ANNO QUINQUAGESIMO QUARTO

VICTORIÆ REGINÆ.

* * * \

Interpretation of terms.

And in the construction of this Act the following words and expressions in inverted commas shall, unless there be something in the 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:—

"Central Authority"—The Minister for Public Works or the Minister charged with the administration of this Act.

"Company"—The said "Barrier Ranges and Broken Hill Water Supply Company (Limited)," its representatives or assigns, owners for the time being of the Broken Hill Waterworks.

"Conduit"—The canals, tunnels, aqueducts, cuttings, or pipes, by means of which the water is supplied.

"Crown Lands"—Lands within the meaning of the "Crown Lands Act of 1884" and any Acts amending the same.

"District"—All the districts which are now included within the District of Broken Hill and Silverton, and within the area as described in the First Schedule hereto.

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

"Justice"—Any Justice of the Peace.

"Owner"—Any person who is in the receipt of the rents and profits of any house, manufactory, or buildings of whatsoever kind, or of any land within the District.

"Street"—Any square, court, alley, highway, railway, tramway, lane, road, thoroughfare or other passage, footpath, or place, whether public or private, within the District.

"Water District"—The area within which water is authorized to be supplied to the inhabitants of the District.

PART I.

Preliminary.

Conditions prior to acquisition of lands.

2. Before the Company 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 observed:—

(I) The Company shall publish once at the least in each of three consecutive weeks in some local newspaper circulating in the District, a notice describing shortly the nature of the undertaking in respect of which it is proposed to take any lands, naming the Broken Hill Court-house as the place where a plan of the proposed undertaking may be seen at all reasonable hours, and stating the quantity of lands required.

(II) The Company shall serve a printed or written notice on every owner or reputed owner, lessee or reputed lessee, and occupier of such lands, defining in each case the particular lands intended to be taken, and requiring an answer to be given within thirty days, stating whether the person so served assents, dissents, or is neutral, in respect of taking such lands.

(III) On compliance with the provisions of this section with respect to notices, the Company may, if it thinks fit, present a petition to the Governor, and such petition shall state the lands intended to be taken, and the purposes for which they are required, and the names of the owners, lessees, and occupiers of lands who have assented, dissented, or are neutral, in respect to the taking such lands, or who have returned

returned no answer to the notice. And it shall pray that the Company may, with reference to such lands, be allowed to put in force the powers contained in Part III of this Act with respect to the acquisition of lands otherwise than by agreement, and such prayer shall be supported by such evidence as the Governor may require.

(IV) On the receipt of such petition, and on due proof of the proper notices having been published and served, the Governor shall take such petition into consideration, and may either dismiss the same or direct a local inquiry, at the cost of the Company, as to the propriety of assenting to the prayer of such petition, but until such inquiry has been made no provisional order shall be made affecting any lands without the consent of the owners, lessees, and occupiers thereof.

(V) After the completion of such inquiry the Governor may, by provisional order, empower the Company to put in force with reference to the lands referred to in such order, the powers of the said Part, with respect to the acquisition of lands, otherwise than by agreement or any of them, and either absolutely or with such conditions and modifications as the Governor may think fit; and it shall be the duty of the Company to serve a copy of any order so made in the manner and on the person in which and on whom notices in respect of such lands are required to be served.

PART II.

Provisions as to Water Supply.

Authority to construct water-works.

3. Subject to the provisions of this Act, and within the area as described in the First Schedule hereto, the Company may, subject to the approval of the Governor, exercise any of the powers in this Part contained for the construction of water-works for the supply of water to the Municipal District of Broken Hill, and to any Municipal District or Borough which may be established within or partly within the boundaries of the catchment area as defined in the First Schedule, and for the purpose of carrying out the provisions of this Act the Company may

(I) Enter upon any lands and take levels of the same, and set out such parts thereof as it shall think necessary.

(II) Enter upon, take, and hold such land, after having paid, as hereinafter provided, the owners thereof compensation for the same as it may from time to time deem necessary for the construction and maintainance of any of the works authorized by this Act, or for obtaining or enlarging the supply of water, or for improving the quality thereof for the purposes of this Act.

(III) Under such superintendence, and subject to such consent, as are hereinafter specified enter upon any Crown or private lands, streets, roads, or thoroughfares, and lay or place therein any pipes, and may repair, alter, or cut off, or remove the same, and under such superintendence, and subject to such consent as aforesaid, may enter upon any such lands, streets, roads, or thoroughfares, for the purpose of repairing any watercourses, or other works, being its property or under its control.

Provided always that in the exercise of any of the powers hereby conferred, the Company shall inflict as little damage as may be, and in

in all cases where it can be done, shall provide other watering-places, drains, and channels, for the use of adjoining lands in place of any taken away or interrupted by it, and shall make full compensation to all parties interested, for all damage sustained by them through the exercise of such powers. It shall not be lawful for the Company to exercise any of the powers conferred upon it by this Act until the plans or scheme for the proposed work shall have been first approved by the Governor, and such approval duly notified in the *Gazette*. Provided also that nothing in this Act contained shall prejudice or affect the rights and privileges of any Municipal District or Borough now or hereafter to be established within the area described in the First Schedule hereto.

Penalty for obstructing construction of works.

4. Every person who shall wilfully obstruct any person acting under the authority of the Company 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 alter the position of any level, or destroy or injure any works so undertaken as aforesaid, shall incur a penalty not exceeding ten pounds for every such offence.

Penalty for destroying works.

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

Power to open streets.

6. Subject to the provisions of this Act the Company may open and break up the soil and pavement of the several streets and bridges within the limits of the district, and may open and break up any sewers, drains, or tunnels within or under such streets and bridges, and lay down and place within the same limits, pipes, conduits, service pipes, and other works and engines, and from time to time repair, alter, or remove the same, and for the purposes aforesaid remove and use all earth and materials in and under such streets and bridges, and do all other acts which the Company shall from time to time deem necessary for supplying water to the inhabitants of the district included within the said limits. Before the Company proceed to open or break up any pavement, street, road, sewer, drain, or tunnel, or to interfere with, divert, or alter any pipe not their own, or any wire used for transmission of electricity, bridge, or culvert, they shall give to the local authority under whose management or control the same may be, and, in the case of a pipe or wire, to the owners thereof, or their local representative, notice in writing of their intention to open and break up, or otherwise to interfere with the same, not less than seven clear days before beginning the work, except in cases of emergency, arising from accidents to, or defects in, the pipes, or other works, the property of the Company, and then so soon as is possible after the necessity for the work shall have arisen.

Notice to be given before streets, &c., are broken up.

Reinstatement of streets.

7. When the Company shall open or break up the road, path, or pavement of any street or bridge, or any sewer, drain, or tunnel, culvert-pipe wire, it 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 to the satisfaction of the local authority or its officer the road, path, or pavement of the sewer, drain, tunnel, culvert-wire, or pipe, so opened or broken up, and carry away the rubbish occasioned thereby. And shall at all times whilst any such road or pavement shall be so open or broken up cause the same to be fenced and guarded, and shall cause light sufficient for the warning of passengers to be set up and kept there for every night during which such

such road or pavement shall be continued open or broken up. No such pavement, street, road, sewer, drain, tunnel, pipe, wire, bridge, or culvert, shall be opened, broken up, or interfered with, except in cases of emergency, as aforesaid, and except as hereinafter provided, except under the superintendence of the local authority having the control thereof, or its officer; and according to such plan as shall be approved of by the local authority, the Company shall make such temporary or other works as may be necessary for guarding against any interruption of the drainage traffic, access, or other public right and convenience during the continuance of the operations. And in the case of interference with any pipe, not the property of the Company, or any wire used for the transmission of electricity, the owners of which may intimate their desire to have the work, temporarily or permanently, of severing, altering, or restoring their pipes or wires, effected by their own employees, or with their own material, the Company shall afford every facility to such employees, and shall accept and use such material, paying to such owners the actual reasonable cost of labour and material disbursed by such owners, and in default of the Company making such payment when called upon so to do, the owners aforesaid shall be entitled to recover the amount due by summary process in accordance with the provisions of this Act.

Streets, &c., to be broken up under superintendence of local authority.

8. For the purposes of this Act, and subject to the approval of the Governor, the Company may, from time to time, after the expiration of thirty days notice in some newspaper published and circulated in the District of Broken Hill of their intention to apply for the powers hereinafter in this section contained, divert or alter temporarily any part of the course of any creeks, watercourses, roads, streets, or ways, in order the more conveniently to exercise any of the powers conferred upon the Company; but shall first provide sufficient substitutes for any creek, watercourse, road, street, or way, while so interfered with, and shall maintain the same during such time at their own expense in good order. For the purposes of this Act, and subject to the approval aforesaid, the Company may construct weirs and dams in any creek or watercourse, cut drains and deliver into or take water from, and embank, widen, or deepen any creek, watercourse, lagoon, or swamp within the catchment area of Stephen's Creek, as defined in First Schedule, provided always that such works shall not interfere with any existing rights, nor with the construction hereafter by any person of other necessary works approved by the Governor for providing water supply for domestic use, or for live stock, or for mining or manufacturing, or other purposes, provided however that the Company shall pay to the Colonial Treasurer such yearly sum, by way of rent, as the Local Land Board may determine, in accordance with the provisions of the "Crown Lands Act of 1884" and any Acts amending the same in consideration of any such concession to be conferred under this Act.

Temporary diversion of water.

9. The Company shall supply water for domestic or other purposes, by measure or otherwise, at such rates, upon such terms, and subject to such conditions as may be agreed upon by the Company and the person requiring to be supplied. Provided always that the Company shall not be entitled to withhold water from any person, unless such person be in arrears with his payment, or shall have been convicted of misapplication of water, and the Company shall not charge for water any person a greater rate than other persons are charged under like conditions.

Agreements to supply water.

10. The Company 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 or continuing to supply such water if the want of such supply arises from unusual drought or other unavoidable cause or accident or from necessary repairs.

Company not liable for accidental failure to supply water.

Company may let meters.

11. The Company may let for hire to any consumer of water supplied by measure any meter or instrument for measuring the quantity of water supplied and consumed, and any pipes and apparatus for the conveyance, reception, or storage of the water, for such remuneration in money as may be agreed upon between the Company and the consumer, which shall be recoverable in the same manner as rates due to the Company for water.

Meters of Company not distrainable.

12. Such meters, instruments, pipes, and apparatus shall not be subject to distress for rent of the premises where the same are used, or be liable to be attached or taken in execution under any process of any Court of Law or Equity, or under or in pursuance of any sequestration or order in insolvency, or other legal proceedings against or affecting the consumer of the water, or the occupier of the premises, or other the person in whose possession the meters, pipes, instruments, and apparatus may be.

Meter to be supplied and maintained by consumer.

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

Power to officers of Company to inspect meter.

14. The officers of the Company may enter any house, building, or lands, to, through, or into which water is supplied by the Company by measure, in, or 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, or to examine if there be any waste or misuse of such water; 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 Company; 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 two Justices a power of entry shall be exercised only between the hours of nine in the forenoon and six in the afternoon.

Supply of water for public purposes.

15. In all the pipes to which any fire-plug is fixed, the Company shall provide and keep constantly laid on for use, unless prevented by unusual drought or other unavoidable accident, or during necessary repairs, a sufficient supply for the following purposes (that is to say), for supplying any public hospitals or charitable institutions, or any public pumps, baths, and washhouses that may be established for the use of the inhabitants, and paid for out of any municipal rates; and such supply shall be provided at such rates and upon such terms and conditions as may be agreed upon by any Municipal Council and the Company, or, in case of disagreement, as shall be settled by two Justices. Provided that hospitals and charitable institutions shall be provided with water without charge.

FIRE-PLUGS.

Company to place public fire-plugs in mains.

16. The Company, at the request of any Municipal Council in the Borough of which it shall construct its works or any of them, shall fix proper fire-plugs in the main and other pipes belonging to it at such convenient distances and at such places as it may consider proper and convenient for the supply of water for extinguishing any fire which may break out within any such Borough, and shall from time to time renew and keep in effective order every such fire-plug; and shall put up a public notice in some conspicuous place in each street in which such fire-plug is situated, showing its situation; and such notice may be put up on any house, wall, fence, or building in such street;

street; and as soon as such fire-plug is completed, the Company shall deposit a key thereof in each place where any public fire-engine is kept. The cost of such fire-plugs and notices, and the expense of fixing, placing, and maintaining the same in repair, and of supplying such keys as aforesaid, shall be defrayed by the Municipal Council in which the same may be. And no supply of water from such fire-plugs shall be taken for any other purpose than that of extinguishing fires, unless such purpose be allowed in writing by the Company.

Fire-plugs for manufactories.

17. The Company 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 Company, place and maintain in effective order a fire-plug (to be used only for extinguishing fires) or near as conveniently may be to such manufactory or works.

Pipes to be kept charged, and water taken for fires.

18. The Company shall at all times keep charged with water all its pipes to which fire-plugs are fixed unless prevented by drought or other unavoidable cause or accident or during necessary repairs. And shall allow all persons at all times to take and use such water for the purpose only of extinguishing fire without making compensation for the same.

Penalty for refusal to fix fire-plugs, or for occasional failure of supply of water.

19. If, except when prevented as aforesaid, the Company neglect or refuse to fix, retain, or repair such fire-plug, or to furnish to such Municipal Council a sufficient supply of water for the public purposes aforesaid, upon such terms as shall have been agreed on or settled as aforesaid, or if, except as aforesaid, it neglects to keep its pipes charged as aforesaid, or neglects or refuses to furnish water to any owner or occupier liable to be rated under this Act during any part of the time for which such rates have been paid or tendered, shall be liable to a penalty of fifty pounds, and shall also forfeit to any such Municipal Council, or to every person having paid or tendered the rate, the sum of twenty shillings for every day during which such refusal or neglect shall continue after notice in writing shall have been given to the Company of the want of supply.

Company may make regulations.

20. Subject to the provisions of this Act, the Company may, from time to time, make, amend, and repeal regulations for or relating to all or any of the following subjects:—

(I) The supply of water to the owner or occupier of any house, factory, or land;

(II) The rate at which water shall be sold, and the time of payment for the same;

(III) The prevention and remedying of waste, undue consumption, fouling or contamination of the water contained in or supplied from any part of the Company's works;

(IV) The protection of the water and every part of the works from trespass and injury;

(V) The imposing of penalties for any breach of any regulation by this Act authorized to be made by the Company, not exceeding for any offence the sum of fifty pounds; and

(VI) Generally for duly administering and carrying out the powers given to the Company.

And such regulations shall, upon being approved by the Governor and published in the *Gazette*, be valid in law.

Maximum price of water.

21. The price to be charged by the Company for water sold shall in no case exceed sixpence per hundred gallons.

PROTECTION OF THE WATER.

22. If any person supplied with water by the Company wrongfully does, or causes or permits to be done, anything in contravention of any of the provisions of this Act or of the regulations of the Company, or wrongfully fails to do anything which under any of those provisions ought to be done for the prevention of the waste, misuse, undue

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

undue consumption, or contamination of the water of the Company, the Company may (without prejudice to any remedy against him in respect thereof) cut off any of the pipes by or through which water is supplied to him or for his use, and may cease to supply him with water so long as the cause of injury remains or is not remedied.

Penalty for misapplication of water.

23. If any person—

(I) Not having from the Company a supply of water for other than domestic purposes, uses for other than domestic purposes any water supplied to him by the Company; or

(II) Having from the Company a supply of water for any purpose other than domestic, uses such water for any purpose other than those for which he is entitled to use the same,—

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

Definition of domestic supply.

24. A supply of water for domestic purposes shall not include a supply to any stable, or for any manufacturing purpose, or for irrigation (which shall mean any mechanical or artificial contrivance for conveying water to plants without labour), or for water-power, or for fountains or any ornamental purpose. The Company shall at all times have the power to decide whether the supply of water to any person shall be by measure or otherwise.

Penalty for unlawfully taking water.

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

POLLUTING THE WATER.

Penalty for bathing in water of the Company.

26. If any person bathe in any stream, drain, reservoir, aqueduct, or other waterworks belonging to the Company, 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.

Protection of water supply from pollution, &c.

27. The Company shall take all reasonable precautions, by fencing and otherwise, for the protection of the water supply from pollution or contamination, and the Central Authority may at any time require the Company to construct such works, or take such precautions, as he may deem necessary or advisable in the interests of the public health. If the Company neglect or fail to construct such works, or take such measures, within the time prescribed by such Authority, the said Company shall become liable to a penalty of not more than fifty pounds for every day after the expiration of such prescribed time.

Penalty for throwing dirt therein.

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

Penalty for letting foul water flow thereinto.

29. If any person cause the water of any sink, sewer, or drain, steam-engine boiler, or other filthy water belonging to him or under his control to run or be brought into any stream, drain, reservoir, aqueduct, or other waterworks belonging to the Company, or shall do any other act whereby the water of the Company 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.

30.

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

30. Every person or company making or supplying gas within the limits of any water district who shall at any time cause or suffer to be brought or to flow into any stream, drain, reservoir, aqueduct, or water-works belonging to the Company, or into any stream or 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 reservoir, aqueduct, or other waterworks shall be fouled, or the pipes or conduits thereof injured, shall forfeit to the Company a sum not exceeding twenty pounds, to be recovered with full costs of suit for each day during which such washing or other substance shall be brought or shall flow as aforesaid, or during which the act shall continue by which such water 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 Company.

Penalty on gasmakers causing water to be fouled.

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

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

32. For the purpose of ascertaining whether the water of the Company be fouled by the gas of any person or company making or supplying gas within the said district, the Company may dig up the ground and examine the pipes, conduits, and works of the persons or company making or supplying gas. Provided that before proceeding so to dig and examine, the Company shall give twenty-four hours' notice in writing to the person or company so making or supplying gas of the time at which such digging and examining is intended to take place, and shall give the like notice to the persons having the control or management of the pavements or place where such digging shall take place, and shall be subject to the like obligation of reinstating the road and pavement, and to the same penalties for delay or any nonfeasance or misfeasance therein, as hereinafter provided, with respect to roads and pavements broken up by the Company for laying their pipes; and if upon such examination it appears that such water has been fouled by any gas belonging to such person or company the expenses of the digging, examination, and repairs of the street or place disturbed in any such examination shall be paid by the person or company making or supplying gas; but if upon such examination it appears that the water has not been fouled by the gas of such person or company, then the Company shall pay all the expenses of the examination and repair, and also make good to the said person or company any injury which may be occasioned to his works by such examination. The Company shall apply three-fourths of any amounts received under the two last preceding sections in reduction of the charges for water supplied to users from pipes between the point of contamination and the points of delivery, during the period of contamination for which the penalties have been inflicted, proportionately to the consumption of such users, and in the event of the Company neglecting or refusing to make such reduction, any user of water as aforesaid may recover the proportion due to him by summary process before two Justices.

The expense to abide the result of the examination.

Proportion of profits to be applied towards reduction of charges.

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

33. Any person who shall, without the authority of the Company, re-establish any 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, meter, cistern, ball-cock, stop-cock, or waste-pipe, which may have been approved by the Company,

Company, 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 Company may have incurred (and which it 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 Company.

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

34. Where several houses or parts of houses in the separate occupation of several persons are supplied by one common pipe, or where water is supplied to courts, alleys, and right-of-ways by stand-pipes, the several owners or occupiers of such houses or parts of houses, or of the several houses or parts of houses in every such court, alley, or right-of-way, shall be liable to the payment of two-thirds 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 Company by a separate pipe.

Steam-boilers not to connect directly with Company's pipes.

35. All steam-boilers and hot-water apparatus must be supplied from cisterns without over-flow pipes, and no such boiler or apparatus shall in any way be connected directly with the service pipe or main of the Company. It shall not be lawful for the owner or occupier of any premises supplied with water by the Company, or any consumer of the water of the Company, or any other person to affix, or cause or permit to be affixed, any pipe or apparatus to a pipe belonging to or used by such owner, occupier, consumer, or any other person, or to make any alteration in any such connection or service-pipe, or in any apparatus connected therewith, without the consent in every such case of the Company. And if any person acts in any respect in contravention of the provisions of the present section he shall for every such offence be liable to a penalty not exceeding five pounds, without prejudice to the right of the Company to recover damages from him in respect to any injury done to its property, and without prejudice to its right to recover from him the value of any water wasted, misused, or unduly consumed.

Charges and rates for water payable in advance.

36. The charges for water and all sums due to the Company shall be paid by and be recoverable from the owner of the premises or the occupier or person requiring, receiving, or using the water. Except where water is supplied by measure, all rates for water shall be paid in advance by equal payments on the first day of January, April, July and October in each year, and the first payment shall be made when the water is first supplied. The rent payable for meters shall be payable in advance on the above-mentioned dates.

Refusal to pay charges.

37. If any person refuse or neglect to pay on demand to the Company any rate, charge, or sum due by him to the Company under this Act, the Company may recover the same with costs in any Court of competent jurisdiction.

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

38. If any tenant of any premises be called on to pay, and shall pay a greater amount of any rate, charge, or sum due to the Company under this Act than is due for the period of his occupancy, such tenant may deduct any sum so paid or recovered from the rent from time to time becoming due to the owner in respect of such premises, or after demand, may recover the same from the owner of such premises.

PART III.

Acquisition and occupation by the Company of lands for the purposes of water supply—ascertainment of compensation in respect thereof.

Lands required for water supply, how acquired.

39. After the notification in the *Gazette*, as hereinbefore provided, of the approval by the Governor of a scheme for the supply of water to the said district, but not before the Company shall be empowered to acquire or occupy lands for the purposes of such water supply in manner hereinafter provided, and compensation for every such acquisition or occupation of lands shall be ascertained and carried out as hereinafter provided.

How and when lands can be taken.

40. It shall be lawful for the Company, by notification to be published in the *Gazette* and in one or more newspapers published or circulating in the said town and suburbs to declare that the land described in such notification is required for the purpose therein expressed.

Vesting of lands.

41. Upon the publication of the notification in the *Gazette* declaring that the lands therein described are so required, such lands shall, upon compliance with the requirements and provisions hereinafter contained, be vested in the Company for the purposes of this Act. Provided, however, that the Company shall have no right or title to any mine or minerals, nor shall the said Company be entitled to interfere in any way with the working or management of any such mine or minerals as aforesaid, which may lie in, upon, or under any private or Crown Lands within the said catchment area, although the said lands may be vested in the Company for the purposes of this Act.

Effect of publication upon Crown Lands.

42. Where the land required is Crown Land at the date of such publication, or is vested in any corporation, or in any person on behalf of Her Majesty, or for any public purposes by virtue of any statute, or is within the limits with reference to centres of population prescribed by the "Crown Lands Act of 1884" or any Acts amending the same, the effect of such publication shall be to withdraw the said land (to the extent required) from any lease or license or promise thereof, and to cancel to the like extent any dedication or reservation of the said land however made, and to divest the estate of such corporation or person, and to vest the said land in the said Company for the purposes of this Act for a lease of twenty-eight years at such rent as may be determined by the Local Land Board under the provisions of the "Crown Lands Act of 1884" and the Acts amending the same. Provided, however, that nothing in this section contained shall have any effect or operation unless the approval of the Governor shall first have been obtained with respect to the land so required, and the said Company shall have made such compensation and payments as the Local Land Board may determine, subject to the provision of the "Crown Lands Act of 1884" and any amendments of the same.

Compensation for private lands.

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

Conversion of estate of proprietor of resumed land into a claim.

44. The estate and interest of every person entitled to lands required under this Act, or any portion thereof, and whether to the legal or equitable estate therein, shall upon due payment of the amount of compensation tendered by the Company, and accepted by the owner, or assessed by the jury as hereinafter provided, be deemed to have been as fully and effectually conveyed to the Company as if the same had been conveyed by the persons legally or equitably entitled

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

Notice of claim for compensation.

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

Claim and report thereon.

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

Compensation by action in Supreme Court.

47. If within ninety days after the service of notice of claim the claimant and the company shall not agree as to the amount of compensation, the claimant shall be at liberty to institute proceedings in the Supreme Court in the form of an action for compensation against the Company. And any such action may be tried before a Judge of the said Court or in any Circuit Court and a jury of four persons. Provided always that, upon proper application, either of the Company or of the claimant, a special jury of twelve may be summoned for trial of such action. Provided also that with the consent in writing of the Company and the claimant, any such action may be so tried at any time (to be mentioned in such consent) before the expiration of ninety days from service of the notice of claim for compensation, but not within fourteen days from service of the notice of valuation on such claimant.

Issue in action of compensation verdict and costs.

48. The issue to be tried in any such action shall be whether the claimant is entitled to a larger sum by way of compensation than the amount of the valuation so made by the Company and notified to the claimant as aforesaid, and if so, to what sum. And if upon the trial of the said action the verdict shall be for a greater sum than the amount of the said valuation, the costs of the action shall be borne by the Company, but if the verdict shall be for a sum equal to such valuation then each party shall bear its own costs, or less than such valuation then the costs shall be borne by the claimant.

As to payment of compensation.

49. All moneys payable under this Act by way of compensation to any claimant, whether under the verdict of a jury or otherwise, shall be paid, together with costs (if any) and interest at the rate of six pounds per centum per annum, within one month after the determination of such compensation to the person lawfully entitled thereto, or to his agent duly authorized in that behalf in writing, but the claimant shall be bound to make out his title to the estate or interest claimed by him, in all cases where the claim is in respect of the deprivation of some estate or interest in land, and no interest shall be payable except from the time when such title shall have been made out. Provided that in the case of land under the surface taken for the purpose of constructing a subterranean tunnel for water supply or sewerage, no compensation

compensation shall be allowed or awarded, unless the surface of the overlying soil be disturbed, or the support to such surface be destroyed, or injuriously affected by the construction of such tunnel, or unless any mines or underground workings in or adjacent to such land be thereby rendered unworkable or to be so affected as aforesaid.

Where claim may be prosecuted in District Court.

50. The District Court shall, notwithstanding anything contained in the "District Courts Act of 1858," have jurisdiction to try any such action of compensation in any case where the whole amount of the claim in respect to such land served in pursuance of this Act does not exceed two hundred pounds, or if exceeding that amount in any case where the Company and the claimant by a memorandum signed by the Company and such claimant, or by the respective attorneys of the Company and the claimant agree thereto. For the purposes of this section, the provisions of the said District Courts Act and of any Act amending the same, together with all rules made or to be made thereunder, shall be deemed to apply to all proceedings taken in the said District Court hereunder.

Compensation how to be estimated.

51. In estimating or assessing the compensation to be paid under this Act, regard shall be had by the valuators and by the jury (on any issue), not only to the value of the land taken by the Company, but also to the damage (if any) to be sustained by the claimant by reason of the severing of the lands taken from other lands, or other injuries suffered by him by reason of the exercise of the powers expressed or incorporated in this Act, and they shall assess the same according to what they shall find to have been the value of such lands, estate, or interest, at the time of the resumption thereof, or the extent of the damage or injury sustained, but in making any such estimate or in assessing the compensation to be paid under this Act, any increased value which may be given to the adjacent lands of the same owner by reason of the water-works or water-supply, shall be taken into consideration, and shall be deducted from the compensation to be paid to the owner of the lands so taken.

General power of entry.

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

Power to purchase lands by agreement.

53. Notwithstanding anything hereinbefore contained, it shall be lawful for the Company, if it shall think fit, to agree with the owners of any lands, the acquisition of which is authorized by this Act, and with all parties having any estate or interest in such lands, or by this Act enabled to sell or convey the same, for the absolute purchase, for a consideration in money, of any such lands, or such parts thereof as shall be thought proper, and of all estates and interests in such lands of what kind soever. Provided also that it shall be lawful for the Company from time to time, and at all times hereafter, to lease any lands, or the right to use or occupy or enter upon any lands, for such term and upon such conditions as may be agreed upon.

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

54. It shall be lawful for all parties being seized, possessed of, or entitled to any such lands, or any estate or interest therein, to sell and convey or release the same to the Company, and to enter into all necessary agreements for that purpose, and particularly it shall be lawful for all or any of the following parties so seized, possessed, or entitled, as aforesaid, so to sell, convey, or release, that is to say, all corporations, tenants in tail or for life, married women seized in their own right, or entitled to dower, guardians, committees of lunatics and idiots, trustees, or feoffees in trust for charitable or other purposes, executors and administrators,

administrators, and all parties for the time-being entitled to the receipt of the rents and profits of any such lands in possession, or subject to, any estate in dower, or to any lease for life or for lives and years, or for years or any less interest, and the power so to sell and convey or release as aforesaid, may lawfully be exercised by all such parties, other than married women entitled to dower, or lessees for life, or for lives and years, or for years, or for any less interest, not only on behalf of themselves and their respective heirs, executors, administrators, and successors, but also for, and on behalf of, every person entitled in reversion, remainder, or expectancy, after them, or in defeasance of the estates of such parties, and as to such married women, whether they be of full age or not, as if they were sole and of full age, and as to such guardians on behalf of their wards, and as to such committees on behalf of the lunatics and idiots of whom they are the committees respectively, and that to the same extent as such wives, wards, lunatics and idiots respectively, could have exercised the same power under the authority of this Act if they had respectively been under no disability, and as to such trustees, executors, or administrators on behalf of their *cestui que* trusts, whether infants, issue unborn, lunatics, *feme covert* or other persons, and that to the same extent as such *cestui que* trusts respectively could have exercised the same powers under the authority of this Act if they had respectively been under no disability, and the power hereinafter given to release lands from any rent-charge or incumbrance, and to agree for the apportionment of any such rent-charge or incumbrance shall extend to, and may lawfully be exercised by every party hereinbefore enabled to sell and convey or release lands to the Company.

Purchase money payable to parties under disability amounting to £200 to be deposited with Master in Equity.

55. If the purchase money or compensation payable in respect of any lands or any interest therein purchased or taken by the Company from any corporation, tenant for life or in tail, married woman seized in her own right or entitled to dower, guardian, committee of lunatic or idiot, trustee, executor, administrator, or person having a partial or qualified interest only in such lands and not entitled to sell or convey the same, except under the provisions of this Act, or the compensation to be paid for any permanent damage to such lands amount to or exceed the sum of two hundred pounds, the same shall be paid into the hands of the Master in Equity, to be by him deposited to the account of such Master in Equity *ex parte* the Company in the matter of A or B (the party entitled) pursuant to the method prescribed by any Act or by any rules, for the time being in force, for regulating moneys paid into the Supreme Court in its Equitable Jurisdiction; and such moneys shall remain so deposited until the same be applied to some one or more of the following purposes, (that is to say)—

Applications of moneys deposited.

(I) In the redemption of the quit rent, or the discharge of any debt or incumbrance affecting the land in respect of which such money shall have been paid, or affecting other lands settled therewith to the same or the like uses, trusts, and purposes; or

(II) In the purchase of other lands or of Government Debentures or other stock, to be conveyed, limited and settled upon the like uses, trusts and purposes and in the same manner as the lands, in respect of which such money shall have been paid, stood settled; or

(III) If such money shall be paid in respect of any buildings taken under the authority of this Act, or injured by the proximity of any work,—in removing or replacing such buildings or substituting others in their stead, in such manner as the Supreme Court or the Primary Judge in Equity shall direct; or

(IV) In payment to any party becoming absolutely entitled to such money.

Order for application and investment meanwhile.

56. Such money may be so applied as aforesaid upon an order of the said Court or Judge made on the petition of the party who would have been entitled to the rents and profits of the lands in respect of which such money shall have been deposited; and until the money can be so applied, it may, upon the like order, be invested by the said Master in Equity in the purchase of Government Debentures or real securities, and the interest, dividends, and annual proceeds thereof may be paid to the party who would, for the time being, have been entitled to the rents and profits of the lands.

Sums from £20 to £200 to be deposited or paid to trustees.

57. (I) If such purchase money or compensation shall not amount to the sum of two hundred pounds and shall exceed the sum of twenty pounds, the same shall either be paid to the Master in Equity to be by him deposited and applied in the manner hereinbefore directed with respect to sums amounting to or exceeding two hundred pounds, or the same may be lawfully paid to two trustees.

(II) Such trustees shall be nominated by the parties entitled to the rents or profits of the lands in respect whereof the same shall be payable, such nomination to be signified by writing under the hands of the party so entitled. In case of the coverture, infancy, lunacy, or other incapacity of the parties entitled to such moneys, such nomination may lawfully be made by their respective husbands, guardians, committees, or trustees.

(III) Payment of such moneys shall not be made to such trustees as aforesaid unless the Company approve thereof and of the trustees named for the purpose.

(IV) The money so paid to such trustees and the produce arising therefrom shall be by such trustees applied in the manner hereinbefore directed with respect to money deposited to the account of the Master in Equity; but it shall not be necessary to obtain any order of the Court for that purpose.

Sums not exceeding £20 to be paid to parties.

58. If such money shall not exceed the sum of twenty pounds, the same shall be paid to the parties entitled to the rents and profits of the lands in respect whereof the same shall be payable, for their own use and benefit; or, in case of the coverture, infancy, lunacy or other incapacity of such parties, such money shall be paid for their use to the respective husbands, guardians, committees or trustees of such persons.

All sums payable under contract with persons not absolutely entitled to be paid to Master in Equity or trustees.

59. All sums of money exceeding twenty pounds which may be payable by the Company in respect of the taking, using, or interfering with any lands under a contract or agreement with any person who shall not be entitled to dispose of such lands, or of the interest therein contracted to be sold by him absolutely for his own benefit, shall be paid to the Master in Equity or to trustees, in manner aforesaid. It shall not be lawful for any contracting party not entitled as aforesaid to retain to his own use any portion of the sums so agreed or contracted to be paid for or in respect of the taking, using, or interfering with any such lands, or in lieu of bridges, tunnels, or other accommodation works, or for assenting to or not opposing the taking of such lands; but all such moneys shall be deemed to have been contracted to be paid for and on account of the several parties interested in such lands, as well in possession as in remainder, reversion, or expectancy. Provided always that it shall be in the discretion of the Judges of the Supreme Court, or the Chief Judge in Equity, or the said trustees, as the case may be, to allot to any tenant for life or for any other partial or qualified estate, for his own use, a portion of the sum so deposited or so paid to such trustees as aforesaid, as compensation for any injury, inconvenience, or annoyance which he may be considered to sustain, independently of the actual value of the lands to be taken and of the damage occasioned to the lands held therewith by reason of the taking of such lands and the making of the works.

Payments made under this Act sufficient discharge to the Company.

60. All payments which shall be made in any of the cases aforesaid to the parties entitled under this Act to receive the same shall be a good and valid discharge to the Company; and such Company shall not be bound or required to see to the application of any of the moneys paid to the Master in Equity or other person by virtue hereof, or to see to the performance of any trusts.

Court of Equity may direct application of money in respect of leases or reversions as they may think just.

61. Where any purchase money or compensation paid or deposited pursuant to this Act shall have been paid in respect of any lease for a life or lives or years, or for a life or lives and years, or any estate in lands less than the whole fee simple thereof, or of any reversion dependent on any such lease or estate, the said Court or Judge may, on the petition of any party interested in such money, order that the same shall be laid out, invested, accumulated, and paid in such manner as the said Court or Judge may consider will give to the parties interested in such money the same benefit therefrom as they might lawfully have had from the lease, estate, or reversion in respect of which such money shall have been paid or deposited, or as near thereto as may be.

Purchase money or compensation may in certain cases be paid to the Master in Equity.

62. If the owner of any lands taken or purchased under the authority of this Act, or of any interest therein, on tender of the purchase money or compensation either agreed or awarded to be paid in respect thereof,

(I) Refuse to accept the same;

(II) Neglect or fail to make out a title to such lands or to the interest therein claimed by him, to the satisfaction of the Company;

(III) Refuse to convey or release such lands as directed by the Company;

(IV) Be absent from the Colony or cannot, after diligent inquiry, be found;

The Company may, if it shall think fit, deposit the purchase money or compensation payable in respect of such lands or any interest therein in the hands of the Master in Equity, to be by him deposited as aforesaid to his account to the credit of the parties interested in such lands (describing them so far as he can do) subject to the control and disposition of the said Court.

Application of money so deposited.

63. Upon the application by petition of any party making claim to the money so deposited as last aforesaid or any part thereof, or to the lands in respect whereof the same shall have been so deposited, or any part of such lands, or any interest in the same, the said Court or Judge may in a summary way, as to such Court or Judge shall seem fit, order such money to be laid out or invested in the purchase of Government Debentures or real securities; or may order distribution thereof or payments of the dividends thereof, according to the respective estates, titles or interest of the parties making claim to such money or lands or any part thereof, and may make such other order in the premises as to such Court or Judge shall seem fit.

Party in possession to be deemed the owner.

64. If any question arise respecting the title to the lands, in respect whereof such moneys shall have been so paid or deposited as aforesaid, the parties respectively in possession of such lands as being the owners thereof or in receipt of the rents of such lands as being entitled thereto at the time of such lands being purchased or taken, shall be deemed to have been lawfully entitled to such lands, until the contrary be shown to the satisfaction of the Court; and unless, upon such inquiry as the Court shall think fit to direct, the contrary be shown as aforesaid, the parties so in possession and all parties claiming under them or consistently with their possession, shall be deemed entitled to the money so deposited, and to the dividend or interest of the securities purchased therewith, and the same shall be paid and applied accordingly.

Costs in case of money deposited.

65. In all cases of moneys deposited under the provisions of this Act, except where such moneys shall have been so deposited by reason of the wilful refusal of any party entitled thereto to receive the same, or to convey or release the lands in respect whereof the same shall be payable, or by reason of the neglect of any party to make out a good title to the land required, the said Court or Judge may order the costs of the following matters, including therein all reasonable charges and expenses incident thereto, to be paid by the Company (that is to say) the costs of—

(I) The purchase or taking of the lands or which shall have been incurred in consequence thereof, other than such costs as are herein otherwise provided for;

(II) The investment of such moneys in Government Debentures or real securities and of the reinvestment thereof in the purchase of other lands;

(III) Obtaining the proper orders for any of the purposes aforesaid, and of the orders for the payment of the dividends and interest of the securities upon which such moneys shall be invested, and for the payment out of Court of the principal of such moneys or of the securities whereon the same shall be invested;

(IV) All proceedings relating thereto, except such as are occasioned by litigation between adverse claimants.

Provided always that the cost of one application only for reinvestment in land shall be allowed, unless it shall appear to the said Court or Judge that it is for the benefit of the parties interested in the said moneys that the same should be invested in the purchase of lands, in different sums and at different times; in which case the Court may, if it think fit, order the costs of any such investment to be paid by the Company.

Proceeding in case of refusal to deliver possession of lands.

66. If, in any case in which, according to the provisions of this Act, the Company is authorized to enter upon and take possession of any lands required for the purpose of the work, the owner or occupier of any such lands or any other person refuse to give up the possession thereof, or hinder the Company from entering upon or taking possession of the same, it shall be lawful for such a Judge of the Supreme Court upon application by the Company to issue his warrant to the Sheriff to deliver possession of the same to the person appointed in such warrant to receive the same. Upon the receipt of such warrant the Sheriff shall deliver possession of any such lands accordingly; and the cost accruing, by reason of the issuing and execution of such warrant, to be settled by the Sheriff, shall be paid by the person refusing to give possession; and the amount of such costs shall be deducted and retained by the Company from the compensation, if any, then payable to such party, or if no such compensation be payable to such party, or if the same be less than the amount of such costs, then such costs or the excess thereof beyond such compensation, if not paid on demand, shall be levied by distress, and upon application to any Justice for that purpose he shall issue his warrant accordingly.

Power to redeem mortgages.

67. (I) The Company may purchase or redeem the interest of the mortgagee of any such lands which may be required for the purposes of this Act; and that whether it shall have previously purchased the equity of redemption of such lands or not; and whether the mortgagee thereof be entitled thereto in his own right or in trust for any other party; and whether he be in possession of such lands by virtue of such mortgage or not; and whether such mortgage affect such lands solely or jointly with any other lands not required for the purposes of this Act.

(II) In order thereto, the Company may pay or tender to such mortgagee the principal and interest due on such mortgage, together with his costs and charges, if any, and also six months' additional interest; and thereupon such mortgagee shall immediately convey his interest in the lands comprised in such mortgage to the Company or as it shall direct.

(III) The Company may give notice in writing to such mortgagee that it will pay off the principal and interest due on such mortgage at the end of six months, computed from the day of giving such notice; and if it shall have given any such notice, or if the party entitled to the equity of redemption of any such lands shall have given six months notice of his intention to redeem the same, then, at the expiration of either of such notices, or at any intermediate period, upon payment or tender by the Company to the mortgagee of the principal money due on such mortgage and the interest which would become due at the end of six months from the time of giving either of such notices, together with his costs and expenses, if any, such mortgagee shall convey or release his interest in the lands comprised in such mortgage to the Company, or as it shall direct.

Deposit of mortgage money on refusal to accept.

68. If, in either of the cases aforesaid, upon such payment or tender, any mortgagee shall fail to convey or release his interest in such mortgage as directed by the Company, or if he fail to adduce a good title thereto to its satisfaction, then it shall be lawful for the Company to pay into the hands of the Master in Equity, to be dealt with by him in the manner provided by this Act in the cases of moneys required to be paid to such Master in Equity, the principal and interest, together with the costs, if any, due on such mortgage; and if such payment be made before the expiration of six months notice as aforesaid, such further interest as would at the time become due; and also, if the Company think fit, to execute a deed poll, containing a description of the lands in respect whereof such deposit shall have been made and describing the circumstances under which and the names of the parties to whose credit such deposit shall have been made, and such deed poll shall be duly registered by the Company. And thereupon, as well as upon such conveyance by the mortgagee, if any such be made, all the estate and interest of such mortgagee and of all persons in trust for him or for whom he may be a trustee in such lands shall vest in the Company, and the Company shall be entitled to immediate possession thereof, in case such mortgagee were himself entitled to such possession.

Sum to be paid when mortgage exceeds the value of the lands.

69. (I) If any of such mortgaged lands shall be of less value than the principal, interest, and costs secured thereon, the value of such lands or the compensation to be made by the Company in respect thereof shall be settled by agreement between the mortgagee of such lands and the party entitled to the equity of redemption thereof on the one part, and the Company on the other part.

(II) If the parties aforesaid fail to agree, respecting the amount of such value or compensation, the same shall be determined, as in other cases of disputed compensation.

(III) The amount of such value or compensation being so agreed upon or determined shall be paid by the Company to the mortgagee, in satisfaction of his mortgage debt, so far as the same will extend; and upon payment or tender thereof the mortgagee shall convey or release all his interest in such mortgaged lands to the Company or as it shall direct.

Deposit of money when refused on tender.

70. If, upon such payment or tender as aforesaid being made, any such mortgagee fail so to convey his interest in such mortgage or to adduce a good title thereto to the satisfaction of the Company, it shall be lawful for the Company to pay the amount of such value

value or compensation into the hands of the Master in Equity, to be dealt with by him, in the manner provided by this Act in like case of moneys required to be paid to such Master in Equity; and every such payment or deposit shall be accepted by the mortgagee in satisfaction of his mortgage debt, so far as the same will extend, and shall be a full discharge of such mortgaged lands from all money due thereon; and the Company may, if it think fit, execute a deed poll in manner hereinbefore provided. And thereupon such lands, as to all such estate and interest as were then vested in the mortgagee or any person in trust for him, shall become absolutely vested in the Company and the Company shall be entitled to immediate possession thereof in case such mortgagee were himself entitled to such possession. Nevertheless, all rights and remedies possessed by the mortgagee against the mortgagor, by virtue of any bond or covenant or other obligation, other than the rights to such lands, shall remain in force, in respect of so much of the mortgage debt as shall not have been satisfied by such payment or deposit.

Sum to be paid where part only of mortgaged lands taken.

71. (I) If a part only of any such mortgaged lands be required for the purposes of this Act, and if the part so required be of less value than the principal money, interest, and costs secured on such lands, and the mortgagee shall not consider the remaining part of such lands a sufficient security for the money charged thereon, or be not willing to release the part so required, then the value of such part and also the compensation (if any) to be paid in respect of the severance thereof or otherwise shall be settled by agreement between the mortgagee and the party entitled to the equity of redemption of such land on the one part, and the Company on the other part.

(II) If the parties aforesaid fail to agree respecting the amount of such value or compensation, the same shall be determined as in other cases of disputed possession.

(III) The amount of such value or compensation being so agreed upon or determined shall be paid by the Company to such mortgagee in satisfaction of his mortgage debt, so far as the same will extend; and thereupon such mortgagee shall convey or release to the Company or as it shall direct, all his interest in such mortgaged lands, the value whereof shall have been so paid, and a memorandum of what shall have been so paid shall be endorsed on the deed creating such mortgage, and shall be signed by the mortgagee, and a copy of such memorandum shall at the same time (if required) be furnished by the Company, at the expense of the Company, to the party entitled to the equity of redemption of the lands comprised in such mortgage deed.

Deposit of money when refused on tender.

72. If, upon any payment or tender to any such mortgagee of the amount of the value or compensation so agreed upon or determined, such mortgagee shall fail to convey or release to the Company or as it shall direct, his interest in the lands, in respect of which such compensation shall so have been paid or tendered, or if he shall fail to adduce a good title thereto to the satisfaction of the Company, it shall be lawful for the Company to pay the amount of such value or compensation into the hands of the Master in Equity, to be dealt with by him in the manner provided by this Act in the case of moneys required to be paid to such Master in Equity; and such payment or deposit shall be accepted by such mortgagee in satisfaction of his mortgage debt, so far as the same will extend, and shall be a full discharge of the portion of the mortgaged lands so required from all money due thereon; and also, if he think fit, to execute a deed poll in the manner hereinbefore provided. And thereupon such lands shall become absolutely vested in the Company, as to all such estate and interest as were then vested in the mortgagee or any person in trust for him, and

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in case such mortgagee were himself entitled to such possession he shall be entitled to immediate possession thereof. Nevertheless, every such mortgagee shall have the same powers and remedies for recovering or compelling payment of the mortgage money or the residue thereof (as the case may be) and the interest thereof respectively, upon and out of the residue of such mortgaged lands or the portion thereof not required for the purposes of this Act as he would otherwise have had or been entitled to for recovering or compelling payment thereof, upon or out of the whole of the lands originally comprised in such mortgage.

Release of land from rent charges.

73. If any difference shall arise between the Company and the party entitled to any rent-service, rent-charge, chief or other rent, or other payment, or incumbrance, not hereinbefore provided for, upon any lands taken for the purposes of this Act, respecting the consideration to be paid for the release of such lands therefrom, or from the portion thereof affecting the lands required for the purposes of this Act, the same shall be determined as in other cases of disputed compensation.

Release of part of land from rent-charge.

74. If part only of the lands charged with any such rent-service, rent-charge, chief-rent, or other rent-payment or incumbrance, be taken for the purposes of this Act, the apportionment of any such charge may be settled by agreement between the party entitled to such charge and the owner of the lands on the one part and the Company on the other part; and, if such apportionment be not so settled by agreement, the same shall be settled by two Justices. But if the remaining part of the lands so jointly subject be a sufficient security for such charge, then, with consent of the owner of the lands so jointly subject, it shall be lawful for the party entitled to such charge to release therefrom the lands required, on condition or in consideration of such other lands remaining exclusively subject to the whole thereof.

Deposit in case of refusal to release.

75. Upon payment or tender of the compensation so agreed upon or determined to the party entitled to any such charge as aforesaid, such party shall execute to the Company a release of such charge. If he fail so to do, or if he fail to adduce a good title to such charge to the satisfaction of the Company, it shall be lawful for the Company to pay the amount of such compensation into the hands of the Master in Equity to be dealt with by him in the manner hereinbefore provided in the case of moneys required to be paid to such Master in Equity; and also if the Company think fit to execute a deed poll, in the manner herein provided for in the case of the purchase of lands by it. And thereupon the rent-service, rent-charge, chief or other rent, payment or incumbrance, or the portion thereof in respect whereof such compensation shall so have been paid, shall cease and be extinguished.

Charge to continue on lands not taken.

76. If any such lands or portion thereof be so released from any such charge or incumbrance to which they were subject jointly with other lands, such lastmentioned lands shall alone be charged with the whole of such charge or with the remainder thereof, as the case may be, and the party entitled to the charge shall have all the same rights and remedies over such lastmentioned lands, for the whole or for the remainder of the charge, as the case may be, as he had previously over the whole of the lands subject to such charge. If, upon any such charge, or portion of charge, being so released, the deed or instrument creating or transferring such charge be tendered to the Company for the purpose, it shall affix its seal to a memorandum of such release, indorsed on such deed or instrument, declaring what part of the lands originally subject to such charge shall have been purchased by virtue of this Act, and if the lands be released from part of such charge, what proportion of such charge shall have been released, and how

how much thereof continues payable; or if the lands so required shall have been released from the whole of such charge, then that the remaining lands are thenceforward to remain exclusively charged therewith. Such memorandum shall be made and executed at the expense of the Company, and shall be evidence in all Courts and elsewhere of the facts therein stated, but not so as to exclude any other evidence of the same facts.

Leases.

Where part only of lands under lease taken the rent to be apportioned.

77. (I) If any lands shall be comprised in a lease for a term of years unexpired, part only of which lands shall be required for the purposes of this Act, the rent payable in respect of the lands comprised in such lease shall be apportioned between the lands so required and the residue of such lands.

(II) Such apportionment may be settled by agreement between the lessor and lessee of such lands on the one part, and the Company on the other part; and, if such apportionment be not so settled by agreement between the parties, such apportionment shall be settled by two Justices.

(III) After such apportionment, the lessee of such lands shall, as to all future accruing rent, be liable only to so much of the rent as shall be so apportioned in respect of the lands not required for the purposes of this Act; and, as to the lands not so required, and as against the lessee, the lessor shall have the same rights and remedies for the recovery of such portion of rent as, previously to such apportionment, he had for the recovery of the whole rent reserved by such lease; and all the covenants, conditions, and agreements of such lease, except as to the amount of rent to be paid, shall remain in force, with regard to that part of the land which shall not be required for the purposes of this Act, in the same manner as they would have done in case such part only of the land had been included in the lease.

Tenants to be compensated.

78. Every such lessee as last aforesaid, shall be entitled to receive from the Company compensation for the damage done to him in his tenancy, by reason of the severance of the lands required from those not required, or otherwise, for the purposes of the authorized work.

Compensation to be made to tenants from year to year.

79. (I) If any such lands shall be in the possession of any person having no greater interest therein than as tenant for a year, or from year to year, and if such person be required to give up possession of any land so occupied by him before the expiration of his term or interest therein, he shall be entitled to compensation for the value of his unexpired term or interest in such lands, and for any just allowance which ought to be made to him by any incoming tenant, and for any loss or injury he may sustain; or, if a part only of such lands be required, compensation for the damage done to him in his tenancy, by severing the lands held by him or otherwise injuriously affecting the same.

(II) The amount of such compensation shall be determined by two Justices in case the parties differ about the same.

(III) Upon payment or tender of the amount of such compensation, all such persons shall respectively deliver up to the Company or to the person appointed by the Company to take possession thereof, any such lands in their possession required for the purposes of this Act.

Where greater interest claimed than at will, lease to be produced.

80. If any party having a greater interest than as tenant at will, claim compensation in respect of any unexpired term or interest under any lease or grant of any such lands, the Company may require such party to produce the lease or grant in respect of which such claim

shall

shall be made, or the best evidence thereof in his power; and if, after demand made in writing by the Company, such lease or grant or such best evidence thereof be not produced within twenty-one days, the party so claiming compensation shall be considered as a tenant holding only from year to year, and be entitled to compensation accordingly.

Power to take temporary possession of land.

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

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

For the purpose of depositing soil thereon;

For the purpose of obtaining materials therefrom for the construction or repair of the waterworks or 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 Company 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 Company 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 Company either wholly or in part for any of the purposes lastly hereinbefore mentioned, and that the Company shall pay to the owner of the land a fair price for any timber, clay, stone, gravel, sand, or other things taken therefrom.

Company to separate the lands before using them.

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

Compensation to be made for temporary occupation.

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

84.

Before roads interfered with others to be substituted.

84. If in the exercise of the powers hereby granted it be found necessary to cross cut through, raise, sink, or use any part of any road whether carriage-road, horse-road, or tram-road, or railway, either public or private, so as to render it impassable for, or dangerous, or more than usually inconvenient to passengers or carriages, or to the persons entitled to the use thereof, the Company 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 its own expense maintain such substituted road in a state as convenient for passengers and carriages as the road so interfered with, or as nearly so as may be.

Period for restoration of roads interfered with.

85. If the road so interfered with can be restored compatibly with the due completion of any works authorized under this Act the same shall be restored to as good a condition as it was in at the time when the same was first interfered with by the Company, or as near thereto as may be, and if such road cannot be so restored, the Company 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 possible expedition.

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

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

Works for benefit of owners.

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

Gates, bridges.

Such and so many convenient gates, bridges, arches, culverts, and passages, over, under, or by the side of or leading to or from such works as shall be necessary for the purpose of making good any interruptions caused thereby to the use of the lands through which the same shall be made, and such works shall be made forthwith after the part of the conduit passing over such lands shall have been laid out or formed, or during the formation thereof.

Fences.

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

Drains.

Also all necessary arches, tunnels, culverts drain or other passages, either over or under or by the side of such works, and of such dimensions as will be sufficient at all times to convey the water from the lands lying near or affected thereby.

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

Differences as to accommodation works to be settled by Governor.

88. If any difference arise respecting the kind or number of any such accommodation works, or the dimensions or sufficiency thereof respecting the maintaining thereof, the same shall be determined by the Governor, who shall also appoint the time within which such works shall be commenced and executed.

Power to owners of lands to make additional accommodation works.

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

Such works to be constructed under the superintendence of the Company's engineer.

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

Penalty on persons omitting to fasten gates.

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

PART IV.

Miscellaneous Provisions—Legal Procedure.

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

92. Except as hereinbefore provided with respect to penalties for contamination of the water, one-half of any penalty recovered under this Act shall be paid to the informer; and where any distress is made for any sum of money to be levied under this Act, the distress itself shall not be unlawful, nor the persons making the same be deemed trespassers, on account of any defect or want of form in the information, summons, conviction, warrant of distress, or other proceedings relating thereto, nor shall the persons distraining be deemed tresspassers on account of any irregularity that shall be afterwards done by the persons distraining, but the persons aggrieved by such irregularities may recover satisfaction for the special damage in an action on the case.

Penalty for default not otherwise provided for.

93. If it shall be proved to the satisfaction of any two Justices of the Peace in Petty Sessions assembled that the Company or any of its officers have been guilty of any default under this Act not otherwise provided for, they shall be liable for each and every such default to a penalty not exceeding five pounds, to be recovered in a summary way.

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

94. Where by this Act any question of compensation, expenses, charges, or damages, or other matter is required to be referred to the determination of any Justices, it shall be lawful for any Justice, upon the application of either party, to summon the other party to appear before two Justices, at a time and place to be named in such summons, and upon the appearance of such parties, or in the absence of any of them upon proof of due service of the summons, it shall be lawful for such Justices to hear and determine such question, and for that purpose

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to examine such parties or any of them and their witnesses on oath, and the cost of every such inquiry shall be in the discretion of such Justices, and they shall determine the amount thereof.

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

95. Every penalty, forfeiture, charge or sum of money imposed by or made payable under this Act, the recovery of which is not otherwise provided for, may be recovered by summary proceedings before two Justices, under the provisions of the Act or Acts in force for the time being, regulating summary proceedings before Justices.

Parties allowed to appeal to Quarter Sessions on giving security.

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

Court to make such order as they think reasonable.

Damage to be made good in addition to penalty.

97. 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 Company, used in connection therewith, shall have been committed by such person, he shall be liable to make good such damages as well as to pay such penalty, and the amount of such damages shall in case of dispute be determined by the Justices by whom the party incurring such penalty shall have been convicted, and on non-payment of such damages on demand the same shall be levied by distress, and such Justices, or one of them, shall issue their or his warrant accordingly.

Transient offenders.

98. It shall be lawful for any officer or servant of the Company and all persons called by him to his assistance, to apprehend any person who shall be found committing any offence against the provisions of this Act, and whose name and residence shall be unknown to such officer or servant, and deliver him to the custody of the nearest constable or police officer, to be conveyed before a Justice of the Peace to be dealt with according to law.

Notices.

99. Any notice required by this Act, or by any regulation made thereunder to be served on or given to any owner or occupier of any building, land, or premises, or on or to any person may be in writing or partly in writing and partly printed, or may be wholly printed. And it shall be sufficient for all purposes of this Act, unless the said Act in any case prescribes a different course to be pursued, if any such notice is sent by post to the owner by registered letter addressed to his last-known place of abode or of business, or is served on the owner or occupier of such building, land, or premises, or left with some inmate apparently over the age of fourteen years living at the place of abode of such owner or occupier, or if there be no occupier, if such notice be posted on some conspicuous part of such building or

land. And any notice required to be served or given in respect of any public street, road, or lane, may be served on or sent by post as aforesaid, to the Council Clerk of the borough or municipal district wherein such street, road, or lane, or a portion thereof affected by the notice is situated.

Indictment for nuisances.

100. In the event of the wrongful exercise of any powers given by this Act, nothing in this Act contained shall be construed to prevent any person from indicting, or otherwise proceeding, either civilly or criminally, against the Company or its officers, for nuisance or otherwise in respect of the works, or means used or employed by the Company in the exercise of the privileges hereby conferred on the Company, or to prevent the Company or any person recovering any sum of money, or otherwise proceeding in any Court of competent jurisdiction; but the Company or any person, to whom any penalty or sum of money may, by the provisions of this Act, be awarded, may elect either to proceed in manner in this Act provided, or to proceed for and recover damages or otherwise, in any Court of competent jurisdiction.

Borrowing powers.

101. For any of the purposes of the Company authorized by this Act the Company may, with the sanction of a general meeting of shareholders, from time to time borrow money in such sum or sums as the directors of the Company may think fit; and for securing the repayment of the money so borrowed, with interest, it shall be lawful for the Company to issue debentures, to be charged and secured upon the Company's works, materials, and revenues.

Rights, powers, &c., under this Act may be assigned, &c., to incorporate company.

102. Subject to the special sanction of the Governor it shall be lawful for the Company, at any time after the passing of this Act, to assign, transfer, convey, and release to any person, or to any Company duly incorporated for that purpose, all the rights, powers, authorities, privileges, liabilities, and obligations conferred and imposed upon it by this Act, together with all lands, tenements, hereditaments, estates, chattels, and effects of every kind, acquired by it under or in pursuance thereof, and purchased, occupied, or used in connection with the same; and upon and after the completion of such assignment, transfer, conveyance, and release, the said person or 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 Company, its officers, agents, or servants, would 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, action or proceedings taken against, or liabilities, obligations, penalties, or forfeitures incurred by the Company before the completion of the said assignment, transfer, conveyance, and release.

Works to become the property of Municipal Council of Broken Hill.

103. All the works of the company, together with all the rights, powers, and authorities conveyed by this Act, with all their hereditaments and appurtenances, shall at the expiration of twenty-eight years from the date of this Act become and remain the absolute property of the Government, freed and discharged from all claims and liabilities whatsoever.

Limitation of time for erection of works.

104. The Company shall not be entitled to any of the rights and privileges conferred upon it by this Act unless it shall have completed, to the satisfaction of the Central Authority, the works necessary for carrying out the purposes of this Act within the period of three years from the date of the passing of this Act.

Rights of the Crown not to be interfered with.

105. Nothing in this Act shall be construed to limit or in any way interfere with the rights of the Crown to the general control of the natural supplies of water, nor with the right of the Governor from time

time to time to resume and dedicate any portion of the Crown Lands comprised in the First Schedule to this Act for a common, park, or other public purposes of a like nature, subject to such regulations as the Governor may approve, nor in any way interfere with any right conferred before the passing of this Act, nor in any way interfere with, abridge, or encroach upon any rights, powers, privileges, or concessions conferred upon the Broken Hill and District Water Supply Company (Limited) by the "Broken Hill and District Water Supply Act of 1889"; and the provisions of this Act shall be subject to the provisions of any Act dealing generally with water conservation throughout the Colony.

SCHEDULES.

FIRST SCHEDULE.

Description of Catchment Area required by the "Barrier Ranges and Broken Hill Water Supply Company (Limited)."

Starting at the One Tree Hill, on the watershed dividing the eastern from the western waters (said hill is on that watershed); thence along that watershed in a north-easterly direction to where the watershed of the Yancowinna and Stephen's creeks joins it; thence along the watershed dividing the abovementioned creeks to where the northern watershed of Mulga Springs Creek joins it; thence south-westerly to a point one half-mile below the site already fixed for retaining dam on Stephen's Creek; thence still in a south-westerly direction taking in all waters running into Stephen's Creek, above said retaining dam and along the western watershed of Stephen's Creek passing to the south-west of the town of Willyama and along said western watershed until it meets the watershed dividing the eastern from the western waters; thence along said watershed, to the point of commencement. Area about two hundred square miles.

SECOND SCHEDULE.

(Section 45.)

Notice of Claim and Abstract.

To the Barrier Ranges and Broken Hill Water Supply Company (Limited)
Council of

In pursuance of the "Broken Hill Water Supply Act of 1890," I (*or* we) hereby give you notice that I (*or* we) claim compensation in land hereunder described which has been resumed under the said Act. The amount of such claim and other the particulars required by the said Act are stated in the subjoined abstract.

Abstract.

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

(*Signature*)
(*Address*)
(*Date*)

THIRD

THIRD SCHEDULE.

(Section 46.)

Notice of Valuation.

To A.B., claimant in respect of the land hereunder described, resumed under the "Broken Hill Water Supply Act of 1890."

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

A.B. (Seal)
Manager *or* Secretary of Company.

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

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

By Authority: CHARLES POTTER, Government Printer, Sydney, 1890.

[1*s.* 3*d.*]

I Certify that this PRIVATE BILL, *which originated in the* LEGISLATIVE ASSEMBLY, *has finally passed the* LEGISLATIVE COUNCIL *and the* LEGISLATIVE ASSEMBLY *of* NEW SOUTH WALES.

Legislative Assembly Chamber,
Sydney, 11 *December,* 1890, A.M.

F. W. WEBB,
Clerk of Legislative Assembly.

New South Wales.

ANNO QUINQUAGESIMO QUARTO

VICTORIÆ REGINÆ.

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Interpretation of terms.

And in the construction of this Act the following words and expressions in inverted commas shall, unless there be something in the 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:—

"Central Authority"—The Minister for Public Works or the Minister charged with the administration of this Act.

"Company"—The said "Barrier Ranges and Broken Hill Water Supply Company (Limited)," its representatives or assigns, owners for the time being of the Broken Hill Waterworks.

"Conduit"—The canals, tunnels, aqueducts, cuttings, or pipes, by means of which the water is supplied.

"Crown Lands"—Lands within the meaning of the "Crown Lands Act of 1884" and any Acts amending the same.

"District"—All the districts which are now included within the District of Broken Hill and Silverton, and within the area as described in the First Schedule hereto.

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

"Justice"—Any Justice of the Peace.

"Owner"—Any person who is in the receipt of the rents and profits of any house, manufactory, or buildings of whatsoever kind, or of any land within the District.

"Street"—Any square, court, alley, highway, railway, tramway, lane, road, thoroughfare or other passage, footpath, or place, whether public or private, within the District.

"Water District"—The area within which water is authorized to be supplied to the inhabitants of the District.

PART I.

Preliminary.

Conditions prior to acquisition of lands.

2. Before the Company 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 observed:—

(I) The Company shall publish once at the least in each of three consecutive weeks in some local newspaper circulating in the District, a notice describing shortly the nature of the undertaking in respect of which it is proposed to take any lands, naming the Broken Hill Court-house as the place where a plan of the proposed undertaking may be seen at all reasonable hours, and stating the quantity of lands required.

(II) The Company shall serve a printed or written notice on every owner or reputed owner, lessee or reputed lessee, and occupier of such lands, defining in each case the particular lands intended to be taken, and requiring an answer to be given within thirty days, stating whether the person so served assents, dissents, or is neutral, in respect of taking such lands.

(III) On compliance with the provisions of this section with respect to notices, the Company may, if it thinks fit, present a petition to the Governor, and such petition shall state the lands intended to be taken, and the purposes for which they are required, and the names of the owners, lessees, and occupiers of lands who have assented, dissented, or are neutral, in respect to the taking such lands, or who have returned

returned no answer to the notice. And it shall pray that the Company may, with reference to such lands, be allowed to put in force the powers contained in Part III of this Act with respect to the acquisition of lands otherwise than by agreement, and such prayer shall be supported by such evidence as the Governor may require.

(IV) On the receipt of such petition, and on due proof of the proper notices having been published and served, the Governor shall take such petition into consideration, and may either dismiss the same or direct a local inquiry, at the cost of the Company, as to the propriety of assenting to the prayer of such petition, but until such inquiry has been made no provisional order shall be made affecting any lands without the consent of the owners, lessees, and occupiers thereof.

(V) After the completion of such inquiry the Governor may, by provisional order, empower the Company to put in force with reference to the lands referred to in such order, the powers of the said Part, with respect to the acquisition of lands, otherwise than by agreement or any of them, and either absolutely or with such conditions and modifications as the Governor may think fit; and it shall be the duty of the Company to serve a copy of any order so made in the manner and on the person in which and on whom notices in respect of such lands are required to be served.

PART II.

Provisions as to Water Supply.

Authority to construct water-works.

3. Subject to the provisions of this Act, and within the area as described in the First Schedule hereto, the Company may, subject to the approval of the Governor, exercise any of the powers in this Part contained for the construction of water-works for the supply of water to the Municipal District of Broken Hill, and to any Municipal District or Borough which may be established within or partly within the boundaries of the catchment area as defined in the First Schedule, and for the purpose of carrying out the provisions of this Act the Company may

(I) Enter upon any lands and take levels of the same, and set out such parts thereof as it shall think necessary.

(II) Enter upon, take, and hold such land, after having paid, as hereinafter provided, the owners thereof compensation for the same as it may from time to time deem necessary for the construction and maintainance of any of the works authorized by this Act, or for obtaining or enlarging the supply of water, or for improving the quality thereof for the purposes of this Act.

(III) Under such superintendence, and subject to such consent, as are hereinafter specified enter upon any Crown or private lands, streets, roads, or thoroughfares, and lay or place therein any pipes, and may repair, alter, or cut off, or remove the same, and under such superintendence, and subject to such consent as aforesaid, may enter upon any such lands, streets, roads, or thoroughfares, for the purpose of repairing any watercourses, or other works, being its property or under its control.

Provided always that in the exercise of any of the powers hereby conferred, the Company shall inflict as little damage as may be, and

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in all cases where it can be done, shall provide other watering-places, drains, and channels, for the use of adjoining lands in place of any taken away or interrupted by it, and shall make full compensation to all parties interested, for all damage sustained by them through the exercise of such powers. It shall not be lawful for the Company to exercise any of the powers conferred upon it by this Act until the plans or scheme for the proposed work shall have been first approved by the Governor, and such approval duly notified in the *Gazette*. Provided also that nothing in this Act contained shall prejudice or affect the rights and privileges of any Municipal District or Borough now or hereafter to be established within the area described in the First Schedule hereto.

Penalty for obstructing construction of works.

4. Every person who shall wilfully obstruct any person acting under the authority of the Company 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 alter the position of any level, or destroy or injure any works so undertaken as aforesaid, shall incur a penalty not exceeding ten pounds for every such offence.

Penalty for destroying works.

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

Power to open streets.

6. Subject to the provisions of this Act the Company may open and break up the soil and pavement of the several streets and bridges within the limits of the district, and may open and break up any sewers, drains, or tunnels within or under such streets and bridges, and lay down and place within the same limits, pipes, conduits, service pipes, and other works and engines, and from time to time repair, alter, or remove the same, and for the purposes aforesaid remove and use all earth and materials in and under such streets and bridges, and do all other acts which the Company shall from time to time deem necessary for supplying water to the inhabitants of the district included within the said limits. Before the Company proceed to open or break up any pavement, street, road, sewer, drain, or tunnel, or to interfere with, divert, or alter any pipe not their own, or any wire used for transmission of electricity, bridge, or culvert, they shall give to the local authority under whose management or control the same may be, and, in the case of a pipe or wire, to the owners thereof, or their local representative, notice in writing of their intention to open and break up, or otherwise to interfere with the same, not less than seven clear days before beginning the work, except in cases of emergency, arising from accidents to, or defects in, the pipes, or other works, the property of the Company, and then so soon as is possible after the necessity for the work shall have arisen.

Notice to be given before streets, &c., are broken up.

Reinstatement of streets.

7. When the Company shall open or break up the road, path, or pavement of any street or bridge, or any sewer, drain, or tunnel, culvert-pipe wire, it 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 to the satisfaction of the local authority or its officer the road, path, or pavement of the sewer, drain, tunnel, culvert-wire, or pipe, so opened or broken up, and carry away the rubbish occasioned thereby. And shall at all times whilst any such road or pavement shall be so open or broken up cause the same to be fenced and guarded, and shall cause light sufficient for the warning of passengers to be set up and kept there for every night during which such

such road or pavement shall be continued open or broken up. No such pavement, street, road, sewer, drain, tunnel, pipe, wire, bridge, or culvert, shall be opened, broken up, or interfered with, except in cases of emergency, as aforesaid, and except as hereinafter provided, except under the superintendence of the local authority having the control thereof, or its officer; and according to such plan as shall be approved of by the local authority, the Company shall make such temporary or other works as may be necessary for guarding against any interruption of the drainage traffic, access, or other public right and convenience during the continuance of the operations. And in the case of interference with any pipe, not the property of the Company, or any wire used for the transmission of electricity, the owners of which may intimate their desire to have the work, temporarily or permanently, of severing, altering, or restoring their pipes or wires, effected by their own employees, or with their own material, the Company shall afford every facility to such employees, and shall accept and use such material, paying to such owners the actual reasonable cost of labour and material disbursed by such owners, and in default of the Company making such payment when called upon so to do, the owners aforesaid shall be entitled to recover the amount due by summary process in accordance with the provisions of this Act.

Streets, &c., to be broken up under superintendence of local authority.

8. For the purposes of this Act, and subject to the approval of the Governor, the Company may, from time to time, after the expiration of thirty days notice in some newspaper published and circulated in the District of Broken Hill of their intention to apply for the powers hereinafter in this section contained, divert or alter temporarily any part of the course of any creeks, watercourses, roads, streets, or ways, in order the more conveniently to exercise any of the powers conferred upon the Company; but shall first provide sufficient substitutes for any creek, watercourse, road, street, or way, while so interfered with, and shall maintain the same during such time at their own expense in good order. For the purposes of this Act, and subject to the approval aforesaid, the Company may construct weirs and dams in any creek or watercourse, cut drains and deliver into or take water from, and embank, widen, or deepen any creek, watercourse, lagoon, or swamp within the catchment area of Stephen's Creek, as defined in First Schedule, provided always that such works shall not interfere with any existing rights, nor with the construction hereafter by any person of other necessary works approved by the Governor for providing water supply for domestic use, or for live stock, or for mining or manufacturing, or other purposes, provided however that the Company shall pay to the Colonial Treasurer such yearly sum, by way of rent, as the Local Land Board may determine, in accordance with the provisions of the "Crown Lands Act of 1884" and any Acts amending the same in consideration of any such concession to be conferred under this Act.

Temporary diversion of water.

9. The Company shall supply water for domestic or other purposes, by measure or otherwise, at such rates, upon such terms, and subject to such conditions as may be agreed upon by the Company and the person requiring to be supplied. Provided always that the Company shall not be entitled to withhold water from any person, unless such person be in arrears with his payment, or shall have been convicted of misapplication of water, and the Company shall not charge for water any person a greater rate than other persons are charged under like conditions.

Agreements to supply water.

10. The Company 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 or continuing to supply such water if the want of such supply arises from unusual drought or other unavoidable cause or accident or from necessary repairs.

Company not liable for accidental failure to supply water.

Company may let meters.

11. The Company may let for hire to any consumer of water supplied by measure any meter or instrument for measuring the quantity of water supplied and consumed, and any pipes and apparatus for the conveyance, reception, or storage of the water, for such remuneration in money as may be agreed upon between the Company and the consumer, which shall be recoverable in the same manner as rates due to the Company for water.

Meters of Company not distrainable.

12. Such meters, instruments, pipes, and apparatus shall not be subject to distress for rent of the premises where the same are used, or be liable to be attached or taken in execution under any process of any Court of Law or Equity, or under or in pursuance of any sequestration or order in insolvency, or other legal proceedings against or affecting the consumer of the water, or the occupier of the premises, or other the person in whose possession the meters, pipes, instruments, and apparatus may be.

Meter to be supplied and maintained by consumer.

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

Power to officers of Company to inspect meter.

14. The officers of the Company may enter any house, building, or lands, to, through, or into which water is supplied by the Company by measure, in, or 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, or to examine if there be any waste or misuse of such water; 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 Company; 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 two Justices a power of entry shall be exercised only between the hours of nine in the forenoon and six in the afternoon.

Supply of water for public purposes.

15. In all the pipes to which any fire-plug is fixed, the Company shall provide and keep constantly laid on for use, unless prevented by unusual drought or other unavoidable accident, or during necessary repairs, a sufficient supply for the following purposes (that is to say), for supplying any public hospitals or charitable institutions, or any public pumps, baths, and washhouses that may be established for the use of the inhabitants, and paid for out of any municipal rates; and such supply shall be provided at such rates and upon such terms and conditions as may be agreed upon by any Municipal Council and the Company, or, in case of disagreement, as shall be settled by two Justices. Provided that hospitals and charitable institutions shall be provided with water without charge.

FIRE-PLUGS.

Company to place public fire-plugs in mains.

16. The Company, at the request of any Municipal Council in the Borough of which it shall construct its works or any of them, shall fix proper fire-plugs in the main and other pipes belonging to it at such convenient distances and at such places as it may consider proper and convenient for the supply of water for extinguishing any fire which may break out within any such Borough, and shall from time to time renew and keep in effective order every such fire-plug; and shall put up a public notice in some conspicuous place in each street in which such fire-plug is situated, showing its situation; and such notice may be put up on any house, wall, fence, or building in such street;

street; and as soon as such fire-plug is completed, the Company shall deposit a key thereof in each place where any public fire-engine is kept. The cost of such fire-plugs and notices, and the expense of fixing, placing, and maintaining the same in repair, and of supplying such keys as aforesaid, shall be defrayed by the Municipal Council in which the same may be. And no supply of water from such fire-plugs shall be taken for any other purpose than that of extinguishing fires, unless such purpose be allowed in writing by the Company.

Fire-plugs for manufactories.

17. The Company 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 Company, place and maintain in effective order a fire-plug (to be used only for extinguishing fires) or near as conveniently may be to such manufactory or works.

Pipes to be kept charged, and water taken for fires.

18. The Company shall at all times keep charged with water all its pipes to which fire-plugs are fixed unless prevented by drought or other unavoidable cause or accident or during necessary repairs. And shall allow all persons at all times to take and use such water for the purpose only of extinguishing fire without making compensation for the same.

Penalty for refusal to fix fire-plugs, or for occasional failure of supply of water.

19. If, except when prevented as aforesaid, the Company neglect or refuse to fix, retain, or repair such fire-plug, or to furnish to such Municipal Council a sufficient supply of water for the public purposes aforesaid, upon such terms as shall have been agreed on or settled as aforesaid, or if, except as aforesaid, it neglects to keep its pipes charged as aforesaid, or neglects or refuses to furnish water to any owner or occupier liable to be rated under this Act during any part of the time for which such rates have been paid or tendered, shall be liable to a penalty of fifty pounds, and shall also forfeit to any such Municipal Council, or to every person having paid or tendered the rate, the sum of twenty shillings for every day during which such refusal or neglect shall continue after notice in writing shall have been given to the Company of the want of supply.

Company may make regulations.

20. Subject to the provisions of this Act, the Company may, from time to time, make, amend, and repeal regulations for or relating to all or any of the following subjects:—

(I) The supply of water to the owner or occupier of any house, factory, or land;

(II) The rate at which water shall be sold, and the time of payment for the same;

(III) The prevention and remedying of waste, undue consumption, fouling or contamination of the water contained in or supplied from any part of the Company's works;

(IV) The protection of the water and every part of the works from trespass and injury;

(V) The imposing of penalties for any breach of any regulation by this Act authorized to be made by the Company, not exceeding for any offence the sum of fifty pounds; and

(VI) Generally for duly administering and carrying out the powers given to the Company.

And such regulations shall, upon being approved by the Governor and published in the *Gazette*, be valid in law.

Maximum price of water.

21. The price to be charged by the Company for water sold shall in no case exceed sixpence per hundred gallons.

PROTECTION OF THE WATER.

22. If any person supplied with water by the Company wrongfully does, or causes or permits to be done, anything in contravention of any of the provisions of this Act or of the regulations of the Company, or wrongfully fails to do anything which under any of those provisions ought to be done for the prevention of the waste, misuse, undue

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

undue consumption, or contamination of the water of the Company, the Company may (without prejudice to any remedy against him in respect thereof) cut off any of the pipes by or through which water is supplied to him or for his use, and may cease to supply him with water so long as the cause of injury remains or is not remedied.

Penalty for misapplication of water.

23. If any person—

(I) Not having from the Company a supply of water for other than domestic purposes, uses for other than domestic purposes any water supplied to him by the Company; or

(II) Having from the Company a supply of water for any purpose other than domestic, uses such water for any purpose other than those for which he is entitled to use the same,—

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

Definition of domestic supp'y.

24. A supply of water for domestic purposes shall not include a supply to any stable, or for any manufacturing purpose, or for irrigation (which shall mean any mechanical or artificial contrivance for conveying water to plants without labour), or for water-power, or for fountains or any ornamental purpose. The Company shall at all times have the power to decide whether the supply of water to any person shall be by measure or otherwise.

Penalty for unlawfully taking water.

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

POLLUTING THE WATER.

Penalty for bathing in water of the Company.

26. If any person bathe in any stream, drain, reservoir, aqueduct, or other waterworks belonging to the Company, 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.

Protection of water supply from pollution, &c.

27. The Company shall take all reasonable precautions, by fencing and otherwise, for the protection of the water supply from pollution or contamination, and the Central Authority may at any time require the Company to construct such works, or take such precautions, as he may deem necessary or advisable in the interests of the public health. If the Company neglect or fail to construct such works, or take such measures, within the time prescribed by such Authority, the said Company shall become liable to a penalty of not more than fifty pounds for every day after the expiration of such prescribed time.

Penalty for throwing dirt therein.

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

Penalty for letting foul water flow thereinto.

29. If any person cause the water of any sink, sewer, or drain, steam-engine boiler, or other filthy water belonging to him or under his control to run or be brought into any stream, drain, reservoir, aqueduct, or other waterworks belonging to the Company, or shall do any other act whereby the water of the Company 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.

30.

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

30. Every person or company making or supplying gas within the limits of any water district who shall at any time cause or suffer to be brought or to flow into any stream, drain, reservoir, aqueduct, or water-works belonging to the Company, or into any stream or 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 reservoir, aqueduct, or other waterworks shall be fouled, or the pipes or conduits thereof injured, shall forfeit to the Company a sum not exceeding twenty pounds, to be recovered with full costs of suit for each day during which such washing or other substance shall be brought or shall flow as aforesaid, or during which the act shall continue by which such water 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 Company.

Penalty on gasmakers causing water to be fouled.

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

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

32. For the purpose of ascertaining whether the water of the Company be fouled by the gas of any person or company making or supplying gas within the said district, the Company may dig up the ground and examine the pipes, conduits, and works of the persons or company making or supplying gas. Provided that before proceeding so to dig and examine, the Company shall give twenty-four hours' notice in writing to the person or company so making or supplying gas of the time at which such digging and examining is intended to take place, and shall give the like notice to the persons having the control or management of the pavements or place where such digging shall take place, and shall be subject to the like obligation of reinstating the road and pavement, and to the same penalties for delay or any nonfeasance or misfeasance therein, as hereinafter provided, with respect to roads and pavements broken up by the Company for laying their pipes; and if upon such examination it appears that such water has been fouled by any gas belonging to such person or company the expenses of the digging, examination, and repairs of the street or place disturbed in any such examination shall be paid by the person or company making or supplying gas; but if upon such examination it appears that the water has not been fouled by the gas of such person or company, then the Company shall pay all the expenses of the examination and repair, and also make good to the said person or company any injury which may be occasioned to his works by such examination. The Company shall apply three-fourths of any amounts received under the two last preceding sections in reduction of the charges for water supplied to users from pipes between the point of contamination and the points of delivery, during the period of contamination for which the penalties have been inflicted, proportionately to the consumption of such users, and in the event of the Company neglecting or refusing to make such reduction, any user of water as aforesaid may recover the proportion due to him by summary process before two Justices.

The expense to abide the result of the examination.

Proportion of profits to be applied towards reduction of charges.

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

33. Any person who shall, without the authority of the Company, re-establish any 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, meter, cistern, ball-cock, stop-cock, or waste-pipe, which may have been approved by the Company,

Company, 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 Company may have incurred (and which it 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 Company.

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

34. Where several houses or parts of houses in the separate occupation of several persons are supplied by one common pipe, or where water is supplied to courts, alleys, and right-of-ways by stand-pipes, the several owners or occupiers of such houses or parts of houses, or of the several houses or parts of houses in every such court, alley, or right-of-way, shall be liable to the payment of two-thirds 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 Company by a separate pipe.

Steam-boilers not to connect directly with Company's pipes.

35. All steam-boilers and hot-water apparatus must be supplied from cisterns without over-flow pipes, and no such boiler or apparatus shall in any way be connected directly with the service pipe or main of the Company. It shall not be lawful for the owner or occupier of any premises supplied with water by the Company, or any consumer of the water of the Company, or any other person to affix, or cause or permit to be affixed, any pipe or apparatus to a pipe belonging to or used by such owner, occupier, consumer, or any other person, or to make any alteration in any such connection or service-pipe, or in any apparatus connected therewith, without the consent in every such case of the Company. And if any person acts in any respect in contravention of the provisions of the present section he shall for every such offence be liable to a penalty not exceeding five pounds, without prejudice to the right of the Company to recover damages from him in respect to any injury done to its property, and without prejudice to its right to recover from him the value of any water wasted, misused, or unduly consumed.

Charges and rates for water payable in advance.

36. The charges for water and all sums due to the Company shall be paid by and be recoverable from the owner of the premises or the occupier or person requiring, receiving, or using the water. Except where water is supplied by measure, all rates for water shall be paid in advance by equal payments on the first day of January, April, July and October in each year, and the first payment shall be made when the water is first supplied. The rent payable for meters shall be payable in advance on the above-mentioned dates.

Refusal to pay charges.

37. If any person refuse or neglect to pay on demand to the Company any rate, charge, or sum due by him to the Company under this Act, the Company may recover the same with costs in any Court of competent jurisdiction.

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

38. If any tenant of any premises be called on to pay, and shall pay a greater amount of any rate, charge, or sum due to the Company under this Act than is due for the period of his occupancy, such tenant may deduct any sum so paid or recovered from the rent from time to time becoming due to the owner in respect of such premises, or after demand, may recover the same from the owner of such premises.

PART

PART III.

Acquisition and occupation by the Company of lands for the purposes of water supply—ascertainment of compensation in respect thereof.

Lands required for water supply, how acquired.

39. After the notification in the *Gazette*, as hereinbefore provided, of the approval by the Governor of a scheme for the supply of water to the said district, but not before the Company shall be empowered to acquire or occupy lands for the purposes of such water supply in manner hereinafter provided, and compensation for every such acquisition or occupation of lands shall be ascertained and carried out as hereinafter provided.

How and when lands can be taken.

40. It shall be lawful for the Company, by notification to be published in the *Gazette* and in one or more newspapers published or circulating in the said town and suburbs to declare that the land described in such notification is required for the purpose therein expressed.

Vesting of lands.

41. Upon the publication of the notification in the *Gazette* declaring that the lands therein described are so required, such lands shall, upon compliance with the requirements and provisions hereinafter contained, be vested in the Company for the purposes of this Act. Provided, however, that the Company shall have no right or title to any mine or minerals, nor shall the said Company be entitled to interfere in any way with the working or management of any such mine or minerals as aforesaid, which may lie in, upon, or under any private or Crown Lands within the said catchment area, although the said lands may be vested in the Company for the purposes of this Act.

Effect of publication upon Crown Lands.

42. Where the land required is Crown Land at the date of such publication, or is vested in any corporation, or in any person on behalf of Her Majesty, or for any public purposes by virtue of any statute, or is within the limits with reference to centres of population prescribed by the "Crown Lands Act of 1884" or any Acts amending the same, the effect of such publication shall be to withdraw the said land (to the extent required) from any lease or license or promise thereof, and to cancel to the like extent any dedication or reservation of the said land however made, and to divest the estate of such corporation or person, and to vest the said land in the said Company for the purposes of this Act for a lease of twenty-eight years at such rent as may be determined by the Local Land Board under the provisions of the "Crown Lands Act of 1884" and the Acts amending the same. Provided, however, that nothing in this section contained shall have any effect or operation unless the approval of the Governor shall first have been obtained with respect to the land so required, and the said Company shall have made such compensation and payments as the Local Land Board may determine, subject to the provision of the "Crown Lands Act of 1884" and any amendments of the same.

Compensation for private lands.

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

Conversion of estate of proprietor of resumed land into a claim.

44. The estate and interest of every person entitled to lands required under this Act, or any portion thereof, and whether to the legal or equitable estate therein, shall upon due payment of the amount of compensation tendered by the Company, and accepted by the owner, or assessed by the jury as hereinafter provided, be deemed to have been as fully and effectually conveyed to the Company as if the same had been conveyed by the persons legally or equitably entitled

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

Notice of claim for compensation.

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

Claim and report thereon.

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

Compensation by action in Supreme Court.

47. If within ninety days after the service of notice of claim the claimant and the company shall not agree as to the amount of compensation, the claimant shall be at liberty to institute proceedings in the Supreme Court in the form of an action for compensation against the Company. And any such action may be tried before a Judge of the said Court or in any Circuit Court and a jury of four persons. Provided always that, upon proper application, either of the Company or of the claimant, a special jury of twelve may be summoned for trial of such action. Provided also that with the consent in writing of the Company and the claimant, any such action may be so tried at any time (to be mentioned in such consent) before the expiration of ninety days from service of the notice of claim for compensation, but not within fourteen days from service of the notice of valuation on such claimant.

Issue in action of compensation verdict and costs.

48. The issue to be tried in any such action shall be whether the claimant is entitled to a larger sum by way of compensation than the amount of the valuation so made by the Company and notified to the claimant as aforesaid, and if so, to what sum. And if upon the trial of the said action the verdict shall be for a greater sum than the amount of the said valuation, the costs of the action shall be borne by the Company, but if the verdict shall be for a sum equal to such valuation then each party shall bear its own costs, or less than such valuation then the costs shall be borne by the claimant.

As to payment of compensation.

49. All moneys payable under this Act by way of compensation to any claimant, whether under the verdict of a jury or otherwise, shall be paid, together with costs (if any) and interest at the rate of six pounds per centum per annum, within one month after the determination of such compensation to the person lawfully entitled thereto, or to his agent duly authorized in that behalf in writing, but the claimant shall be bound to make out his title to the estate or interest claimed by him, in all cases where the claim is in respect of the deprivation of some estate or interest in land, and no interest shall be payable except from the time when such title shall have been made out. Provided that in the case of land under the surface taken for the purpose of constructing a subterranean tunnel for water supply or sewerage, no compensation

compensation shall be allowed or awarded, unless the surface of the overlying soil be disturbed, or the support to such surface be destroyed, or injuriously affected by the construction of such tunnel, or unless any mines or underground workings in or adjacent to such land be thereby rendered unworkable or to be so affected as aforesaid.

Where claim may be prosecuted in District Court.

50. The District Court shall, notwithstanding anything contained in the "District Courts Act of 1858," have jurisdiction to try any such action of compensation in any case where the whole amount of the claim in respect to such land served in pursuance of this Act does not exceed two hundred pounds, or if exceeding that amount in any case where the Company and the claimant by a memorandum signed by the Company and such claimant, or by the respective attorneys of the Company and the claimant agree thereto. For the purposes of this section, the provisions of the said District Courts Act and of any Act amending the same, together with all rules made or to be made thereunder, shall be deemed to apply to all proceedings taken in the said District Court hereunder.

Compensation how to be estimated.

51. In estimating or assessing the compensation to be paid under this Act, regard shall be had by the valuators and by the jury (on any issue), not only to the value of the land taken by the Company, but also to the damage (if any) to be sustained by the claimant by reason of the severing of the lands taken from other lands, or other injuries suffered by him by reason of the exercise of the powers expressed or incorporated in this Act, and they shall assess the same according to what they shall find to have been the value of such lands, estate, or interest, at the time of the resumption thereof, or the extent of the damage or injury sustained, but in making any such estimate or in assessing the compensation to be paid under this Act, any increased value which may be given to the adjacent lands of the same owner by reason of the water-works or water supply, shall be taken into consideration, and shall be deducted from the compensation to be paid to the owner of the lands so taken.

General power of entry.

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

Power to purchase lands by agreement.

53. Notwithstanding anything hereinbefore contained, it shall be lawful for the Company, if it shall think fit, to agree with the owners of any lands, the acquisition of which is authorized by this Act, and with all parties having any estate or interest in such lands, or by this Act enabled to sell or convey the same, for the absolute purchase, for a consideration in money, of any such lands, or such parts thereof as shall be thought proper, and of all estates and interests in such lands of what kind soever. Provided also that it shall be lawful for the Company from time to time, and at all times hereafter, to lease any lands, or the right to use or occupy or enter upon any lands, for such term and upon such conditions as may be agreed upon.

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

54. It shall be lawful for all parties being seized, possessed of, or entitled to any such lands, or any estate or interest therein, to sell and convey or release the same to the Company, and to enter into all necessary agreements for that purpose, and particularly it shall be lawful for all or any of the following parties so seized, possessed, or entitled, as aforesaid, so to sell, convey, or release, that is to say, all corporations, tenants in tail or for life, married women seized in their own right, or entitled to dower, guardians, committees of lunatics and idiots, trustees, or feoffees in trust for charitable or other purposes, executors and administrators,

administrators, and all parties for the time-being entitled to the receipt of the rents and profits of any such lands in possession, or subject to, any estate in dower, or to any lease for life or for lives and years, or for years or any less interest, and the power so to sell and convey or release as aforesaid, may lawfully be exercised by all such parties, other than married women entitled to dower, or lessees for life, or for lives and years, or for years, or for any less interest, not only on behalf of themselves and their respective heirs, executors, administrators, and successors, but also for, and on behalf of, every person entitled in reversion, remainder, or expectancy, after them, or in defeasance of the estates of such parties, and as to such married women, whether they be of full age or not, as if they were sole and of full age, and as to such guardians on behalf of their wards, and as to such committees on behalf of the lunatics and idiots of whom they are the committees respectively, and that to the same extent as such wives, wards, lunatics and idiots respectively, could have exercised the same power under the authority of this Act if they had respectively been under no disability, and as to such trustees, executors, or administrators on behalf of their *cestui que* trusts, whether infants, issue unborn, lunatics, *feme covert* or other persons, and that to the same extent as such *cestui que* trusts respectively could have exercised the same powers under the authority of this Act if they had respectively been under no disability, and the power hereinafter given to release lands from any rent-charge or incumbrance, and to agree for the apportionment of any such rent-charge or incumbrance shall extend to, and may lawfully be exercised by every party hereinbefore enabled to sell and convey or release lands to the Company.

Purchase money payable to parties under disability amounting to £200 to be deposited with Master in Equity.

55. If the purchase money or compensation payable in respect of any lands or any interest therein purchased or taken by the Company from any corporation, tenant for life or in tail, married woman seized in her own right or entitled to dower, guardian, committee of lunatic or idiot, trustee, executor, administrator, or person having a partial or qualified interest only in such lands and not entitled to sell or convey the same, except under the provisions of this Act, or the compensation to be paid for any permanent damage to such lands amount to or exceed the sum of two hundred pounds, the same shall be paid into the hands of the Master in Equity, to be by him deposited to the account of such Master in Equity *ex parte* the Company in the matter of A or B (the party entitled) pursuant to the method prescribed by any Act or by any rules, for the time being in force, for regulating moneys paid into the Supreme Court in its Equitable Jurisdiction; and such moneys shall remain so deposited until the same be applied to some one or more of the following purposes, (that is to say)—

Applications of moneys deposited.

(I) In the redemption of the quit rent, or the discharge of any debt or incumbrance affecting the land in respect of which such money shall have been paid, or affecting other lands settled therewith to the same or the like uses, trusts, and purposes; or

(II) In the purchase of other lands or of Government Debentures or other stock, to be conveyed, limited and settled upon the like uses, trusts and purposes and in the same manner as the lands, in respect of which such money shall have been paid, stood settled; or

(III) If such money shall be paid in respect of any buildings taken under the authority of this Act, or injured by the proximity of any work,—in removing or replacing such buildings or substituting others in their stead, in such manner as the Supreme Court or the Primary Judge in Equity shall direct; or

(IV) In payment to any party becoming absolutely entitled to such money.

56.

Order for application and investment meanwhile.

56. Such money may be so applied as aforesaid upon an order of the said Court or Judge made on the petition of the party who would have been entitled to the rents and profits of the lands in respect of which such money shall have been deposited; and until the money can be so applied, it may, upon the like order, be invested by the said Master in Equity in the purchase of Government Debentures or real securities, and the interest, dividends, and annual proceeds thereof may be paid to the party who would, for the time being, have been entitled to the rents and profits of the lands.

Sums from £20 to £200 to be deposite or paid to trustees.

57. (I) If such purchase money or compensation shall not amount to the sum of two hundred pounds and shall exceed the sum of twenty pounds, the same shall either be paid to the Master in Equity to be by him deposited and applied in the manner hereinbefore directed with respect to sums amounting to or exceeding two hundred pounds, or the same may be lawfully paid to two trustees.

(II) Such trustees shall be nominated by the parties entitled to the rents or profits of the lands in respect whereof the same shall be payable, such nomination to be signified by writing under the hands of the party so entitled. In case of the coverture, infancy, lunacy, or other incapacity of the parties entitled to such moneys, such nomination may lawfully be made by their respective husbands, guardians, committees, or trustees.

(III) Payment of such moneys shall not be made to such trustees as aforesaid unless the Company approve thereof and of the trustees named for the purpose.

(IV) The money so paid to such trustees and the produce arising therefrom shall be by such trustees applied in the manner hereinbefore directed with respect to money deposited to the account of the Master in Equity; but it shall not be necessary to obtain any order of the Court for that purpose.

Sums not exceeding £20 to be paid to parties.

58. If such money shall not exceed the sum of twenty pounds, the same shall be paid to the parties entitled to the rents and profits of the lands in respect whereof the same shall be payable, for their own use and benefit; or, in case of the coverture, infancy, lunacy or other incapacity of such parties, such money shall be paid for their use to the respective husbands, guardians, committees or trustees of such persons.

All sums payable under contract with persons not absolutely entitled to be paid to Master in Equity or trustees.

59. All sums of money exceeding twenty pounds which may be payable by the Company in respect of the taking, using, or interfering with any lands under a contract or agreement with any person who shall not be entitled to dispose of such lands, or of the interest therein contracted to be sold by him absolutely for his own benefit, shall be paid to the Master in Equity or to trustees, in manner aforesaid. It shall not be lawful for any contracting party not entitled as aforesaid to retain to his own use any portion of the sums so agreed or contracted to be paid for or in respect of the taking, using, or interfering with any such lands, or in lieu of bridges, tunnels, or other accommodation works, or for assenting to or not opposing the taking of such lands; but all such moneys shall be deemed to have been contracted to be paid for and on account of the several parties interested in such lands, as well in possession as in remainder, reversion, or expectancy. Provided always that it shall be in the discretion of the Judges of the Supreme Court, or the Chief Judge in Equity, or the said trustees, as the case may be, to allot to any tenant for life or for any other partial or qualified estate, for his own use, a portion of the sum so deposited or so paid to such trustees as aforesaid, as compensation for any injury, inconvenience, or annoyance which he may be considered to sustain, independently of the actual value of the lands to be taken and of the damage occasioned to the lands held therewith by reason of the taking of such lands and the making of the works.

Payments made under this Act sufficient discharge to the Company.

60. All payments which shall be made in any of the cases aforesaid to the parties entitled under this Act to receive the same shall be a good and valid discharge to the Company; and such Company shall not be bound or required to see to the application of any of the moneys paid to the Master in Equity or other person by virtue hereof, or to see to the performance of any trusts.

Court of Equity may direct application of money in respect of leases or reversions as they may think just.

61. Where any purchase money or compensation paid or deposited pursuant to this Act shall have been paid in respect of any lease for a life or lives or years, or for a life or lives and years, or any estate in lands less than the whole fee simple thereof, or of any reversion dependent on any such lease or estate, the said Court or Judge may, on the petition of any party interested in such money, order that the same shall be laid out, invested, accumulated, and paid in such manner as the said Court or Judge may consider will give to the parties interested in such money the same benefit therefrom as they might lawfully have had from the lease, estate, or reversion in respect of which such money shall have been paid or deposited, or as near thereto as may be.

Purchase money or compensation may in certain cases be paid to the Master in Equity.

62. If the owner of any lands taken or purchased under the authority of this Act, or of any interest therein, on tender of the purchase money or compensation either agreed or awarded to be paid in respect thereof,

(I) Refuse to accept the same;

(II) Neglect or fail to make out a title to such lands or to the interest therein claimed by him, to the satisfaction of the Company;

(III) Refuse to convey or release such lands as directed by the Company;

(IV) Be absent from the Colony or cannot, after diligent inquiry, be found;

The Company may, if it shall think fit, deposit the purchase money or compensation payable in respect of such lands or any interest therein in the hands of the Master in Equity, to be by him deposited as aforesaid to his account to the credit of the parties interested in such lands (describing them so far as he can do) subject to the control and disposition of the said Court.

Application of money so deposited.

63. Upon the application by petition of any party making claim to the money so deposited as last aforesaid or any part thereof, or to the lands in respect whereof the same shall have been so deposited, or any part of such lands, or any interest in the same, the said Court or Judge may in a summary way, as to such Court or Judge shall seem fit, order such money to be laid out or invested in the purchase of Government Debentures or real securities; or may order distribution thereof or payments of the dividends thereof, according to the respective estates, titles or interest of the parties making claim to such money or lands or any part thereof, and may make such other order in the premises as to such Court or Judge shall seem fit.

Party in possession to be deemed the owner.

64. If any question arise respecting the title to the lands, in respect whereof such moneys shall have been so paid or deposited as aforesaid, the parties respectively in possession of such lands as being the owners thereof or in receipt of the rents of such lands as being entitled thereto at the time of such lands being purchased or taken, shall be deemed to have been lawfully entitled to such lands, until the contrary be shown to the satisfaction of the Court; and unless, upon such inquiry as the Court shall think fit to direct, the contrary be shown as aforesaid, the parties so in possession and all parties claiming under them or consistently with their possession, shall be deemed entitled to the money so deposited, and to the dividend or interest of the securities purchased therewith, and the same shall be paid and applied accordingly.

Costs in case of money deposited.

65. In all cases of moneys deposited under the provisions of this Act, except where such moneys shall have been so deposited by reason of the wilful refusal of any party entitled thereto to receive the same, or to convey or release the lands in respect whereof the same shall be payable, or by reason of the neglect of any party to make out a good title to the land required, the said Court or Judge may order the costs of the following matters, including therein all reasonable charges and expenses incident thereto, to be paid by the Company (that is to say) the costs of—

(I) The purchase or taking of the lands or which shall have been incurred in consequence thereof, other than such costs as are herein otherwise provided for;

(II) The investment of such moneys in Government Debentures or real securities and of the reinvestment thereof in the purchase of other lands;

(III) Obtaining the proper orders for any of the purposes aforesaid, and of the orders for the payment of the dividends and interest of the securities upon which such moneys shall be invested, and for the payment out of Court of the principal of such moneys or of the securities whereon the same shall be invested;

(IV) All proceedings relating thereto, except such as are occasioned by litigation between adverse claimants.

Provided always that the cost of one application only for reinvestment in land shall be allowed, unless it shall appear to the said Court or Judge that it is for the benefit of the parties interested in the said moneys that the same should be invested in the purchase of lands, in different sums and at different times; in which case the Court may, if it think fit, order the costs of any such investment to be paid by the Company.

Proceeding in case of refusal to deliver possession of lands.

66. If, in any case in which, according to the provisions of this Act, the Company is authorized to enter upon and take possession of any lands required for the purpose of the work, the owner or occupier of any such lands or any other person refuse to give up the possession thereof, or hinder the Company from entering upon or taking possession of the same, it shall be lawful for such a Judge of the Supreme Court upon application by the Company to issue his warrant to the Sheriff to deliver possession of the same to the person appointed in such warrant to receive the same. Upon the receipt of such warrant the Sheriff shall deliver possession of any such lands accordingly; and the cost accruing, by reason of the issuing and execution of such warrant, to be settled by the Sheriff, shall be paid by the person refusing to give possession; and the amount of such costs shall be deducted and retained by the Company from the compensation, if any, then payable to such party, or if no such compensation be payable to such party, or if the same be less than the amount of such costs, then such costs or the excess thereof beyond such compensation, if not paid on demand, shall be levied by distress, and upon application to any Justice for that purpose he shall issue his warrant accordingly.

Power to redeem mortgages.

67. (I) The Company may purchase or redeem the interest of the mortgagee of any such lands which may be required for the purposes of this Act; and that whether it shall have previously purchased the equity of redemption of such lands or not; and whether the mortgagee thereof be entitled thereto in his own right or in trust for any other party; and whether he be in possession of such lands by virtue of such mortgage or not; and whether such mortgage affect such lands solely or jointly with any other lands not required for the purposes of this Act.

(II) In order thereto, the Company may pay or tender to such mortgagee the principal and interest due on such mortgage, together with his costs and charges, if any, and also six months' additional interest; and thereupon such mortgagee shall immediately convey his interest in the lands comprised in such mortgage to the Company or as it shall direct.

(III) The Company may give notice in writing to such mortgagee that it will pay off the principal and interest due on such mortgage at the end of six months, computed from the day of giving such notice; and if it shall have given any such notice, or if the party entitled to the equity of redemption of any such lands shall have given six months notice of his intention to redeem the same, then, at the expiration of either of such notices, or at any intermediate period, upon payment or tender by the Company to the mortgagee of the principal money due on such mortgage and the interest which would become due at the end of six months from the time of giving either of such notices, together with his costs and expenses, if any, such mortgagee shall convey or release his interest in the lands comprised in such mortgage to the Company, or as it shall direct.

Deposit of mortgage money on refusal to accept.

68. If, in either of the cases aforesaid, upon such payment or tender, any mortgagee shall fail to convey or release his interest in such mortgage as directed by the Company, or if he fail to adduce a good title thereto to its satisfaction, then it shall be lawful for the Company to pay into the hands of the Master in Equity, to be dealt with by him in the manner provided by this Act in the cases of moneys required to be paid to such Master in Equity, the principal and interest, together with the costs, if any, due on such mortgage; and if such payment be made before the expiration of six months notice as aforesaid, such further interest as would at the time become due; and also, if the Company think fit, to execute a deed poll, containing a description of the lands in respect whereof such deposit shall have been made and describing the circumstances under which and the names of the parties to whose credit such deposit shall have been made, and such deed poll shall be duly registered by the Company. And thereupon, as well as upon such conveyance by the mortgagee, if any such be made, all the estate and interest of such mortgagee and of all persons in trust for him or for whom he may be a trustee in such lands shall vest in the Company, and the Company shall be entitled to immediate possession thereof, in case such mortgagee were himself entitled to such possession.

Sum to be paid when mortgage exceeds the value of the lands.

69. (I) If any of such mortgaged lands shall be of less value than the principal, interest, and costs secured thereon, the value of such lands or the compensation to be made by the Company in respect thereof shall be settled by agreement between the mortgagee of such lands and the party entitled to the equity of redemption thereof on the one part, and the Company on the other part.

(II) If the parties aforesaid fail to agree, respecting the amount of such value or compensation, the same shall be determined, as in other cases of disputed compensation.

(III) The amount of such value or compensation being so agreed upon or determined shall be paid by the Company to the mortgagee, in satisfaction of his mortgage debt, so far as the same will extend; and upon payment or tender thereof the mortgagee shall convey or release all his interest in such mortgaged lands to the Company or as it shall direct.

Deposit of money when refused on tender.

70. If, upon such payment or tender as aforesaid being made, any such mortgagee fail so to convey his interest in such mortgage or to adduce a good title thereto to the satisfaction of the Company, it shall be lawful for the Company to pay the amount of such

value

value or compensation into the hands of the Master in Equity, to be dealt with by him, in the manner provided by this Act in like case of moneys required to be paid to such Master in Equity; and every such payment or deposit shall be accepted by the mortgagee in satisfaction of his mortgage debt, so far as the same will extend, and shall be a full discharge of such mortgaged lands from all money due thereon; and the Company may, if it think fit, execute a deed poll in manner hereinbefore provided. And thereupon such lands, as to all such estate and interest as were then vested in the mortgagee or any person in trust for him, shall become absolutely vested in the Company and the Company shall be entitled to immediate possession thereof in case such mortgagee were himself entitled to such possession. Nevertheless, all rights and remedies possessed by the mortgagee against the mortgagor, by virtue of any bond or covenant or other obligation, other than the rights to such lands, shall remain in force, in respect of so much of the mortgage debt as shall not have been satisfied by such payment or deposit.

Sum to be paid where part only of mortgaged lands taken.

71. (I) If a part only of any such mortgaged lands be required for the purposes of this Act, and if the part so required be of less value than the principal money, interest, and costs secured on such lands, and the mortgagee shall not consider the remaining part of such lands a sufficient security for the money charged thereon, or be not willing to release the part so required, then the value of such part and also the compensation (if any) to be paid in respect of the severance thereof or otherwise shall be settled by agreement between the mortgagee and the party entitled to the equity of redemption of such land on the one part, and the Company on the other part.

(II) If the parties aforesaid fail to agree respecting the amount of such value or compensation, the same shall be determined as in other cases of disputed possession.

(III) The amount of such value or compensation being so agreed upon or determined shall be paid by the Company to such mortgagee in satisfaction of his mortgage debt, so far as the same will extend; and thereupon such mortgagee shall convey or release to the Company or as it shall direct, all his interest in such mortgaged lands, the value whereof shall have been so paid, and a memorandum of what shall have been so paid shall be endorsed on the deed creating such mortgage, and shall be signed by the mortgagee, and a copy of such memorandum shall at the same time (if required) be furnished by the Company, at the expense of the Company, to the party entitled to the equity of redemption of the lands comprised in such mortgage deed.

Deposit of money when refused on tender.

72. If, upon any payment or tender to any such mortgagee of the amount of the value or compensation so agreed upon or determined, such mortgagee shall fail to convey or release to the Company or as it shall direct, his interest in the lands, in respect of which such compensation shall so have been paid or tendered, or if he shall fail to adduce a good title thereto to the satisfaction of the Company, it shall be lawful for the Company to pay the amount of such value or compensation into the hands of the Master in Equity, to be dealt with by him in the manner provided by this Act in the case of moneys required to be paid to such Master in Equity; and such payment or deposit shall be accepted by such mortgagee in satisfaction of his mortgage debt, so far as the same will extend, and shall be a full discharge of the portion of the mortgaged lands so required from all money due thereon; and also, if he think fit, to execute a deed poll in the manner hereinbefore provided. And thereupon such lands shall become absolutely vested in the Company, as to all such estate and interest as were then vested in the mortgagee or any person in trust for him, and

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in case such mortgagee were himself entitled to such possession he shall be entitled to immediate possession thereof. Nevertheless, every such mortgagee shall have the same powers and remedies for recovering or compelling payment of the mortgage money or the residue thereof (as the case may be) and the interest thereof respectively, upon and out of the residue of such mortgaged lands or the portion thereof not required for the purposes of this Act as he would otherwise have had or been entitled to for recovering or compelling payment thereof, upon or out of the whole of the lands originally comprised in such mortgage.

Release of land from rent charges.

73. If any difference shall arise between the Company and the party entitled to any rent-service, rent-charge, chief or other rent, or other payment, or incumbrance, not hereinbefore provided for, upon any lands taken for the purposes of this Act, respecting the consideration to be paid for the release of such lands therefrom, or from the portion thereof affecting the lands required for the purposes of this Act, the same shall be determined as in other cases of disputed compensation.

Release of part of land from rent-charge.

74. If part only of the lands charged with any such rent-service, rent-charge, chief-rent, or other rent-payment or incumbrance, be taken for the purposes of this Act, the apportionment of any such charge may be settled by agreement between the party entitled to such charge and the owner of the lands on the one part and the Company on the other part; and, if such apportionment be not so settled by agreement, the same shall be settled by two Justices. But if the remaining part of the lands so jointly subject be a sufficient security for such charge, then, with consent of the owner of the lands so jointly subject, it shall be lawful for the party entitled to such charge to release therefrom the lands required, on condition or in consideration of such other lands remaining exclusively subject to the whole thereof.

Deposit in case of refusal to release.

75. Upon payment or tender of the compensation so agreed upon or determined to the party entitled to any such charge as aforesaid, such party shall execute to the Company a release of such charge. If he fail so to do, or if he fail to adduce a good title to such charge to the satisfaction of the Company, it shall be lawful for the Company to pay the amount of such compensation into the hands of the Master in Equity to be dealt with by him in the manner hereinbefore provided in the case of moneys required to be paid to such Master in Equity; and also if the Company think fit to execute a deed poll, in the manner herein provided for in the case of the purchase of lands by it. And thereupon the rent-service, rent-charge, chief or other rent, payment or incumbrance, or the portion thereof in respect whereof such compensation shall so have been paid, shall cease and be extinguished.

Charge to continue on lands not taken.

76. If any such lands or portion thereof be so released from any such charge or incumbrance to which they were subject jointly with other lands, such lastmentioned lands shall alone be charged with the whole of such charge or with the remainder thereof, as the case may be, and the party entitled to the charge shall have all the same rights and remedies over such lastmentioned lands, for the whole or for the remainder of the charge, as the case may be, as he had previously over the whole of the lands subject to such charge. If, upon any such charge, or portion of charge, being so released, the deed or instrument creating or transferring such charge be tendered to the Company for the purpose, it shall affix its seal to a memorandum of such release, indorsed on such deed or instrument, declaring what part of the lands originally subject to such charge shall have been purchased by virtue of this Act, and if the lands be released from part of such charge, what proportion of such charge shall have been released, and how

how much thereof continues payable; or if the lands so required shall have been released from the whole of such charge, then that the remaining lands are thenceforward to remain exclusively charged therewith. Such memorandum shall be made and executed at the expense of the Company, and shall be evidence in all Courts and elsewhere of the facts therein stated, but not so as to exclude any other evidence of the same facts.

Leases.

Where part only of lands under lease taken the rent to be apportioned.

77. (I) If any lands shall be comprised in a lease for a term of years unexpired, part only of which lands shall be required for the purposes of this Act, the rent payable in respect of the lands comprised in such lease shall be apportioned between the lands so required and the residue of such lands.

(II) Such apportionment may be settled by agreement between the lessor and lessee of such lands on the one part, and the Company on the other part; and, if such apportionment be not so settled by agreement between the parties, such apportionment shall be settled by two Justices.

(III) After such apportionment, the lessee of such lands shall, as to all future accruing rent, be liable only to so much of the rent as shall be so apportioned in respect of the lands not required for the purposes of this Act; and, as to the lands not so required, and as against the lessee, the lessor shall have the same rights and remedies for the recovery of such portion of rent as, previously to such apportionment, he had for the recovery of the whole rent reserved by such lease; and all the covenants, conditions, and agreements of such lease, except as to the amount of rent to be paid, shall remain in force, with regard to that part of the land which shall not be required for the purposes of this Act, in the same manner as they would have done in case such part only of the land had been included in the lease.

Tenants to be compensated.

78. Every such lessee as last aforesaid, shall be entitled to receive from the Company compensation for the damage done to him in his tenancy, by reason of the severance of the lands required from those not required, or otherwise, for the purposes of the authorized work.

Compensation to be made to tenants from year to year.

79. (I) If any such lands shall be in the possession of any person having no greater interest therein than as tenant for a year, or from year to year, and if such person be required to give up possession of any land so occupied by him before the expiration of his term or interest therein, he shall be entitled to compensation for the value of his unexpired term or interest in such lands, and for any just allowance which ought to be made to him by any incoming tenant, and for any loss or injury he may sustain; or, if a part only of such lands be required, compensation for the damage done to him in his tenancy, by severing the lands held by him or otherwise injuriously affecting the same.

(II) The amount of such compensation shall be determined by two Justices in case the parties differ about the same.

(III) Upon payment or tender of the amount of such compensation, all such persons shall respectively deliver up to the Company or to the person appointed by the Company to take possession thereof, any such lands in their possession required for the purposes of this Act.

Where greater interest claimed than at will, lease to be produced.

80. If any party having a greater interest than as tenant at will, claim compensation in respect of any unexpired term or interest under any lease or grant of any such lands, the Company may require such party to produce the lease or grant in respect of which such claim shall

shall be made, or the best evidence thereof in his power; and if, after demand made in writing by the Company, such lease or grant or such best evidence thereof be not produced within twenty-one days, the party so claiming compensation shall be considered as a tenant holding only from year to year, and be entitled to compensation accordingly.

Power to take temporary possession of land.

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

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

For the purpose of depositing soil thereon;

For the purpose of obtaining materials therefrom for the construction or repair of the waterworks or 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 Company 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 Company 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 Company either wholly or in part for any of the purposes lastly hereinbefore mentioned, and that the Company shall pay to the owner of the land a fair price for any timber, clay, stone, gravel, sand, or other things taken therefrom.

Company to separate the lands before using them.

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

Compensation to be made for temporary occupation.

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

Before roads interfered with others to be substituted.

84. If in the exercise of the powers hereby granted it be found necessary to cross cut through, raise, sink, or use any part of any road whether carriage-road, horse-road, or tram-road, or railway, either public or private, so as to render it impassable for, or dangerous, or more than usually inconvenient to passengers or carriages, or to the persons entitled to the use thereof, the Company 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 its own expense maintain such substituted road in a state as convenient for passengers and carriages as the road so interfered with, or as nearly so as may be.

Period for restoration of roads interfered with.

85. If the road so interfered with can be restored compatibly with the due completion of any works authorized under this Act the same shall be restored to as good a condition as it was in at the time when the same was first interfered with by the Company, or as near thereto as may be, and if such road cannot be so restored, the Company 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 possible expedition.

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

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

Works for benefit of owners.

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

Gates, bridges.

Such and so many convenient gates, bridges, arches, culverts, and passages, over, under, or by the side of or leading to or from such works as shall be necessary for the purpose of making good any interruptions caused thereby to the use of the lands through which the same shall be made, and such works shall be made forthwith after the part of the conduit passing over such lands shall have been laid out or formed, or during the formation thereof.

Fences.

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

Drains.

Also all necessary arches, tunnels, culverts drain or other passages, either over or under or by the side of such works, and of such dimensions as will be sufficient at all times to convey the water from the lands lying near or affected thereby.

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

Differences as to accommodation works to be settled by Governor.

88. If any difference arise respecting the kind or number of any such accommodation works, or the dimensions or sufficiency thereof respecting the maintaining thereof, the same shall be determined by the Governor, who shall also appoint the time within which such works shall be commenced and executed.

Power to owners of lands to make additional accommodation works.

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

Such works to be constructed under the superintendence of the Company's engineer.

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

Penalty on persons omitting to fasten gates.

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

PART IV.

Miscellaneous Provisions—Legal Procedure.

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

92. Except as hereinbefore provided with respect to penalties for contamination of the water, one-half of any penalty recovered under this Act shall be paid to the informer; and where any distress is made for any sum of money to be levied under this Act, the distress itself shall not be unlawful, nor the persons making the same be deemed trespassers, on account of any defect or want of form in the information, summons, conviction, warrant of distress, or other proceedings relating thereto, nor shall the persons distraining be deemed tresspassers on account of any irregularity that shall be afterwards done by the persons distraining, but the persons aggrieved by such irregularities may recover satisfaction for the special damage in an action on the case.

Penalty for default not otherwise provided for.

93. If it shall be proved to the satisfaction of any two Justices of the Peace in Petty Sessions assembled that the Company or any of its officers have been guilty of any default under this Act not otherwise provided for, they shall be liable for each and every such default to a penalty not exceeding five pounds, to be recovered in a summary way.

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

94. Where by this Act any question of compensation, expenses, charges, or damages, or other matter is required to be referred to the determination of any Justices, it shall be lawful for any Justice, upon the application of either party, to summon the other party to appear before two Justices, at a time and place to be named in such summons, and upon the appearance of such parties, or in the absence of any of them upon proof of due service of the summons, it shall be lawful for such Justices to hear and determine such question, and for that purpose

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to examine such parties or any of them and their witnesses on oath, and the cost of every such inquiry shall be in the discretion of such Justices, and they shall determine the amount thereof.

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

95. Every penalty, forfeiture, charge or sum of money imposed by or made payable under this Act, the recovery of which is not otherwise provided for, may be recovered by summary proceedings before two Justices, under the provisions of the Act or Acts in force for the time being, regulating summary proceedings before Justices.

Parties allowed to appeal to Quarter Sessions on giving security.

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

Court to make such order as they think reasonable.

Damage to be made good in addition to penalty.

97. 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 Company, used in connection therewith, shall have been committed by such person, he shall be liable to make good such damages as well as to pay such penalty, and the amount of such damages shall in case of dispute be determined by the Justices by whom the party incurring such penalty shall have been convicted, and on non-payment of such damages on demand the same shall be levied by distress, and such Justices, or one of them, shall issue their or his warrant accordingly.

Transient offenders.

98. It shall be lawful for any officer or servant of the Company and all persons called by him to his assistance, to apprehend any person who shall be found committing any offence against the provisions of this Act, and whose name and residence shall be unknown to such officer or servant, and deliver him to the custody of the nearest constable or police officer, to be conveyed before a Justice of the Peace to be dealt with according to law.

Notices.

99. Any notice required by this Act, or by any regulation made thereunder to be served on or given to any owner or occupier of any building, land, or premises, or on or to any person may be in writing or partly in writing and partly printed, or may be wholly printed. And it shall be sufficient for all purposes of this Act, unless the said Act in any case prescribes a different course to be pursued, if any such notice is sent by post to the owner by registered letter addressed to his last-known place of abode or of business, or is served on the owner or occupier of such building, land, or premises, or left with some inmate apparently over the age of fourteen years living at the place of abode of such owner or occupier, or if there be no occupier, if such notice be posted on some conspicuous part of such building or land

land. And any notice required to be served or given in respect of any public street, road, or lane, may be served on or sent by post as aforesaid, to the Council Clerk of the borough or municipal district wherein such street, road, or lane, or a portion thereof affected by the notice is situated.

Indictment for nuisances.

100. In the event of the wrongful exercise of any powers given by this Act, nothing in this Act contained shall be construed to prevent any person from indicting, or otherwise proceeding, either civilly or criminally, against the Company or its officers, for nuisance or otherwise in respect of the works, or means used or employed by the Company in the exercise of the privileges hereby conferred on the Company, or to prevent the Company or any person recovering any sum of money, or otherwise proceeding in any Court of competent jurisdiction; but the Company or any person, to whom any penalty or sum of money may, by the provisions of this Act, be awarded, may elect either to proceed in manner in this Act provided, or to proceed for and recover damages or otherwise, in any Court of competent jurisdiction.

Borrowing powers.

101. For any of the purposes of the Company authorized by this Act the Company may, with the sanction of a general meeting of shareholders, from time to time borrow money in such sum or sums as the directors of the Company may think fit; and for securing the repayment of the money so borrowed, with interest, it shall be lawful for the Company to issue debentures, to be charged and secured upon the Company's works, materials, and revenues.

Rights, powers, &c., under this Act may be assigned, &c., to incorporate company.

102. Subject to the special sanction of the Governor it shall be lawful for the Company, at any time after the passing of this Act, to assign, transfer, convey, and release to any person, or to any Company duly incorporated for that purpose, all the rights, powers, authorities, privileges, liabilities, and obligations conferred and imposed upon it by this Act, together with all lands, tenements, hereditaments, estates, chattels, and effects of every kind, acquired by it under or in pursuance thereof, and purchased, occupied, or used in connection with the same; and upon and after the completion of such assignment, transfer, conveyance, and release, the said person or 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 Company, its officers, agents, or servants, would 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, action or proceedings taken against, or liabilities, obligations, penalties, or forfeitures incurred by the Company before the completion of the said assignment, transfer, conveyance, and release.

Works to become the property of Municipal Council of Broken Hill.

103. All the works of the company, together with all the rights, powers, and authorities conveyed by this Act, with all their hereditaments and appurtenances, shall at the expiration of twenty-eight years from the date of this Act become and remain the absolute property of the Government, freed and discharged from all claims and liabilities whatsoever.

Limitation of time for erection of works.

104. The Company shall not be entitled to any of the rights and privileges conferred upon it by this Act unless it shall have completed, to the satisfaction of the Central Authority, the works necessary for carrying out the purposes of this Act within the period of three years from the date of the passing of this Act.

Rights of the Crown not to be interfered with.

105. Nothing in this Act shall be construed to limit or in any way interfere with the rights of the Crown to the general control of the natural supplies of water, nor with the right of the Governor from time

time to time to resume and dedicate any portion of the Crown Lands comprised in the First Schedule to this Act for a common, park, or other public purposes of a like nature, subject to such regulations as the Governor may approve, nor in any way interfere with any right conferred before the passing of this Act, nor in any way interfere with, abridge, or encroach upon any rights, powers, privileges, or concessions conferred upon the Broken Hill and District Water Supply Company (Limited) by the "Broken Hill and District Water Supply Act of 1889"; and the provisions of this Act shall be subject to the provisions of any Act dealing generally with water conservation throughout the Colony.

SCHEDULES.

FIRST SCHEDULE.

Description of Catchment Area required by the "Barrier Ranges and Broken Hill Water Supply Company (Limited)."

Starting at the One Tree Hill, on the watershed dividing the eastern from the western waters (said hill is on that watershed); thence along that watershed in a north-easterly direction to where the watershed of the Yancowinna and Stephen's creeks joins it; thence along the watershed dividing the abovementioned creeks to where the northern watershed of Mulga Springs Creek joins it; thence south-westerly to a point one half-mile below the site already fixed for retaining dam on Stephen's Creek; thence still in a south-westerly direction taking in all waters running into Stephen's Creek, above said retaining dam and along the western watershed of Stephen's Creek passing to the south-west of the town of Willyama and along said western watershed until it meets the watershed dividing the eastern from the western waters; thence along said watershed, to the point of commencement. Area about two hundred square miles.

SECOND SCHEDULE.

(Section 45.)

Notice of Claim and Abstract.

To the Barrier Ranges and Broken Hill Water Supply Company (Limited)
Council of

In pursuance of the "Broken Hill Water Supply Act of 1890," I (*or* we) hereby give you notice that I (*or* we) claim compensation in land hereunder described which has been resumed under the said Act. The amount of such claim and other the particulars required by the said Act are stated in the subjoined abstract.

Abstract.

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

(*Signature*)
(*Address*)
(*Date*)

THIRD

THIRD SCHEDULE.

(Section 46.)

Notice of Valuation.

To A.B., claimant in respect of the land hereunder described, resumed under the "Broken Hill Water Supply Act of 1890."

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

A.B. (Seal)
Manager *or* Secretary of Company.

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

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

In the name and on the behalf of Her Majesty I assent to this Act.

ALFRED STEPHEN.

Government House,
Sydney, 17*th December*, 1890.

I Certify that this PRIVATE BILL, *which originated in the* LEGISLATIVE ASSEMBLY, *has finally passed the* LEGISLATIVE COUNCIL *and the* LEGISLATIVE ASSEMBLY *of* NEW SOUTH WALES.

Legislative Assembly Chamber,
Sydney, 11 *December,* 1890, A.M.

F. W. WEBB,
Clerk of Legislative Assembly.

New South Wales.

ANNO QUINQUAGESIMO QUARTO

VICTORIÆ REGINÆ.

* * * \

Interpretation of terms.

And in the construction of this Act the following words and expressions in inverted commas shall, unless there be something in the 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:—

"Central Authority"—The Minister for Public Works or the Minister charged with the administration of this Act.

"Company"—The said "Barrier Ranges and Broken Hill Water Supply Company (Limited)," its representatives or assigns, owners for the time being of the Broken Hill Waterworks.

"Conduit"—The canals, tunnels, aqueducts, cuttings, or pipes, by means of which the water is supplied.

"Crown Lands"—Lands within the meaning of the "Crown Lands Act of 1884" and any Acts amending the same.

"District"—All the districts which are now included within the District of Broken Hill and Silverton, and within the area as described in the First Schedule hereto.

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

"Justice"—Any Justice of the Peace.

"Owner"—Any person who is in the receipt of the rents and profits of any house, manufactory, or buildings of whatsoever kind, or of any land within the District.

"Street"—Any square, court, alley, highway, railway, tramway, lane, road, thoroughfare or other passage, footpath, or place, whether public or private, within the District.

"Water District"—The area within which water is authorized to be supplied to the inhabitants of the District.

PART I.

Preliminary.

Conditions prior to acquisition of lands.

2. Before the Company 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 observed:—

(I) The Company shall publish once at the least in each of three consecutive weeks in some local newspaper circulating in the District, a notice describing shortly the nature of the undertaking in respect of which it is proposed to take any lands, naming the Broken Hill Court-house as the place where a plan of the proposed undertaking may be seen at all reasonable hours, and stating the quantity of lands required.

(II) The Company shall serve a printed or written notice on every owner or reputed owner, lessee or reputed lessee, and occupier of such lands, defining in each case the particular lands intended to be taken, and requiring an answer to be given within thirty days, stating whether the person so served assents, dissents, or is neutral, in respect of taking such lands.

(III) On compliance with the provisions of this section with respect to notices, the Company may, if it thinks fit, present a petition to the Governor, and such petition shall state the lands intended to be taken, and the purposes for which they are required, and the names of the owners, lessees, and occupiers of lands who have assented, dissented, or are neutral, in respect to the taking such lands, or who have returned

returned no answer to the notice. And it shall pray that the Company may, with reference to such lands, be allowed to put in force the powers contained in Part III of this Act with respect to the acquisition of lands otherwise than by agreement, and such prayer shall be supported by such evidence as the Governor may require.

(IV) On the receipt of such petition, and on due proof of the proper notices having been published and served, the Governor shall take such petition into consideration, and may either dismiss the same or direct a local inquiry, at the cost of the Company, as to the propriety of assenting to the prayer of such petition, but until such inquiry has been made no provisional order shall be made affecting any lands without the consent of the owners, lessees, and occupiers thereof.

(V) After the completion of such inquiry the Governor may, by provisional order, empower the Company to put in force with reference to the lands referred to in such order, the powers of the said Part, with respect to the acquisition of lands, otherwise than by agreement or any of them, and either absolutely or with such conditions and modifications as the Governor may think fit; and it shall be the duty of the Company to serve a copy of any order so made in the manner and on the person in which and on whom notices in respect of such lands are required to be served.

PART II.

Provisions as to Water Supply.

Authority to construct water-works.

3. Subject to the provisions of this Act, and within the area as described in the First Schedule hereto, the Company may, subject to the approval of the Governor, exercise any of the powers in this Part contained for the construction of water-works for the supply of water to the Municipal District of Broken Hill, and to any Municipal District or Borough which may be established within or partly within the boundaries of the catchment area as defined in the First Schedule, and for the purpose of carrying out the provisions of this Act the Company may

(I) Enter upon any lands and take levels of the same, and set out such parts thereof as it shall think necessary.

(II) Enter upon, take, and hold such land, after having paid, as hereinafter provided, the owners thereof compensation for the same as it may from time to time deem necessary for the construction and maintainance of any of the works authorized by this Act, or for obtaining or enlarging the supply of water, or for improving the quality thereof for the purposes of this Act.

(III) Under such superintendence, and subject to such consent, as are hereinafter specified enter upon any Crown or private lands, streets, roads, or thoroughfares, and lay or place therein any pipes, and may repair, alter, or cut off, or remove the same, and under such superintendence, and subject to such consent as aforesaid, may enter upon any such lands, streets, roads, or thoroughfares, for the purpose of repairing any watercourses, or other works, being its property or under its control.

Provided always that in the exercise of any of the powers hereby conferred, the Company shall inflict as little damage as may be, and in

in all cases where it can be done, shall provide other watering-places, drains, and channels, for the use of adjoining lands in place of any taken away or interrupted by it, and shall make full compensation to all parties interested, for all damage sustained by them through the exercise of such powers. It shall not be lawful for the Company to exercise any of the powers conferred upon it by this Act until the plans or scheme for the proposed work shall have been first approved by the Governor, and such approval duly notified in the *Gazette*. Provided also that nothing in this Act contained shall prejudice or affect the rights and privileges of any Municipal District or Borough now or hereafter to be established within the area described in the First Schedule hereto.

Penalty for obstructing construction of works.

4. Every person who shall wilfully obstruct any person acting under the authority of the Company 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 alter the position of any level, or destroy or injure any works so undertaken as aforesaid, shall incur a penalty not exceeding ten pounds for every such offence.

Penalty for destroying works.

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

Power to open streets.

6. Subject to the provisions of this Act the Company may open and break up the soil and pavement of the several streets and bridges within the limits of the district, and may open and break up any sewers, drains, or tunnels within or under such streets and bridges, and lay down and place within the same limits, pipes, conduits, service pipes, and other works and engines, and from time to time repair, alter, or remove the same, and for the purposes aforesaid remove and use all earth and materials in and under such streets and bridges, and do all other acts which the Company shall from time to time deem necessary for supplying water to the inhabitants of the district included within the said limits. Before the Company proceed to open or break up any pavement, street, road, sewer, drain, or tunnel, or to interfere with, divert, or alter any pipe not their own, or any wire used for transmission of electricity, bridge, or culvert, they shall give to the local authority under whose management or control the same may be, and, in the case of a pipe or wire, to the owners thereof, or their local representative, notice in writing of their intention to open and break up, or otherwise to interfere with the same, not less than seven clear days before beginning the work, except in cases of emergency, arising from accidents to, or defects in, the pipes, or other works, the property of the Company, and then so soon as is possible after the necessity for the work shall have arisen.

Notice to be given before streets, &c., are broken up.

Reinstatement of streets.

7. When the Company shall open or break up the road, path, or pavement of any street or bridge, or any sewer, drain, or tunnel, culvert-pipe wire, it 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 to the satisfaction of the local authority or its officer the road, path, or pavement of the sewer, drain, tunnel, culvert-wire, or pipe, so opened or broken up, and carry away the rubbish occasioned thereby. And shall at all times whilst any such road or pavement shall be so open or broken up cause the same to be fenced and guarded, and shall cause light sufficient for the warning of passengers to be set up and kept there for every night during which such

such road or pavement shall be continued open or broken up. No such pavement, street, road, sewer, drain, tunnel, pipe, wire, bridge, or culvert, shall be opened, broken up, or interfered with, except in cases of emergency, as aforesaid, and except as hereinafter provided, except under the superintendence of the local authority having the control thereof, or its officer; and according to such plan as shall be approved of by the local authority, the Company shall make such temporary or other works as may be necessary for guarding against any interruption of the drainage traffic, access, or other public right and convenience during the continuance of the operations. And in the case of interference with any pipe, not the property of the Company, or any wire used for the transmission of electricity, the owners of which may intimate their desire to have the work, temporarily or permanently, of severing, altering, or restoring their pipes or wires, effected by their own employees, or with their own material, the Company shall afford every facility to such employees, and shall accept and use such material, paying to such owners the actual reasonable cost of labour and material disbursed by such owners, and in default of the Company making such payment when called upon so to do, the owners aforesaid shall be entitled to recover the amount due by summary process in accordance with the provisions of this Act.

Streets, &c., to be broken up under superintendence of local authority.

8. For the purposes of this Act, and subject to the approval of the Governor, the Company may, from time to time, after the expiration of thirty days notice in some newspaper published and circulated in the District of Broken Hill of their intention to apply for the powers hereinafter in this section contained, divert or alter temporarily any part of the course of any creeks, watercourses, roads, streets, or ways, in order the more conveniently to exercise any of the powers conferred upon the Company; but shall first provide sufficient substitutes for any creek, watercourse, road, street, or way, while so interfered with, and shall maintain the same during such time at their own expense in good order. For the purposes of this Act, and subject to the approval aforesaid, the Company may construct weirs and dams in any creek or watercourse, cut drains and deliver into or take water from, and embank, widen, or deepen any creek, watercourse, lagoon, or swamp within the catchment area of Stephen's Creek, as defined in First Schedule, provided always that such works shall not interfere with any existing rights, nor with the construction hereafter by any person of other necessary works approved by the Governor for providing water supply for domestic use, or for live stock, or for mining or manufacturing, or other purposes, provided however that the Company shall pay to the Colonial Treasurer such yearly sum, by way of rent, as the Local Land Board may determine, in accordance with the provisions of the "Crown Lands Act of 1884" and any Acts amending the same in consideration of any such concession to be conferred under this Act.

Temporary diversion of water.

9. The Company shall supply water for domestic or other purposes, by measure or otherwise, at such rates, upon such terms, and subject to such conditions as may be agreed upon by the Company and the person requiring to be supplied. Provided always that the Company shall not be entitled to withhold water from any person, unless such person be in arrears with his payment, or shall have been convicted of misapplication of water, and the Company shall not charge for water any person a greater rate than other persons are charged under like conditions.

Agreements to supply water.

10. The Company 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 or continuing to supply such water if the want of such supply arises from unusual drought or other unavoidable cause or accident or from necessary repairs.

Company not liable for accidental failure to supply water.

Company may let meters.

11. The Company may let for hire to any consumer of water supplied by measure any meter or instrument for measuring the quantity of water supplied and consumed, and any pipes and apparatus for the conveyance, reception, or storage of the water, for such remuneration in money as may be agreed upon between the Company and the consumer, which shall be recoverable in the same manner as rates due to the Company for water.

Meters of Company not distrainable.

12. Such meters, instruments, pipes, and apparatus shall not be subject to distress for rent of the premises where the same are used, or be liable to be attached or taken in execution under any process of any Court of Law or Equity, or under or in pursuance of any sequestration or order in insolvency, or other legal proceedings against or affecting the consumer of the water, or the occupier of the premises, or other the person in whose possession the meters, pipes, instruments, and apparatus may be.

Meter to be supplied and maintained by consumer.

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

Power to officers of Company to inspect meter.

14. The officers of the Company may enter any house, building, or lands, to, through, or into which water is supplied by the Company by measure, in, or 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, or to examine if there be any waste or misuse of such water; 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 Company; 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 two Justices a power of entry shall be exercised only between the hours of nine in the forenoon and six in the afternoon.

Supply of water for public purposes.

15. In all the pipes to which any fire-plug is fixed, the Company shall provide and keep constantly laid on for use, unless prevented by unusual drought or other unavoidable accident, or during necessary repairs, a sufficient supply for the following purposes (that is to say), for supplying any public hospitals or charitable institutions, or any public pumps, baths, and washhouses that may be established for the use of the inhabitants, and paid for out of any municipal rates; and such supply shall be provided at such rates and upon such terms and conditions as may be agreed upon by any Municipal Council and the Company, or, in case of disagreement, as shall be settled by two Justices. Provided that hospitals and charitable institutions shall be provided with water without charge.

FIRE-PLUGS.

Company to place public fire-plugs in mains.

16. The Company, at the request of any Municipal Council in the Borough of which it shall construct its works or any of them, shall fix proper fire-plugs in the main and other pipes belonging to it at such convenient distances and at such places as it may consider proper and convenient for the supply of water for extinguishing any fire which may break out within any such Borough, and shall from time to time renew and keep in effective order every such fire-plug; and shall put up a public notice in some conspicuous place in each street in which such fire-plug is situated, showing its situation; and such notice may be put up on any house, wall, fence, or building in such street;

street; and as soon as such fire-plug is completed, the Company shall deposit a key thereof in each place where any public fire-engine is kept. The cost of such fire-plugs and notices, and the expense of fixing, placing, and maintaining the same in repair, and of supplying such keys as aforesaid, shall be defrayed by the Municipal Council in which the same may be. And no supply of water from such fire-plugs shall be taken for any other purpose than that of extinguishing fires, unless such purpose be allowed in writing by the Company.

Fire-plugs for manufactories.

17. The Company 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 Company, place and maintain in effective order a fire-plug (to be used only for extinguishing fires) or near as conveniently may be to such manufactory or works.

Pipes to be kept charged, and water taken for fires.

18. The Company shall at all times keep charged with water all its pipes to which fire-plugs are fixed unless prevented by drought or other unavoidable cause or accident or during necessary repairs. And shall allow all persons at all times to take and use such water for the purpose only of extinguishing fire without making compensation for the same.

Penalty for refusal to fix fire-plugs, or for occasional failure of supply of water.

19. If, except when prevented as aforesaid, the Company neglect or refuse to fix, retain, or repair such fire-plug, or to furnish to such Municipal Council a sufficient supply of water for the public purposes aforesaid, upon such terms as shall have been agreed on or settled as aforesaid, or if, except as aforesaid, it neglects to keep its pipes charged as aforesaid, or neglects or refuses to furnish water to any owner or occupier liable to be rated under this Act during any part of the time for which such rates have been paid or tendered, shall be liable to a penalty of fifty pounds, and shall also forfeit to any such Municipal Council, or to every person having paid or tendered the rate, the sum of twenty shillings for every day during which such refusal or neglect shall continue after notice in writing shall have been given to the Company of the want of supply.

Company may make regulations.

20. Subject to the provisions of this Act, the Company may, from time to time, make, amend, and repeal regulations for or relating to all or any of the following subjects:—

(I) The supply of water to the owner or occupier of any house, factory, or land;

(II) The rate at which water shall be sold, and the time of payment for the same;

(III) The prevention and remedying of waste, undue consumption, fouling or contamination of the water contained in or supplied from any part of the Company's works;

(IV) The protection of the water and every part of the works from trespass and injury;

(V) The imposing of penalties for any breach of any regulation by this Act authorized to be made by the Company, not exceeding for any offence the sum of fifty pounds; and

(VI) Generally for duly administering and carrying out the powers given to the Company.

And such regulations shall, upon being approved by the Governor and published in the *Gazette*, be valid in law.

Maximum price of water.

21. The price to be charged by the Company for water sold shall in no case exceed sixpence per hundred gallons.

PROTECTION OF THE WATER.

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

22. If any person supplied with water by the Company wrongfully does, or causes or permits to be done, anything in contravention of any of the provisions of this Act or of the regulations of the Company, or wrongfully fails to do anything which under any of those provisions ought to be done for the prevention of the waste, misuse, undue

undue consumption, or contamination of the water of the Company, the Company may (without prejudice to any remedy against him in respect thereof) cut off any of the pipes by or through which water is supplied to him or for his use, and may cease to supply him with water so long as the cause of injury remains or is not remedied.

Penalty for misapplication of water.

23. If any person—

(I) Not having from the Company a supply of water for other than domestic purposes, uses for other than domestic purposes any water supplied to him by the Company; or

(II) Having from the Company a supply of water for any purpose other than domestic, uses such water for any purpose other than those for which he is entitled to use the same,—

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

Definition of domestic supp'y.

24. A supply of water for domestic purposes shall not include a supply to any stable, or for any manufacturing purpose, or for irrigation (which shall mean any mechanical or artificial contrivance for conveying water to plants without labour), or for water-power, or for fountains or any ornamental purpose. The Company shall at all times have the power to decide whether the supply of water to any person shall be by measure or otherwise.

Penalty for unlawfully taking water.

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

POLLUTING THE WATER.

Penalty for bathing in water of the Company.

26. If any person bathe in any stream, drain, reservoir, aqueduct, or other waterworks belonging to the Company, 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.

Protection of water supply from pollution, &c.

27. The Company shall take all reasonable precautions, by fencing and otherwise, for the protection of the water supply from pollution or contamination, and the Central Authority may at any time require the Company to construct such works, or take such precautions, as he may deem necessary or advisable in the interests of the public health. If the Company neglect or fail to construct such works, or take such measures, within the time prescribed by such Authority, the said Company shall become liable to a penalty of not more than fifty pounds for every day after the expiration of such prescribed time.

Penalty for throwing dirt therein.

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

Penalty for letting foul water flow thereinto.

29. If any person cause the water of any sink, sewer, or drain, steam-engine boiler, or other filthy water belonging to him or under his control to run or be brought into any stream, drain, reservoir, aqueduct, or other waterworks belonging to the Company, or shall do any other act whereby the water of the Company 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.

30.

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

30. Every person or company making or supplying gas within the limits of any water district who shall at any time cause or suffer to be brought or to flow into any stream, drain, reservoir, aqueduct, or water-works belonging to the Company, or into any stream or 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 reservoir, aqueduct, or other waterworks shall be fouled, or the pipes or conduits thereof injured, shall forfeit to the Company a sum not exceeding twenty pounds, to be recovered with full costs of suit for each day during which such washing or other substance shall be brought or shall flow as aforesaid, or during which the act shall continue by which such water 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 Company.

Penalty on gasmakers causing water to be fouled.

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

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

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

The expense to abide the result of the examination.

Proportion of profits to be applied towards reduction of charges.

The Company shall apply three-fourths of any amounts received under the two last preceding sections in reduction of the charges for water supplied to users from pipes between the point of contamination and the points of delivery, during the period of contamination for which the penalties have been inflicted, proportionately to the consumption of such users, and in the event of the Company neglecting or refusing to make such reduction, any user of water as aforesaid may recover the proportion due to him by summary process before two Justices.

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

33. Any person who shall, without the authority of the Company, re-establish any 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, meter, cistern, ball-cock, stop-cock, or waste-pipe, which may have been approved by the Company,

Company, 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 Company may have incurred (and which it 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 Company.

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

34. Where several houses or parts of houses in the separate occupation of several persons are supplied by one common pipe, or where water is supplied to courts, alleys, and right-of-ways by stand-pipes, the several owners or occupiers of such houses or parts of houses, or of the several houses or parts of houses in every such court, alley, or right-of-way, shall be liable to the payment of two-thirds 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 Company by a separate pipe.

Steam-boilers not to connect directly with Company's pipes.

35. All steam-boilers and hot-water apparatus must be supplied from cisterns without over-flow pipes, and no such boiler or apparatus shall in any way be connected directly with the service pipe or main of the Company. It shall not be lawful for the owner or occupier of any premises supplied with water by the Company, or any consumer of the water of the Company, or any other person to affix, or cause or permit to be affixed, any pipe or apparatus to a pipe belonging to or used by such owner, occupier, consumer, or any other person, or to make any alteration in any such connection or service-pipe, or in any apparatus connected therewith, without the consent in every such case of the Company. And if any person acts in any respect in contravention of the provisions of the present section he shall for every such offence be liable to a penalty not exceeding five pounds, without prejudice to the right of the Company to recover damages from him in respect to any injury done to its property, and without prejudice to its right to recover from him the value of any water wasted, misused, or unduly consumed.

Charges and rates for water payable in advance.

36. The charges for water and all sums due to the Company shall be paid by and be recoverable from the owner of the premises or the occupier or person requiring, receiving, or using the water. Except where water is supplied by measure, all rates for water shall be paid in advance by equal payments on the first day of January, April, July and October in each year, and the first payment shall be made when the water is first supplied. The rent payable for meters shall be payable in advance on the above-mentioned dates.

Refusal to pay charges.

37. If any person refuse or neglect to pay on demand to the Company any rate, charge, or sum due by him to the Company under this Act, the Company may recover the same with costs in any Court of competent jurisdiction.

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

38. If any tenant of any premises be called on to pay, and shall pay a greater amount of any rate, charge, or sum due to the Company under this Act than is due for the period of his occupancy, such tenant may deduct any sum so paid or recovered from the rent from time to time becoming due to the owner in respect of such premises, or after demand, may recover the same from the owner of such premises.

PART

PART III.

Acquisition and occupation by the Company of lands for the purposes of water supply—ascertainment of compensation in respect thereof.

Lands required for water supply, how acquired.

39. After the notification in the *Gazette*, as hereinbefore provided, of the approval by the Governor of a scheme for the supply of water to the said district, but not before the Company shall be empowered to acquire or occupy lands for the purposes of such water supply in manner hereinafter provided, and compensation for every such acquisition or occupation of lands shall be ascertained and carried out as hereinafter provided.

How and when lands can be taken.

40. It shall be lawful for the Company, by notification to be published in the *Gazette* and in one or more newspapers published or circulating in the said town and suburbs to declare that the land described in such notification is required for the purpose therein expressed.

Vesting of lands.

41. Upon the publication of the notification in the *Gazette* declaring that the lands therein described are so required, such lands shall, upon compliance with the requirements and provisions hereinafter contained, be vested in the Company for the purposes of this Act. Provided, however, that the Company shall have no right or title to any mine or minerals, nor shall the said Company be entitled to interfere in any way with the working or management of any such mine or minerals as aforesaid, which may lie in, upon, or under any private or Crown Lands within the said catchment area, although the said lands may be vested in the Company for the purposes of this Act.

Effect of publication upon Crown Lands.

42. Where the land required is Crown Land at the date of such publication, or is vested in any corporation, or in any person on behalf of Her Majesty, or for any public purposes by virtue of any statute, or is within the limits with reference to centres of population prescribed by the "Crown Lands Act of 1884" or any Acts amending the same, the effect of such publication shall be to withdraw the said land (to the extent required) from any lease or license or promise thereof, and to cancel to the like extent any dedication or reservation of the said land however made, and to divest the estate of such corporation or person, and to vest the said land in the said Company for the purposes of this Act for a lease of twenty-eight years at such rent as may be determined by the Local Land Board under the provisions of the "Crown Lands Act of 1884" and the Acts amending the same. Provided, however, that nothing in this section contained shall have any effect or operation unless the approval of the Governor shall first have been obtained with respect to the land so required, and the said Company shall have made such compensation and payments as the Local Land Board may determine, subject to the provision of the "Crown Lands Act of 1884" and any amendments of the same.

Compensation for private lands.

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

Conversion of estate of proprietor of resumed land into a claim.

44. The estate and interest of every person entitled to lands required under this Act, or any portion thereof, and whether to the legal or equitable estate therein, shall upon due payment of the amount of compensation tendered by the Company, and accepted by the owner, or assessed by the jury as hereinafter provided, be deemed to have been as fully and effectually conveyed to the Company as if the same had been conveyed by the persons legally or equitably entitled

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

Notice of claim for compensation.

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

Claim and report thereon.

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

Compensation by action in Supreme Court.

47. If within ninety days after the service of notice of claim the claimant and the company shall not agree as to the amount of compensation, the claimant shall be at liberty to institute proceedings in the Supreme Court in the form of an action for compensation against the Company. And any such action may be tried before a Judge of the said Court or in any Circuit Court and a jury of four persons. Provided always that, upon proper application, either of the Company or of the claimant, a special jury of twelve may be summoned for trial of such action. Provided also that with the consent in writing of the Company and the claimant, any such action may be so tried at any time (to be mentioned in such consent) before the expiration of ninety days from service of the notice of claim for compensation, but not within fourteen days from service of the notice of valuation on such claimant.

Issue in action of compensation verdict and costs.

48. The issue to be tried in any such action shall be whether the claimant is entitled to a larger sum by way of compensation than the amount of the valuation so made by the Company and notified to the claimant as aforesaid, and if so, to what sum. And if upon the trial of the said action the verdict shall be for a greater sum than the amount of the said valuation, the costs of the action shall be borne by the Company, but if the verdict shall be for a sum equal to such valuation then each party shall bear its own costs, or less than such valuation then the costs shall be borne by the claimant.

As to payment of compensation.

49. All moneys payable under this Act by way of compensation to any claimant, whether under the verdict of a jury or otherwise, shall be paid, together with costs (if any) and interest at the rate of six pounds per centum per annum, within one month after the determination of such compensation to the person lawfully entitled thereto, or to his agent duly authorized in that behalf in writing, but the claimant shall be bound to make out his title to the estate or interest claimed by him, in all cases where the claim is in respect of the deprivation of some estate or interest in land, and no interest shall be payable except from the time when such title shall have been made out. Provided that in the case of land under the surface taken for the purpose of constructing a subterranean tunnel for water supply or sewerage, no compensation

compensation shall be allowed or awarded, unless the surface of the overlying soil be disturbed, or the support to such surface be destroyed, or injuriously affected by the construction of such tunnel, or unless any mines or underground workings in or adjacent to such land be thereby rendered unworkable or to be so affected as aforesaid.

Where claim may be prosecuted in District Court.

50. The District Court shall, notwithstanding anything contained in the "District Courts Act of 1858," have jurisdiction to try any such action of compensation in any case where the whole amount of the claim in respect to such land served in pursuance of this Act does not exceed two hundred pounds, or if exceeding that amount in any case where the Company and the claimant by a memorandum signed by the Company and such claimant, or by the respective attorneys of the Company and the claimant agree thereto. For the purposes of this section, the provisions of the said District Courts Act and of any Act amending the same, together with all rules made or to be made thereunder, shall be deemed to apply to all proceedings taken in the said District Court hereunder.

Compensation how to be estimated.

51. In estimating or assessing the compensation to be paid under this Act, regard shall be had by the valuators and by the jury (on any issue), not only to the value of the land taken by the Company, but also to the damage (if any) to be sustained by the claimant by reason of the severing of the lands taken from other lands, or other injuries suffered by him by reason of the exercise of the powers expressed or incorporated in this Act, and they shall assess the same according to what they shall find to have been the value of such lands, estate, or interest, at the time of the resumption thereof, or the extent of the damage or injury sustained, but in making any such estimate or in assessing the compensation to be paid under this Act, any increased value which may be given to the adjacent lands of the same owner by reason of the water-works or water supply, shall be taken into consideration, and shall be deducted from the compensation to be paid to the owner of the lands so taken.

General power of entry.

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

Power to purchase lands by agreement.

53. Notwithstanding anything hereinbefore contained, it shall be lawful for the Company, if it shall think fit, to agree with the owners of any lands, the acquisition of which is authorized by this Act, and with all parties having any estate or interest in such lands, or by this Act enabled to sell or convey the same, for the absolute purchase, for a consideration in money, of any such lands, or such parts thereof as shall be thought proper, and of all estates and interests in such lands of what kind soever. Provided also that it shall be lawful for the Company from time to time, and at all times hereafter, to lease any lands, or the right to use or occupy or enter upon any lands, for such term and upon such conditions as may be agreed upon.

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

54. It shall be lawful for all parties being seized, possessed of, or entitled to any such lands, or any estate or interest therein, to sell and convey or release the same to the Company, and to enter into all necessary agreements for that purpose, and particularly it shall be lawful for all or any of the following parties so seized, possessed, or entitled, as aforesaid, so to sell, convey, or release, that is to say, all corporations, tenants in tail or for life, married women seized in their own right, or entitled to dower, guardians, committees of lunatics and idiots, trustees, or feoffees in trust for charitable or other purposes, executors and administrators,

administrators, and all parties for the time-being entitled to the receipt of the rents and profits of any such lands in possession, or subject to, any estate in dower, or to any lease for life or for lives and years, or for years or any less interest, and the power so to sell and convey or release as aforesaid, may lawfully be exercised by all such parties, other than married women entitled to dower, or lessees for life, or for lives and years, or for years, or for any less interest, not only on behalf of themselves and their respective heirs, executors, administrators, and successors, but also for, and on behalf of, every person entitled in reversion, remainder, or expectancy, after them, or in defeasance of the estates of such parties, and as to such married women, whether they be of full age or not, as if they were sole and of full age, and as to such guardians on behalf of their wards, and as to such committees on behalf of the lunatics and idiots of whom they are the committees respectively, and that to the same extent as such wives, wards, lunatics and idiots respectively, could have exercised the same power under the authority of this Act if they had respectively been under no disability, and as to such trustees, executors, or administrators on behalf of their *cestui que* trusts, whether infants, issue unborn, lunatics, *feme covert* or other persons, and that to the same extent as such *cestui que* trusts respectively could have exercised the same powers under the authority of this Act if they had respectively been under no disability, and the power hereinafter given to release lands from any rent-charge or incumbrance, and to agree for the apportionment of any such rent-charge or incumbrance shall extend to, and may lawfully be exercised by every party hereinbefore enabled to sell and convey or release lands to the Company.

Purchase money payable to parties under disability amounting to £200 to be deposited with Master in Equity.

55. If the purchase money or compensation payable in respect of any lands or any interest therein purchased or taken by the Company from any corporation, tenant for life or in tail, married woman seized in her own right or entitled to dower, guardian, committee of lunatic or idiot, trustee, executor, administrator, or person having a partial or qualified interest only in such lands and not entitled to sell or convey the same, except under the provisions of this Act, or the compensation to be paid for any permanent damage to such lands amount to or exceed the sum of two hundred pounds, the same shall be paid into the hands of the Master in Equity, to be by him deposited to the account of such Master in Equity *ex parte* the Company in the matter of A or B (the party entitled) pursuant to the method prescribed by any Act or by any rules, for the time being in force, for regulating moneys paid into the Supreme Court in its Equitable Jurisdiction; and such moneys shall remain so deposited until the same be applied to some one or more of the following purposes, (that is to say)—

Applications of moneys deposited.

(I) In the redemption of the quit rent, or the discharge of any debt or incumbrance affecting the land in respect of which such money shall have been paid, or affecting other lands settled therewith to the same or the like uses, trusts, and purposes; or

(II) In the purchase of other lands or of Government Debentures or other stock, to be conveyed, limited and settled upon the like uses, trusts and purposes and in the same manner as the lands, in respect of which such money shall have been paid, stood settled; or

(III) If such money shall be paid in respect of any buildings taken under the authority of this Act, or injured by the proximity of any work,—in removing or replacing such buildings or substituting others in their stead, in such manner as the Supreme Court or the Primary Judge in Equity shall direct; or

(IV) In payment to any party becoming absolutely entitled to such money.

56.

Order for application and investment meanwhile.

56. Such money may be so applied as aforesaid upon an order of the said Court or Judge made on the petition of the party who would have been entitled to the rents and profits of the lands in respect of which such money shall have been deposited; and until the money can be so applied, it may, upon the like order, be invested by the said Master in Equity in the purchase of Government Debentures or real securities, and the interest, dividends, and annual proceeds thereof may be paid to the party who would, for the time being, have been entitled to the rents and profits of the lands.

Sums from £20 to £200 to be deposite or paid to trustees.

57. (I) If such purchase money or compensation shall not amount to the sum of two hundred pounds and shall exceed the sum of twenty pounds, the same shall either be paid to the Master in Equity to be by him deposited and applied in the manner hereinbefore directed with respect to sums amounting to or exceeding two hundred pounds, or the same may be lawfully paid to two trustees.

(II) Such trustees shall be nominated by the parties entitled to the rents or profits of the lands in respect whereof the same shall be payable, such nomination to be signified by writing under the hands of the party so entitled. In case of the coverture, infancy, lunacy, or other incapacity of the parties entitled to such moneys, such nomination may lawfully be made by their respective husbands, guardians, committees, or trustees.

(III) Payment of such moneys shall not be made to such trustees as aforesaid unless the Company approve thereof and of the trustees named for the purpose.

(IV) The money so paid to such trustees and the produce arising therefrom shall be by such trustees applied in the manner hereinbefore directed with respect to money deposited to the account of the Master in Equity; but it shall not be necessary to obtain any order of the Court for that purpose.

Sums not exceeding £20 to be paid to parties.

58. If such money shall not exceed the sum of twenty pounds, the same shall be paid to the parties entitled to the rents and profits of the lands in respect whereof the same shall be payable, for their own use and benefit; or, in case of the coverture, infancy, lunacy or other incapacity of such parties, such money shall be paid for their use to the respective husbands, guardians, committees or trustees of such persons.

All sums payable under contract with persons not absolutely entitled to be paid to Master in Equity or trustees.

59. All sums of money exceeding twenty pounds which may be payable by the Company in respect of the taking, using, or interfering with any lands under a contract or agreement with any person who shall not be entitled to dispose of such lands, or of the interest therein contracted to be sold by him absolutely for his own benefit, shall be paid to the Master in Equity or to trustees, in manner aforesaid. It shall not be lawful for any contracting party not entitled as aforesaid to retain to his own use any portion of the sums so agreed or contracted to be paid for or in respect of the taking, using, or interfering with any such lands, or in lieu of bridges, tunnels, or other accommodation works, or for assenting to or not opposing the taking of such lands; but all such moneys shall be deemed to have been contracted to be paid for and on account of the several parties interested in such lands, as well in possession as in remainder, reversion, or expectancy. Provided always that it shall be in the discretion of the Judges of the Supreme Court, or the Chief Judge in Equity, or the said trustees, as the case may be, to allot to any tenant for life or for any other partial or qualified estate, for his own use, a portion of the sum so deposited or so paid to such trustees as aforesaid, as compensation for any injury, inconvenience, or annoyance which he may be considered to sustain, independently of the actual value of the lands to be taken and of the damage occasioned to the lands held therewith by reason of the taking of such lands and the making of the works.

Payments made under this Act sufficient discharge to the Company.

60. All payments which shall be made in any of the cases aforesaid to the parties entitled under this Act to receive the same shall be a good and valid discharge to the Company; and such Company shall not be bound or required to see to the application of any of the moneys paid to the Master in Equity or other person by virtue hereof, or to see to the performance of any trusts.

Court of Equity may direct application of money in respect of leases or reversions as they may think just.

61. Where any purchase money or compensation paid or deposited pursuant to this Act shall have been paid in respect of any lease for a life or lives or years, or for a life or lives and years, or any estate in lands less than the whole fee simple thereof, or of any reversion dependent on any such lease or estate, the said Court or Judge may, on the petition of any party interested in such money, order that the same shall be laid out, invested, accumulated, and paid in such manner as the said Court or Judge may consider will give to the parties interested in such money the same benefit therefrom as they might lawfully have had from the lease, estate, or reversion in respect of which such money shall have been paid or deposited, or as near thereto as may be.

Purchase money or compensation may in certain cases be paid to the Master in Equity.

62. If the owner of any lands taken or purchased under the authority of this Act, or of any interest therein, on tender of the purchase money or compensation either agreed or awarded to be paid in respect thereof,

(I) Refuse to accept the same;

(II) Neglect or fail to make out a title to such lands or to the interest therein claimed by him, to the satisfaction of the Company;

(III) Refuse to convey or release such lands as directed by the Company;

(IV) Be absent from the Colony or cannot, after diligent inquiry, be found;

The Company may, if it shall think fit, deposit the purchase money or compensation payable in respect of such lands or any interest therein in the hands of the Master in Equity, to be by him deposited as aforesaid to his account to the credit of the parties interested in such lands (describing them so far as he can do) subject to the control and disposition of the said Court.

Application of money so deposited.

63. Upon the application by petition of any party making claim to the money so deposited as last aforesaid or any part thereof, or to the lands in respect whereof the same shall have been so deposited, or any part of such lands, or any interest in the same, the said Court or Judge may in a summary way, as to such Court or Judge shall seem fit, order such money to be laid out or invested in the purchase of Government Debentures or real securities; or may order distribution thereof or payments of the dividends thereof, according to the respective estates, titles or interest of the parties making claim to such money or lands or any part thereof, and may make such other order in the premises as to such Court or Judge shall seem fit.

Party in possession to be deemed the owner.

64. If any question arise respecting the title to the lands, in respect whereof such moneys shall have been so paid or deposited as aforesaid, the parties respectively in possession of such lands as being the owners thereof or in receipt of the rents of such lands as being entitled thereto at the time of such lands being purchased or taken, shall be deemed to have been lawfully entitled to such lands, until the contrary be shown to the satisfaction of the Court; and unless, upon such inquiry as the Court shall think fit to direct, the contrary be shown as aforesaid, the parties so in possession and all parties claiming under them or consistently with their possession, shall be deemed entitled to the money so deposited, and to the dividend or interest of the securities purchased therewith, and the same shall be paid and applied accordingly.

Costs in case of money deposited.

65. In all cases of moneys deposited under the provisions of this Act, except where such moneys shall have been so deposited by reason of the wilful refusal of any party entitled thereto to receive the same, or to convey or release the lands in respect whereof the same shall be payable, or by reason of the neglect of any party to make out a good title to the land required, the said Court or Judge may order the costs of the following matters, including therein all reasonable charges and expenses incident thereto, to be paid by the Company (that is to say) the costs of—

(I) The purchase or taking of the lands or which shall have been incurred in consequence thereof, other than such costs as are herein otherwise provided for;

(II) The investment of such moneys in Government Debentures or real securities and of the reinvestment thereof in the purchase of other lands;

(III) Obtaining the proper orders for any of the purposes aforesaid, and of the orders for the payment of the dividends and interest of the securities upon which such moneys shall be invested, and for the payment out of Court of the principal of such moneys or of the securities whereon the same shall be invested;

(IV) All proceedings relating thereto, except such as are occasioned by litigation between adverse claimants.

Provided always that the cost of one application only for reinvestment in land shall be allowed, unless it shall appear to the said Court or Judge that it is for the benefit of the parties interested in the said moneys that the same should be invested in the purchase of lands, in different sums and at different times; in which case the Court may, if it think fit, order the costs of any such investment to be paid by the Company.

Proceeding in case of refusal to deliver possession of lands.

66. If, in any case in which, according to the provisions of this Act, the Company is authorized to enter upon and take possession of any lands required for the purpose of the work, the owner or occupier of any such lands or any other person refuse to give up the possession thereof, or hinder the Company from entering upon or taking possession of the same, it shall be lawful for such a Judge of the Supreme Court upon application by the Company to issue his warrant to the Sheriff to deliver possession of the same to the person appointed in such warrant to receive the same. Upon the receipt of such warrant the Sheriff shall deliver possession of any such lands accordingly; and the cost accruing, by reason of the issuing and execution of such warrant, to be settled by the Sheriff, shall be paid by the person refusing to give possession; and the amount of such costs shall be deducted and retained by the Company from the compensation, if any, then payable to such party, or if no such compensation be payable to such party, or if the same be less than the amount of such costs, then such costs or the excess thereof beyond such compensation, if not paid on demand, shall be levied by distress, and upon application to any Justice for that purpose he shall issue his warrant accordingly.

Power to redeem mortgages.

67. (I) The Company may purchase or redeem the interest of the mortgagee of any such lands which may be required for the purposes of this Act; and that whether it shall have previously purchased the equity of redemption of such lands or not; and whether the mortgagee thereof be entitled thereto in his own right or in trust for any other party; and whether he be in possession of such lands by virtue of such mortgage or not; and whether such mortgage affect such lands solely or jointly with any other lands not required for the purposes of this Act.

(II) In order thereto, the Company may pay or tender to such mortgagee the principal and interest due on such mortgage, together with his costs and charges, if any, and also six months' additional interest; and thereupon such mortgagee shall immediately convey his interest in the lands comprised in such mortgage to the Company or as it shall direct.

(III) The Company may give notice in writing to such mortgagee that it will pay off the principal and interest due on such mortgage at the end of six months, computed from the day of giving such notice; and if it shall have given any such notice, or if the party entitled to the equity of redemption of any such lands shall have given six months notice of his intention to redeem the same, then, at the expiration of either of such notices, or at any intermediate period, upon payment or tender by the Company to the mortgagee of the principal money due on such mortgage and the interest which would become due at the end of six months from the time of giving either of such notices, together with his costs and expenses, if any, such mortgagee shall convey or release his interest in the lands comprised in such mortgage to the Company, or as it shall direct.

Deposit of mortgage money on refusal to accept.

68. If, in either of the cases aforesaid, upon such payment or tender, any mortgagee shall fail to convey or release his interest in such mortgage as directed by the Company, or if he fail to adduce a good title thereto to its satisfaction, then it shall be lawful for the Company to pay into the hands of the Master in Equity, to be dealt with by him in the manner provided by this Act in the cases of moneys required to be paid to such Master in Equity, the principal and interest, together with the costs, if any, due on such mortgage; and if such payment be made before the expiration of six months notice as aforesaid, such further interest as would at the time become due; and also, if the Company think fit, to execute a deed poll, containing a description of the lands in respect whereof such deposit shall have been made and describing the circumstances under which and the names of the parties to whose credit such deposit shall have been made, and such deed poll shall be duly registered by the Company. And thereupon, as well as upon such conveyance by the mortgagee, if any such be made, all the estate and interest of such mortgagee and of all persons in trust for him or for whom he may be a trustee in such lands shall vest in the Company, and the Company shall be entitled to immediate possession thereof, in case such mortgagee were himself entitled to such possession.

Sum to be paid when mortgage exceeds the value of the lands.

69. (I) If any of such mortgaged lands shall be of less value than the principal, interest, and costs secured thereon, the value of such lands or the compensation to be made by the Company in respect thereof shall be settled by agreement between the mortgagee of such lands and the party entitled to the equity of redemption thereof on the one part, and the Company on the other part.

(II) If the parties aforesaid fail to agree, respecting the amount of such value or compensation, the same shall be determined, as in other cases of disputed compensation.

(III) The amount of such value or compensation being so agreed upon or determined shall be paid by the Company to the mortgagee, in satisfaction of his mortgage debt, so far as the same will extend; and upon payment or tender thereof the mortgagee shall convey or release all his interest in such mortgaged lands to the Company or as it shall direct.

Deposit of money when refused on tender.

70. If, upon such payment or tender as aforesaid being made, any such mortgagee fail so to convey his interest in such mortgage or to adduce a good title thereto to the satisfaction of the Company, it shall be lawful for the Company to pay the amount of such

value

value or compensation into the hands of the Master in Equity, to be dealt with by him, in the manner provided by this Act in like case of moneys required to be paid to such Master in Equity; and every such payment or deposit shall be accepted by the mortgagee in satisfaction of his mortgage debt, so far as the same will extend, and shall be a full discharge of such mortgaged lands from all money due thereon; and the Company may, if it think fit, execute a deed poll in manner hereinbefore provided. And thereupon such lands, as to all such estate and interest as were then vested in the mortgagee or any person in trust for him, shall become absolutely vested in the Company and the Company shall be entitled to immediate possession thereof in case such mortgagee were himself entitled to such possession. Nevertheless, all rights and remedies possessed by the mortgagee against the mortgagor, by virtue of any bond or covenant or other obligation, other than the rights to such lands, shall remain in force, in respect of so much of the mortgage debt as shall not have been satisfied by such payment or deposit.

Sum to be paid where part only of mortgaged lands taken.

71. (I) If a part only of any such mortgaged lands be required for the purposes of this Act, and if the part so required be of less value than the principal money, interest, and costs secured on such lands, and the mortgagee shall not consider the remaining part of such lands a sufficient security for the money charged thereon, or be not willing to release the part so required, then the value of such part and also the compensation (if any) to be paid in respect of the severance thereof or otherwise shall be settled by agreement between the mortgagee and the party entitled to the equity of redemption of such land on the one part, and the Company on the other part.

(II) If the parties aforesaid fail to agree respecting the amount of such value or compensation, the same shall be determined as in other cases of disputed possession.

(III) The amount of such value or compensation being so agreed upon or determined shall be paid by the Company to such mortgagee in satisfaction of his mortgage debt, so far as the same will extend; and thereupon such mortgagee shall convey or release to the Company or as it shall direct, all his interest in such mortgaged lands, the value whereof shall have been so paid, and a memorandum of what shall have been so paid shall be endorsed on the deed creating such mortgage, and shall be signed by the mortgagee, and a copy of such memorandum shall at the same time (if required) be furnished by the Company, at the expense of the Company, to the party entitled to the equity of redemption of the lands comprised in such mortgage deed.

Deposit of money when refused on tender.

72. If, upon any payment or tender to any such mortgagee of the amount of the value or compensation so agreed upon or determined, such mortgagee shall fail to convey or release to the Company or as it shall direct, his interest in the lands, in respect of which such compensation shall so have been paid or tendered, or if he shall fail to adduce a good title thereto to the satisfaction of the Company, it shall be lawful for the Company to pay the amount of such value or compensation into the hands of the Master in Equity, to be dealt with by him in the manner provided by this Act in the case of moneys required to be paid to such Master in Equity; and such payment or deposit shall be accepted by such mortgagee in satisfaction of his mortgage debt, so far as the same will extend, and shall be a full discharge of the portion of the mortgaged lands so required from all money due thereon; and also, if he think fit, to execute a deed poll in the manner hereinbefore provided. And thereupon such lands shall become absolutely vested in the Company, as to all such estate and interest as were then vested in the mortgagee or any person in trust for him, and

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in case such mortgagee were himself entitled to such possession he shall be entitled to immediate possession thereof. Nevertheless, every such mortgagee shall have the same powers and remedies for recovering or compelling payment of the mortgage money or the residue thereof (as the case may be) and the interest thereof respectively, upon and out of the residue of such mortgaged lands or the portion thereof not required for the purposes of this Act as he would otherwise have had or been entitled to for recovering or compelling payment thereof, upon or out of the whole of the lands originally comprised in such mortgage.

Release of land from rent charges.

73. If any difference shall arise between the Company and the party entitled to any rent-service, rent-charge, chief or other rent, or other payment, or incumbrance, not hereinbefore provided for, upon any lands taken for the purposes of this Act, respecting the consideration to be paid for the release of such lands therefrom, or from the portion thereof affecting the lands required for the purposes of this Act, the same shall be determined as in other cases of disputed compensation.

Release of part of land from rent-charge.

74. If part only of the lands charged with any such rent-service, rent-charge, chief-rent, or other rent-payment or incumbrance, be taken for the purposes of this Act, the apportionment of any such charge may be settled by agreement between the party entitled to such charge and the owner of the lands on the one part and the Company on the other part; and, if such apportionment be not so settled by agreement, the same shall be settled by two Justices. But if the remaining part of the lands so jointly subject be a sufficient security for such charge, then, with consent of the owner of the lands so jointly subject, it shall be lawful for the party entitled to such charge to release therefrom the lands required, on condition or in consideration of such other lands remaining exclusively subject to the whole thereof.

Deposit in case of refusal to release.

75. Upon payment or tender of the compensation so agreed upon or determined to the party entitled to any such charge as aforesaid, such party shall execute to the Company a release of such charge. If he fail so to do, or if he fail to adduce a good title to such charge to the satisfaction of the Company, it shall be lawful for the Company to pay the amount of such compensation into the hands of the Master in Equity to be dealt with by him in the manner hereinbefore provided in the case of moneys required to be paid to such Master in Equity; and also if the Company think fit to execute a deed poll, in the manner herein provided for in the case of the purchase of lands by it. And thereupon the rent-service, rent-charge, chief or other rent, payment or incumbrance, or the portion thereof in respect whereof such compensation shall so have been paid, shall cease and be extinguished.

Charge to continue on lands not taken.

76. If any such lands or portion thereof be so released from any such charge or incumbrance to which they were subject jointly with other lands, such lastmentioned lands shall alone be charged with the whole of such charge or with the remainder thereof, as the case may be, and the party entitled to the charge shall have all the same rights and remedies over such lastmentioned lands, for the whole or for the remainder of the charge, as the case may be, as he had previously over the whole of the lands subject to such charge. If, upon any such charge, or portion of charge, being so released, the deed or instrument creating or transferring such charge be tendered to the Company for the purpose, it shall affix its seal to a memorandum of such release, indorsed on such deed or instrument, declaring what part of the lands originally subject to such charge shall have been purchased by virtue of this Act, and if the lands be released from part of such charge, what proportion of such charge shall have been released, and how

how much thereof continues payable; or if the lands so required shall have been released from the whole of such charge, then that the remaining lands are thenceforward to remain exclusively charged therewith. Such memorandum shall be made and executed at the expense of the Company, and shall be evidence in all Courts and elsewhere of the facts therein stated, but not so as to exclude any other evidence of the same facts.

Leases.

Where part only of lands under lease taken the rent to be apportioned.

77. (i) If any lands shall be comprised in a lease for a term of years unexpired, part only of which lands shall be required for the purposes of this Act, the rent payable in respect of the lands comprised in such lease shall be apportioned between the lands so required and the residue of such lands.

(ii) Such apportionment may be settled by agreement between the lessor and lessee of such lands on the one part, and the Company on the other part; and, if such apportionment be not so settled by agreement between the parties, such apportionment shall be settled by two Justices.

(iii) After such apportionment, the lessee of such lands shall, as to all future accruing rent, be liable only to so much of the rent as shall be so apportioned in respect of the lands not required for the purposes of this Act; and, as to the lands not so required, and as against the lessee, the lessor shall have the same rights and remedies for the recovery of such portion of rent as, previously to such apportionment, he had for the recovery of the whole rent reserved by such lease; and all the covenants, conditions, and agreements of such lease, except as to the amount of rent to be paid, shall remain in force, with regard to that part of the land which shall not be required for the purposes of this Act, in the same manner as they would have done in case such part only of the land had been included in the lease.

Tenants to be compensated.

78. Every such lessee as last aforesaid, shall be entitled to receive from the Company compensation for the damage done to him in his tenancy, by reason of the severance of the lands required from those not required, or otherwise, for the purposes of the authorized work.

Compensation to be made to tenants from year to year.

79. (i) If any such lands shall be in the possession of any person having no greater interest therein than as tenant for a year, or from year to year, and if such person be required to give up possession of any land so occupied by him before the expiration of his term or interest therein, he shall be entitled to compensation for the value of his unexpired term or interest in such lands, and for any just allowance which ought to be made to him by any incoming tenant, and for any loss or injury he may sustain; or, if a part only of such lands be required, compensation for the damage done to him in his tenancy, by severing the lands held by him or otherwise injuriously affecting the same.

(ii) The amount of such compensation shall be determined by two Justices in case the parties differ about the same.

(iii) Upon payment or tender of the amount of such compensation, all such persons shall respectively deliver up to the Company or to the person appointed by the Company to take possession thereof, any such lands in their possession required for the purposes of this Act.

Where greater interest claimed than at will, lease to be produced.

80. If any party having a greater interest than as tenant at will, claim compensation in respect of any unexpired term or interest under any lease or grant of any such lands, the Company may require such party to produce the lease or grant in respect of which such claim

shall

shall be made, or the best evidence thereof in his power; and if, after demand made in writing by the Company, such lease or grant or such best evidence thereof be not produced within twenty-one days, the party so claiming compensation shall be considered as a tenant holding only from year to year, and be entitled to compensation accordingly.

Power to take temporary possession of land.

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

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

For the purpose of depositing soil thereon;

For the purpose of obtaining materials therefrom for the construction or repair of the waterworks or 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 Company 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 Company 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 Company either wholly or in part for any of the purposes lastly hereinbefore mentioned, and that the Company shall pay to the owner of the land a fair price for any timber, clay, stone, gravel, sand, or other things taken therefrom.

Company to separate the lands before using them.

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

Compensation to be made for temporary occupation.

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

Before roads interfered with others to be substituted.

84. If in the exercise of the powers hereby granted it be found necessary to cross cut through, raise, sink, or use any part of any road whether carriage-road, horse-road, or tram-road, or railway, either public or private, so as to render it impassable for, or dangerous, or more than usually inconvenient to passengers or carriages, or to the persons entitled to the use thereof, the Company 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 its own expense maintain such substituted road in a state as convenient for passengers and carriages as the road so interfered with, or as nearly so as may be.

Period for restoration of roads interfered with.

85. If the road so interfered with can be restored compatibly with the due completion of any works authorized under this Act the same shall be restored to as good a condition as it was in at the time when the same was first interfered with by the Company, or as near thereto as may be, and if such road cannot be so restored, the Company 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 possible expedition.

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

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

Works for benefit of owners.

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

Gates, bridges.

Such and so many convenient gates, bridges, arches, culverts, and passages, over, under, or by the side of or leading to or from such works as shall be necessary for the purpose of making good any interruptions caused thereby to the use of the lands through which the same shall be made, and such works shall be made forthwith after the part of the conduit passing over such lands shall have been laid out or formed, or during the formation thereof.

Fences.

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

Drains.

Also all necessary arches, tunnels, culverts drain or other passages, either over or under or by the side of such works, and of such dimensions as will be sufficient at all times to convey the water from the lands lying near or affected thereby.

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

Differences as to accommodation works to be settled by Governor.

88. If any difference arise respecting the kind or number of any such accommodation works, or the dimensions or sufficiency thereof respecting the maintaining thereof, the same shall be determined by the Governor, who shall also appoint the time within which such works shall be commenced and executed.

Power to owners of lands to make additional accommodation works.

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

Such works to be constructed under the superintendence of the Company's engineer.

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

Penalty on persons omitting to fasten gates.

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

PART IV.

Miscellaneous Provisions—Legal Procedure.

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

92. Except as hereinbefore provided with respect to penalties for contamination of the water, one-half of any penalty recovered under this Act shall be paid to the informer; and where any distress is made for any sum of money to be levied under this Act, the distress itself shall not be unlawful, nor the persons making the same be deemed trespassers, on account of any defect or want of form in the information, summons, conviction, warrant of distress, or other proceedings relating thereto, nor shall the persons distraining be deemed tresspassers on account of any irregularity that shall be afterwards done by the persons distraining, but the persons aggrieved by such irregularities may recover satisfaction for the special damage in an action on the case.

Penalty for default not otherwise provided for.

93. If it shall be proved to the satisfaction of any two Justices of the Peace in Petty Sessions assembled that the Company or any of its officers have been guilty of any default under this Act not otherwise provided for, they shall be liable for each and every such default to a penalty not exceeding five pounds, to be recovered in a summary way.

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

94. Where by this Act any question of compensation, expenses, charges, or damages, or other matter is required to be referred to the determination of any Justices, it shall be lawful for any Justice, upon the application of either party, to summon the other party to appear before two Justices, at a time and place to be named in such summons, and upon the appearance of such parties, or in the absence of any of them upon proof of due service of the summons, it shall be lawful for such Justices to hear and determine such question, and for that purpose

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to examine such parties or any of them and their witnesses on oath, and the cost of every such inquiry shall be in the discretion of such Justices, and they shall determine the amount thereof.

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

95. Every penalty, forfeiture, charge or sum of money imposed by or made payable under this Act, the recovery of which is not otherwise provided for, may be recovered by summary proceedings before two Justices, under the provisions of the Act or Acts in force for the time being, regulating summary proceedings before Justices.

Parties allowed to appeal to Quarter Sessions on giving security.

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

Court to make such order as they think reasonable.

Damage to be made good in addition to penalty.

97. 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 Company, used in connection therewith, shall have been committed by such person, he shall be liable to make good such damages as well as to pay such penalty, and the amount of such damages shall in case of dispute be determined by the Justices by whom the party incurring such penalty shall have been convicted, and on non-payment of such damages on demand the same shall be levied by distress, and such Justices, or one of them, shall issue their or his warrant accordingly.

Transient offenders.

98. It shall be lawful for any officer or servant of the Company and all persons called by him to his assistance, to apprehend any person who shall be found committing any offence against the provisions of this Act, and whose name and residence shall be unknown to such officer or servant, and deliver him to the custody of the nearest constable or police officer, to be conveyed before a Justice of the Peace to be dealt with according to law.

Notices.

99. Any notice required by this Act, or by any regulation made thereunder to be served on or given to any owner or occupier of any building, land, or premises, or on or to any person may be in writing or partly in writing and partly printed, or may be wholly printed. And it shall be sufficient for all purposes of this Act, unless the said Act in any case prescribes a different course to be pursued, if any such notice is sent by post to the owner by registered letter addressed to his last-known place of abode or of business, or is served on the owner or occupier of such building, land, or premises, or left with some inmate apparently over the age of fourteen years living at the place of abode of such owner or occupier, or if there be no occupier, if such notice be posted on some conspicuous part of such building or land

land. And any notice required to be served or given in respect of any public street, road, or lane, may be served on or sent by post as aforesaid, to the Council Clerk of the borough or municipal district wherein such street, road, or lane, or a portion thereof affected by the notice is situated.

Indictment for nuisances.

100. In the event of the wrongful exercise of any powers given by this Act, nothing in this Act contained shall be construed to prevent any person from indicting, or otherwise proceeding, either civilly or criminally, against the Company or its officers, for nuisance or otherwise in respect of the works, or means used or employed by the Company in the exercise of the privileges hereby conferred on the Company, or to prevent the Company or any person recovering any sum of money, or otherwise proceeding in any Court of competent jurisdiction; but the Company or any person, to whom any penalty or sum of money may, by the provisions of this Act, be awarded, may elect either to proceed in manner in this Act provided, or to proceed for and recover damages or otherwise, in any Court of competent jurisdiction.

Borrowing powers.

101. For any of the purposes of the Company authorized by this Act the Company may, with the sanction of a general meeting of shareholders, from time to time borrow money in such sum or sums as the directors of the Company may think fit; and for securing the repayment of the money so borrowed, with interest, it shall be lawful for the Company to issue debentures, to be charged and secured upon the Company's works, materials, and revenues.

Rights, powers, &c., under this Act may be assigned, &c., to incorporate company.

102. Subject to the special sanction of the Governor it shall be lawful for the Company, at any time after the passing of this Act, to assign, transfer, convey, and release to any person, or to any Company duly incorporated for that purpose, all the rights, powers, authorities, privileges, liabilities, and obligations conferred and imposed upon it by this Act, together with all lands, tenements, hereditaments, estates, chattels, and effects of every kind, acquired by it under or in pursuance thereof, and purchased, occupied, or used in connection with the same; and upon and after the completion of such assignment, transfer, conveyance, and release, the said person or 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 Company, its officers, agents, or servants, would 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, action or proceedings taken against, or liabilities, obligations, penalties, or forfeitures incurred by the Company before the completion of the said assignment, transfer, conveyance, and release.

Works to become the property of Municipal Council of Broken Hill.

103. All the works of the company, together with all the rights, powers, and authorities conveyed by this Act, with all their hereditaments and appurtenances, shall at the expiration of twenty-eight years from the date of this Act become and remain the absolute property of the Government, freed and discharged from all claims and liabilities whatsoever.

Limitation of time for erection of works.

104. The Company shall not be entitled to any of the rights and privileges conferred upon it by this Act unless it shall have completed, to the satisfaction of the Central Authority, the works necessary for carrying out the purposes of this Act within the period of three years from the date of the passing of this Act.

Rights of the Crown not to be interfered with.

105. Nothing in this Act shall be construed to limit or in any way interfere with the rights of the Crown to the general control of the natural supplies of water, nor with the right of the Governor from time

time to time to resume and dedicate any portion of the Crown Lands comprised in the First Schedule to this Act for a common, park, or other public purposes of a like nature, subject to such regulations as the Governor may approve, nor in any way interfere with any right conferred before the passing of this Act, nor in any way interfere with, abridge, or encroach upon any rights, powers, privileges, or concessions conferred upon the Broken Hill and District Water Supply Company (Limited) by the "Broken Hill and District Water Supply Act of 1889"; and the provisions of this Act shall be subject to the provisions of any Act dealing generally with water conservation throughout the Colony.

SCHEDULES.

FIRST SCHEDULE.

Description of Catchment Area required by the "Barrier Ranges and Broken Hill Water Supply Company (Limited)."

Starting at the One Tree Hill, on the watershed dividing the eastern from the western waters (said hill is on that watershed); thence along that watershed in a north-easterly direction to where the watershed of the Yancowinna and Stephen's creeks joins it; thence along the watershed dividing the abovementioned creeks to where the northern watershed of Mulga Springs Creek joins it; thence south-westerly to a point one half-mile below the site already fixed for retaining dam on Stephen's Creek; thence still in a south-westerly direction taking in all waters running into Stephen's Creek, above said retaining dam and along the western watershed of Stephen's Creek passing to the south-west of the town of Willyama and along said western watershed until it meets the watershed dividing the eastern from the western waters; thence along said watershed, to the point of commencement. Area about two hundred square miles.

SECOND SCHEDULE.

(Section 45.)

Notice of Claim and Abstract.

To the Barrier Ranges and Broken Hill Water Supply Company (Limited)
Council of

In pursuance of the "Broken Hill Water Supply Act of 1890," I (*or* we) hereby give you notice that I (*or* we) claim compensation in land hereunder described which has been resumed under the said Act. The amount of such claim and other the particulars required by the said Act are stated in the subjoined abstract.

Abstract.

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

(*Signature*)
(*Address*)
(*Date*)

THIRD

THIRD SCHEDULE.

(Section 46.)

Notice of Valuation.

To A.B., claimant in respect of the land hereunder described, resumed under the "Broken Hill Water Supply Act of 1890."

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

A.B. (Seal)
Manager *or* Secretary of Company.

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

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

In the name and on the behalf of Her Majesty I assent to this Act.

ALFRED STEPHEN.

Government House,
Sydney, 17*th December*, 1890.

BROKEN HILL WATER SUPPLY BILL.

Schedule of Amendments referred to in Message of 4th December, 1890.

Page 1, Title. *Omit* "Police"

Page 1, Title. *Omit* "s" from Districts"

Page 1, preamble, line 1. *Omit* "s" from "Districts"

Page 2, clause 1, line 14. *Omit* "the amendments thereof" *insert* "any Acts amending the same"

Page 2, clause 1, line 24. *After* "land" *insert* "within the District"

Page 2, clause 1, line 27. *Omit* "limits of this Act" *insert* "District"

Page 2, clause 1, line 29. *Omit* "said"

Page 2, clause 2, line 33. *Omit* "Part" *insert* "Act"

Page 3, clause 3, line 29. *After* "Hill" *insert* "and to any Municipal District or Borough which "may be established within or partly within the boundaries of the catchment area as "defined in the First Schedule"

Page 4, clause 3, line 1. *Omit* "said"

Page 4, clause 3, line 2, *Omit* "them" *insert* "it"

Page 4, clause 3, line 4. *Omit* "*Government*"

Page 4, clause 3. At end of clause *add* "Provided also that nothing in this Act contained shall "prejudice or affect the rights and privileges of any Municipal District or Borough "now or hereafter to be established within the area described in the First Schedule "hereto"

Page 4, clause 6, line 22. *Before* "The Company" *insert* "Subject to the provisions of this Act"

Page 5, clause 7, line 8. *Omit* "affected" *insert* "effected"

Page 5, clause 8, line 38. *Omit* "the amendments thereof" *insert* "any Acts amending the same"

Page 5, clause 9, line 41. *Omit* "may" *insert* "shall"

Page 5, clause 9, line 41. *Omit* "any person with"

Page 5, clause 9, line 46. *Omit* "whom they have once agreed to supply"

Page 7, clause 19, line 18. *After* "furnish" *insert* "water"

Page 7, clause 20, line 44. *Omit* "*Government*"

Page 8, clause 25, line 19. *Omit* "them" *insert* "it"

Page 8, clause 27, line 28. *Omit* "Minister" *insert* "central authority"

Page 8, clause 27, line 32. *Omit* "the Minister" *insert* "such authority"

Page 9, clause 32, line 36. *Omit* "clauses" *insert* "sections"

Page 9, clause 33, line 52. *Omit* "he" *insert* "it"

Page 10, clause 35, line 22. *Omit* "their" *insert* "its"

Page 10, clause 35, line 23. *Omit* "their" *insert* "its"

Page 11, clause 42, line 12. *Before* "person" *insert* "any"

Page 11, clause 42, line 15. *After* "Act" *insert* "of 1884 or any Acts amending the same"

Page 11, clause 42, lines 20 to 22. *Omit* "to the extent aforesaid in the Company for the purposes "mentioned, and for the estate limited in the last preceding section" *insert* "in the said "Company for the purposes of this Act for a lease of twenty-eight years, at such rent "as may be determined by the Local Land Board, under the provisions of the 'Crown "Lands Act of 1884' and the Acts amending the same"

Page 12, clause 45, line 4. *Omit* "First" *insert* "Second"

Page 12, clause 46, line 11. *Omit* "Second" *insert* "Third"

Page 13, clause 53, line 36. *Omit* "said"

Page 14, clause 54, line 14. *Omit* "promoters" *insert* "Company"

Page 17, clause 67, line 47. *Omit* "he" *insert* "it"

Page 18, clause 68, line 24. *Omit* "such" *insert* "the"

Page 18, clause 68, line 32. *Omit* "said"

Page 18, clause 68, line 32. *Omit* "such" second occurring *insert* "the"

Page 18 clause 70, line 53. *Omit* "said"

Page 19, clause 70, line 1. *Omit* "said"

Page 19, clause 70, line 5. *Omit* "such" *insert* "the"

Page 19, clause 72, line 43. *Before* "Company" *omit* "such" *insert* "the"

Page 20, clause 75, line 29. *Omit* "such" *insert* "the"

Page 20, clause 75, line 33. *Omit* "such" *insert* "the"

Page 21, clause 79, line 44. *Omit* "such" *insert* "the"

Page 22, clause 81, line 2. *Omit* "the"

Page 22, clause 81, line 2. *Omit* "of" *insert* "on"

Page 22, clause 81, line 3. *Omit* "therefrom"

Page 23, clause 89, lines 56 and 57. *Omit* "such conduit" *insert* "the works of the Company"

Page 23, clause 89, line 58. *After* "any" *insert* "Municipal"

Page 24, clause 91, line 14. *Omit* "and fasten"

Page 24, clause 94, line 40. *Omit* "one or more"

Page 24, clause 94, line 42. *Omit* "one Justice or before"

Page 24, clause 94, lines 42 and 43. *Omit* "as the case may require"

Page 24, clause 94, line 46. *Omit* "one Justice or such two"

Page 24, clause 94, line 46. *Omit* "as the case may be"

Page 25, clause 95, line 2. *After* "Justice" *omit* remainder of clause.

Page 25, clause 96, line 8. *Omit* "any Justice or"

Page 25, clause 97, line 38. *After* "their" *insert* "or his"

Page 25, clause 98, line 40. *Omit* "seize and detain" *insert* "apprehend"

Page 25, clause 98, line 41. *Omit* "have committed" *insert* "be found committing"

Page 25, clause 98, line 43. *After* "and" *omit* remainder of clause *insert* "deliver him to the custody "of the nearest constable or police officer to be conveyed before a Justice of the Peace "to be dealt with according to law"

Page 25, clause 99, line 50. *Omit* "by-law or"

Page 26, clause 102, line 41. *Omit* "said"

Page 26, clause 102, line 46. *Omit* "said"

Page 26, clause 103, lines 52 and 53. *Omit* "the Municipal Council of Broken Hill, but in the event of "no Council being in existence then the same to revert to"

Page 26, clause 104, line 56. *Omit* "them" *insert* "it"

Page 26, clause 104, line 56. *Omit* "they" *insert* "it"

Page 26, clause 104, line 57. *After* "completed" *insert* "to the satisfaction of the central "authority"

Page 26, clause 104, lines 57 and 58. *Omit* "projected"

Page 26, clause 104, line 58. *After* "works" *insert* "necessary for carrying out the purposes of this "Act"

Page 27, clause 105, line 3. *After* "water" *insert* "nor with the right of the Governor from time to "time to resume and dedicate any portion of the Crown Lands comprised in the First "Schedule to this Act for a common, park, or other public purpose of a like nature, "subject to such Regulations as the Governor may approve"

Page 27, clause 105, line 8. *After* "Act" first occurring *insert* "nor in any way interfere with, "abridge, or encroach upon any rights, powers, privileges, or concessions conferred "upon the Broken Hill and District Water Supply Company (Limited) by the 'Broken "Hill and District Water Supply Act of 1889'"

Page 28, Second Schedule, line 22. *Omit* "1889" *insert* "1890"

Page 28, Third Schedule, line 42. *Omit* "1889" *insert* "1890"

This PRIVATE BILL *originated in the* LEGISLATIVE ASSEMBLY, *and, having this day passed, is now ready for presentation to the* LEGISLATIVE COUNCIL *for its concurrence.*

Legislative Assembly Chamber,
Sydney, 11 *November,* 1890.

F. W. WEBB,
Clerk of Legislative Assembly.

The LEGISLATIVE COUNCIL *has this day agreed to this Bill with Amendments.*

Legislative Council Chamber,
Sydney, 4 *December,* 1890.

JOHN J. CALVERT,
Clerk of the Parliaments.

New South Wales.

ANNO QUINQUAGESIMO QUARTO

VICTORIÆ REGINÆ.

* * * \

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

"Central Authority"—The Minister for Public Works or the Minister charged with the administration of this Act.

"Company"—The said "Barrier Ranges and Broken Hill Water Supply Company (Limited)," its representatives or assigns, owners for the time being of the Broken Hill Waterworks.

"Conduit"—The canals, tunnels, aqueducts, cuttings, or pipes, by means of which the water is supplied.

"Crown Lands"—Lands within the meaning of the "Crown Lands Act of 1884" and ~~the amendments thereof~~ **any Acts amending the same.**

"District"—All the districts which are now included within the District of Broken Hill and Silverton, and within the area as described in the First Schedule hereto.

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

"Justice"—Any Justice of the Peace.

"Owner"—Any person who is in the receipt of the rents and profits of any house, manufactory, or buildings of whatsoever kind, or of any land **within the District.**

"Street"—Any square, court, alley, highway, railway, tramway, lane, road, thoroughfare or other passage, footpath, or place, whether public or private, within the ~~limits of this Act~~ **District.**

"Water District"—The area within which water is authorized to be supplied to the inhabitants of the ~~said~~ District.

PART I.

Preliminary.

2. Before the Company shall put into force any of the provisions contained in this ~~Part~~ **Act** with respect to the acquisition of land otherwise than by agreement, the following conditions and provisions shall be observed :— Conditions prior to acquisition of lands

(I) The Company shall publish once at the least in each of three consecutive weeks in some local newspaper circulating in the District, a notice describing shortly the nature of the undertaking in respect of which it is proposed to take any lands, naming the Broken Hill Court-house as the place where a plan of the proposed undertaking may be seen at all reasonable hours, and stating the quantity of lands required.

(II) The Company shall serve a printed or written notice on every owner or reputed owner, lessee or reputed lessee, and occupier of such lands, defining in each case the particular lands intended to be taken, and requiring an answer to be given within thirty days, stating whether the person so served assents, dissents, or is neutral, in respect of taking such lands.

(III) On compliance with the provisions of this section with respect to notices, the Company may, if it thinks fit, present a petition to the Governor, and such petition shall state the lands intended to be taken, and the purposes for which they are required, and the names of the owners, lessees, and occupiers of lands who have assented, dissented, or are neutral, in respect to the taking such lands, or who have returned no answer to the notice. And it shall pray that the Company may, with reference to such lands, be allowed

to

to put in force the powers contained in Part III of this Act with respect to the acquisition of lands otherwise than by agreement, and such prayer shall be supported by such evidence as the Governor may require.

(IV) On the receipt of such petition, and on due proof of the proper notices having been published and served, the Governor shall take such petition into consideration, and may either dismiss the same or direct a local inquiry, at the cost of the Company, as to the propriety of assenting to the prayer of such petition, but until such inquiry has been made no provisional order shall be made affecting any lands without the consent of the owners, lessees, and occupiers thereof.

(V) After the completion of such inquiry the Governor may, by provisional order, empower the Company to put in force with reference to the lands referred to in such order, the powers of the said Part, with respect to the acquisition of lands, otherwise than by agreement or any of them, and either absolutely or with such conditions and modifications as the Governor may think fit; and it shall be the duty of the Company to serve a copy of any order so made in the manner and on the person in which and on whom notices in respect of such lands are required to be served.

PART II.

Provisions as to Water Supply.

Authority to construct water-works.

3. Subject to the provisions of this Act, and within the area as described in the First Schedule hereto, the Company may, subject to the approval of the Governor, exercise any of the powers in this Part contained for the construction of waterworks for the supply of water to the Municipal District of Broken Hill, **and to any Municipal District or Borough which may be established within or partly within the boundaries of the catchment area as defined in the First Schedule,** and for the purpose of carrying out the provisions of this Act the Company may

(I) Enter upon any lands and take levels of the same, and set out such parts thereof as it shall think necessary.

(II) Enter upon, take, and hold such land, after having paid, as hereinafter provided, the owners thereof compensation for the same as it may from time to time deem necessary for the construction and maintainance of any of the works authorized by this Act, or for obtaining or enlarging the supply of water, or for improving the quality thereof for the purposes of this Act.

(III) Under such superintendence, and subject to such consent, as are hereinafter specified enter upon any Crown or private lands, streets, roads, or thoroughfares, and lay or place therein any pipes, and may repair, alter, or cut off, or remove the same, and under such superintendence, and subject to such consent as aforesaid, may enter upon any such lands, streets, roads, or thoroughfares, for the purpose of repairing any watercourses, or other works, being its property or under its control.

Provided always that in the exercise of any of the powers hereby conferred, the Company shall inflict as little damage as may be, and in all cases where it can be done, shall provide other watering-places, drains, and channels, for the use of adjoining lands in place of any taken away or interrupted by it, and shall make full compensation to all parties interested, for all damage sustained by them through the exercise

exercise of such powers. It shall not be lawful for the ~~said~~ Company to exercise any of the powers conferred upon ~~them~~ **it** by this Act until the plans or scheme for the proposed works shall have been first approved by the Governor, and such approval duly notified in the ~~Government~~ *Gazette*. **Provided also that nothing in this Act contained shall prejudice or affect the rights and privileges of any Municipal District or Borough now or hereafter to be established within the area described in the First Schedule hereto.**

Penalty for obstructing construction of works.

4. Every person who shall wilfully obstruct any person acting under the authority of the Company 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 alter the position of any level, or destroy or injure any works so undertaken as aforesaid, shall incur a penalty not exceeding ten pounds for every such offence.

Penalty for destroying works.

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

Power to open streets.

6. **Subject to the provisions of this Act** the Company may open and break up the soil and pavement of the several streets and bridges within the limits of the district, and may open and break up any sewers, drains, or tunnels within or under such streets and bridges, and lay down and place within the same limits, pipes, conduits, service pipes, and other works and engines, and from time to time repair, alter, or remove the same, and for the purposes aforesaid remove and use all earth and materials in and under such streets and bridges, and do all other acts which the Company shall from time to time deem necessary for supplying water to the inhabitants of the district included within the said limits. Before the Company proceed to open or break up any pavement, street, road, sewer, drain, or tunnel, or to interfere with, divert, or alter any pipe not their own, or any wire used for transmission of electricity, bridge, or culvert, they shall give to the local authority under whose management or control the same may be, and, in the case of a pipe or wire, to the owners thereof, or their local representative, notice in writing of their intention to open and break up, or otherwise to interfere with the same, not less than seven clear days before beginning the work, except in cases of emergency, arising from accidents to, or defects in, the pipes, or other works, the property of the Company, and then so soon as is possible after the necessity for the work shall have arisen.

Notice to be given before streets, &c., are broken up.

Reinstatement of streets.

7. When the Company shall open or break up the road, path, or pavement of any street or bridge, or any sewer, drain, or tunnel, culvert-pipe wire, it 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 to the satisfaction of the local authority or its officer the road, path, or pavement of the sewer, drain, tunnel, culvert-wire, or pipe, so opened or broken up, and carry away the rubbish occasioned thereby. And shall at all times whilst any such road or pavement shall be so open or broken up cause the same to be fenced and guarded, and shall cause light sufficient for the warning of passengers to be set up and kept there for every night during which such road or pavement shall be continued open or broken up. No such pavement, street, road, sewer, drain, tunnel, pipe, wire, bridge, or culvert, shall be opened, broken up, or interfered with, except in cases of emergency, as aforesaid, and except as hereinafter provided, except under the superintendence of the local authority having the control thereof, or its officer; and according to such plan as shall be approved of

Streets, &c., to be broken up under superintendence of local authority.

by

by the local authority, the Company shall make such temporary or other works as may be necessary for guarding against any interruption of the drainage traffic, access, or other public right and convenience during the continuance of the operations. And in the case of interference with any pipe, not the property of the Company, or any wire used for the transmission of electricity, the owners of which may intimate their desire to have the work, temporarily or permanently, of severing, altering, or restoring their pipes or wires ~~affected~~ **effected** by their own employees, or with their own material, the Company shall afford every facility to such employees, and shall accept and use such material, paying to such owners the actual reasonable cost of labour and material disbursed by such owners, and in default of the Company making such payment when called upon so to do, the owners aforesaid shall be entitled to recover the amount due by summary process in accordance with the provisions of this Act.

Temporary diversion of water.

8. For the purposes of this Act, and subject to the approval of the Governor, the Company may, from time to time, after the expiration of thirty days notice in some newspaper published and circulated in the District of Broken Hill of their intention to apply for the powers hereinafter in this section contained, divert or alter temporarily any part of the course of any creeks, watercourses, roads, streets, or ways, in order the more conveniently to exercise any of the powers conferred upon the Company ; but shall first provide sufficient substitutes for any creek, watercourse, road, street, or way, while so interfered with, and shall maintain the same during such time at their own expense in good order. For the purposes of this Act, and subject to the approval aforesaid, the Company may construct weirs and dams in any creek or watercourse, cut drains and deliver into or take water from, and embank, widen, or deepen any creek, watercourse, lagoon, or swamp within the catchment area of Stephen's Creek, as defined in First Schedule, provided always that such works shall not interfere with any existing rights, nor with the construction hereafter by any person of other necessary works approved by the Governor for providing water supply for domestic use, or for live stock, or for mining or manufacturing, or other purposes, provided however that the Company shall pay to the Colonial Treasurer such yearly sum, by way of rent, as the Local Land Board may determine, in accordance with the provisions of the "Crown Lands Act of 1884" and ~~the amendments thereof,~~ **any Acts amending the same** in consideration of any such concession to be conferred under this Act.

Agreements to supply water.

9. The Company ~~may~~ **shall** supply ~~any person with~~ water for domestic or other purposes, by measure or otherwise, at such rates, upon such terms, and subject to such conditions as may be agreed upon by the Company and the person requiring to be supplied. Provided always that the Company shall not be entitled to withhold water from any person ~~whom they have once agreed to supply,~~ unless such person be in arrears with his payment, or shall have been convicted of misapplication of water, and the Company shall not charge for water any person a greater rate than other persons are charged under like conditions.

Company not liable for accidental failure to supply water.

10. The Company 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 or continuing to supply such water if the want of such supply arises from unusual drought or other unavoidable cause or accident or from necessary repairs.

Company may let meters.

11. The Company may let for hire to any consumer of water supplied by measure any meter or instrument for measuring the quantity of water supplied and consumed, and any pipes and apparatus for the conveyance, reception, or storage of the water, for such remuneration in money as may be agreed upon between the Company and the consumer, which shall be recoverable in the same manner as rates due to the Company for water.

12.

Meters of Company not distrainable.

12. Such meters, instruments, pipes, and apparatus shall not be subject to distress for rent of the premises where the same are used, or be liable to be attached or taken in execution under any process of any Court of Law or Equity, or under or in pursuance of any sequestration or order in insolvency, or other legal proceedings against or affecting the consumer of the water, or the occupier of the premises, or other the person in whose possession the meters, pipes, instruments, and apparatus may be.

Meter to be supplied and maintained by consumer.

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

Power to officers of Company to inspect meter.

14. The officers of the Company may enter any house, building, or lands, to, through, or into which water is supplied by the Company by measure, in, or 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, or to examine if there be any waste or misuse of such water; 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 Company; 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 two Justices a power of entry shall be exercised only between the hours of nine in the forenoon and six in the afternoon.

Supply of water for public purposes.

15. In all the pipes to which any fire-plug is fixed, the Company shall provide and keep constantly laid on for use, unless prevented by unusual drought or other unavoidable accident, or during necessary repairs, a sufficient supply for the following purposes (that is to say), for supplying any public hospitals or charitable institutions, or any public pumps, baths, and washhouses that may be established for the use of the inhabitants, and paid for out of any municipal rates; and such supply shall be provided at such rates and upon such terms and conditions as may be agreed upon by any Municipal Council and the Company, or, in case of disagreement, as shall be settled by two Justices. Provided that hospitals and charitable institutions shall be provided with water without charge.

FIRE-PLUGS.

Company to place public fire-plugs in mains.

16. The Company, at the request of any Municipal Council in the Borough of which it shall construct its works or any of them, shall fix proper fire-plugs in the main and other pipes belonging to it at such convenient distances and at such places as it may consider proper and convenient for the supply of water for extinguishing any fire which may break out within any such Borough, and shall from time to time renew and keep in effective order every such fire-plug; and shall put up a public notice in some conspicuous place in each street in which such fire-plug is situated, showing its situation; and such notice may be put up on any house, wall, fence, or building in such street; and as soon as such fire-plug is completed, the Company shall deposit a key thereof in each place where any public fire-engine is kept. The cost of such fire-plugs and notices, and the expense of fixing, placing, and maintaining the same in repair, and of supplying such keys as aforesaid, shall be defrayed by the Municipal Council in which the same may be. And no supply of water from such fire-plugs shall be taken for any other purpose than that of extinguishing fires, unless such purpose be allowed in writing by the Company.

Fire-plugs for manufactories.

17. The Company 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 Company, place and maintain in effective order a fire-plug (to be used only for extinguishing fires) or near as conveniently may be to such manufactory or works.

Pipes to be kept charged, and water taken for fires.

18. The Company shall at all times keep charged with water all its pipes to which fire-plugs are fixed unless prevented by drought or other unavoidable cause or accident or during necessary repairs. And shall allow all persons at all times to take and use such water for the purpose only of extinguishing fire without making compensation for the same.

Penalty for refusal to fix fire-plugs, or for occasional failure of supply of water.

19. If, except when prevented as aforesaid, the Company neglect or refuse to fix, retain, or repair such fire-plug, or to furnish to such Municipal Council a sufficient supply of water for the public purposes aforesaid, upon such terms as shall have been agreed on or settled as aforesaid, or if, except as aforesaid, it neglects to keep its pipes charged as aforesaid, or neglects or refuses to furnish water to any owner or occupier liable to be rated under this Act during any part of the time for which such rates have been paid or tendered, shall be liable to a penalty of fifty pounds, and shall also forfeit to any such Municipal Council, or to every person having paid or tendered the rate, the sum of twenty shillings for every day during which such refusal or neglect shall continue after notice in writing shall have been given to the Company of the want of supply.

Company may make regulations.

20. Subject to the provisions of this Act, the Company may, from time to time, make, amend, and repeal regulations for or relating to all or any of the following subjects:—

(I) The supply of water to the owner or occupier of any house, factory, or land;

(II) The rate at which water shall be sold, and the time of payment for the same;

(III) The prevention and remedying of waste, undue consumption, fouling or contamination of the water contained in or supplied from any part of the Company's works;

(IV) The protection of the water and every part of the works from trespass and injury;

(V) The imposing of penalties for any breach of any regulation by this Act authorized to be made by the Company, not exceeding for any offence the sum of fifty pounds; and

(VI) Generally for duly administering and carrying out the powers given to the Company.

And such regulations shall, upon being approved by the Governor and published in the ~~Government~~ *Gazette*, be valid in law.

Maximum price of water.

21. The price to be charged by the Company for water sold shall in no case exceed sixpence per hundred gallons.

PROTECTION OF THE WATER.

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

22. If any person supplied with water by the Company wrongfully does, or causes or permits to be done, anything in contravention of any of the provisions of this Act or of the regulations of the Company, or wrongfully fails to do anything which under any of those provisions ought to be done for the prevention of the waste, misuse, undue consumption, or contamination of the water of the Company, the Company may (without prejudice to any remedy against him in respect thereof) cut off any of the pipes by or through which water is supplied to him or for his use, and may cease to supply him with water so long as the cause of injury remains or is not remedied.

Penalty for misapplication of water.

23. If any person—

(I) Not having from the Company a supply of water for other than domestic purposes, uses for other than domestic purposes any water supplied to him by the Company; or

(II)

(11) Having from the Company a supply of water for any purpose other than domestic, uses such water for any purpose other than those for which he is entitled to use the same,—

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

Definition of domestic supp'y.

24. A supply of water for domestic purposes shall not include a supply to any stable, or for any manufacturing purpose, or for irrigation (which shall mean any mechanical or artificial contrivance for conveying water to plants without labour), or for water-power, or for fountains or any ornamental purpose. The Company shall at all times have the power to decide whether the supply of water to any person shall be by measure or otherwise.

Penalty for unlawfully taking water.

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

POLLUTING THE WATER.

Penalty for bathing in water of the Company.

26. If any person bathe in any stream, drain, reservoir, aqueduct, or other waterworks belonging to the Company, 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.

Protection of water supply from pollution, &c.

27. The Company shall take all reasonable precautions, by fencing and otherwise, for the protection of the water supply from pollution or contamination, and the ~~Minister~~ **Central Authority** may at any time require the Company to construct such works, or take such precautions, as he may deem necessary or advisable in the interests of the public health. If the Company neglect or fail to construct such works, or take such measures, within the time prescribed by ~~the Minister~~ **such Authority,** the said Company shall become liable to a penalty of not more than fifty pounds for every day after the expiration of such prescribed time.

Penalty for throwing dirt therein.

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

Penalty for letting foul water flow thereinto.

29. If any person cause the water of any sink, sewer, or drain, steam-engine boiler, or other filthy water belonging to him or under his control to run or be brought into any stream, drain, reservoir, aqueduct, or other waterworks belonging to the Company, or shall do any other act whereby the water of the Company shall be fouled, he shall for each such offence forfeit a sum not exceeding twenty pounds, and a further sum of twenty shillings for each day (if more than one) that such offence continues.

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

30. Every person or company making or supplying gas within the limits of any water district who shall at any time cause or suffer to be brought or to flow into any stream, drain, reservoir, aqueduct, or waterworks belonging to the Company, or into any stream or 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 reservoir, aqueduct, or other waterworks shall be fouled, or the pipes or conduits thereof injured, shall forfeit to the Company a sum not exceeding twenty pounds, to be recovered with full costs of suit for each day during which such washing or other substance shall

be

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 Company.

Penalty on gasmakers causing water to be fouled.

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

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

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

The expense to abide the result of the examinati n.

Proportion of profits to be applied towards reduction of charges.

The Company shall apply three-fourths of any amounts received under the two last preceding ~~clauses~~ **sections** in reduction of the charges for water supplied to users from pipes between the point of contamination and the points of delivery, during the period of contamination for which the penalties have been inflicted, proportionately to the consumption of such users, and in the event of the Company neglecting or refusing to make such reduction, any user of water as aforesaid may recover the proportion due to him by summary process before two Justices.

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

33. Any person who shall, without the authority of the Company, re-establish any 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, meter, cistern, ball-cock, stop-cock, or waste-pipe, which may have been approved by the Company, 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 Company may have incurred (and which ~~he~~ **it** 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 Company.

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

34. Where several houses or parts of houses in the separate occupation of several persons are supplied by one common pipe, or

where water is supplied to courts, alleys, and right-of-ways by standpipes, the several owners or occupiers of such houses or parts of houses, or of the several houses or parts of houses in every such court, alley, or right-of-way, shall be liable to the payment of two-thirds 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 Company by a separate pipe.

Steam-boilers not to connect directly with Company's pipes.

35. All steam-boilers and hot-water apparatus must be supplied from cisterns without over-flow pipes, and no such boiler or apparatus shall in any way be connected directly with the service pipe or main of the Company. It shall not be lawful for the owner or occupier of any premises supplied with water by the Company, or any consumer of the water of the Company, or any other person to affix, or cause or permit to be affixed, any pipe or apparatus to a pipe belonging to or used by such owner, occupier, consumer, or any other person, or to make any alteration in any such connection or service-pipe, or in any apparatus connected therewith, without the consent in every such case of the Company. And if any person acts in any respect in contravention of the provisions of the present section he shall for every such offence be liable to a penalty not exceeding five pounds, without prejudice to the right of the Company to recover damages from him in respect to any injury done to ~~their~~ its property, and without prejudice to ~~their~~ its right to recover from him the value of any water wasted, misused, or unduly consumed.

Charges and rates for water payable in advance.

36. The charges for water and all sums due to the Company shall be paid by and be recoverable from the owner of the premises or the occupier or person requiring, receiving, or using the water. Except where water is supplied by measure, all rates for water shall be paid in advance by equal payments on the first day of January, April, July and October in each year, and the first payment shall be made when the water is first supplied. The rent payable for meters shall be payable in advance on the above-mentioned dates.

Refusal to pay charges.

37. If any person refuse or neglect to pay on demand to the Company any rate, charge, or sum due by him to the Company under this Act, the Company may recover the same with costs in any Court of competent jurisdiction.

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

38. If any tenant of any premises be called on to pay, and shall pay a greater amount of any rate, charge, or sum due to the Company under this Act than is due for the period of his occupancy, such tenant may deduct any sum so paid or recovered from the rent from time to time becoming due to the owner in respect of such premises, or after demand, may recover the same from the owner of such premises.

PART III.

Acquisition and occupation by the Company of lands for the purposes of water supply—ascertainment of compensation in respect thereof.

Lands required for water supply, how acquired.

39. After the notification in the *Gazette*, as hereinbefore provided, of the approval by the Governor of a scheme for the supply of water to the said district, but not before the Company shall be empowered to acquire or occupy lands for the purposes of such water supply in manner hereinafter provided, and compensation for every such acquisition or occupation of lands shall be ascertained and carried out as hereinafter provided.

How and when lands can be taken.

40. It shall be lawful for the Company, by notification to be published in the *Gazette* and in one or more newspapers published or circulating in the said town and suburbs to declare that the land described in such notification is required for the purpose therein expressed.

41.

Vesting of lands.

41. Upon the publication of the notification in the *Gazette* declaring that the lands therein described are so required, such lands shall, upon compliance with the requirements and provisions hereinafter contained, be vested in the Company for the purposes of this Act. Provided, however, that the Company shall have no right or title to any mine or minerals, nor shall the said Company be entitled to interfere in any way with the working or management of any such mine or minerals as aforesaid, which may lie in, upon, or under any private or Crown Lands within the said catchment area, although the said lands may be vested in the Company for the purposes of this Act.

Effect of publication upon Crown Lands.

42. Where the land required is Crown Land at the date of such publication, or is vested in any corporation, or in any person on behalf of Her Majesty, or for any public purposes by virtue of any statute, or is within the limits with reference to centres of population prescribed by the "Crown Lands Act of 1884" or any Acts amending the same, the effect of such publication shall be to withdraw the said land (to the extent required) from any lease or license or promise thereof, and to cancel to the like extent any dedication or reservation of the said land however made, and to divest the estate of such corporation or person, and to vest the said land ~~to the extent aforesaid in the Company for the purposes mentioned, and for the estate limited in the last preceding section.~~ in the said Company for the purposes of this Act for a lease of twenty-eight years at such rent as may be determined by the Local Land Board under the provisions of the "Crown Lands Act of 1884" and the Acts amending the same. Provided, however, that nothing in this section contained shall have any effect or operation unless the approval of the Governor shall first have been obtained with respect to the land so required, and the said Company shall have made such compensation and payments as the Local Land Board may determine, subject to the provision of the "Crown Lands Act of 1884" and any amendments of the same.

Compensation for private lands.

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

Conversion of estate of proprietor of resumed land into a claim.

44. The estate and interest of every person entitled to lands required under this Act, or any portion thereof, and whether to the legal or equitable estate therein, shall upon due payment of the amount of compensation tendered by the Company, and accepted by the owner, or assessed by the jury as hereinafter provided, be deemed to have been as fully and effectually conveyed to the Company as if the same had been conveyed by the persons legally or equitably entitled thereto by means of the most perfect assurances in the law. And every person shall upon asserting his claim, as hereinafter provided, and making out his title in respect of any portion of the said resumed lands, be entitled to compensation on account of such resumption in manner hereinafter provided.

Notice of claim for compensation.

45. Every person claiming compensation in respect of any land so required, or in respect of any work or other matter done under the authority of this Act, shall, within ninety days from the publication of such notification or at any time afterwards within such extended time as a Judge of the Supreme Court shall, upon the application of the claimant, appoint in that behalf, serve a notice in writing upon the Company, which notice shall set forth the nature of the estate or interest of the claimant in such land, together with an abstract

abstract of his title, and if he claims, in respect of damage, the nature of the damage which he has sustained or will sustain by reason of the taking of his land or of such work or matter as aforesaid, and such notice may be in form of the ~~First~~ **Second** Schedule hereto, but with any modifications required by the nature of the claim.

Claim and report thereon.

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

Compensation by action in Supreme Court.

47. If within ninety days after the service of notice of claim the claimant and the company shall not agree as to the amount of compensation, the claimant shall be at liberty to institute proceedings in the Supreme Court in the form of an action for compensation against the Company. And any such action may be tried before a Judge of the said Court or in any Circuit Court and a jury of four persons. Provided always that, upon proper application, either of the Company or of the claimant, a special jury of twelve may be summoned for trial of such action. Provided also that with the consent in writing of the Company and the claimant, any such action may be so tried at any time (to be mentioned in such consent) before the expiration of ninety days from service of the notice of claim for compensation, but not within fourteen days from service of the notice of valuation on such claimant.

Issue in action of compensation verdict and costs.

48. The issue to be tried in any such action shall be whether the claimant is entitled to a larger sum by way of compensation than the amount of the valuation so made by the Company and notified to the claimant as aforesaid, and if so, to what sum. And if upon the trial of the said action the verdict shall be for a greater sum than the amount of the said valuation, the costs of the action shall be borne by the Company, but if the verdict shall be for a sum equal to such valuation then each party shall bear its own costs, or less than such valuation then the costs shall be borne by the claimant.

As to payment of compensation.

49. All moneys payable under this Act by way of compensation to any claimant, whether under the verdict of a jury or otherwise, shall be paid, together with costs (if any) and interest at the rate of six pounds per centum per annum, within one month after the determination of such compensation to the person lawfully entitled thereto, or to his agent duly authorized in that behalf in writing, but the claimant shall be bound to make out his title to the estate or interest claimed by him, in all cases where the claim is in respect of the deprivation of some estate or interest in land, and no interest shall be payable except from the time when such title shall have been made out. Provided that in the case of land under the surface taken for the purpose of constructing a subterranean tunnel for water supply or sewerage, no compensation shall be allowed or awarded, unless the surface of the overlying soil be disturbed, or the support to such surface be destroyed, or injuriously affected by the construction of such tunnel, or unless any mines or underground workings in or adjacent to such land be thereby rendered unworkable or to be so affected as aforesaid.

Where claim may prosecuted in District Court.

50. The District Court shall, notwithstanding anything contained in the "District Courts Act of 1858," have jurisdiction to try any such action of compensation in any case where the whole amount of the claim in respect to such land served in pursuance of this Act does not exceed two hundred pounds, or if exceeding that amount in any case where the Company and the claimant by a memorandum signed by the Company and such claimant, or by the respective attorneys of the Company and the claimant agree thereto. For the purposes

purposes of this section, the provisions of the said District Courts Act and of any Act amending the same, together with all rules made or to be made thereunder, shall be deemed to apply to all proceedings taken in the said District Court hereunder.

Compensation how to be estimated.

51. In estimating or assessing the compensation to be paid under this Act, regard shall be had by the valuators and by the jury (on any issue), not only to the value of the land taken by the Company, but also to the damage (if any) to be sustained by the claimant by reason of the severing of the lands taken from other lands, or other injuries suffered by him by reason of the exercise of the powers expressed or incorporated in this Act, and they shall assess the same according to what they shall find to have been the value of such lands, estate, or interest, at the time of the resumption thereof, or the extent of the damage or injury sustained, but in making any such estimate or in assessing the compensation to be paid under this Act, any increased value which may be given to the adjacent lands of the same owner by reason of the water-works or water supply, shall be taken into consideration, and shall be deducted from the compensation to be paid to the owner of the lands so taken.

General power of entry.

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

Power to purchase lands by agreement.

53. Notwithstanding anything hereinbefore contained, it shall be lawful for the Company, if it shall think fit, to agree with the owners of any lands, the acquisition of which is authorized by this Act, and with all parties having any estate or interest in such lands, or by this Act enabled to sell or convey the same, for the absolute purchase, for a consideration in money, of any such lands, or such parts thereof as shall be thought proper, and of all estates and interests in such lands of what kind soever. Provided also that it shall be lawful for the ~~said~~ Company from time to time, and at all times hereafter, to lease any lands, or the right to use or occupy or enter upon any lands, for such term and upon such conditions as may be agreed upon.

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

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

behalf of their wards, and as to such committees on behalf of the lunatics and idiots of whom they are the committees respectively, and that to the same extent as such wives, wards, lunatics and idiots respectively, could have exercised the same power under the authority of this Act if they had respectively been under no disability, and as to such trustees, executors, or administrators on behalf of their *cestui que* trusts, whether infants, issue unborn, lunatics, *feme covert* or other persons, and that to the same extent as such *cestui que* trusts respectively could have exercised the same powers under the authority of this Act if they had respectively been under no disability, and the power hereinafter given to release lands from any rent-charge or incumbrance, and to agree for the apportionment of any such rent-charge or incumbrance shall extend to, and may lawfully be exercised by every party hereinbefore enabled to sell and convey or release lands to the ~~promoters~~ **Company.**

Purchase money payable to parties under disability amounting to £200 to be deposited with Master in Equity.

55. If the purchase money or compensation payable in respect of any lands or any interest therein purchased or taken by the Company from any corporation, tenant for life or in tail, married woman seized in her own right or entitled to dower, guardian, committee of lunatic or idiot, trustee, executor, administrator, or person having a partial or qualified interest only in such lands and not entitled to sell or convey the same, except under the provisions of this Act, or the compensation to be paid for any permanent damage to such lands amount to or exceed the sum of two hundred pounds, the same shall be paid into the hands of the Master in Equity, to be by him deposited to the account of such Master in Equity *ex parte* the Company in the matter of A or B (the party entitled) pursuant to the method prescribed by any Act or by any rules, for the time being in force, for regulating moneys paid into the Supreme Court in its Equitable Jurisdiction; and such moneys shall remain so deposited until the same be applied to some one or more of the following purposes, (that is to say)—

Applications of moneys deposited

(I) In the redemption of the quit rent, or the discharge of any debt or incumbrance affecting the land in respect of which such money shall have been paid, or affecting other lands settled therewith to the same or the like uses, trusts, and purposes; or

(II) In the purchase of other lands or of Government Debentures or other stock, to be conveyed, limited and settled upon the like uses, trusts and purposes and in the same manner as the lands, in respect of which such money shall have been paid, stood settled; or

(III) If such money shall be paid in respect of any buildings taken under the authority of this Act, or injured by the proximity of any work,—in removing or replacing such buildings or substituting others in their stead, in such manner as the Supreme Court or the Primary Judge in Equity shall direct; or

(IV) In payment to any party becoming absolutely entitled to such money.

Order for application and investment meanwhile.

56. Such money may be so applied as aforesaid upon an order of the said Court or Judge made on the petition of the party who would have been entitled to the rents and profits of the lands in respect of which such money shall have been deposited; and until the money can be so applied, it may, upon the like order, be invested by the said Master in Equity in the purchase of Government Debentures or real securities, and the interest, dividends, and annual proceeds thereof may be paid to the party who would, for the time being, have been entitled to the rents and profits of the lands.

Sums from £20 to £200 to be deposited or paid to trustees.

57. (I) If such purchase money or compensation shall not amount to the sum of two hundred pounds and shall exceed the sum of twenty pounds, the same shall either be paid to the Master in Equity to be by him deposited and applied in the manner hereinbefore directed with respect to sums amounting to or exceeding two hundred pounds, or the same may be lawfully paid to two trustees.

(II) Such trustees shall be nominated by the parties entitled to the rents or profits of the lands in respect whereof the same shall be payable, such nomination to be signified by writing under the hands of the party so entitled. In case of the coverture, infancy, lunacy, or other incapacity of the parties entitled to such moneys, such nomination may lawfully be made by their respective husbands, guardians, committees, or trustees.

(III) Payment of such moneys shall not be made to such trustees as aforesaid unless the Company approve thereof and of the trustees named for the purpose.

(IV) The money so paid to such trustees and the produce arising therefrom shall be by such trustees applied in the manner hereinbefore directed with respect to money deposited to the account of the Master in Equity; but it shall not be necessary to obtain any order of the Court for that purpose.

Sums not exceeding £20 to be paid to parties.

58. If such money shall not exceed the sum of twenty pounds, the same shall be paid to the parties entitled to the rents and profits of the lands in respect whereof the same shall be payable, for their own use and benefit; or, in case of the coverture, infancy, lunacy or other incapacity of such parties, such money shall be paid for their use to the respective husbands, guardians, committees or trustees of such persons.

All sums payable under contract with persons not absolutely entitled to be paid to Master in Equity or trustees.

59. All sums of money exceeding twenty pounds which may be payable by the Company in respect of the taking, using, or interfering with any lands under a contract or agreement with any person who shall not be entitled to dispose of such lands, or of the interest therein contracted to be sold by him absolutely for his own benefit, shall be paid to the Master in Equity or to trustees, in manner aforesaid. It shall not be lawful for any contracting party not entitled as aforesaid to retain to his own use any portion of the sums so agreed or contracted to be paid for or in respect of the taking, using, or interfering with any such lands, or in lieu of bridges, tunnels, or other accommodation works, or for assenting to or not opposing the taking of such lands; but all such moneys shall be deemed to have been contracted to be paid for and on account of the several parties interested in such lands, as well in possession as in remainder, reversion, or expectancy. Provided always that it shall be in the discretion of the Judges of the Supreme Court, or the Chief Judge in Equity, or the said trustees, as the case may be, to allot to any tenant for life or for any other partial or qualified estate, for his own use, a portion of the sum so deposited or so paid to such trustees as aforesaid, as compensation for any injury, inconvenience, or annoyance which he may be considered to sustain, independently of the actual value of the lands to be taken and of the damage occasioned to the lands held therewith by reason of the taking of such lands and the making of the works.

Payments made under this Act sufficient discharge to the Company.

60. All payments which shall be made in any of the cases aforesaid to the parties entitled under this Act to receive the same shall be a good and valid discharge to the Company; and such Company shall not be bound or required to see to the application of any of the moneys paid to the Master in Equity or other person by virtue hereof, or to see to the performance of any trusts.

Court of Equity may direct application of money in

61. Where any purchase money or compensation paid or deposited pursuant to this Act shall have been paid in respect of any lease

for

for a life or lives or years, or for a life or lives and years, or any estate in lands less than the whole fee simple thereof, or of any reversion dependent on any such lease or estate, the said Court or Judge may, on the petition of any party interested in such money, order that the same shall be laid out, invested, accumulated, and paid in such manner as the said Court or Judge may consider will give to the parties interested in such money the same benefit therefrom as they might lawfully have had from the lease, estate, or reversion in respect of which such money shall have been paid or deposited, or as near thereto as may be. respect of leases or reversions as they may think just.

62. If the owner of any lands taken or purchased under the authority of this Act, or of any interest therein, on tender of the purchase money or compensation either agreed or awarded to be paid in respect thereof, Purchase money or compensation may in certain cases be paid to the Master in Equity.

(I) Refuse to accept the same;

(II) Neglect or fail to make out a title to such lands or to the interest therein claimed by him, to the satisfaction of the Company;

(III) Refuse to convey or release such lands as directed by the Company;

(IV) Be absent from the Colony or cannot, after diligent inquiry, be found;

The Company may, if it shall think fit, deposit the purchase money or compensation payable in respect of such lands or any interest therein in the hands of the Master in Equity, to be by him deposited as aforesaid to his account to the credit of the parties interested in such lands (describing them so far as he can do) subject to the control and disposition of the said Court.

63. Upon the application by petition of any party making claim to the money so deposited as last aforesaid or any part thereof, or to the lands in respect whereof the same shall have been so deposited, or any part of such lands, or any interest in the same, the said Court or Judge may in a summary way, as to such Court or Judge shall seem fit, order such money to be laid out or invested in the purchase of Government Debentures or real securities; or may order distribution thereof or payments of the dividends thereof, according to the respective estates, titles or interest of the parties making claim to such money or lands or any part thereof, and may make such other order in the premises as to such Court or Judge shall seem fit. Application of money so deposited.

64. If any question arise respecting the title to the lands, in respect whereof such moneys shall have been so paid or deposited as aforesaid, the parties respectively in possession of such lands as being the owners thereof or in receipt of the rents of such lands as being entitled thereto at the time of such lands being purchased or taken, shall be deemed to have been lawfully entitled to such lands, until the contrary be shown to the satisfaction of the Court; and unless, upon such inquiry as the Court shall think fit to direct, the contrary be shown as aforesaid, the parties so in possession and all parties claiming under them or consistently with their possession, shall be deemed entitled to the money so deposited, and to the dividend or interest of the securities purchased therewith, and the same shall be paid and applied accordingly. Party in possession to be deemed the owner.

65. In all cases of moneys deposited under the provisions of this Act, except where such moneys shall have been so deposited by reason of the wilful refusal of any party entitled thereto to receive the same, or to convey or release the lands in respect whereof the same shall be payable, or by reason of the neglect of any party to make out a good title to the land required, the said Court or Judge may order the Costs in case of money deposited.

the costs of the following matters, including therein all reasonable charges and expenses incident thereto, to be paid by the Company (that is to say) the costs of—

(I) The purchase or taking of the lands or which shall have been incurred in consequence thereof, other than such costs as are herein otherwise provided for;

(II) The investment of such moneys in Government Debentures or real securities and of the reinvestment thereof in the purchase of other lands;

(III) Obtaining the proper orders for any of the purposes aforesaid, and of the orders for the payment of the dividends and interest of the securities upon which such moneys shall be invested, and for the payment out of Court of the principal of such moneys or of the securities whereon the same shall be invested;

(IV) All proceedings relating thereto, except such as are occasioned by litigation between adverse claimants.

Provided always that the cost of one application only for reinvestment in land shall be allowed, unless it shall appear to the said Court or Judge that it is for the benefit of the parties interested in the said moneys that the same should be invested in the purchase of lands, in different sums and at different times; in which case the Court may, if it think fit, order the costs of any such investment to be paid by the Company.

Proceeding in case of refusal to deliver possession of lands.

66. If, in any case in which, according to the provisions of this Act, the Company is authorized to enter upon and take possession of any lands required for the purpose of the work, the owner or occupier of any such lands or any other person refuse to give up the possession thereof, or hinder the Company from entering upon or taking possession of the same, it shall be lawful for such a Judge of the Supreme Court upon application by the Company to issue his warrant to the Sheriff to deliver possession of the same to the person appointed in such warrant to receive the same. Upon the receipt of such warrant the Sheriff shall deliver possession of any such lands accordingly; and the cost accruing, by reason of the issuing and execution of such warrant, to be settled by the Sheriff, shall be paid by the person refusing to give possession; and the amount of such costs shall be deducted and retained by the Company from the compensation, if any, then payable to such party, or if no such compensation be payable to such party, or if the same be less than the amount of such costs, then such costs or the excess thereof beyond such compensation, if not paid on demand, shall be levied by distress, and upon application to any Justice for that purpose he shall issue his warrant accordingly.

Power to redeem mortgages.

67. (I) The Company may purchase or redeem the interest of the mortgagee of any such lands which may be required for the purposes of this Act; and that whether ~~he~~ **it** shall have previously purchased the equity of redemption of such lands or not; and whether the mortgagee thereof be entitled thereto in his own right or in trust for any other party; and whether he be in possession of such lands by virtue of such mortgage or not; and whether such mortgage affect such lands solely or jointly with any other lands not required for the purposes of this Act.

(II) In order thereto, the Company may pay or tender to such mortgagee the principal and interest due on such mortgage, together with his costs and charges, if any, and also six months' additional interest; and thereupon such mortgagee shall immediately convey his interest in the lands comprised in such mortgage to the Company or as it shall direct.

(III) The Company may give notice in writing to such mortgagee that it will pay off the principal and interest due on such mortgage at the end of six months, computed from the day of giving such notice; and if it shall have given any such notice, or if the party entitled to the equity of redemption of any such lands shall have given six months notice of his intention to redeem the same, then, at the expiration of either of such notices, or at any intermediate period, upon payment or tender by the Company to the mortgagee of the principal money due on such mortgage and the interest which would become due at the end of six months from the time of giving either of such notices, together with his costs and expenses, if any, such mortgagee shall convey or release his interest in the lands comprised in such mortgage to the Company, or as it shall direct.

Deposit of mortgage money on refusal to accept.

68. If, in either of the cases aforesaid, upon such payment or tender, any mortgagee shall fail to convey or release his interest in such mortgage as directed by the Company, or if he fail to adduce a good title thereto to its satisfaction, then it shall be lawful for the Company to pay into the hands of the Master in Equity, to be dealt with by him in the manner provided by this Act in the cases of moneys required to be paid to such Master in Equity, the principal and interest, together with the costs, if any, due on such mortgage; and if such payment be made before the expiration of six months notice as aforesaid, such further interest as would at the time become due; and also, if ~~such~~ the Company think fit, to execute a deed poll, containing a description of the lands in respect whereof such deposit shall have been made and describing the circumstances under which and the names of the parties to whose credit such deposit shall have been made, and such deed poll shall be duly registered by the Company. And thereupon, as well as upon such conveyance by the mortgagee, if any such be made, all the estate and interest of such mortgagee and of all persons in trust for him or for whom he may be a trustee in such lands shall vest in the ~~said~~ Company, and ~~such~~ the Company shall be entitled to immediate possession thereof, in case such mortgagee were himself entitled to such possession.

Sum to be paid when mortgage exceeds the value of the lands.

69. (I) If any of such mortgaged lands shall be of less value than the principal, interest, and costs secured thereon, the value of such lands or the compensation to be made by the Company in respect thereof shall be settled by agreement between the mortgagee of such lands and the party entitled to the equity of redemption thereof on the one part, and the Company on the other part.

(II) If the parties aforesaid fail to agree, respecting the amount of such value or compensation, the same shall be determined, as in other cases of disputed compensation.

(III) The amount of such value or compensation being so agreed upon or determined shall be paid by the Company to the mortgagee, in satisfaction of his mortgage debt, so far as the same will extend; and upon payment or tender thereof the mortgagee shall convey or release all his interest in such mortgaged lands to the Company or as it shall direct.

Deposit of money when refused on tender.

70. If, upon such payment or tender as aforesaid being made, any such mortgagee fail so to convey his interest in such mortgage or to adduce a good title thereto to the satisfaction of the Company, it shall be lawful for the ~~said~~ Company to pay the amount of such value or compensation into the hands of the Master in Equity, to be dealt with by him, in the manner provided by this Act in like case of moneys required to be paid to such Master in Equity; and every such payment or deposit shall be accepted by the mortgagee in satisfaction of his mortgage debt, so far as the same will extend, and shall be a full discharge of such mortgaged lands from all money due thereon;

thereon; and the ~~said~~ Company may, if it think fit, execute a deed poll in manner hereinbefore provided. And thereupon such lands, as to all such estate and interest as were then vested in the mortgagee or any person in trust for him, shall become absolutely vested in the Company and ~~such~~ the Company shall be entitled to immediate possession thereof in case such mortgagee were himself entitled to such possession. Nevertheless, all rights and remedies possessed by the mortgagee against the mortgagor, by virtue of any bond or covenant or other obligation, other than the rights to such lands, shall remain in force, in respect of so much of the mortgage debt as shall not have been satisfied by such payment or deposit.

Sum to be paid where part only of mortgaged lands taken.

71. (I) If a part only of any such mortgaged lands be required for the purposes of this Act, and if the part so required be of less value than the principal money, interest, and costs secured on such lands, and the mortgagee shall not consider the remaining part of such lands a sufficient security for the money charged thereon, or be not willing to release the part so required, then the value of such part and also the compensation (if any) to be paid in respect of the severance thereof or otherwise shall be settled by agreement between the mortgagee and the party entitled to the equity of redemption of such land on the one part, and the Company on the other part.

(II) If the parties aforesaid fail to agree respecting the amount of such value or compensation, the same shall be determined as in other cases of disputed possession.

(III) The amount of such value or compensation being so agreed upon or determined shall be paid by the Company to such mortgagee in satisfaction of his mortgage debt, so far as the same will extend; and thereupon such mortgagee shall convey or release to the Company or as it shall direct, all his interest in such mortgaged lands, the valuew hereof shall have been so paid, and a memorandum of what shall have been so paid shall be endorsed on the deed creating such mortgage, and shall be signed by the mortgagee, and a copy of such memorandum shall at the same time (if required) be furnished by the Company, at the expense of the Company, to the party entitled to the equity of redemption of the lands comprised in such mortgage deed.

Deposit of money when refused on tender.

72. If, upon any payment or tender to any such mortgagee of the amount of the value or compensation so agreed upon or determined, such mortgagee shall fail to convey or release to the Company or as it shall direct, his interest in the lands, in respect of which such compensation shall so have been paid or tendered, or if he shall fail to adduce a good title thereto to the satisfaction of the Company, it shall be lawful for ~~such~~ the Company to pay the amount of such value or compensation into the hands of the Master in Equity, to be dealt with by him in the manner provided by this Act in the case of moneys required to be paid to such Master in Equity; and such payment or deposit shall be accepted by such mortgagee in satisfaction of his mortgage debt, so far as the same will extend, and shall be a full discharge of the portion of the mortgaged lands so required from all money due thereon; and also, if he think fit, to execute a deed poll in the manner hereinbefore provided. And thereupon such lands shall become absolutely vested in the Company, as to all such estate and interest as were then vested in the mortgagee or any person in trust for him, and in case such mortgagee were himself entitled to such possession he shall be entitled to immediate possession thereof. Nevertheless, every such mortgagee shall have the same powers and remedies for recovering or compelling payment of the mortgage money or the residue thereof (as the case may be) and the interest thereof respectively, upon and out of the residue of such mortgaged lands or the portion thereof

thereof not required for the purposes of this Act as he would otherwise have had or been entitled to for recovering or compelling payment thereof, upon or out of the whole of the lands originally comprised in such mortgage.

Release of land from rent charges.

73. If any difference shall arise between the Company and the party entitled to any rent-service, rent-charge, chief or other rent, or other payment, or incumbrance, not hereinbefore provided for, upon any lands taken for the purposes of this Act, respecting the consideration to be paid for the release of such lands therefrom, or from the portion thereof affecting the lands required for the purposes of this Act, the same shall be determined as in other cases of disputed compensation.

Release of part of land from rent-charge.

74. If part only of the lands charged with any such rent-service, rent-charge, chief-rent, or other rent-payment or incumbrance, be taken for the purposes of this Act, the apportionment of any such charge may be settled by agreement between the party entitled to such charge and the owner of the lands on the one part and the Company on the other part; and, if such apportionment be not so settled by agreement, the same shall be settled by two Justices. But if the remaining part of the lands so jointly subject be a sufficient security for such charge, then, with consent of the owner of the lands so jointly subject, it shall be lawful for the party entitled to such charge to release therefrom the lands required, on condition or in consideration of such other lands remaining exclusively subject to the whole thereof.

Deposit in case of refusal to release.

75. Upon payment or tender of the compensation so agreed upon or determined to the party entitled to any such charge as aforesaid, such party shall execute to the Company a release of such charge. If he fail so to do, or if he fail to adduce a good title to such charge to the satisfaction of the Company, it shall be lawful for ~~such~~ the Company to pay the amount of such compensation into the hands of the Master in Equity to be dealt with by him in the manner hereinbefore provided in the case of moneys required to be paid to such Master in Equity; and also if ~~such~~ the Company think fit to execute a deed poll, in the manner herein provided for in the case of the purchase of lands by it. And thereupon the rent-service, rent-charge, chief or other rent, payment or incumbrance, or the portion thereof in respect whereof such compensation shall so have been paid, shall cease and be extinguished.

Charge to continue on lands not taken.

76. If any such lands or portion thereof be so released from any such charge or incumbrance to which they were subject jointly with other lands, such lastmentioned lands shall alone be charged with the whole of such charge or with the remainder thereof, as the case may be, and the party entitled to the charge shall have all the same rights and remedies over such lastmentioned lands, for the whole or for the remainder of the charge, as the case may be, as he had previously over the whole of the lands subject to such charge. If, upon any such charge, or portion of charge, being so released, the deed or instrument creating or transferring such charge be tendered to the Company for the purpose, it shall affix its seal to a memorandum of such release, indorsed on such deed or instrument, declaring what part of the lands originally subject to such charge shall have been purchased by virtue of this Act, and if the lands be released from part of such charge, what proportion of such charge shall have been released, and how much thereof continues payable; or if the lands so required shall have been released from the whole of such charge, then that the remaining lands are thenceforward to remain exclusively charged therewith. Such memorandum shall be made and executed at the expense of the Company, and shall be evidence in all Courts and elsewhere of the facts therein stated, but not so as to exclude any other evidence of the same facts.

Leases.

77. (I) If any lands shall be comprised in a lease for a term of years unexpired, part only of which lands shall be required for the purposes of this Act, the rent payable in respect of the lands comprised in such lease shall be apportioned between the lands so required and the residue of such lands. Where part only of lands under lease taken the rent to be apportioned.

(II) Such apportionment may be settled by agreement between the lessor and lessee of such lands on the one part, and the Company on the other part; and, if such apportionment be not so settled by agreement between the parties, such apportionment shall be settled by two Justices.

(III) After such apportionment, the lessee of such lands shall, as to all future accruing rent, be liable only to so much of the rent as shall be so apportioned in respect of the lands not required for the purposes of this Act; and, as to the lands not so required, and as against the lessee, the lessor shall have the same rights and remedies for the recovery of such portion of rent as, previously to such apportionment, he had for the recovery of the whole rent reserved by such lease; and all the covenants, conditions, and agreements of such lease, except as to the amount of rent to be paid, shall remain in force, with regard to that part of the land which shall not be required for the purposes of this Act, in the same manner as they would have done in case such part only of the land had been included in the lease.

78. Every such lessee as last aforesaid, shall be entitled to receive from the Company compensation for the damage done to him in his tenancy, by reason of the severance of the lands required from those not required, or otherwise, for the purposes of the authorized work. Tenants to be compensated.

79. (I) If any such lands shall be in the possession of any person having no greater interest therein than as tenant for a year, or from year to year, and if such person be required to give up possession of any land so occupied by him before the expiration of his term or interest therein, he shall be entitled to compensation for the value of his unexpired term or interest in such lands, and for any just allowance which ought to be made to him by any incoming tenant, and for any loss or injury he may sustain; or, if a part only of such lands be required, compensation for the damage done to him in his tenancy, by severing the lands held by him or otherwise injuriously affecting the same. Compensation to made to tenants from year to year.

(II) The amount of such compensation shall be determined by two Justices in case the parties differ about the same.

(III) Upon payment or tender of the amount of such compensation, all such persons shall respectively deliver up to the Company or to the person appointed by ~~such~~ **the** Company to take possession thereof, any such lands in their possession required for the purposes of this Act.

80. If any party having a greater interest than as tenant at will, claim compensation in respect of any unexpired term or interest under any lease or grant of any such lands, the Company may require such party to produce the lease or grant in respect of which such claim shall be made, or the best evidence thereof in his power; and if, after demand made in writing by the Company, such lease or grant or such best evidence thereof be not produced within twenty-one days, the party so claiming compensation shall be considered as a tenant holding only from year to year, and be entitled to compensation accordingly. Where greater interest claimed than at will, lease to be produced.

81. It shall be lawful for the Company and all persons by the Company authorized to enter upon any lands not being a garden, orchard, or plantation attached or belonging to a house, nor a park, planted Power to take temporary possession of land.

planted walk, avenue, or ground ornamentally planted, and not being nearer to ~~the~~ any dwelling-house ~~of~~ on any such lands than one hundred yards ~~therefrom,~~ and to occupy the said lands so long as may be necessary for the construction or repair of any works authorized by this Act or of the accommodation works connected therewith hereinafter mentioned, and to use the same for any of the following purposes, that is to say,—

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

For the purpose of depositing soil thereon;

For the purpose of obtaining materials therefrom for the construction or repair of the waterworks or 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 Company 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 Company 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 Company either wholly or in part for any of the purposes lastly hereinbefore mentioned, and that the Company shall pay to the owner of the land a fair price for any timber, clay, stone, gravel, sand, or other things taken therefrom.

Company to separate the lands before using them.

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

Compensation to be made for temporary occupation.

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

Before roads interfered with others to be substituted.

84. If in the exercise of the powers hereby granted it be found necessary to cross cut through, raise, sink, or use any part of any road whether carriage-road, horse-road, or tram-road, or railway, either public or private, so as to render it impassable for, or dangerous, or more than usually inconvenient to passengers or carriages, or to the persons entitled to the use thereof, the Company 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 its own expense maintain such substituted road in a state as convenient for passengers and carriages as the road so interfered with, or as nearly so as may be.

Period for restoratio of roads interfered with.

85. If the road so interfered with can be restored compatibly with the due completion of any works authorized under this Act the same shall be restored to as good a condition as it was in at the time when the same was first interfered with by the Company, or as near thereto as may be, and if such road cannot be so restored, the Company 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 possible expedition.

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

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

Works for benefit of owners.

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

Gates, bridges.

Such and so many convenient gates, bridges, arches, culverts, and passages, over, under, or by the side of or leading to or from such works as shall be necessary for the purpose of making good any interruptions caused thereby to the use of the lands through which the same shall be made, and such works shall be made forthwith after the part of the conduit passing over such lands shall have been laid out or formed, or during the formation thereof.

Fences.

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

Drains.

Also all necessary arches, tunnels, culverts drain or other passages, either over or under or by the side of such works, and of such dimensions as will be sufficient at all times to convey the water from the lands lying near or affected thereby.

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

Differences as to accommodation works to be settled by Governor.

88. If any difference arise respecting the kind or number of any such accommodation works, or the dimensions or sufficiency thereof respecting the maintaining thereof, the same shall be determined by the Governor, who shall also appoint the time within which such works shall be commenced and executed.

Power to owners of lands to make additional accommodation works.

89. If any of the owners or occupiers of lands affected by ~~such conduit~~ **the works of the Company** shall consider the accommodation works made by any **Municipal** Council or directed by the Governor to be made by the Company, insufficient for the commodious use of their

their respective lands, it shall be lawful for any such owner or occupier, at any time, at his own expense, to make such further works for that purpose as he shall think necessary, and as shall be agreed to by the Company.

Such works to be constructed under the superintendence of the Company's engineer.

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

Penalty on persons omitting to fasten gates.

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

PART IV.

Miscellaneous Provisions—Legal Procedure.

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

92. Except as hereinbefore provided with respect to penalties for contamination of the water, one-half of any penalty recovered under this Act shall be paid to the informer; and where any distress is made for any sum of money to be levied under this Act, the distress itself shall not be unlawful, nor the persons making the same be deemed trespassers, on account of any defect or want of form in the information, summons, conviction, warrant of distress, or other proceedings relating thereto, nor shall the persons distraining be deemed tresspassers on account of any irregularity that shall be afterwards done by the persons distraining, but the persons aggrieved by such irregularities may recover satisfaction for the special damage in an action on the case.

Penalty for default not otherwise provided for.

93. If it shall be proved to the satisfaction of any two Justices of the Peace in Petty Sessions assembled that the Company or any of its officers have been guilty of any default under this Act not otherwise provided for, they shall be liable for each and every such default to a penalty not exceeding five pounds, to be recovered in a summary way.

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

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

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

95. Every penalty, forfeiture, charge or sum of money imposed by or made payable under this Act, the recovery of which is not otherwise provided for, may be recovered by summary proceedings before

two

two Justices, under the provisions of the Act or Acts in force for the time being, regulating summary proceedings before Justices. ~~And~~ where any such penalty, charge, or sum be not paid, either immediately after conviction or adjudication, or within the time appointed thereby, the same may be enforced by distress and sale of the offender's or defaulter's goods and chattels, in the manner provided by the said Acts.

Parties allowed to appeal to Quarter Sessions on giving security.

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

Court to make such order as they think reasonable.

Damage to be made good in addition to penalty.

97. 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 Company, used in connection therewith, shall have been committed by such person, he shall be liable to make good such damages as well as to pay such penalty, and the amount of such damages shall in case of dispute be determined by the Justices by whom the party incurring such penalty shall have been convicted, and on non-payment of such damages on demand the same shall be levied by distress, and such Justices, or one of them, shall issue their **or his** warrant accordingly.

Transient offenders.

98. It shall be lawful for any officer or servant of the Company and all persons called by him to his assistance, to ~~seize and detain~~ **apprehend** any person who shall ~~have committed~~ **be found committing** 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 despatch, before some Justice without any warrant or other authority than this Act, and such Justice shall proceed, with all convenient despatch, to the hearing and determining of the ~~complaint against such offender.~~ **deliver him to the custody of the nearest constable or police officer, to be conveyed before a Justice of the Peace to be dealt with according to law.**

Notices.

99. Any notice required by this Act, or by any ~~by law or~~ regulation made thereunder to be served on or given to any owner or occupier of any building, land, or premises, or on or to any person may be in writing or partly in writing and partly printed, or may be wholly printed. And it shall be sufficient for all purposes of this Act, unless the said Act in any case prescribes a different course to be pursued, if any such notice is sent by post to the owner by registered letter addressed to his last-known place of abode or of business, or is served on the owner or occupier of such building, land, or premises, or left with some inmate apparently over the age of fourteen years living at the

place of abode of such owner or occupier, or if there be no occupier, if such notice be posted on some conspicuous part of such building or land. And any notice required to be served or given in respect of any public street, road, or lane, may be served on or sent by post as aforesaid, to the Council Clerk of the borough or municipal district wherein such street, road, or lane, or a portion thereof affected by the notice is situated.

Indictment for nuisances.

100. In the event of the wrongful exercise of any powers given by this Act, nothing in this Act contained shall be construed to prevent any person from indicting, or otherwise proceeding, either civilly or criminally, against the Company or its officers, for nuisance or otherwise in respect of the works, or means used or employed by the Company in the exercise of the privileges hereby conferred on the Company, or to prevent the Company or any person recovering any sum of money, or otherwise proceeding in any Court of competent jurisdiction; but the Company or any person, to whom any penalty or sum of money may, by the provisions of this Act, be awarded, may elect either to proceed in manner in this Act provided, or to proceed for and recover damages or otherwise, in any Court of competent jurisdiction.

Borrowing powers.

101. For any of the purposes of the Company authorized by this Act the Company may, with the sanction of a general meeting of shareholders, from time to time borrow money in such sum or sums as the directors of the Company may think fit; and for securing the repayment of the money so borrowed, with interest, it shall be lawful for the Company to issue debentures, to be charged and secured upon the Company's works, materials, and revenues.

Rights, powers, &c., under this Act may be assigned, &c., to incorporate company.

102. Subject to the special sanction of the Governor it shall be lawful for the Company, at any time after the passing of this Act, to assign, transfer, convey, and release to any person, or to any Company duly incorporated for that purpose, all the rights, powers, authorities, privileges, liabilities, and obligations conferred and imposed upon it by this Act, together with all lands, tenements, hereditaments, estates, chattels, and effects of every kind, acquired by it under or in pursuance thereof, and purchased, occupied, or used in connection with the same; and upon and after the completion of such assignment, transfer, conveyance, and release, the said person or 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~~ Company, its officers, agents, or servants, would 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, action or proceedings taken against, or liabilities, obligations, penalties, or forfeitures incurred by the ~~said~~ Company before the completion of the said assignment, transfer, conveyance, and release.

Works to become the property of Municipal Council of Broken Hill.

103. All the works of the company, together with all the rights, powers, and authorities conveyed by this Act, with all their hereditaments and appurtenances, shall at the expiration of twenty-eight years from the date of this Act become and remain the absolute property of ~~the Municipal Council of Broken Hill, but in the event of no Council being in existence then the same to revert to~~ the Government, freed and discharged from all claims and liabilities whatsoever.

Limitation of time for erection of works.

104. The Company shall not be entitled to any of the rights and privileges conferred upon ~~them~~ **it** by this Act unless ~~they~~ **it** shall have completed, **to the satisfaction of the Central Authority,** the ~~projected~~ works **necessary for carrying out the purposes of this Act** within the period of three years from the date of the passing of this Act.

105.

105. Nothing in this Act shall be construed to limit or in any way interfere with the rights of the Crown to the general control of the natural supplies of water, **nor with the right of the Governor from time to time to resume and dedicate any portion of the Crown Lands comprised in the First Schedule to this Act for a common, park, or other public purposes of a like nature, subject to such regulations as the Governor may approve,** nor in any way interfere with any right conferred before the passing of this Act, **nor in any way interfere with, abridge, or encroach upon any rights, powers, privileges, or concessions conferred upon the Broken Hill and District Water Supply Company (Limited) by the "Broken Hill and District Water Supply Act of 1889"**; and the provisions of this Act shall be subject to the provisions of any Act dealing generally with water conservation throughout the Colony. Rights of the Crown not to be interfered with.

SCHEDULES.

SCHEDULES.

FIRST SCHEDULE.

Description of Catchment Area required by the "Barrier Ranges and Broken Hill Water Supply Company (Limited)."

Starting at the One Tree Hill, on the watershed dividing the eastern from the western waters (said hill is on that watershed); thence along that watershed in a north-easterly direction to where the watershed of the Yancowinna and Stephen's creeks joins it; thence along the watershed dividing the abovementioned creeks to where the northern watershed of Mulga Springs Creek joins it; thence south-westerly to a point one half-mile below the site already fixed for retaining dam on Stephen's Creek; thence still in a south-westerly direction taking in all waters running into Stephen's Creek, above said retaining dam and along the western watershed of Stephen's Creek passing to the south-west of the town of Willyama and along said western watershed until it meets the watershed dividing the eastern from the western waters; thence along said watershed, to the point of commencement. Area about two hundred square miles.

SECOND SCHEDULE.

(Section 45.)

Notice of Claim and Abstract.

To the Barrier Ranges and Broken Hill Water Supply Company (Limited)
Council of

In pursuance of the "Broken Hill Water Supply Act of ~~1889~~ **1890**," I (*or* we) hereby give you notice that I (*or* we) claim compensation in land hereunder described which has been resumed under the said Act. The amount of such claim and other the particulars required by the said Act are stated in the subjoined abstract.

Abstract.

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

(*Signature*)
(*Address*)
(*Date*)

THIRD SCHEDULE.

(Section 46.)

Notice of Valuation.

To A.B., claimant in respect of the land hereunder described, resumed under the "Broken Hill Water Supply Act of ~~1889~~ **1890**."

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

A.B. (Seal)
Manager *or* Secretary of Company.

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

All that piece or parcel of land, &c., &c., &c.

Sydney: Charles Potter, Government Printer.—1890.

[1*s.* 3*d.*]

BROKEN HILL WATER SUPPLY BILL.

Schedule of Amendments referred to in Message of 4th December, 1890.

Page 1, Title. *Omit* "Police"
Page 1, Title. *Omit* "s" from Districts"
Page 1, preamble, line 1. *Omit* "s" from "Districts"
Page 2, clause 1, line 14. *Omit* "the amendments thereof" *insert* "any Acts amending the same"
Page 2, clause 1, line 24. *After* "land" *insert* "within the District"
Page 2, clause 1, line 27. *Omit* "limits of this Act" *insert* "District"
Page 2, clause 1, line 29. *Omit* "said"
Page 2, clause 2, line 33. *Omit* "Part" *insert* "Act"
Page 3, clause 3, line 29. *After* "Hill" *insert* "and to any Municipal District or Borough which "may be established within or partly within the boundaries of the catchment area as "defined in the First Schedule"
Page 4, clause 3, line 1. *Omit* "said"
Page 4, clause 3, line 2, *Omit* "them" *insert* "it"
Page 4, clause 3, line 4. *Omit* "*Government*"
Page 4, clause 3. At end of clause *add* "Provided also that nothing in this Act contained shall "prejudice or affect the rights and privileges of any Municipal District or Borough "now or hereafter to be established within the area described in the First Schedule "hereto"
Page 4, clause 6, line 22. *Before* "The Company" *insert* "Subject to the provisions of this Act"
Page 5, clause 7, line 8. *Omit* "affected" *insert* "effected"
Page 5, clause 8, line 38. *Omit* "the amendments thereof" *insert* "any Acts amending the same"
Page 5, clause 9, line 41. *Omit* "may" *insert* "shall"
Page 5, clause 9, line 41. *Omit* "any person with"
Page 5, clause 9, line 46. *Omit* "whom they have once agreed to supply"
Page 7, clause 19, line 18. *After* "furnish" *insert* "water"
Page 7, clause 20, line 44. *Omit* "*Government*"
Page 8, clause 25, line 19. *Omit* "them" *insert* "it"
Page 8, clause 27, line 28. *Omit* "Minister" *insert* "central authority"
Page 8, clause 27, line 32. *Omit* "the Minister" *insert* "such authority"
Page 9, clause 32, line 36. *Omit* "clauses" *insert* "sections"
Page 9, clause 33, line 52. *Omit* "he" *insert* "it"
Page 10, clause 35, line 22. *Omit* "their" *insert* "its"
Page 10, clause 35, line 23. *Omit* "their" *insert* "its"
Page 11, clause 42, line 12. *Before* "person" *insert* "any"
Page 11, clause 42, line 15. *After* "Act" *insert* "of 1884 or any Acts amending the same"
Page 11, clause 42, lines 20 to 22. *Omit* "to the extent aforesaid in the Company for the purposes "mentioned, and for the estate limited in the last preceding section" *insert* "in the said "Company for the purposes of this Act for a lease of twenty-eight years, at such rent "as may be determined by the Local Land Board, under the provisions of the 'Crown "Lands Act of 1884' and the Acts amending the same"
Page 12, clause 45, line 4. *Omit* "First" *insert* "Second"
Page 12, clause 46, line 11. *Omit* "Second" *insert* "Third"
Page 13, clause 53, line 36. *Omit* "said"
Page 14, clause 54, line 14. *Omit* "promoters" *insert* "Company"
Page 17, clause 67, line 47. *Omit* "he" *insert* "it"
Page 18, clause 68, line 24. *Omit* "such" *insert* "the"
Page 18, clause 68, line 32. *Omit* "said"
Page 18, clause 68, line 32. *Omit* "such" second occurring *insert* "the"
Page 18 clause 70, line 53. *Omit* "said"
Page 19, clause 70, line 1. *Omit* "said"

Page 19, clause 70, line 5. *Omit* "such" *insert* "the"
Page 19, clause 72, line 43. *Before* "Company" *omit* "such" *insert* "the"
Page 20, clause 75, line 29. *Omit* "such" *insert* "the"
Page 20, clause 75, line 33. *Omit* "such" *insert* "the"
Page 21, clause 79, line 44. *Omit* "such" *insert* "the"
Page 22, clause 81, line 2. *Omit* "the"
Page 22, clause 81, line 2. *Omit* "of" *insert* "on"
Page 22, clause 81, line 3. *Omit* "therefrom"
Page 23, clause 89, lines 56 and 57. *Omit* "such conduit" *insert* "the works of the Company"
Page 23, clause 89, line 58. *After* "any" *insert* "Municipal"
Page 24, clause 91, line 14. *Omit* "and fasten"
Page 24, clause 94, line 40. *Omit* "one or more"
Page 24, clause 94, line 42. *Omit* "one Justice or before"
Page 24, clause 94, lines 42 and 43. *Omit* "as the case may require"
Page 24, clause 94, line 46. *Omit* "one Justice or such two"
Page 24, clause 94, line 46. *Omit* "as the case may be"
Page 25, clause 95, line 2. *After* "Justice" *omit* remainder of clause.
Page 25, clause 96, line 8. *Omit* "any Justice or"
Page 25, clause 97, line 38. *After* "their" *insert* "or his"
Page 25, clause 98, line 40. *Omit* "seize and detain" *insert* "apprehend"
Page 25, clause 98, line 41. *Omit* "have committed" *insert* "be found committing"
Page 25, clause 98, line 43. *After* "and" *omit* remainder of clause *insert* "deliver him to the custody "of the nearest constable or police officer to be conveyed before a Justice of the Peace "to be dealt with according to law"
Page 25, clause 99, line 50. *Omit* "by-law or"
Page 26, clause 102, line 41. *Omit* "said"
Page 26, clause 102, line 46. *Omit* "said"
Page 26, clause 103, lines 52 and 53. *Omit* "the Municipal Council of Broken Hill, but in the event of "no Council being in existence then the same to revert to"
Page 26, clause 104, line 56. *Omit* "them" *insert* "it"
Page 26, clause 104, line 56. *Omit* "they" *insert* "it"
Page 26, clause 104, line 57. *After* "completed" *insert* "to the satisfaction of the central "authority"
Page 26, clause 104, lines 57 and 58. *Omit* "projected"
Page 26, clause 104, line 58. *After* "works" *insert* "necessary for carrying out the purposes of this "Act"
Page 27, clause 105, line 3. *After* "water" *insert* "nor with the right of the Governor from time to "time to resume and dedicate any portion of the Crown Lands comprised in the First "Schedule to this Act for a common, park, or other public purpose of a like nature, "subject to such Regulations as the Governor may approve"
Page 27, clause 105, line 8. *After* "Act" first occurring *insert* "nor in any way interfere with, "abridge, or encroach upon any rights, powers, privileges, or concessions conferred "upon the Broken Hill and District Water Supply Company (Limited) by the 'Broken "Hill and District Water Supply Act of 1889'"
Page 28, Second Schedule, line 22. *Omit* "1889" *insert* "1890"
Page 28, Third Schedule, line 42. *Omit* "1889" *insert* "1890"

This PRIVATE BILL *originated in the* LEGISLATIVE ASSEMBLY, *and, having this day passed, is now ready for presentation to the* LEGISLATIVE COUNCIL *for its concurrence.*

Legislative Assembly Chamber,
Sydney, 11 *November,* 1890.

F. W. WEBB,
Clerk of Legislative Assembly.

The LEGISLATIVE COUNCIL *has this day agreed to this Bill with Amendments.*

Legislative Council Chamber,
Sydney, 4 *December,* 1890.

JOHN J. CALVERT,
Clerk of the Parliaments.

New South Wales.

ANNO QUINQUAGESIMO QUARTO

VICTORIÆ REGINÆ.

* * * \

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

"Central Authority"—The Minister for Public Works or the Minister charged with the administration of this Act.

"Company"—The said "Barrier Ranges and Broken Hill Water Supply Company (Limited)," its representatives or assigns, owners for the time being of the Broken Hill Waterworks.

"Conduit"—The canals, tunnels, aqueducts, cuttings, or pipes, by means of which the water is supplied.

"Crown Lands"—Lands within the meaning of the "Crown Lands Act of 1884" and ~~the amendments thereof~~ **any Acts amending the same.**

"District"—All the districts which are now included within the District of Broken Hill and Silverton, and within the area as described in the First Schedule hereto.

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

"Justice"—Any Justice of the Peace.

"Owner"—Any person who is in the receipt of the rents and profits of any house, manufactory, or buildings of whatsoever kind, or of any land **within the District.**

"Street"—Any square, court, alley, highway, railway, tramway, lane, road, thoroughfare or other passage, footpath, or place, whether public or private, within the ~~limits of this Act~~ **District.**

"Water District"—The area within which water is authorized to be supplied to the inhabitants of the ~~said~~ District.

PART I.

Preliminary.

2. Before the Company shall put into force any of the provisions contained in this ~~Part~~ **Act** with respect to the acquisition of land otherwise than by agreement, the following conditions and provisions shall be observed:— Conditions prior to acquisition of lands

(I) The Company shall publish once at the least in each of three consecutive weeks in some local newspaper circulating in the District, a notice describing shortly the nature of the undertaking in respect of which it is proposed to take any lands, naming the Broken Hill Court-house as the place where a plan of the proposed undertaking may be seen at all reasonable hours, and stating the quantity of lands required.

(II) The Company shall serve a printed or written notice on every owner or reputed owner, lessee or reputed lessee, and occupier of such lands, defining in each case the particular lands intended to be taken, and requiring an answer to be given within thirty days, stating whether the person so served assents, dissents, or is neutral, in respect of taking such lands.

(III) On compliance with the provisions of this section with respect to notices, the Company may, if it thinks fit, present a petition to the Governor, and such petition shall state the lands intended to be taken, and the purposes for which they are required, and the names of the owners, lessees, and occupiers of lands who have assented, dissented, or are neutral, in respect to the taking such lands, or who have returned no answer to the notice. And it shall pray that the Company may, with reference to such lands, be allowed

to

to put in force the powers contained in Part III of this Act with respect to the acquisition of lands otherwise than by agreement, and such prayer shall be supported by such evidence as the Governor may require.

(IV) On the receipt of such petition, and on due proof of the proper notices having been published and served, the Governor shall take such petition into consideration, and may either dismiss the same or direct a local inquiry, at the cost of the Company, as to the propriety of assenting to the prayer of such petition, but until such inquiry has been made no provisional order shall be made affecting any lands without the consent of the owners, lessees, and occupiers thereof.

(V) After the completion of such inquiry the Governor may, by provisional order, empower the Company to put in force with reference to the lands referred to in such order, the powers of the said Part, with respect to the acquisition of lands, otherwise than by agreement or any of them, and either absolutely or with such conditions and modifications as the Governor may think fit; and it shall be the duty of the Company to serve a copy of any order so made in the manner and on the person in which and on whom notices in respect of such lands are required to be served.

PART II.

Provisions as to Water Supply.

Authority to construct waterworks.

3. Subject to the provisions of this Act, and within the area as described in the First Schedule hereto, the Company may, subject to the approval of the Governor, exercise any of the powers in this Part contained for the construction of waterworks for the supply of water to the Municipal District of Broken Hill, **and to any Municipal District or Borough which may be established within or partly within the boundaries of the catchment area as defined in the First Schedule,** and for the purpose of carrying out the provisions of this Act the Company may

(I) Enter upon any lands and take levels of the same, and set out such parts thereof as it shall think necessary.

(II) Enter upon, take, and hold such land, after having paid, as hereinafter provided, the owners thereof compensation for the same as it may from time to time deem necessary for the construction and maintainance of any of the works authorized by this Act, or for obtaining or enlarging the supply of water, or for improving the quality thereof for the purposes of this Act.

(III) Under such superintendence, and subject to such consent, as are hereinafter specified enter upon any Crown or private lands, streets, roads, or thoroughfares, and lay or place therein any pipes, and may repair, alter, or cut off, or remove the same, and under such superintendence, and subject to such consent as aforesaid, may enter upon any such lands, streets, roads, or thoroughfares, for the purpose of repairing any watercourses, or other works, being its property or under its control.

Provided always that in the exercise of any of the powers hereby conferred, the Company shall inflict as little damage as may be, and in all cases where it can be done, shall provide other watering-places, drains, and channels, for the use of adjoining lands in place of any taken away or interrupted by it, and shall make full compensation to all parties interested, for all damage sustained by them through the exercise

exercise of such powers. It shall not be lawful for the ~~said~~ Company to exercise any of the powers conferred upon ~~them~~ **it** by this Act until the plans or scheme for the proposed works shall have been first approved by the Governor, and such approval duly notified in the ~~Government~~ *Gazette*. **Provided also that nothing in this Act contained shall prejudice or affect the rights and privileges of any Municipal District or Borough now or hereafter to be established within the area described in the First Schedule hereto.**

Penalty for obstructing construction of works.

4. Every person who shall wilfully obstruct any person acting under the authority of the Company 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 alter the position of any level, or destroy or injure any works so undertaken as aforesaid, shall incur a penalty not exceeding ten pounds for every such offence.

Penalty for destroying works.

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

Power to open streets.

6. **Subject to the provisions of this Act** the Company may open and break up the soil and pavement of the several streets and bridges within the limits of the district, and may open and break up any sewers, drains, or tunnels within or under such streets and bridges, and lay down and place within the same limits, pipes, conduits, service pipes, and other works and engines, and from time to time repair, alter, or remove the same, and for the purposes aforesaid remove and use all earth and materials in and under such streets and bridges, and do all other acts which the Company shall from time to time deem necessary for supplying water to the inhabitants of the district included within the said limits. Before the Company proceed to open or break up any pavement, street, road, sewer, drain, or tunnel, or to interfere with, divert, or alter any pipe not their own, or any wire used for transmission of electricity, bridge, or culvert, they shall give to the local authority under whose management or control the same may be, and, in the case of a pipe or wire, to the owners thereof, or their local representative, notice in writing of their intention to open and break up, or otherwise to interfere with the same, not less than seven clear days before beginning the work, except in cases of emergency, arising from accidents to, or defects in, the pipes, or other works, the property of the Company, and then so soon as is possible after the necessity for the work shall have arisen.

Notice to be given before streets, &c., are broken up.

Reinstatement of streets.

7. When the Company shall open or break up the road, path, or pavement of any street or bridge, or any sewer, drain, or tunnel, culvert-pipe wire, it 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 to the satisfaction of the local authority or its officer the road, path, or pavement of the sewer, drain, tunnel, culvert-wire, or pipe, so opened or broken up, and carry away the rubbish occasioned thereby. And shall at all times whilst any such road or pavement shall be so open or broken up cause the same to be fenced and guarded, and shall cause light sufficient for the warning of passengers to be set up and kept there for every night during which such road or pavement shall be continued open or broken up. No such pavement, street, road, sewer, drain, tunnel, pipe, wire, bridge, or culvert, shall be opened, broken up, or interfered with, except in cases of emergency, as aforesaid, and except as hereinafter provided, except under the superintendence of the local authority having the control thereof, or its officer; and according to such plan as shall be approved of by

Streets, &c., to be broken up under superintendence of local authority.

by the local authority, the Company shall make such temporary or other works as may be necessary for guarding against any interruption of the drainage traffic, access, or other public right and convenience during the continuance of the operations. And in the case of interference with any pipe, not the property of the Company, or any wire used for the transmission of electricity, the owners of which may intimate their desire to have the work, temporarily or permanently, of severing, altering, or restoring their pipes or wires ~~affected~~ **effected** by their own employees, or with their own material, the Company shall afford every facility to such employees, and shall accept and use such material, paying to such owners the actual reasonable cost of labour and material disbursed by such owners, and in default of the Company making such payment when called upon so to do, the owners aforesaid shall be entitled to recover the amount due by summary process in accordance with the provisions of this Act.

Temporary diversion of water.

8. For the purposes of this Act, and subject to the approval of the Governor, the Company may, from time to time, after the expiration of thirty days notice in some newspaper published and circulated in the District of Broken Hill of their intention to apply for the powers hereinafter in this section contained, divert or alter temporarily any part of the course of any creeks, watercourses, roads, streets, or ways, in order the more conveniently to exercise any of the powers conferred upon the Company; but shall first provide sufficient substitutes for any creek, watercourse, road, street, or way, while so interfered with, and shall maintain the same during such time at their own expense in good order. For the purposes of this Act, and subject to the approval aforesaid, the Company may construct weirs and dams in any creek or watercourse, cut drains and deliver into or take water from, and embank, widen, or deepen any creek, watercourse, lagoon, or swamp within the catchment area of Stephen's Creek, as defined in First Schedule, provided always that such works shall not interfere with any existing rights, nor with the construction hereafter by any person of other necessary works approved by the Governor for providing water supply for domestic use, or for live stock, or for mining or manufacturing, or other purposes, provided however that the Company shall pay to the Colonial Treasurer such yearly sum, by way of rent, as the Local Land Board may determine, in accordance with the provisions of the "Crown Lands Act of 1884" and ~~the amendments thereof,~~ **any Acts amending the same** in consideration of any such concession to be conferred under this Act.

Agreements to supply water.

9. The Company ~~may~~ **shall** supply ~~any person with~~ water for domestic or other purposes, by measure or otherwise, at such rates, upon such terms, and subject to such conditions as may be agreed upon by the Company and the person requiring to be supplied. Provided always that the Company shall not be entitled to withhold water from any person ~~whom they have once agreed to supply,~~ unless such person be in arrears with his payment, or shall have been convicted of misapplication of water, and the Company shall not charge for water any person a greater rate than other persons are charged under like conditions.

Company not liable for accidental failure to supply water.

10. The Company 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 or continuing to supply such water if the want of such supply arises from unusual drought or other unavoidable cause or accident or from necessary repairs.

Company may let meters.

11. The Company may let for hire to any consumer of water supplied by measure any meter or instrument for measuring the quantity of water supplied and consumed, and any pipes and apparatus for the conveyance, reception, or storage of the water, for such remuneration in money as may be agreed upon between the Company and the consumer, which shall be recoverable in the same manner as rates due to the Company for water.

12.

Meters of Company not distrainable.

12. Such meters, instruments, pipes, and apparatus shall not be subject to distress for rent of the premises where the same are used, or be liable to be attached or taken in execution under any process of any Court of Law or Equity, or under or in pursuance of any sequestration or order in insolvency, or other legal proceedings against or affecting the consumer of the water, or the occupier of the premises, or other the person in whose possession the meters, pipes, instruments, and apparatus may be.

Meter to be supplied and maintained by consumer.

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

Power to officers of Company to inspect meter.

14. The officers of the Company may enter any house, building, or lands, to, through, or into which water is supplied by the Company by measure, in, or 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, or to examine if there be any waste or misuse of such water; 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 Company; 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 two Justices a power of entry shall be exercised only between the hours of nine in the forenoon and six in the afternoon.

Supply of water for public purposes.

15. In all the pipes to which any fire-plug is fixed, the Company shall provide and keep constantly laid on for use, unless prevented by unusual drought or other unavoidable accident, or during necessary repairs, a sufficient supply for the following purposes (that is to say), for supplying any public hospitals or charitable institutions, or any public pumps, baths, and washhouses that may be established for the use of the inhabitants, and paid for out of any municipal rates; and such supply shall be provided at such rates and upon such terms and conditions as may be agreed upon by any Municipal Council and the Company, or, in case of disagreement, as shall be settled by two Justices. Provided that hospitals and charitable institutions shall be provided with water without charge.

FIRE-PLUGS.

Company to place public fire-plugs in mains.

16. The Company, at the request of any Municipal Council in the Borough of which it shall construct its works or any of them, shall fix proper fire-plugs in the main and other pipes belonging to it at such convenient distances and at such places as it may consider proper and convenient for the supply of water for extinguishing any fire which may break out within any such Borough, and shall from time to time renew and keep in effective order every such fire-plug; and shall put up a public notice in some conspicuous place in each street in which such fire-plug is situated, showing its situation; and such notice may be put up on any house, wall, fence, or building in such street; and as soon as such fire-plug is completed, the Company shall deposit a key thereof in each place where any public fire-engine is kept. The cost of such fire-plugs and notices, and the expense of fixing, placing, and maintaining the same in repair, and of supplying such keys as aforesaid, shall be defrayed by the Municipal Council in which the same may be. And no supply of water from such fire-plugs shall be taken for any other purpose than that of extinguishing fires, unless such purpose be allowed in writing by the Company.

Fire-plugs for manufactories.

17. The Company 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 Company, place and maintain in effective order a fire-plug (to be used only for extinguishing fires) or near as conveniently may be to such manufactory or works.

Pipes to be kept charged, and water taken for fires.

18. The Company shall at all times keep charged with water all its pipes to which fire-plugs are fixed unless prevented by drought or other unavoidable cause or accident or during necessary repairs. And shall allow all persons at all times to take and use such water for the purpose only of extinguishing fire without making compensation for the same.

Penalty for refusal to fix fire-plugs, or for occasional failure of supply of water.

19. If, except when prevented as aforesaid, the Company neglect or refuse to fix, retain, or repair such fire-plug, or to furnish to such Municipal Council a sufficient supply of water for the public purposes aforesaid, upon such terms as shall have been agreed on or settled as aforesaid, or if, except as aforesaid, it neglects to keep its pipes charged as aforesaid, or neglects or refuses to furnish water to any owner or occupier liable to be rated under this Act during any part of the time for which such rates have been paid or tendered, shall be liable to a penalty of fifty pounds, and shall also forfeit to any such Municipal Council, or to every person having paid or tendered the rate, the sum of twenty shillings for every day during which such refusal or neglect shall continue after notice in writing shall have been given to the Company of the want of supply.

Company may make regulations.

20. Subject to the provisions of this Act, the Company may, from time to time, make, amend, and repeal regulations for or relating to all or any of the following subjects:—

(I) The supply of water to the owner or occupier of any house, factory, or land;

(II) The rate at which water shall be sold, and the time of payment for the same;

(III) The prevention and remedying of waste, undue consumption, fouling or contamination of the water contained in or supplied from any part of the Company's works;

(IV) The protection of the water and every part of the works from trespass and injury;

(V) The imposing of penalties for any breach of any regulation by this Act authorized to be made by the Company, not exceeding for any offence the sum of fifty pounds; and

(VI) Generally for duly administering and carrying out the powers given to the Company.

And such regulations shall, upon being approved by the Governor and published in the ~~Government~~ *Gazette*, be valid in law.

Maximum price of water.

21. The price to be charged by the Company for water sold shall in no case exceed sixpence per hundred gallons.

PROTECTION OF THE WATER.

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

22. If any person supplied with water by the Company wrongfully does, or causes or permits to be done, anything in contravention of any of the provisions of this Act or of the regulations of the Company, or wrongfully fails to do anything which under any of those provisions ought to be done for the prevention of the waste, misuse, undue consumption, or contamination of the water of the Company, the Company may (without prejudice to any remedy against him in respect thereof) cut off any of the pipes by or through which water is supplied to him or for his use, and may cease to supply him with water so long as the cause of injury remains or is not remedied.

Penalty for misapplication of water.

23. If any person—

(I) Not having from the Company a supply of water for other than domestic purposes, uses for other than domestic purposes any water supplied to him by the Company; or

(11) Having from the Company a supply of water for any purpose other than domestic, uses such water for any purpose other than those for which he is entitled to use the same,—

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

Definition of domestic supp'y.

24. A supply of water for domestic purposes shall not include a supply to any stable, or for any manufacturing purpose, or for irrigation (which shall mean any mechanical or artificial contrivance for conveying water to plants without labour), or for water-power, or for fountains or any ornamental purpose. The Company shall at all times have the power to decide whether the supply of water to any person shall be by measure or otherwise.

Penalty for unlawfully taking water.

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

POLLUTING THE WATER.

Penalty for bathing in water of the Company.

26. If any person bathe in any stream, drain, reservoir, aqueduct, or other waterworks belonging to the Company, 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.

Protection of water supply from pollution, &c.

27. The Company shall take all reasonable precautions, by fencing and otherwise, for the protection of the water supply from pollution or contamination, and the ~~Minister~~ **Central Authority** may at any time require the Company to construct such works, or take such precautions, as he may deem necessary or advisable in the interests of the public health. If the Company neglect or fail to construct such works, or take such measures, within the time prescribed by ~~the Minister~~ **such Authority,** the said Company shall become liable to a penalty of not more than fifty pounds for every day after the expiration of such prescribed time.

Penalty for throwing dirt therein.

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

Penalty for letting foul water flow thereinto.

29. If any person cause the water of any sink, sewer, or drain, steam-engine boiler, or other filthy water belonging to him or under his control to run or be brought into any stream, drain, reservoir, aqueduct, or other waterworks belonging to the Company, or shall do any other act whereby the water of the Company shall be fouled, he shall for each such offence forfeit a sum not exceeding twenty pounds, and a further sum of twenty shillings for each day (if more than one) that such offence continues.

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

30. Every person or company making or supplying gas within the limits of any water district who shall at any time cause or suffer to be brought or to flow into any stream, drain, reservoir, aqueduct, or waterworks belonging to the Company, or into any stream or 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 reservoir, aqueduct, or other waterworks shall be fouled, or the pipes or conduits thereof injured, shall forfeit to the Company a sum not exceeding twenty pounds, to be recovered with full costs of suit for each day during which such washing or other substance shall be

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 Company.

Penalty on gasmakers causing water to be fouled.

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

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

32. For the purpose of ascertaining whether the water of the Company be fouled by the gas of any person or company making or supplying gas within the said district, the Company may dig up the ground and examine the pipes, conduits, and works of the persons or company making or supplying gas. Provided that before proceeding so to dig and examine, the Company shall give twenty-four hours' notice in writing to the person or company so making or supplying gas of the time at which such digging and examining is intended to take place, and shall give the like notice to the persons having the control or management of the pavements or place where such digging shall take place, and shall be subject to the like obligation of reinstating the road and pavement, and to the same penalties for delay or any nonfeasance or misfeasance therein, as hereinafter provided, with respect to roads and pavements broken up by the Company for laying their pipes; and if upon such examination it appears that such water has been fouled by any gas belonging to such person or company the expenses of the digging, examination, and repairs of the street or place disturbed in any such examination shall be paid by the person or company making or supplying gas; but if upon such examination it appears that the water has not been fouled by the gas of such person or company, then the Company shall pay all the expenses of the examination and repair, and also make good to the said person or company any injury which may be occasioned to his works by such examination. The Company shall apply three-fourths of any amounts received under the two last preceding ~~clauses~~ **sections** in reduction of the charges for water supplied to users from pipes between the point of contamination and the points of delivery, during the period of contamination for which the penalties have been inflicted, proportionately to the consumption of such users, and in the event of the Company neglecting or refusing to make such reduction, any user of water as aforesaid may recover the proportion due to him by summary process before two Justices.

The expense to abide the result of the examination.

Proportion of profits to be applied towards reduction of charges.

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

33. Any person who shall, without the authority of the Company, re-establish any 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, meter, cistern, ball-cock, stop-cock, or waste-pipe, which may have been approved by the Company, 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 Company may have incurred (and which ~~he~~ **it** 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 Company.

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

34. Where several houses or parts of houses in the separate occupation of several persons are supplied by one common pipe, or

 where

where water is supplied to courts, alleys, and right-of-ways by standpipes, the several owners or occupiers of such houses or parts of houses, or of the several houses or parts of houses in every such court, alley, or right-of-way, shall be liable to the payment of two-thirds 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 Company by a separate pipe.

Steam-boilers not to connect directly with Company's pipes.

35. All steam-boilers and hot-water apparatus must be supplied from cisterns without over-flow pipes, and no such boiler or apparatus shall in any way be connected directly with the service pipe or main of the Company. It shall not be lawful for the owner or occupier of any premises supplied with water by the Company, or any consumer of the water of the Company, or any other person to affix, or cause or permit to be affixed, any pipe or apparatus to a pipe belonging to or used by such owner, occupier, consumer, or any other person, or to make any alteration in any such connection or service-pipe, or in any apparatus connected therewith, without the consent in every such case of the Company. And if any person acts in any respect in contravention of the provisions of the present section he shall for every such offence be liable to a penalty not exceeding five pounds, without prejudice to the right of the Company to recover damages from him in respect to any injury done to ~~their~~ its property, and without prejudice to ~~their~~ its right to recover from him the value of any water wasted, misused, or unduly consumed.

Charges and rates for water payable in advance.

36. The charges for water and all sums due to the Company shall be paid by and be recoverable from the owner of the premises or the occupier or person requiring, receiving, or using the water. Except where water is supplied by measure, all rates for water shall be paid in advance by equal payments on the first day of January, April, July and October in each year, and the first payment shall be made when the water is first supplied. The rent payable for meters shall be payable in advance on the above-mentioned dates.

Refusal to pay charges.

37. If any person refuse or neglect to pay on demand to the Company any rate, charge, or sum due by him to the Company under this Act, the Company may recover the same with costs in any Court of competent jurisdiction.

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

38. If any tenant of any premises be called on to pay, and shall pay a greater amount of any rate, charge, or sum due to the Company under this Act than is due for the period of his occupancy, such tenant may deduct any sum so paid or recovered from the rent from time to time becoming due to the owner in respect of such premises, or after demand, may recover the same from the owner of such premises.

PART III.

Acquisition and occupation by the Company of lands for the purposes of water supply—ascertainment of compensation in respect thereof.

Lands required for water supply, how acquired.

39. After the notification in the *Gazette*, as hereinbefore provided, of the approval by the Governor of a scheme for the supply of water to the said district, but not before the Company shall be empowered to acquire or occupy lands for the purposes of such water supply in manner hereinafter provided, and compensation for every such acquisition or occupation of lands shall be ascertained and carried out as hereinafter provided.

How and when lands can be taken.

40. It shall be lawful for the Company, by notification to be published in the *Gazette* and in one or more newspapers published or circulating in the said town and suburbs to declare that the land described in such notification is required for the purpose therein expressed.

41.

Vesting of lands.

41. Upon the publication of the notification in the *Gazette* declaring that the lands therein described are so required, such lands shall, upon compliance with the requirements and provisions hereinafter contained, be vested in the Company for the purposes of this Act. Provided, however, that the Company shall have no right or title to any mine or minerals, nor shall the said Company be entitled to interfere in any way with the working or management of any such mine or minerals as aforesaid, which may lie in, upon, or under any private or Crown Lands within the said catchment area, although the said lands may be vested in the Company for the purposes of this Act.

Effect of publication upon Crown Lands.

42. Where the land required is Crown Land at the date of such publication, or is vested in any corporation, or in any person on behalf of Her Majesty, or for any public purposes by virtue of any statute, or is within the limits with reference to centres of population prescribed by the "Crown Lands Act of 1884" or any Acts amending the same, the effect of such publication shall be to withdraw the said land (to the extent required) from any lease or license or promise thereof, and to cancel to the like extent any dedication or reservation of the said land however made, and to divest the estate of such corporation or person, and to vest the said land ~~to the extent aforesaid in the Company for the purposes mentioned, and for the estate limited in the last preceding section.~~ in the said Company for the purposes of this Act for a lease of twenty-eight years at such rent as may be determined by the Local Land Board under the provisions of the "Crown Lands Act of 1884" and the Acts amending the same. Provided, however, that nothing in this section contained shall have any effect or operation unless the approval of the Governor shall first have been obtained with respect to the land so required, and the said Company shall have made such compensation and payments as the Local Land Board may determine, subject to the provision of the "Crown Lands Act of 1884" and any amendments of the same.

Compensation for private lands.

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

Conversion of estate of proprietor of resumed land into a claim.

44. The estate and interest of every person entitled to lands required under this Act, or any portion thereof, and whether to the legal or equitable estate therein, shall upon due payment of the amount of compensation tendered by the Company, and accepted by the owner, or assessed by the jury as hereinafter provided, be deemed to have been as fully and effectually conveyed to the Company as if the same had been conveyed by the persons legally or equitably entitled thereto by means of the most perfect assurances in the law. And every person shall upon asserting his claim, as hereinafter provided, and making out his title in respect of any portion of the said resumed lands, be entitled to compensation on account of such resumption in manner hereinafter provided.

Notice of claim for compensation.

45. Every person claiming compensation in respect of any land so required, or in respect of any work or other matter done under the authority of this Act, shall, within ninety days from the publication of such notification or at any time afterwards within such extended time as a Judge of the Supreme Court shall, upon the application of the claimant, appoint in that behalf, serve a notice in writing upon the Company, which notice shall set forth the nature of the estate or interest of the claimant in such land, together with an abstract

abstract of his title, and if he claims, in respect of damage, the nature of the damage which he has sustained or will sustain by reason of the taking of his land or of such work or matter as aforesaid, and such notice may be in form of the ~~First~~ **Second** Schedule hereto, but with any modifications required by the nature of the claim.

Claim and report thereon.

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

Compensation by action in Supreme Court.

47. If within ninety days after the service of notice of claim the claimant and the company shall not agree as to the amount of compensation, the claimant shall be at liberty to institute proceedings in the Supreme Court in the form of an action for compensation against the Company. And any such action may be tried before a Judge of the said Court or in any Circuit Court and a jury of four persons. Provided always that, upon proper application, either of the Company or of the claimant, a special jury of twelve may be summoned for trial of such action. Provided also that with the consent in writing of the Company and the claimant, any such action may be so tried at any time (to be mentioned in such consent) before the expiration of ninety days from service of the notice of claim for compensation, but not within fourteen days from service of the notice of valuation on such claimant.

Issue in action of compensation verdict and costs.

48. The issue to be tried in any such action shall be whether the claimant is entitled to a larger sum by way of compensation than the amount of the valuation so made by the Company and notified to the claimant as aforesaid, and if so, to what sum. And if upon the trial of the said action the verdict shall be for a greater sum than the amount of the said valuation, the costs of the action shall be borne by the Company, but if the verdict shall be for a sum equal to such valuation then each party shall bear its own costs, or less than such valuation then the costs shall be borne by the claimant.

As to payment of compensation.

49. All moneys payable under this Act by way of compensation to any claimant, whether under the verdict of a jury or otherwise, shall be paid, together with costs (if any) and interest at the rate of six pounds per centum per annum, within one month after the determination of such compensation to the person lawfully entitled thereto, or to his agent duly authorized in that behalf in writing, but the claimant shall be bound to make out his title to the estate or interest claimed by him, in all cases where the claim is in respect of the deprivation of some estate or interest in land, and no interest shall be payable except from the time when such title shall have been made out. Provided that in the case of land under the surface taken for the purpose of constructing a subterranean tunnel for water supply or sewerage, no compensation shall be allowed or awarded, unless the surface of the overlying soil be disturbed, or the support to such surface be destroyed, or injuriously affected by the construction of such tunnel, or unless any mines or underground workings in or adjacent to such land be thereby rendered unworkable or to be so affected as aforesaid.

Where claim may prosecuted in District Court.

50. The District Court shall, notwithstanding anything contained in the "District Courts Act of 1858," have jurisdiction to try any such action of compensation in any case where the whole amount of the claim in respect to such land served in pursuance of this Act does not exceed two hundred pounds, or if exceeding that amount in any case where the Company and the claimant by a memorandum signed by the Company and such claimant, or by the respective attorneys of the Company and the claimant agree thereto. For the purposes

purposes of this section, the provisions of the said District Courts Act and of any Act amending the same, together with all rules made or to be made thereunder, shall be deemed to apply to all proceedings taken in the said District Court hereunder.

Compensation how to be estimated.

51. In estimating or assessing the compensation to be paid under this Act, regard shall be had by the valuators and by the jury (on any issue), not only to the value of the land taken by the Company, but also to the damage (if any) to be sustained by the claimant by reason of the severing of the lands taken from other lands, or other injuries suffered by him by reason of the exercise of the powers expressed or incorporated in this Act, and they shall assess the same according to what they shall find to have been the value of such lands, estate, or interest, at the time of the resumption thereof, or the extent of the damage or injury sustained, but in making any such estimate or in assessing the compensation to be paid under this Act, any increased value which may be given to the adjacent lands of the same owner by reason of the water-works or water supply, shall be taken into consideration, and shall be deducted from the compensation to be paid to the owner of the lands so taken.

General power of entry.

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

Power to purchase lands by agreement.

53. Notwithstanding anything hereinbefore contained, it shall be lawful for the Company, if it shall think fit, to agree with the owners of any lands, the acquisition of which is authorized by this Act, and with all parties having any estate or interest in such lands, or by this Act enabled to sell or convey the same, for the absolute purchase, for a consideration in money, of any such lands, or such parts thereof as shall be thought proper, and of all estates and interests in such lands of what kind soever. Provided also that it shall be lawful for the ~~said~~ Company from time to time, and at all times hereafter, to lease any lands, or the right to use or occupy or enter upon any lands, for such term and upon such conditions as may be agreed upon.

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

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

behalf of their wards, and as to such committees on behalf of the lunatics and idiots of whom they are the committees respectively, and that to the same extent as such wives, wards, lunatics and idiots respectively, could have exercised the same power under the authority of this Act if they had respectively been under no disability, and as to such trustees, executors, or administrators on behalf of their *cestui que* trusts, whether infants, issue unborn, lunatics, *feme covert* or other persons, and that to the same extent as such *cestui que* trusts respectively could have exercised the same powers under the authority of this Act if they had respectively been under no disability, and the power hereinafter given to release lands from any rent-charge or incumbrance, and to agree for the apportionment of any such rent-charge or incumbrance shall extend to, and may lawfully be exercised by every party hereinbefore enabled to sell and convey or release lands to the ~~promoters~~ **Company.**

Purchase money payable to parties under disability amounting to £200 to be deposited with Master in Equity.

55. If the purchase money or compensation payable in respect of any lands or any interest therein purchased or taken by the Company from any corporation, tenant for life or in tail, married woman seized in her own right or entitled to dower, guardian, committee of lunatic or idiot, trustee, executor, administrator, or person having a partial or qualified interest only in such lands and not entitled to sell or convey the same, except under the provisions of this Act, or the compensation to be paid for any permanent damage to such lands amount to or exceed the sum of two hundred pounds, the same shall be paid into the hands of the Master in Equity, to be by him deposited to the account of such Master in Equity *ex parte* the Company in the matter of A or B (the party entitled) pursuant to the method prescribed by any Act or by any rules, for the time being in force, for regulating moneys paid into the Supreme Court in its Equitable Jurisdiction; and such moneys shall remain so deposited until the same be applied to some one or more of the following purposes, (that is to say)—

Applications of moneys deposited

(I) In the redemption of the quit rent, or the discharge of any debt or incumbrance affecting the land in respect of which such money shall have been paid, or affecting other lands settled therewith to the same or the like uses, trusts, and purposes; or

(II) In the purchase of other lands or of Government Debentures or other stock, to be conveyed, limited and settled upon the like uses, trusts and purposes and in the same manner as the lands, in respect of which such money shall have been paid, stood settled; or

(III) If such money shall be paid in respect of any buildings taken under the authority of this Act, or injured by the proximity of any work,—in removing or replacing such buildings or substituting others in their stead, in such manner as the Supreme Court or the Primary Judge in Equity shall direct; or

(IV) In payment to any party becoming absolutely entitled to such money.

Order for application and investment meanwhile.

56. Such money may be so applied as aforesaid upon an order of the said Court or Judge made on the petition of the party who would have been entitled to the rents and profits of the lands in respect of which such money shall have been deposited; and until the money can be so applied, it may, upon the like order, be invested by the said Master in Equity in the purchase of Government Debentures or real securities, and the interest, dividends, and annual proceeds thereof may be paid to the party who would, for the time being, have been entitled to the rents and profits of the lands.

57. (I) If such purchase money or compensation shall not amount to the sum of two hundred pounds and shall exceed the sum of twenty pounds, the same shall either be paid to the Master in Equity to be by him deposited and applied in the manner hereinbefore directed with respect to sums amounting to or exceeding two hundred pounds, or the same may be lawfully paid to two trustees. Sums from £20 to £200 to be deposited or paid to trustees.

(II) Such trustees shall be nominated by the parties entitled to the rents or profits of the lands in respect whereof the same shall be payable, such nomination to be signified by writing under the hands of the party so entitled. In case of the coverture, infancy, lunacy, or other incapacity of the parties entitled to such moneys, such nomination may lawfully be made by their respective husbands, guardians, committees, or trustees.

(III) Payment of such moneys shall not be made to such trustees as aforesaid unless the Company approve thereof and of the trustees named for the purpose.

(IV) The money so paid to such trustees and the produce arising therefrom shall be by such trustees applied in the manner hereinbefore directed with respect to money deposited to the account of the Master in Equity; but it shall not be necessary to obtain any order of the Court for that purpose.

58. If such money shall not exceed the sum of twenty pounds, the same shall be paid to the parties entitled to the rents and profits of the lands in respect whereof the same shall be payable, for their own use and benefit; or, in case of the coverture, infancy, lunacy or other incapacity of such parties, such money shall be paid for their use to the respective husbands, guardians, committees or trustees of such persons. Sums not exceeding £20 to be paid to parties.

59. All sums of money exceeding twenty pounds which may be payable by the Company in respect of the taking, using, or interfering with any lands under a contract or agreement with any person who shall not be entitled to dispose of such lands, or of the interest therein contracted to be sold by him absolutely for his own benefit, shall be paid to the Master in Equity or to trustees, in manner aforesaid. It shall not be lawful for any contracting party not entitled as aforesaid to retain to his own use any portion of the sums so agreed or contracted to be paid for or in respect of the taking, using, or interfering with any such lands, or in lieu of bridges, tunnels, or other accommodation works, or for assenting to or not opposing the taking of such lands; but all such moneys shall be deemed to have been contracted to be paid for and on account of the several parties interested in such lands, as well in possession as in remainder, reversion, or expectancy. Provided always that it shall be in the discretion of the Judges of the Supreme Court, or the Chief Judge in Equity, or the said trustees, as the case may be, to allot to any tenant for life or for any other partial or qualified estate, for his own use, a portion of the sum so deposited or so paid to such trustees as aforesaid, as compensation for any injury, inconvenience, or annoyance which he may be considered to sustain, independently of the actual value of the lands to be taken and of the damage occasioned to the lands held therewith by reason of the taking of such lands and the making of the works. All sums payable under contract with persons not absolutely entitled to be paid to Master in Equity or trustees.

60. All payments which shall be made in any of the cases aforesaid to the parties entitled under this Act to receive the same shall be a good and valid discharge to the Company; and such Company shall not be bound or required to see to the application of any of the moneys paid to the Master in Equity or other person by virtue hereof, or to see to the performance of any trusts. Payments made under this Act sufficient discharge to the Company.

61. Where any purchase money or compensation paid or deposited pursuant to this Act shall have been paid in respect of any lease for Court of Equity may direct application of money in

for a life or lives or years, or for a life or lives and years, or any estate in lands less than the whole fee simple thereof, or of any reversion dependent on any such lease or estate, the said Court or Judge may, on the petition of any party interested in such money, order that the same shall be laid out, invested, accumulated, and paid in such manner as the said Court or Judge may consider will give to the parties interested in such money the same benefit therefrom as they might lawfully have had from the lease, estate, or reversion in respect of which such money shall have been paid or deposited, or as near thereto as may be.

respect of leases or reversions as they may think just.

62. If the owner of any lands taken or purchased under the authority of this Act, or of any interest therein, on tender of the purchase money or compensation either agreed or awarded to be paid in respect thereof,

Purchase money or compensation may in certain cases be paid to the Master in Equity.

(I) Refuse to accept the same;

(II) Neglect or fail to make out a title to such lands or to the interest therein claimed by him, to the satisfaction of the Company;

(III) Refuse to convey or release such lands as directed by the Company;

(IV) Be absent from the Colony or cannot, after diligent inquiry, be found;

The Company may, if it shall think fit, deposit the purchase money or compensation payable in respect of such lands or any interest therein in the hands of the Master in Equity, to be by him deposited as aforesaid to his account to the credit of the parties interested in such lands (describing them so far as he can do) subject to the control and disposition of the said Court.

63. Upon the application by petition of any party making claim to the money so deposited as last aforesaid or any part thereof, or to the lands in respect whereof the same shall have been so deposited, or any part of such lands, or any interest in the same, the said Court or Judge may in a summary way, as to such Court or Judge shall seem fit, order such money to be laid out or invested in the purchase of Government Debentures or real securities; or may order distribution thereof or payments of the dividends thereof, according to the respective estates, titles or interest of the parties making claim to such money or lands or any part thereof, and may make such other order in the premises as to such Court or Judge shall seem fit.

Application of money so deposited.

64. If any question arise respecting the title to the lands, in respect whereof such moneys shall have been so paid or deposited as aforesaid, the parties respectively in possession of such lands as being the owners thereof or in receipt of the rents of such lands as being entitled thereto at the time of such lands being purchased or taken, shall be deemed to have been lawfully entitled to such lands, until the contrary be shown to the satisfaction of the Court; and unless, upon such inquiry as the Court shall think fit to direct, the contrary be shown as aforesaid, the parties so in possession and all parties claiming under them or consistently with their possession, shall be deemed entitled to the money so deposited, and to the dividend or interest of the securities purchased therewith, and the same shall be paid and applied accordingly.

Party in possession to be deemed the owner.

65. In all cases of moneys deposited under the provisions of this Act, except where such moneys shall have been so deposited by reason of the wilful refusal of any party entitled thereto to receive the same, or to convey or release the lands in respect whereof the same shall be payable, or by reason of the neglect of any party to make out a good title to the land required, the said Court or Judge may order the

Costs in case of money deposited.

the costs of the following matters, including therein all reasonable charges and expenses incident thereto, to be paid by the Company (that is to say) the costs of—

(I) The purchase or taking of the lands or which shall have been incurred in consequence thereof, other than such costs as are herein otherwise provided for;

(II) The investment of such moneys in Government Debentures or real securities and of the reinvestment thereof in the purchase of other lands;

(III) Obtaining the proper orders for any of the purposes aforesaid, and of the orders for the payment of the dividends and interest of the securities upon which such moneys shall be invested, and for the payment out of Court of the principal of such moneys or of the securities whereon the same shall be invested;

(IV) All proceedings relating thereto, except such as are occasioned by litigation between adverse claimants.

Provided always that the cost of one application only for reinvestment in land shall be allowed, unless it shall appear to the said Court or Judge that it is for the benefit of the parties interested in the said moneys that the same should be invested in the purchase of lands, in different sums and at different times; in which case the Court may, if it think fit, order the costs of any such investment to be paid by the Company.

Proceeding in case of refusal to deliver possession of lands.

66. If, in any case in which, according to the provisions of this Act, the Company is authorized to enter upon and take possession of any lands required for the purpose of the work, the owner or occupier of any such lands or any other person refuse to give up the possession thereof, or hinder the Company from entering upon or taking possession of the same, it shall be lawful for such a Judge of the Supreme Court upon application by the Company to issue his warrant to the Sheriff to deliver possession of the same to the person appointed in such warrant to receive the same. Upon the receipt of such warrant the Sheriff shall deliver possession of any such lands accordingly; and the cost accruing, by reason of the issuing and execution of such warrant, to be settled by the Sheriff, shall be paid by the person refusing to give possession; and the amount of such costs shall be deducted and retained by the Company from the compensation, if any, then payable to such party, or if no such compensation be payable to such party, or if the same be less than the amount of such costs, then such costs or the excess thereof beyond such compensation, if not paid on demand, shall be levied by distress, and upon application to any Justice for that purpose he shall issue his warrant accordingly.

Power to redeem mortgages.

67. (I) The Company may purchase or redeem the interest of the mortgagee of any such lands which may be required for the purposes of this Act; and that whether ~~he~~ **it** shall have previously purchased the equity of redemption of such lands or not; and whether the mortgagee thereof be entitled thereto in his own right or in trust for any other party; and whether he be in possession of such lands by virtue of such mortgage or not; and whether such mortgage affect such lands solely or jointly with any other lands not required for the purposes of this Act.

(II) In order thereto, the Company may pay or tender to such mortgagee the principal and interest due on such mortgage, together with his costs and charges, if any, and also six months' additional interest; and thereupon such mortgagee shall immediately convey his interest in the lands comprised in such mortgage to the Company or as it shall direct.

(III) The Company may give notice in writing to such mortgagee that it will pay off the principal and interest due on such mortgage at the end of six months, computed from the day of giving such notice; and if it shall have given any such notice, or if the party entitled to the equity of redemption of any such lands shall have given six months notice of his intention to redeem the same, then, at the expiration of either of such notices, or at any intermediate period, upon payment or tender by the Company to the mortgagee of the principal money due on such mortgage and the interest which would become due at the end of six months from the time of giving either of such notices, together with his costs and expenses, if any, such mortgagee shall convey or release his interest in the lands comprised in such mortgage to the Company, or as it shall direct.

Deposit of mortgage money on refusal to accept.

68. If, in either of the cases aforesaid, upon such payment or tender, any mortgagee shall fail to convey or release his interest in such mortgage as directed by the Company, or if he fail to adduce a good title thereto to its satisfaction, then it shall be lawful for the Company to pay into the hands of the Master in Equity, to be dealt with by him in the manner provided by this Act in the cases of moneys required to be paid to such Master in Equity, the principal and interest, together with the costs, if any, due on such mortgage; and if such payment be made before the expiration of six months notice as aforesaid, such further interest as would at the time become due; and also, if ~~such~~ the Company think fit, to execute a deed poll, containing a description of the lands in respect whereof such deposit shall have been made and describing the circumstances under which and the names of the parties to whose credit such deposit shall have been made, and such deed poll shall be duly registered by the Company. And thereupon, as well as upon such conveyance by the mortgagee, if any such be made, all the estate and interest of such mortgagee and of all persons in trust for him or for whom he may be a trustee in such lands shall vest in the ~~said~~ Company, and ~~such~~ the Company shall be entitled to immediate possession thereof, in case such mortgagee were himself entitled to such possession.

Sum to be paid when mortgage exceeds the value of the lands.

69. (I) If any of such mortgaged lands shall be of less value than the principal, interest, and costs secured thereon, the value of such lands or the compensation to be made by the Company in respect thereof shall be settled by agreement between the mortgagee of such lands and the party entitled to the equity of redemption thereof on the one part, and the Company on the other part.

(II) If the parties aforesaid fail to agree, respecting the amount of such value or compensation, the same shall be determined, as in other cases of disputed compensation.

(III) The amount of such value or compensation being so agreed upon or determined shall be paid by the Company to the mortgagee, in satisfaction of his mortgage debt, so far as the same will extend; and upon payment or tender thereof the mortgagee shall convey or release all his interest in such mortgaged lands to the Company or as it shall direct.

Deposit of money when refused on tender.

70. If, upon such payment or tender as aforesaid being made, any such mortgagee fail so to convey his interest in such mortgage or to adduce a good title thereto to the satisfaction of the Company, it shall be lawful for the ~~said~~ Company to pay the amount of such value or compensation into the hands of the Master in Equity, to be dealt with by him, in the manner provided by this Act in like case of moneys required to be paid to such Master in Equity; and every such payment or deposit shall be accepted by the mortgagee in satisfaction of his mortgage debt, so far as the same will extend, and shall be a full discharge of such mortgaged lands from all money due thereon;

thereon; and the ~~said~~ Company may, if it think fit, execute a deed poll in manner hereinbefore provided. And thereupon such lands, as to all such estate and interest as were then vested in the mortgagee or any person in trust for him, shall become absolutely vested in the Company and ~~such~~ the Company shall be entitled to immediate possession thereof in case such mortgagee were himself entitled to such possession. Nevertheless, all rights and remedies possessed by the mortgagee against the mortgagor, by virtue of any bond or covenant or other obligation, other than the rights to such lands, shall remain in force, in respect of so much of the mortgage debt as shall not have been satisfied by such payment or deposit.

Sum to be paid where part only of mortgaged lands taken.

71. (I) If a part only of any such mortgaged lands be required for the purposes of this Act, and if the part so required be of less value than the principal money, interest, and costs secured on such lands, and the mortgagee shall not consider the remaining part of such lands a sufficient security for the money charged thereon, or be not willing to release the part so required, then the value of such part and also the compensation (if any) to be paid in respect of the severance thereof or otherwise shall be settled by agreement between the mortgagee and the party entitled to the equity of redemption of such land on the one part, and the Company on the other part.

(II) If the parties aforesaid fail to agree respecting the amount of such value or compensation, the same shall be determined as in other cases of disputed possession.

(III) The amount of such value or compensation being so agreed upon or determined shall be paid by the Company to such mortgagee in satisfaction of his mortgage debt, so far as the same will extend; and thereupon such mortgagee shall convey or release to the Company or as it shall direct, all his interest in such mortgaged lands, the valuew hereof shall have been so paid, and a memorandum of what shall have been so paid shall be endorsed on the deed creating such mortgage, and shall be signed by the mortgagee, and a copy of such memorandum shall at the same time (if required) be furnished by the Company, at the expense of the Company, to the party entitled to the equity of redemption of the lands comprised in such mortgage deed.

Deposit of money when refused on tender.

72. If, upon any payment or tender to any such mortgagee of the amount of the value or compensation so agreed upon or determined, such mortgagee shall fail to convey or release to the Company or as it shall direct, his interest in the lands, in respect of which such compensation shall so have been paid or tendered, or if he shall fail to adduce a good title thereto to the satisfaction of the Company, it shall be lawful for ~~such~~ the Company to pay the amount of such value or compensation into the hands of the Master in Equity, to be dealt with by him in the manner provided by this Act in the case of moneys required to be paid to such Master in Equity; and such payment or deposit shall be accepted by such mortgagee in satisfaction of his mortgage debt, so far as the same will extend, and shall be a full discharge of the portion of the mortgaged lands so required from all money due thereon; and also, if he think fit, to execute a deed poll in the manner hereinbefore provided. And thereupon such lands shall become absolutely vested in the Company, as to all such estate and interest as were then vested in the mortgagee or any person in trust for him, and in case such mortgagee were himself entitled to such possession he shall be entitled to immediate possession thereof. Nevertheless, every such mortgagee shall have the same powers and remedies for recovering or compelling payment of the mortgage money or the residue thereof (as the case may be) and the interest thereof respectively, upon and out of the residue of such mortgaged lands or the portion thereof

thereof not required for the purposes of this Act as he would otherwise have had or been entitled to for recovering or compelling payment thereof, upon or out of the whole of the lands originally comprised in such mortgage.

Release of land from rent charges.

73. If any difference shall arise between the Company and the party entitled to any rent-service, rent-charge, chief or other rent, or other payment, or incumbrance, not hereinbefore provided for, upon any lands taken for the purposes of this Act, respecting the consideration to be paid for the release of such lands therefrom, or from the portion thereof affecting the lands required for the purposes of this Act, the same shall be determined as in other cases of disputed compensation.

Release of part of land from rent-charge.

74. If part only of the lands charged with any such rent-service, rent-charge, chief-rent, or other rent-payment or incumbrance, be taken for the purposes of this Act, the apportionment of any such charge may be settled by agreement between the party entitled to such charge and the owner of the lands on the one part and the Company on the other part; and, if such apportionment be not so settled by agreement, the same shall be settled by two Justices. But if the remaining part of the lands so jointly subject be a sufficient security for such charge, then, with consent of the owner of the lands so jointly subject, it shall be lawful for the party entitled to such charge to release therefrom the lands required, on condition or in consideration of such other lands remaining exclusively subject to the whole thereof.

Deposit in case of refusal to release.

75. Upon payment or tender of the compensation so agreed upon or determined to the party entitled to any such charge as aforesaid, such party shall execute to the Company a release of such charge. If he fail so to do, or if he fail to adduce a good title to such charge to the satisfaction of the Company, it shall be lawful for ~~such~~ the Company to pay the amount of such compensation into the hands of the Master in Equity to be dealt with by him in the manner hereinbefore provided in the case of moneys required to be paid to such Master in Equity; and also if ~~such~~ the Company think fit to execute a deed poll, in the manner herein provided for in the case of the purchase of lands by it. And thereupon the rent-service, rent-charge, chief or other rent, payment or incumbrance, or the portion thereof in respect whereof such compensation shall so have been paid, shall cease and be extinguished.

Charge to continue on lands not taken.

76. If any such lands or portion thereof be so released from any such charge or incumbrance to which they were subject jointly with other lands, such lastmentioned lands shall alone be charged with the whole of such charge or with the remainder thereof, as the case may be, and the party entitled to the charge shall have all the same rights and remedies over such lastmentioned lands, for the whole or for the remainder of the charge, as the case may be, as he had previously over the whole of the lands subject to such charge. If, upon any such charge, or portion of charge, being so released, the deed or instrument creating or transferring such charge be tendered to the Company for the purpose, it shall affix its seal to a memorandum of such release, indorsed on such deed or instrument, declaring what part of the lands originally subject to such charge shall have been purchased by virtue of this Act, and if the lands be released from part of such charge, what proportion of such charge shall have been released, and how much thereof continues payable; or if the lands so required shall have been released from the whole of such charge, then that the remaining lands are thenceforward to remain exclusively charged therewith. Such memorandum shall be made and executed at the expense of the Company, and shall be evidence in all Courts and elsewhere of the facts therein stated, but not so as to exclude any other evidence of the same facts.

Leases.

77. (I) If any lands shall be comprised in a lease for a term of years unexpired, part only of which lands shall be required for the purposes of this Act, the rent payable in respect of the lands comprised in such lease shall be apportioned between the lands so required and the residue of such lands. Where part only of lands under lease taken the rent to be apportioned.

(II) Such apportionment may be settled by agreement between the lessor and lessee of such lands on the one part, and the Company on the other part; and, if such apportionment be not so settled by agreement between the parties, such apportionment shall be settled by two Justices.

(III) After such apportionment, the lessee of such lands shall, as to all future accruing rent, be liable only to so much of the rent as shall be so apportioned in respect of the lands not required for the purposes of this Act; and, as to the lands not so required, and as against the lessee, the lessor shall have the same rights and remedies for the recovery of such portion of rent as, previously to such apportionment, he had for the recovery of the whole rent reserved by such lease; and all the covenants, conditions, and agreements of such lease, except as to the amount of rent to be paid, shall remain in force, with regard to that part of the land which shall not be required for the purposes of this Act, in the same manner as they would have done in case such part only of the land had been included in the lease.

78. Every such lessee as last aforesaid, shall be entitled to receive from the Company compensation for the damage done to him in his tenancy, by reason of the severance of the lands required from those not required, or otherwise, for the purposes of the authorized work. Tenants to be compensated.

79. (I) If any such lands shall be in the possession of any person having no greater interest therein than as tenant for a year, or from year to year, and if such person be required to give up possession of any land so occupied by him before the expiration of his term or interest therein, he shall be entitled to compensation for the value of his unexpired term or interest in such lands, and for any just allowance which ought to be made to him by any incoming tenant, and for any loss or injury he may sustain; or, if a part only of such lands be required, compensation for the damage done to him in his tenancy, by severing the lands held by him or otherwise injuriously affecting the same. Compensation to made to tenants from year to year.

(II) The amount of such compensation shall be determined by two Justices in case the parties differ about the same.

(III) Upon payment or tender of the amount of such compensation, all such persons shall respectively deliver up to the Company or to the person appointed by ~~such~~ the Company to take possession thereof, any such lands in their possession required for the purposes of this Act.

80. If any party having a greater interest than as tenant at will, claim compensation in respect of any unexpired term or interest under any lease or grant of any such lands, the Company may require such party to produce the lease or grant in respect of which such claim shall be made, or the best evidence thereof in his power; and if, after demand made in writing by the Company, such lease or grant or such best evidence thereof be not produced within twenty-one days, the party so claiming compensation shall be considered as a tenant holding only from year to year, and be entitled to compensation accordingly. Where greater interest claimed than at will, lease to be produced.

81. It shall be lawful for the Company and all persons by the Company authorized to enter upon any lands not being a garden, orchard, or plantation attached or belonging to a house, nor a park, planted Power to take temporary possession of land.

planted walk, avenue, or ground ornamentally planted, and not being nearer to ~~the~~ any dwelling-house ~~of~~ on any such lands than one hundred yards ~~therefrom,~~ and to occupy the said lands so long as may be necessary for the construction or repair of any works authorized by this Act or of the accommodation works connected therewith hereinafter mentioned, and to use the same for any of the following purposes, that is to say,—

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

For the purpose of depositing soil thereon;

For the purpose of obtaining materials therefrom for the construction or repair of the waterworks or 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 Company 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 Company 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 Company either wholly or in part for any of the purposes lastly hereinbefore mentioned, and that the Company shall pay to the owner of the land a fair price for any timber, clay, stone, gravel, sand, or other things taken therefrom.

Company to separate the lands before using them.

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

Compensation to be made for temporary occupation.

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

Before roads interfered with others to be substituted.

84. If in the exercise of the powers hereby granted it be found necessary to cross cut through, raise, sink, or use any part of any road whether carriage-road, horse-road, or tram-road, or railway, either public or private, so as to render it impassable for, or dangerous, or more than usually inconvenient to passengers or carriages, or to the persons entitled to the use thereof, the Company 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 its own expense maintain such substituted road in a state as convenient for passengers and carriages as the road so interfered with, or as nearly so as may be.

Period for restoratio of roads interfered with.

85. If the road so interfered with can be restored compatibly with the due completion of any works authorized under this Act the same shall be restored to as good a condition as it was in at the time when the same was first interfered with by the Company, or as near thereto as may be, and if such road cannot be so restored, the Company 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 possible expedition.

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

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

Works for benefit of owners.

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

Gates, bridges.

Such and so many convenient gates, bridges, arches, culverts, and passages, over, under, or by the side of or leading to or from such works as shall be necessary for the purpose of making good any interruptions caused thereby to the use of the lands through which the same shall be made, and such works shall be made forthwith after the part of the conduit passing over such lands shall have been laid out or formed, or during the formation thereof.

Fences.

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

Drains.

Also all necessary arches, tunnels, culverts drain or other passages, either over or under or by the side of such works, and of such dimensions as will be sufficient at all times to convey the water from the lands lying near or affected thereby.

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

Differences as to accommodation works to be settled by Governor.

88. If any difference arise respecting the kind or number of any such accommodation works, or the dimensions or sufficiency thereof respecting the maintaining thereof, the same shall be determined by the Governor, who shall also appoint the time within which such works shall be commenced and executed.

Power to owners of lands to make additional accommodation works.

89. If any of the owners or occupiers of lands affected by ~~such conduit~~ **the works of the Company** shall consider the accommodation works made by any **Municipal** Council or directed by the Governor to be made by the Company, insufficient for the commodious use of their

their respective lands, it shall be lawful for any such owner or occupier, at any time, at his own expense, to make such further works for that purpose as he shall think necessary, and as shall be agreed to by the Company.

Such works to be constructed under the superintendence of the Company's engineer.

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

Penalty on persons omitting to fasten gates.

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

PART IV.

Miscellaneous Provisions—Legal Procedure.

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

92. Except as hereinbefore provided with respect to penalties for contamination of the water, one-half of any penalty recovered under this Act shall be paid to the informer; and where any distress is made for any sum of money to be levied under this Act, the distress itself shall not be unlawful, nor the persons making the same be deemed trespassers, on account of any defect or want of form in the information, summons, conviction, warrant of distress, or other proceedings relating thereto, nor shall the persons distraining be deemed tresspassers on account of any irregularity that shall be afterwards done by the persons distraining, but the persons aggrieved by such irregularities may recover satisfaction for the special damage in an action on the case.

Penalty for default not otherwise provided for.

93. If it shall be proved to the satisfaction of any two Justices of the Peace in Petty Sessions assembled that the Company or any of its officers have been guilty of any default under this Act not otherwise provided for, they shall be liable for each and every such default to a penalty not exceeding five pounds, to be recovered in a summary way.

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

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

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

95. Every penalty, forfeiture, charge or sum of money imposed by or made payable under this Act, the recovery of which is not otherwise provided for, may be recovered by summary proceedings before

two

two Justices, under the provisions of the Act or Acts in force for the time being, regulating summary proceedings before Justices. ~~And~~ where any such penalty, charge, or sum be not paid, either immediately after conviction or adjudication, or within the time appointed thereby, the same may be enforced by distress and sale of the offender's or defaulter's goods and chattels, in the manner provided by the said Acts.

Parties allowed to appeal to Quarter Sessions on giving security.

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

Court to make such order as they think reasonable.

Damage to be made good in addition to penalty.

97. 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 Company, used in connection therewith, shall have been committed by such person, he shall be liable to make good such damages as well as to pay such penalty, and the amount of such damages shall in case of dispute be determined by the Justices by whom the party incurring such penalty shall have been convicted, and on non-payment of such damages on demand the same shall be levied by distress, and such Justices, or one of them, shall issue their **or his** warrant accordingly.

Transient offenders.

98. It shall be lawful for any officer or servant of the Company and all persons called by him to his assistance, to ~~seize and detain~~ **apprehend** any person who shall ~~have committed~~ **be found committing** 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 despatch, before some Justice without any warrant or other authority than this Act, and such Justice shall proceed, with all convenient despatch, to the hearing and determining of the com~~plaint against such offender.~~ **deliver him to the custody of the nearest constable or police officer, to be conveyed before a Justice of the Peace to be dealt with according to law.**

Notices.

99. Any notice required by this Act, or by any ~~by-law or~~ regulation made thereunder to be served on or given to any owner or occupier of any building, land, or premises, or on or to any person may be in writing or partly in writing and partly printed, or may be wholly printed. And it shall be sufficient for all purposes of this Act, unless the said Act in any case prescribes a different course to be pursued, if any such notice is sent by post to the owner by registered letter addressed to his last-known place of abode or of business, or is served on the owner or occupier of such building, land, or premises, or left with some inmate apparently over the age of fourteen years living at the

place of abode of such owner or occupier, or if there be no occupier, if such notice be posted on some conspicuous part of such building or land. And any notice required to be served or given in respect of any public street, road, or lane, may be served on or sent by post as aforesaid, to the Council Clerk of the borough or municipal district wherein such street, road, or lane, or a portion thereof affected by the notice is situated.

Indictment for nuisances.

100. In the event of the wrongful exercise of any powers given by this Act, nothing in this Act contained shall be construed to prevent any person from indicting, or otherwise proceeding, either civilly or criminally, against the Company or its officers, for nuisance or otherwise in respect of the works, or means used or employed by the Company in the exercise of the privileges hereby conferred on the Company, or to prevent the Company or any person recovering any sum of money, or otherwise proceeding in any Court of competent jurisdiction; but the Company or any person, to whom any penalty or sum of money may, by the provisions of this Act, be awarded, may elect either to proceed in manner in this Act provided, or to proceed for and recover damages or otherwise, in any Court of competent jurisdiction.

Borrowing powers.

101. For any of the purposes of the Company authorized by this Act the Company may, with the sanction of a general meeting of shareholders, from time to time borrow money in such sum or sums as the directors of the Company may think fit; and for securing the repayment of the money so borrowed, with interest, it shall be lawful for the Company to issue debentures, to be charged and secured upon the Company's works, materials, and revenues.

Rights, powers, &c., under this Act may be assigned, &c., to incorporate company.

102. Subject to the special sanction of the Governor it shall be lawful for the Company, at any time after the passing of this Act, to assign, transfer, convey, and release to any person, or to any Company duly incorporated for that purpose, all the rights, powers, authorities, privileges, liabilities, and obligations conferred and imposed upon it by this Act, together with all lands, tenements, hereditaments, estates, chattels, and effects of every kind, acquired by it under or in pursuance thereof, and purchased, occupied, or used in connection with the same; and upon and after the completion of such assignment, transfer, conveyance, and release, the said person or 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~~ Company, its officers, agents, or servants, would 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, action or proceedings taken against, or liabilities, obligations, penalties, or forfeitures incurred by the ~~said~~ Company before the completion of the said assignment, transfer, conveyance, and release.

Works to become the property of Municipal Council of Broken Hill.

103. All the works of the company, together with all the rights, powers, and authorities conveyed by this Act, with all their hereditaments and appurtenances, shall at the expiration of twenty-eight years from the date of this Act become and remain the absolute property of ~~the Municipal Council of Broken Hill, but in the event of no Council being in existence then the same to revert to~~ the Government, freed and discharged from all claims and liabilities whatsoever.

Limitation of time for erection of works.

104. The Company shall not be entitled to any of the rights and privileges conferred upon ~~them~~ **it** by this Act unless ~~they~~ **it** shall have completed, **to the satisfaction of the Central Authority,** the ~~projected~~ works **necessary for carrying out the purposes of this Act** within the period of three years from the date of the passing of this Act.

105.

105. Nothing in this Act shall be construed to limit or in any way interfere with the rights of the Crown to the general control of the natural supplies of water, **nor with the right of the Governor from time to time to resume and dedicate any portion of the Crown Lands comprised in the First Schedule to this Act for a common, park, or other public purposes of a like nature, subject to such regulations as the Governor may approve,** nor in any way interfere with any right conferred before the passing of this Act, **nor in any way interfere with, abridge, or encroach upon any rights, powers, privileges, or concessions conferred upon the Broken Hill and District Water Supply Company (Limited) by the "Broken Hill and District Water Supply Act of 1889"**; and the provisions of this Act shall be subject to the provisions of any Act dealing generally with water conservation throughout the Colony. Rights of the Crown not to be interfered with.

SCHEDULES.

SCHEDULES.

FIRST SCHEDULE.

Description of Catchment Area required by the "Barrier Ranges and Broken Hill Water Supply Company (Limited)."

Starting at the One Tree Hill, on the watershed dividing the eastern from the western waters (said hill is on that watershed); thence along that watershed in a north-easterly direction to where the watershed of the Yancowinna and Stephen's creeks joins it; thence along the watershed dividing the abovementioned creeks to where the northern watershed of Mulga Springs Creek joins it; thence south-westerly to a point one half-mile below the site already fixed for retaining dam on Stephen's Creek; thence still in a south-westerly direction taking in all waters running into Stephen's Creek, above said retaining dam and along the western watershed of Stephen's Creek passing to the south-west of the town of Willyama and along said western watershed until it meets the watershed dividing the eastern from the western waters; thence along said watershed, to the point of commencement. Area about two hundred square miles.

SECOND SCHEDULE.

(Section 45.)

Notice of Claim and Abstract.

To the Barrier Ranges and Broken Hill Water Supply Company (Limited)
Council of

In pursuance of the "Broken Hill Water Supply Act of ~~1889~~ **1890**," I (*or* we) hereby give you notice that I (*or* we) claim compensation in land hereunder described which has been resumed under the said Act. The amount of such claim and other the particulars required by the said Act are stated in the subjoined abstract.

Abstract.

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

(*Signature*)
(*Address*)
(*Date*)

THIRD SCHEDULE.

(Section 46.)

Notice of Valuation.

To A.B., claimant in respect of the land hereunder described, resumed under the "Broken Hill Water Supply Act of ~~1889~~ **1890**."

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

A.B. (Seal)
Manager *or* Secretary of Company.

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

All that piece or parcel of land, &c., &c., &c.

Sydney: Charles Potter, Government Printer.—1890.

[1*s.* 3*d.*]

This PRIVATE BILL *originated in the* LEGISLATIVE ASSEMBLY, *and, having this day passed, is now ready for presentation to the* LEGISLATIVE COUNCIL *for its concurrence.*

Legislative Assembly Chamber,
Sydney, 11 *November,* 1890.

F. W. WEBB,
Clerk of Legislative Assembly.

New South Wales.

ANNO QUINQUAGESIMO QUARTO

VICTORIÆ REGINÆ.

* * * \

Interpretation of terms.

And in the construction of this Act the following words and expressions in inverted commas shall, unless there be something in the 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:—

"Central Authority"—The Minister for Public Works or the Minister charged with the administration of this Act.

"Company"—The said "Barrier Ranges and Broken Hill Water Supply Company (Limited)," its representatives or assigns, owners for the time being of the Broken Hill Waterworks.

"Conduit"—The canals, tunnels, aqueducts, cuttings, or pipes, by means of which the water is supplied.

"Crown Lands"—Lands within the meaning of the "Crown Lands Act of 1884" and the amendments thereof.

"District"—All the districts which are now included within the District of Broken Hill and Silverton, and within the area as described in the First Schedule hereto.

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

"Justice"—Any Justice of the Peace.

"Owner"—Any person who is in the receipt of the rents and profits of any house, manufactory, or buildings of whatsoever kind, or of any land.

"Street"—Any square, court, alley, highway, railway, tramway, lane, road, thoroughfare or other passage, footpath, or place, whether public or private, within the limits of this Act.

"Water District"—The area within which water is authorized to be supplied to the inhabitants of the said District.

PART I.

Preliminary.

Conditions prior to acquisition of lands

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

(I) The Company shall publish once at the least in each of three consecutive weeks in some local newspaper circulating in the District, a notice describing shortly the nature of the undertaking in respect of which it is proposed to take any lands, naming the Broken Hill Court-house as the place where a plan of the proposed undertaking may be seen at all reasonable hours, and stating the quantity of lands required.

(II) The Company shall serve a printed or written notice on every owner or reputed owner, lessee or reputed lessee, and occupier of such lands, defining in each case the particular lands intended to be taken, and requiring an answer to be given within thirty days, stating whether the person so served assents, dissents, or is neutral, in respect of taking such lands.

(III) On compliance with the provisions of this section with respect to notices, the Company may, if it thinks fit, present a petition to the Governor, and such petition shall state the lands intended to be taken, and the purposes for which they are required, and the names of the owners, lessees, and occupiers of lands who have assented, dissented, or are neutral, in respect to the taking such lands, or who have returned

returned no answer to the notice. And it shall pray that the Company may, with reference to such lands, be allowed to put in force the powers contained in Part III of this Act with respect to the acquisition of lands otherwise than by agreement, and such prayer shall be supported by such evidence as the Governor may require.

(IV) On the receipt of such petition, and on due proof of the proper notices having been published and served, the Governor shall take such petition into consideration, and may either dismiss the same or direct a local inquiry, at the cost of the Company, as to the propriety of assenting to the prayer of such petition, but until such inquiry has been made no provisional order shall be made affecting any lands without the consent of the owners, lessees, and occupiers thereof.

(V) After the completion of such inquiry the Governor may, by provisional order, empower the Company to put in force with reference to the lands referred to in such order, the powers of the said Part, with respect to the acquisition of lands, otherwise than by agreement or any of them, and either absolutely or with such conditions and modifications as the Governor may think fit; and it shall be the duty of the Company to serve a copy of any order so made in the manner and on the person in which and on whom notices in respect of such lands are required to be served.

PART II.

Provisions as to Water Supply.

Authority to construct waterworks.

3. Subject to the provisions of this Act, and within the area as described in the First Schedule hereto, the Company may, subject to the approval of the Governor, exercise any of the powers in this Part contained for the construction of waterworks for the supply of water to the Municipal District of Broken Hill, and for the purpose of carrying out the provisions of this Act the Company may

(I) Enter upon any lands and take levels of the same, and set out such parts thereof as it shall think necessary.

(II) Enter upon, take, and hold such land, after having paid, as hereinafter provided, the owners thereof compensation for the same as it may from time to time deem necessary for the construction and maintainance of any of the works authorized by this Act, or for obtaining or enlarging the supply of water, or for improving the quality thereof for the purposes of this Act.

(III) Under such superintendence, and subject to such consent, as are hereinafter specified enter upon any Crown or private lands, streets, roads, or thoroughfares, and lay or place therein any pipes, and may repair, alter, or cut off, or remove the same, and under such superintendence, and subject to such consent as aforesaid, may enter upon any such lands, streets, roads, or thoroughfares, for the purpose of repairing any watercourses, or other works, being its property or under its control.

Provided always that in the exercise of any of the powers hereby conferred, the Company shall inflict as little damage as may be, and in all cases where it can be done, shall provide other watering-places, drains,

drains, and channels, for the use of adjoining lands in place of any taken away or interrupted by it, and shall make full compensation to all parties interested, for all damage sustained by them through the exercise of such powers. It shall not be lawful for the said Company to exercise any of the powers conferred upon them by this Act until the plans or scheme for the proposed works shall have been first approved by the Governor, and such approval duly notified in the *Government Gazette*.

Penalty for obstructing construction of works.

4. Every person who shall wilfully obstruct any person acting under the authority of the Company 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 alter the position of any level, or destroy or injure any works so undertaken as aforesaid, shall incur a penalty not exceeding ten pounds for every such offence.

Penalty for destroying works.

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

Power to open streets.

6. The Company may open and break up the soil and pavement of the several streets and bridges within the limits of the district, and may open and break up any sewers, drains, or tunnels within or under such streets and bridges, and lay down and place within the same limits, pipes, conduits, service pipes, and other works and engines, and from time to time repair, alter, or remove the same, and for the purposes aforesaid remove and use all earth and materials in and under such streets and bridges, and do all other acts which the Company shall from time to time deem necessary for supplying water to the inhabitants of the district included within the said limits. Before the Company proceed to open or break up any pavement, street, road, sewer, drain, or tunnel, or to interfere with, divert, or alter any pipe not their own, or any wire used for transmission of electricity, bridge, or culvert, they shall give to the local authority under whose management or control the same may be, and, in the case of a pipe or wire, to the owners thereof, or their local representative, notice in writing of their intention to open and break up, or otherwise to interfere with the same, not less than seven clear days before beginning the work, except in cases of emergency, arising from accidents to, or defects in, the pipes, or other works, the property of the Company, and then so soon as is possible after the necessity for the work shall have arisen.

Notice to be given before streets, &c., are broken up.

Reinstatement of streets.

7. When the Company shall open or break up the road, path, or pavement of any street or bridge, or any sewer, drain, or tunnel, culvert-pipe wire, it 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 to the satisfaction of the local authority or its officer the road, path, or pavement of the sewer, drain, tunnel, culvert-wire, or pipe, so opened or broken up, and carry away the rubbish occasioned thereby. And shall at all times whilst any such road or pavement shall be so open or broken up cause the same to be fenced and guarded, and shall cause light sufficient for the warning of passengers to be set up and kept there for every night during which such road or pavement shall be continued open or broken up. No such pavement, street, road, sewer, drain, tunnel, pipe, wire, bridge, or culvert, shall be opened, broken up, or interfered with, except in cases of emergency, as aforesaid, and except as hereinafter provided, except under the superintendence of the local authority having the control thereof, or its officer; and according to such plan as shall be approved of by

Streets, &c., to be broken up under superintendence of local authority.

by the local authority, the Company shall make such temporary or other works as may be necessary for guarding against any interruption of the drainage traffic, access, or other public right and convenience during the continuance of the operations. And in the case of interference with any pipe, not the property of the Company, or any wire used for the transmission of electricity, the owners of which may intimate their desire to have the work, temporarily or permanently, of severing, altering, or restoring their pipes or wires affected by their own employees, or with their own material, the Company shall afford every facility to such employees, and shall accept and use such material, paying to such owners the actual reasonable cost of labour and material disbursed by such owners, and in default of the Company making such payment when called upon so to do, the owners aforesaid shall be entitled to recover the amount due by summary process in accordance with the provisions of this Act.

Temporary diversion of water.

8. For the purposes of this Act, and subject to the approval of the Governor, the Company may, from time to time, after the expiration of thirty days notice in some newspaper published and circulated in the District of Broken Hill of their intention to apply for the powers hereinafter in this section contained, divert or alter temporarily any part of the course of any creeks, watercourses, roads, streets, or ways, in order the more conveniently to exercise any of the powers conferred upon the Company; but shall first provide sufficient substitutes for any creek, watercourse, road, street, or way, while so interfered with, and shall maintain the same during such time at their own expense in good order. For the purposes of this Act, and subject to the approval aforesaid, the Company may construct weirs and dams in any creek or watercourse, cut drains and deliver into or take water from, and embank, widen, or deepen any creek, watercourse, lagoon, or swamp within the catchment area of Stephen's Creek, as defined in First Schedule, provided always that such works shall not interfere with any existing rights, nor with the construction hereafter by any person of other necessary works approved by the Governor for providing water supply for domestic use, or for live stock, or for mining or manufacturing, or other purposes, provided however that the Company shall pay to the Colonial Treasurer such yearly sum, by way of rent, as the Local Land Board may determine, in accordance with the provisions of the "Crown Lands Act of 1884" and the amendments thereof, in consideration of any such concession to be conferred under this Act.

Agreements to supply water.

9. The Company may supply any person with water for domestic or other purposes, by measure or otherwise, at such rates, upon such terms, and subject to such conditions as may be agreed upon by the Company and the person requiring to be supplied. Provided always that the Company shall not be entitled to withhold water from any person whom they have once agreed to supply, unless such person be in arrears with his payment, or shall have been convicted of misapplication of water, and the Company shall not charge for water any person a greater rate than other persons are charged under like conditions.

Company not liable for accidental failure to supply water.

10. The Company 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 or continuing to supply such water if the want of such supply arises from unusual drought or other unavoidable cause or accident or from necessary repairs.

Company may let meters.

11. The Company may let for hire to any consumer of water supplied by measure any meter or instrument for measuring the quantity of water supplied and consumed, and any pipes and apparatus for the conveyance, reception, or storage of the water, for such remuneration in money as may be agreed upon between the Company and the consumer, which shall be recoverable in the same manner as rates due to the Company for water.

Meters of Company not distrainable.

12. Such meters, instruments, pipes, and apparatus shall not be subject to distress for rent of the premises where the same are used, or be liable to be attached or taken in execution under any process of any Court of Law or Equity, or under or in pursuance of any sequestration or order in insolvency, or other legal proceedings against or affecting the consumer of the water, or the occupier of the premises, or other the person in whose possession the meters, pipes, instruments, and apparatus may be.

Meter to be supplied and maintained by consumer.

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

Power to officers of Company to inspect meter.

14. The officers of the Company may enter any house, building, or lands, to, through, or into which water is supplied by the Company by measure, in, or 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, or to examine if there be any waste or misuse of such water; 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 Company; 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 two Justices a power of entry shall be exercised only between the hours of nine in the forenoon and six in the afternoon.

Supply of water for public purposes.

15. In all the pipes to which any fire-plug is fixed, the Company shall provide and keep constantly laid on for use, unless prevented by unusual drought or other unavoidable accident, or during necessary repairs, a sufficient supply for the following purposes (that is to say), for supplying any public hospitals or charitable institutions, or any public pumps, baths, and washhouses that may be established for the use of the inhabitants, and paid for out of any municipal rates; and such supply shall be provided at such rates and upon such terms and conditions as may be agreed upon by any Municipal Council and the Company, or, in case of disagreement, as shall be settled by two Justices. Provided that hospitals and charitable institutions shall be provided with water without charge.

FIRE-PLUGS.

Company to place public fire-plugs in mains.

16. The Company, at the request of any Municipal Council in the Borough of which it shall construct its works or any of them, shall fix proper fire-plugs in the main and other pipes belonging to it at such convenient distances and at such places as it may consider proper and convenient for the supply of water for extinguishing any fire which may break out within any such Borough, and shall from time to time renew and keep in effective order every such fire-plug; and shall put up a public notice in some conspicuous place in each street in which such fire-plug is situated, showing its situation; and such notice may be put up on any house, wall, fence, or building in such street; and as soon as such fire-plug is completed, the Company shall deposit a key thereof in each place where any public fire-engine is kept. The cost of such fire-plugs and notices, and the expense of fixing, placing, and maintaining the same in repair, and of supplying such keys as aforesaid, shall be defrayed by the Municipal Council in which the same may be. And no supply of water from such fire-plugs shall be taken for any other purpose than that of extinguishing fires, unless such purpose be allowed in writing by the Company.

Fire-plugs for manufactories.

17. The Company 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 Company, place and maintain in effective order a fire-plug (to be used only for extinguishing fires) or near as conveniently may be to such manufactory or works.

Pipes to be kept charged, and water taken for fires.

18. The Company shall at all times keep charged with water all its pipes to which fire-plugs are fixed unless prevented by drought or other unavoidable cause or accident or during necessary repairs. And shall allow all persons at all times to take and use such water for the purpose only of extinguishing fire without making compensation for the same.

Penalty for refusal to fix fire-plugs, or for occasional failure of supply of water.

19. If, except when prevented as aforesaid, the Company neglect or refuse to fix, retain, or repair such fire-plug, or to furnish to such Municipal Council a sufficient supply of water for the public purposes aforesaid, upon such terms as shall have been agreed on or settled as aforesaid, or if, except as aforesaid, it neglects to keep its pipes charged as aforesaid, or neglects or refuses to furnish to any owner or occupier liable to be rated under this Act during any part of the time for which such rates have been paid or tendered, shall be liable to a penalty of fifty pounds, and shall also forfeit to any such Municipal Council, or to every person having paid or tendered the rate, the sum of twenty shillings for every day during which such refusal or neglect shall continue after notice in writing shall have been given to the Company of the want of supply.

Company may make regulations.

20. Subject to the provisions of this Act, the Company may, from time to time, make, amend, and repeal regulations for or relating to all or any of the following subjects:—

(I) The supply of water to the owner or occupier of any house, factory, or land;

(II) The rate at which water shall be sold, and the time of payment for the same;

(III) The prevention and remedying of waste, undue consumption, fouling or contamination of the water contained in or supplied from any part of the Company's works;

(IV) The protection of the water and every part of the works from trespass and injury;

(V) The imposing of penalties for any breach of any regulation by this Act authorized to be made by the Company, not exceeding for any offence the sum of fifty pounds; and

(VI) Generally for duly administering and carrying out the powers given to the Company.

And such regulations shall, upon being approved by the Governor and published in the *Government Gazette*, be valid in law.

Maximum price of water.

21. The price to be charged by the Company for water sold shall in no case exceed sixpence per hundred gallons.

PROTECTION OF THE WATER.

22. If any person supplied with water by the Company wrongfully does, or causes or permits to be done, anything in contravention of any of the provisions of this Act or of the regulations of the Company, or wrongfully fails to do anything which under any of those provisions ought to be done for the prevention of the waste, misuse, undue consumption, or contamination of the water of the Company, the Company may (without prejudice to any remedy against him in respect thereof) cut off any of the pipes by or through which water is supplied to him or for his use, and may cease to supply him with water so long as the cause of injury remains or is not remedied.

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

Penalty for misapplication of water.

23. If any person—

(I) Not having from the Company a supply of water for other than domestic purposes, uses for other than domestic purposes any water supplied to him by the Company; or

(II) Having from the Company a supply of water for any purpose other than domestic, uses such water for any purpose other than those for which he is entitled to use the same,—

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

Definition of domestic supply.

24. A supply of water for domestic purposes shall not include a supply to any stable, or for any manufacturing purpose, or for irrigation (which shall mean any mechanical or artificial contrivance for conveying water to plants without labour), or for water-power, or for fountains or any ornamental purpose. The Company shall at all times have the power to decide whether the supply of water to any person shall be by measure or otherwise.

Penalty for unlawfully taking water.

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

POLLUTING THE WATER.

Penalty for bathing in water of the Company.

26. If any person bathe in any stream, drain, reservoir, aqueduct, or other waterworks belonging to the Company, 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.

Protection of water supply from pollution, &c.

27. The Company shall take all reasonable precautions, by fencing and otherwise, for the protection of the water supply from pollution or contamination, and the Minister may at any time require the Company to construct such works, or take such precautions, as he may deem necessary or advisable in the interests of the public health. If the Company neglect or fail to construct such works, or take such measures, within the time prescribed by the Minister, the said Company shall become liable to a penalty of not more than fifty pounds for every day after the expiration of such prescribed time.

Penalty for throwing dirt therein.

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

Penalty for letting foul water flow thereinto.

29. If any person cause the water of any sink, sewer, or drain, steam-engine boiler, or other filthy water belonging to him or under his control to run or be brought into any stream, drain, reservoir, aqueduct, or other waterworks belonging to the Company, or shall do any other act whereby the water of the Company shall be fouled, he shall for each such offence forfeit a sum not exceeding twenty pounds, and a further sum of twenty shillings for each day (if more than one) that such offence continues.

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

30. Every person or company making or supplying gas within the limits of any water district who shall at any time cause or suffer to be brought or to flow into any stream, drain, reservoir, aqueduct, or waterworks belonging to the Company, or into any stream or 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 reservoir, aqueduct, or other waterworks shall be fouled, or the pipes or conduits thereof injured, shall forfeit to the Company a sum not exceeding twenty pounds, to be recovered with full costs of suit for each day during which such washing or other substance shall

be

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 Company.

Penalty on gasmakers causing water to be fouled.

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

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

32. For the purpose of ascertaining whether the water of the Company be fouled by the gas of any person or company making or supplying gas within the said district, the Company may dig up the ground and examine the pipes, conduits, and works of the persons or company making or supplying gas. Provided that before proceeding so to dig and examine, the Company shall give twenty-four hours' notice in writing to the person or company so making or supplying gas of the time at which such digging and examining is intended to take place, and shall give the like notice to the persons having the control or management of the pavements or place where such digging shall take place, and shall be subject to the like obligation of reinstating the road and pavement, and to the same penalties for delay or any nonfeasance or misfeasance therein, as hereinafter provided, with respect to roads and pavements broken up by the Company for laying their pipes; and if upon such examination it appears that such water has been fouled by any gas belonging to such person or company the expenses of the digging, examination, and repairs of the street or place disturbed in any such examination shall be paid by the person or company making or supplying gas; but if upon such examination it appears that the water has not been fouled by the gas of such person or company, then the Company shall pay all the expenses of the examination and repair, and also make good to the said person or company any injury which may be occasioned to his works by such examination. The Company shall apply three-fourths of any amounts received under the two last preceding clauses in reduction of the charges for water supplied to users from pipes between the point of contamination and the points of delivery, during the period of contamination for which the penalties have been inflicted, proportionately to the consumption of such users, and in the event of the Company neglecting or refusing to make such reduction, any user of water as aforesaid may recover the proportion due to him by summary process before two Justices.

The expense to abide the result of the examination.

Proportion of profits to be applied towards reduction of charges.

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

33. Any person who shall, without the authority of the Company, re-establish any 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, meter, cistern, ball-cock, stop-cock, or waste-pipe, which may have been approved by the Company, 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 Company 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 Company.

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

34. Where several houses or parts of houses in the separate occupation of several persons are supplied by one common pipe, or

where water is supplied to courts, alleys, and right-of-ways by standpipes, the several owners or occupiers of such houses or parts of houses, or of the several houses or parts of houses in every such court, alley, or right-of-way, shall be liable to the payment of two-thirds 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 Company by a separate pipe.

Steam-boilers not to connect directly with Company's pipes.

35. All steam-boilers and hot-water apparatus must be supplied from cisterns without over-flow pipes, and no such boiler or apparatus shall in any way be connected directly with the service pipe or main of the Company. It shall not be lawful for the owner or occupier of any premises supplied with water by the Company, or any consumer of the water of the Company, or any other person to affix, or cause or permit to be affixed, any pipe or apparatus to a pipe belonging to or used by such owner, occupier, consumer, or any other person, or to make any alteration in any such connection or service-pipe, or in any apparatus connected therewith, without the consent in every such case of the Company. And if any person acts in any respect in contravention of the provisions of the present section he shall for every such offence be liable to a penalty not exceeding five pounds, without prejudice to the right of the Company to recover damages from him in respect to any injury done to their property, and without prejudice to their right to recover from him the value of any water wasted, misused, or unduly consumed.

Charges and rates for water payable in advance.

36. The charges for water and all sums due to the Company shall be paid by and be recoverable from the owner of the premises or the occupier or person requiring, receiving, or using the water. Except where water is supplied by measure, all rates for water shall be paid in advance by equal payments on the first day of January, April, July and October in each year, and the first payment shall be made when the water is first supplied. The rent payable for meters shall be payable in advance on the above-mentioned dates.

Refusal to pay charges.

37. If any person refuse or neglect to pay on demand to the Company any rate, charge, or sum due by him to the Company under this Act, the Company may recover the same with costs in any Court of competent jurisdiction.

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

38. If any tenant of any premises be called on to pay, and shall pay a greater amount of any rate, charge, or sum due to the Company under this Act than is due for the period of his occupancy, such tenant may deduct any sum so paid or recovered from the rent from time to time becoming due to the owner in respect of such premises, or after demand, may recover the same from the owner of such premises.

PART III.

Acquisition and occupation by the Company of lands for the purposes of water supply—ascertainment of compensation in respect thereof.

Lands required for water supply, how acquired.

39. After the notification in the *Gazette*, as hereinbefore provided, of the approval by the Governor of a scheme for the supply of water to the said district, but not before the Company shall be empowered to acquire or occupy lands for the purposes of such water supply in manner hereinafter provided, and compensation for every such acquisition or occupation of lands shall be ascertained and carried out as hereinafter provided.

How and when lands can be taken.

40. It shall be lawful for the Company, by notification to be published in the *Gazette* and in one or more newspapers published or circulating in the said town and suburbs to declare that the land described in such notification is required for the purpose therein expressed.

Vesting of lands.

41. Upon the publication of the notification in the *Gazette* declaring that the lands therein described are so requried, such lands shall, upon compliance with the requirements and provisions hereinafter contained, be vested in the Company for the purposes of this Act. Provided, however, that the Company shall have no right or title to any mine or minerals, nor shall the said Company be entitled to interfere in any way with the working or management of any such mine or minerals as aforesaid, which may lie in, upon, or under any private or Crown Lands within the said catchment area, although the said lands may be vested in the Company for the purposes of this Act.

Effect of publication upon Crown Lands.

42. Where the land required is Crown Land at the date of such publication, or is vested in any corporation, or in person on behalf of Her Majesty, or for any public purposes by virtue of any statue, or is within the limits with reference to centres of population prescribed by the "Crown Lands Act," the effect of such publication shall be to withdraw the said land (to the extent required) from any lease or license or promise thereof, and to cancel to the like extent any dedication or reservation of the said land however made, and to divest the estate of such corporation or person, and to vest the said land to the extent aforesaid in the Company for the purposes mentioned, and for the estate limited in the last preceding section. Provided, however, that nothing in this section contained shall have any effect or operation unless the approval of the Governor shall first have been obtained with respect to the land so required, and the said Company shall have made such compensation and payments as the Local Land Board may determine, subject to the provision of the "Crown Lands Act of 1884" and any amendments of the same.

Compensation for private lands.

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

Conversion of estate of proprietor of resumed land into a claim.

44. The estate and interest of every person entitled to lands required under this Act, or any portion thereof, and whether to the legal or equitable estate therein, shall upon due payment of the amount of compensation tendered by the Company, and accepted by the owner, or assessed by the jury as hereinafter provided, be deemed to have been as fully and effectually conveyed to the Company as if the same had been conveyed by the persons legally or equitably entitled thereto by means of the most perfect assurances in the law. And every person shall upon asserting his claim, as hereinafter provided, and making out his title in respect of any portion of the said resumed lands, be entitled to compensation on account of such resumption in manner hereinafter provided.

Notice of claim for compensation.

45. Every person claiming compensation in respect of any land so required, or in respect of any work or other matter done under the authority of this Act, shall, within ninety days from the publication of such notification or at any time afterwards within such extended time as a Judge of the Supreme Court shall, upon the application of the claimant, appoint in that behalf, serve a notice in writing upon the Company, which notice shall set forth the nature of the estate or interest of the claimant in such land, together with an abstract

abstract of his title, and if he claims, in respect of damage, the nature of the damage which he has sustained or will sustain by reason of the taking of his land or of such work or matter as aforesaid, and such notice may be in form of the First Schedule hereto, but with any modifications required by the nature of the claim.

Claim and report thereon.

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

Compensation by action in Supreme Court.

47. If within ninety days after the service of notice of claim the claimant and the company shall not agree as to the amount of compensation, the claimant shall be at liberty to institute proceedings in the Supreme Court in the form of an action for compensation against the Company. And any such action may be tried before a Judge of the said Court or in any Circuit Court and a jury of four persons. Provided always that, upon proper application, either of the Company or of the claimant, a special jury of twelve may be summoned for trial of such action. Provided also that with the consent in writing of the Company and the claimant, any such action may be so tried at any time (to be mentioned in such consent) before the expiration of ninety days from service of the notice of claim for compensation, but not within fourteen days from service of the notice of valuation on such claimant.

Issue in action of compensation verdict and costs.

48. The issue to be tried in any such action shall be whether the claimant is entitled to a larger sum by way of compensation than the amount of the valuation so made by the Company and notified to the claimant as aforesaid, and if so, to what sum. And if upon the trial of the said action the verdict shall be for a greater sum than the amount of the said valuation, the costs of the action shall be borne by the Company, but if the verdict shall be for a sum equal to such valuation then each party shall bear its own costs, or less than such valuation then the costs shall be borne by the claimant.

As to payment of compensation.

49. All moneys payable under this Act by way of compensation to any claimant, whether under the verdict of a jury or otherwise, shall be paid, together with costs (if any) and interest at the rate of six pounds per centum per annum, within one month after the determination of such compensation to the person lawfully entitled thereto, or to his agent duly authorized in that behalf in writing, but the claimant shall be bound to make out his title to the estate or interest claimed by him, in all cases where the claim is in respect of the deprivation of some estate or interest in land, and no interest shall be payable except from the time when such title shall have been made out. Provided that in the case of land under the surface taken for the purpose of constructing a subterranean tunnel for water supply or sewerage, no compensation shall be allowed or awarded, unless the surface of the overlying soil be disturbed, or the support to such surface be destroyed, or injuriously affected by the construction of such tunnel, or unless any mines or underground workings in or adjacent to such land be thereby rendered unworkable or to be so affected as aforesaid.

Where claim may prosecuted in District Court.

50. The District Court shall, notwithstanding anything contained in the "District Courts Act of 1858," have jurisdiction to try any such action of compensation in any case where the whole amount of the claim in respect to such land served in pursuance of this Act does not exceed two hundred pounds, or if exceeding that amount in any case where the Company and the claimant by a memorandum signed by the Company and such claimant, or by the respective attorneys of the Company and the claimant agree thereto. For the purposes

purposes of this section, the provisions of the said District Courts Act and of any Act amending the same, together with all rules made or to be made thereunder, shall be deemed to apply to all proceedings taken in the said District Court hereunder.

Compensation how to be estimated.

51. In estimating or assessing the compensation to be paid under this Act, regard shall be had by the valuators and by the jury (on any issue), not only to the value of the land taken by the Company, but also to the damage (if any) to be sustained by the claimant by reason of the severing of the lands taken from other lands, or other injuries suffered by him by reason of the exercise of the powers expressed or incorporated in this Act, and they shall assess the same according to what they shall find to have been the value of such lands, estate, or interest, at the time of the resumption thereof, or the extent of the damage or injury sustained, but in making any such estimate or in assessing the compensation to be paid under this Act, any increased value which may be given to the adjacent lands of the same owner by reason of the water-works or water supply, shall be taken into consideration, and shall be deducted from the compensation to be paid to the owner of the lands so taken.

General power of entry.

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

Power to purchase lands by agreement.

53. Notwithstanding anything hereinbefore contained, it shall be lawful for the Company, if it shall think fit, to agree with the owners of any lands, the acquisition of which is authorized by this Act, and with all parties having any estate or interest in such lands, or by this Act enabled to sell or convey the same, for the absolute purchase, for a consideration in money, of any such lands, or such parts thereof as shall be thought proper, and of all estates and interests in such lands of what kind soever. Provided also that it shall be lawful for the said Company from time to time, and at all times hereafter, to lease any lands, or the right to use or occupy or enter upon any lands, for such term and upon such conditions as may be agreed upon.

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

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

behalf of their wards, and as to such committees on behalf of the lunatics and idiots of whom they are the committees respectively, and that to the same extent as such wives, wards, lunatics and idiots respectively, could have exercised the same power under the authority of this Act if they had respectively been under no disability, and as to such trustees, executors, or administrators on behalf of their *cestui que* trusts, whether infants, issue unborn, lunatics, *feme covert* or other persons, and that to the same extent as such *cestui que* trusts respectively could have exercised the same powers under the authority of this Act if they had respectively been under no disability, and the power hereinafter given to release lands from any rent-charge or incumbrance, and to agree for the apportionment of any such rent-charge or incumbrance shall extend to, and may lawfully be exercised by every party hereinbefore enabled to sell and convey or release lands to the promoters.

Purchase money payable to parties under disability amounting to £200 to be deposited with Master in Equity.

55. If the purchase money or compensation payable in respect of any lands or any interest therein purchased or taken by the Company from any corporation, tenant for life or in tail, married woman seized in her own right or entitled to dower, guardian, committee of lunatic or idiot, trustee, executor, administrator, or person having a partial or qualified interest only in such lands and not entitled to sell or convey the same, except under the provisions of this Act, or the compensation to be paid for any permanent damage to such lands amount to or exceed the sum of two hundred pounds, the same shall be paid into the hands of the Master in Equity, to be by him deposited to the account of such Master in Equity *ex parte* the Company in the matter of A or B (the party entitled) pursuant to the method prescribed by any Act or by any rules, for the time being in force, for regulating moneys paid into the Supreme Court in its Equitable Jurisdiction; and such moneys shall remain so deposited until the same be applied to some one or more of the following purposes, (that is to say)—

Applications of moneys deposited.

(I) In the redemption of the quit rent, or the discharge of any debt or incumbrance affecting the land in respect of which such money shall have been paid, or affecting other lands settled therewith to the same or the like uses, trusts, and purposes; or

(II) In the purchase of other lands or of Government Debentures or other stock, to be conveyed, limited and settled upon the like uses, trusts and purposes and in the same manner as the lands, in respect of which such money shall have been paid, stood settled; or

(III) If such money shall be paid in respect of any buildings taken under the authority of this Act, or injured by the proximity of any work,—in removing or replacing such buildings or substituting others in their stead, in such manner as the Supreme Court or the Primary Judge in Equity shall direct; or

(IV) In payment to any party becoming absolutely entitled to such money.

Order for application and investment meanwhile.

56. Such money may be so applied as aforesaid upon an order of the said Court or Judge made on the petition of the party who would have been entitled to the rents and profits of the lands in respect of which such money shall have been deposited; and until the money can be so applied, it may, upon the like order, be invested by the said Master in Equity in the purchase of Government Debentures or real securities, and the interest, dividends, and annual proceeds thereof may be paid to the party who would, for the time being, have been entitled to the rents and profits of the lands.

Sums from £20 to £200 to be deposited or paid to trustees.

57. (I) If such purchase money or compensation shall not amount to the sum of two hundred pounds and shall exceed the sum of twenty pounds, the same shall either be paid to the Master in Equity to be by him deposited and applied in the manner hereinbefore directed with respect to sums amounting to or exceeding two hundred pounds, or the same may be lawfully paid to two trustees.

(II) Such trustees shall be nominated by the parties entitled to the rents or profits of the lands in respect whereof the same shall be payable, such nomination to be signified by writing under the hands of the party so entitled. In case of the coverture, infancy, lunacy, or other incapacity of the parties entitled to such moneys, such nomination may lawfully be made by their respective husbands, guardians, committees, or trustees.

(III) Payment of such moneys shall not be made to such trustees as aforesaid unless the Company approve thereof and of the trustees named for the purpose.

(IV) The money so paid to such trustees and the produce arising therefrom shall be by such trustees applied in the manner hereinbefore directed with respect to money deposited to the account of the Master in Equity; but it shall not be necessary to obtain any order of the Court for that purpose.

Sums not exceeding £20 to be paid to parties.

58. If such money shall not exceed the sum of twenty pounds, the same shall be paid to the parties entitled to the rents and profits of the lands in respect whereof the same shall be payable, for their own use and benefit; or, in case of the coverture, infancy, lunacy or other incapacity of such parties, such money shall be paid for their use to the respective husbands, guardians, committees or trustees of such persons.

All sums payable under contract with persons not absolutely entitled to be paid to Master in Equity or trustees.

59. All sums of money exceeding twenty pounds which may be payable by the Company in respect of the taking, using, or interfering with any lands under a contract or agreement with any person who shall not be entitled to dispose of such lands, or of the interest therein contracted to be sold by him absolutely for his own benefit, shall be paid to the Master in Equity or to trustees, in manner aforesaid. It shall not be lawful for any contracting party not entitled as aforesaid to retain to his own use any portion of the sums so agreed or contracted to be paid for or in respect of the taking, using, or interfering with any such lands, or in lieu of bridges, tunnels, or other accommodation works, or for assenting to or not opposing the taking of such lands; but all such moneys shall be deemed to have been contracted to be paid for and on account of the several parties interested in such lands, as well in possession as in remainder, reversion, or expectancy. Provided always that it shall be in the discretion of the Judges of the Supreme Court, or the Chief Judge in Equity, or the said trustees, as the case may be, to allot to any tenant for life or for any other partial or qualified estate, for his own use, a portion of the sum so deposited or so paid to such trustees as aforesaid, as compensation for any injury, inconvenience, or annoyance which he may be considered to sustain, independently of the actual value of the lands to be taken and of the damage occasioned to the lands held therewith by reason of the taking of such lands and the making of the works.

Payments made under this Act sufficient discharge to the Company.

60. All payments which shall be made in any of the cases aforesaid to the parties entitled under this Act to receive the same shall be a good and valid discharge to the Company; and such Company shall not be bound or required to see to the application of any of the moneys paid to the Master in Equity or other person by virtue hereof, or to see to the performance of any trusts.

Court of Equity may direct application of money in

61. Where any purchase money or compensation paid or deposited pursuant to this Act shall have been paid in respect of any lease for

for a life or lives or years, or for a life or lives and years, or any estate in lands less than the whole fee simple thereof, or of any reversion dependent on any such lease or estate, the said Court or Judge may, on the petition of any party interested in such money, order that the same shall be laid out, invested, accumulated, and paid in such manner as the said Court or Judge may consider will give to the parties interested in such money the same benefit therefrom as they might lawfully have had from the lease, estate, or reversion in respect of which such money shall have been paid or deposited, or as near thereto as may be.

respect of leases or reversions as they may think just.

62. If the owner of any lands taken or purchased under the authority of this Act, or of any interest therein, on tender of the purchase money or compensation either agreed or awarded to be paid in respect thereof,

Purchase money or compensation may in certain cases be paid to the Master in Equity.

(I) Refuse to accept the same;

(II) Neglect or fail to make out a title to such lands or to the interest therein claimed by him, to the satisfaction of the Company;

(III) Refuse to convey or release such lands as directed by the Company;

(IV) Be absent from the Colony or cannot, after diligent inquiry, be found;

The Company may, if it shall think fit, deposit the purchase money or compensation payable in respect of such lands or any interest therein in the hands of the Master in Equity, to be by him deposited as aforesaid to his account to the credit of the parties interested in such lands (describing them so far as he can do) subject to the control and disposition of the said Court.

63. Upon the application by petition of any party making claim to the money so deposited as last aforesaid or any part thereof, or to the lands in respect whereof the same shall have been so deposited, or any part of such lands, or any interest in the same, the said Court or Judge may in a summary way, as to such Court or Judge shall seem fit, order such money to be laid out or invested in the purchase of Government Debentures or real securities; or may order distribution thereof or payments of the dividends thereof, according to the respective estates, titles or interest of the parties making claim to such money or lands or any part thereof, and may make such other order in the premises as to such Court or Judge shall seem fit.

Application of money so deposited.

64. If any question arise respecting the title to the lands, in respect whereof such moneys shall have been so paid or deposited as aforesaid, the parties respectively in possession of such lands as being the owners thereof or in receipt of the rents of such lands as being entitled thereto at the time of such lands being purchased or taken, shall be deemed to have been lawfully entitled to such lands, until the contrary be shown to the satisfaction of the Court; and unless, upon such inquiry as the Court shall think fit to direct, the contrary be shown as aforesaid, the parties so in possession and all parties claiming under them or consistently with their possession, shall be deemed entitled to the money so deposited, and to the dividend or interest of the securities purchased therewith, and the same shall be paid and applied accordingly.

Party in possession to be deemed the owner.

65. In all cases of moneys deposited under the provisions of this Act, except where such moneys shall have been so deposited by reason of the wilful refusal of any party entitled thereto to receive the same, or to convey or release the lands in respect whereof the same shall be payable, or by reason of the neglect of any party to make out a good title to the land required, the said Court or Judge may order the

Costs in case of money deposited.

the costs of the following matters, including therein all reasonable charges and expenses incident thereto, to be paid by the Company (that is to say) the costs of—

(I) The purchase or taking of the lands or which shall have been incurred in consequence thereof, other than such costs as are herein otherwise provided for;

(II) The investment of such moneys in Government Debentures or real securities and of the reinvestment thereof in the purchase of other lands;

(III) Obtaining the proper orders for any of the purposes aforesaid, and of the orders for the payment of the dividends and interest of the securities upon which such moneys shall be invested, and for the payment out of Court of the principal of such moneys or of the securities whereon the same shall be invested;

(IV) All proceedings relating thereto, except such as are occasioned by litigation between adverse claimants.

Provided always that the cost of one application only for reinvestment in land shall be allowed, unless it shall appear to the said Court or Judge that it is for the benefit of the parties interested in the said moneys that the same should be invested in the purchase of lands, in different sums and at different times; in which case the Court may, if it think fit, order the costs of any such investment to be paid by the Company.

Proceeding in case of refusal to deliver possession of lands.

66. If, in any case in which, according to the provisions of this Act, the Company is authorized to enter upon and take possession of any lands required for the purpose of the work, the owner or occupier of any such lands or any other person refuse to give up the possession thereof, or hinder the Company from entering upon or taking possession of the same, it shall be lawful for such a Judge of the Supreme Court upon application by the Company to issue his warrant to the Sheriff to deliver possession of the same to the person appointed in such warrant to receive the same. Upon the receipt of such warrant the Sheriff shall deliver possession of any such lands accordingly; and the cost accruing, by reason of the issuing and execution of such warrant, to be settled by the Sheriff, shall be paid by the person refusing to give possession; and the amount of such costs shall be deducted and retained by the Company from the compensation, if any, then payable to such party, or if no such compensation be payable to such party, or if the same be less than the amount of such costs, then such costs or the excess thereof beyond such compensation, if not paid on demand, shall be levied by distress, and upon application to any Justice for that purpose he shall issue his warrant accordingly.

Power to redeem mortgages.

67. (I) The Company may purchase or redeem the interest of the mortgagee of any such lands which may be required for the purposes of this Act; and that whether he shall have previously purchased the equity of redemption of such lands or not; and whether the mortgagee thereof be entitled thereto in his own right or in trust for any other party; and whether he be in possession of such lands by virtue of such mortgage or not; and whether such mortgage affect such lands solely or jointly with any other lands not required for the purposes of this Act.

(II) In order thereto, the Company may pay or tender to such mortgagee the principal and interest due on such mortgage, together with his costs and charges, if any, and also six months' additional interest; and thereupon such mortgagee shall immediately convey his interest in the lands comprised in such mortgage to the Company or as it shall direct.

(III) The Company may give notice in writing to such mortgagee that it will pay off the principal and interest due on such mortgage at the end of six months, computed from the day of giving such notice; and if it shall have given any such notice, or if the party entitled to the equity of redemption of any such lands shall have given six months notice of his intention to redeem the same, then, at the expiration of either of such notices, or at any intermediate period, upon payment or tender by the Company to the mortgagee of the principal money due on such mortgage and the interest which would become due at the end of six months from the time of giving either of such notices, together with his costs and expenses, if any, such mortgagee shall convey or release his interest in the lands comprised in such mortgage to the Company, or as it shall direct.

Deposit of mortgage money on refusal to accept.

68. If, in either of the cases aforesaid, upon such payment or tender, any mortgagee shall fail to convey or release his interest in such mortgage as directed by the Company, or if he fail to adduce a good title thereto to its satisfaction, then it shall be lawful for the Company to pay into the hands of the Master in Equity, to be dealt with by him in the manner provided by this Act in the cases of moneys required to be paid to such Master in Equity, the principal and interest, together with the costs, if any, due on such mortgage; and if such payment be made before the expiration of six months notice as aforesaid, such further interest as would at the time become due; and also, if such Company think fit, to execute a deed poll, containing a description of the lands in respect whereof such deposit shall have been made and describing the circumstances under which and the names of the parties to whose credit such deposit shall have been made, and such deed poll shall be duly registered by the Company. And thereupon, as well as upon such conveyance by the mortgagee, if any such be made, all the estate and interest of such mortgagee and of all persons in trust for him or for whom he may be a trustee in such lands shall vest in the said Company, and such Company shall be entitled to immediate possession thereof, in case such mortgagee were himself entitled to such possession.

Sum to be paid when mortgage exceeds the value of the lands.

69. (I) If any of such mortgaged lands shall be of less value than the principal, interest, and costs secured thereon, the value of such lands or the compensation to be made by the Company in respect thereof shall be settled by agreement between the mortgagee of such lands and the party entitled to the equity of redemption thereof on the one part, and the Company on the other part.

(II) If the parties aforesaid fail to agree, respecting the amount of such value or compensation, the same shall be determined, as in other cases of disputed compensation.

(III) The amount of such value or compensation being so agreed upon or determined shall be paid by the Company to the mortgagee, in satisfaction of his mortgage debt, so far as the same will extend; and upon payment or tender thereof the mortgagee shall convey or release all his interest in such mortgaged lands to the Company or as it shall direct.

Deposit of money when refused on tender.

70. If, upon such payment or tender as aforesaid being made, any such mortgagee fail so to convey his interest in such mortgage or to adduce a good title thereto to the satisfaction of the Company, it shall be lawful for the said Company to pay the amount of such value or compensation into the hands of the Master in Equity, to be dealt with by him, in the manner provided by this Act in like case of moneys required to be paid to such Master in Equity; and every such payment or deposit shall be accepted by the mortgagee in satisfaction of his mortgage debt, so far as the same will extend, and shall be a full discharge of such mortgaged lands from all money due thereon;

thereon; and the said Company may, if it think fit, execute a deed poll in manner hereinbefore provided. And thereupon such lands, as to all such estate and interest as were then vested in the mortgagee or any person in trust for him, shall become absolutely vested in the Company and such Company shall be entitled to immediate possession thereof in case such mortgagee were himself entitled to such possession. Nevertheless, all rights and remedies possessed by the mortgagee against the mortgagor, by virtue of any bond or covenant or other obligation, other than the rights to such lands, shall remain in force, in respect of so much of the mortgage debt as shall not have been satisfied by such payment or deposit.

Sum to be paid where part only of mortgaged lands taken.

71. (I) If a part only of any such mortgaged lands be required for the purposes of this Act, and if the part so required be of less value than the principal money, interest, and costs secured on such lands, and the mortgagee shall not consider the remaining part of such lands a sufficient security for the money charged thereon, or be not willing to release the part so required, then the value of such part and also the compensation (if any) to be paid in respect of the severance thereof or otherwise shall be settled by agreement between the mortgagee and the party entitled to the equity of redemption of such land on the one part, and the Company on the other part.

(II) If the parties aforesaid fail to agree respecting the amount of such value or compensation, the same shall be determined as in other cases of disputed possession.

(III) The amount of such value or compensation being so agreed upon or determined shall be paid by the Company to such mortgagee in satisfaction of his mortgage debt, so far as the same will extend; and thereupon such mortgagee shall convey or release to the Company or as it shall direct, all his interest in such mortgaged lands, the valuew hereof shall have been so paid, and a memorandum of what shall have been so paid shall be endorsed on the deed creating such mortgage, and shall be signed by the mortgagee, and a copy of such memorandum shall at the same time (if required) be furnished by the Company, at the expense of the Company, to the party entitled to the equity of redemption of the lands comprised in such mortgage deed.

Deposit of money when refused on tender.

72. If, upon any payment or tender to any such mortgagee of the amount of the value or compensation so agreed upon or determined, such mortgagee shall fail to convey or release to the Company or as it shall direct, his interest in the lands, in respect of which such compensation shall so have been paid or tendered, or if he shall fail to adduce a good title thereto to the satisfaction of the Company, it shall be lawful for such Company to pay the amount of such value or compensation into the hands of the Master in Equity, to be dealt with by him in the manner provided by this Act in the case of moneys required to be paid to such Master in Equity; and such payment or deposit shall be accepted by such mortgagee in satisfaction of his mortgage debt, so far as the same will extend, and shall be a full discharge of the portion of the mortgaged lands so required from all money due thereon; and also, if he think fit, to execute a deed poll in the manner hereinbefore provided. And thereupon such lands shall become absolutely vested in the Company, as to all such estate and interest as were then vested in the mortgagee or any person in trust for him, and in case such mortgagee were himself entitled to such possession he shall be entitled to immediate possession thereof. Nevertheless, every such mortgagee shall have the same powers and remedies for recovering or compelling payment of the mortgage money or the residue thereof (as the case may be) and the interest thereof respectively, upon and out of the residue of such mortgaged lands or the portion thereof

thereof not required for the purposes of this Act as he would otherwise have had or been entitled to for recovering or compelling payment thereof, upon or out of the whole of the lands originally comprised in such mortgage.

Release of land from rent charges.

73. If any difference shall arise between the Company and the party entitled to any rent-service, rent-charge, chief or other rent, or other payment, or incumbrance, not hereinbefore provided for, upon any lands taken for the purposes of this Act, respecting the consideration to be paid for the release of such lands therefrom, or from the portion thereof affecting the lands required for the purposes of this Act, the same shall be determined as in other cases of disputed compensation.

Release of part of land from rent-charge.

74. If part only of the lands charged with any such rent-service, rent-charge, chief-rent, or other rent-payment or incumbrance, be taken for the purposes of this Act, the apportionment of any such charge may be settled by agreement between the party entitled to such charge and the owner of the lands on the one part and the Company on the other part; and, if such apportionment be not so settled by agreement, the same shall be settled by two Justices. But if the remaining part of the lands so jointly subject be a sufficient security for such charge, then, with consent of the owner of the lands so jointly subject, it shall be lawful for the party entitled to such charge to release therefrom the lands required, on condition or in consideration of such other lands remaining exclusively subject to the whole thereof.

Deposit in case of refusal to release.

75. Upon payment or tender of the compensation so agreed upon or determined to the party entitled to any such charge as aforesaid, such party shall execute to the Company a release of such charge. If he fail so to do, or if he fail to adduce a good title to such charge to the satisfaction of the Company, it shall be lawful for such Company to pay the amount of such compensation into the hands of the Master in Equity to be dealt with by him in the manner hereinbefore provided in the case of moneys required to be paid to such Master in Equity; and also if such Company think fit to execute a deed poll, in the manner herein provided for in the case of the purchase of lands by it. And thereupon the rent-service, rent-charge, chief or other rent, payment or incumbrance, or the portion thereof in respect whereof such compensation shall so have been paid, shall cease and be extinguished.

Charge to continue on lands not taken.

76. If any such lands or portion thereof be so released from any such charge or incumbrance to which they were subject jointly with other lands, such lastmentioned lands shall alone be charged with the whole of such charge or with the remainder thereof, as the case may be, and the party entitled to the charge shall have all the same rights and remedies over such lastmentioned lands, for the whole or for the remainder of the charge, as the case may be, as he had previously over the whole of the lands subject to such charge. If, upon any such charge, or portion of charge, being so released, the deed or instrument creating or transferring such charge be tendered to the Company for the purpose, it shall affix its seal to a memorandum of such release, indorsed on such deed or instrument, declaring what part of the lands originally subject to such charge shall have been purchased by virtue of this Act, and if the lands be released from part of such charge, what proportion of such charge shall have been released, and how much thereof continues payable; or if the lands so required shall have been released from the whole of such charge, then that the remaining lands are thenceforward to remain exclusively charged therewith. Such memorandum shall be made and executed at the expense of the Company, and shall be evidence in all Courts and elsewhere of the facts therein stated, but not so as to exclude any other evidence of the same facts.

Leases.

77. (I) If any lands shall be comprised in a lease for a term of years unexpired, part only of which lands shall be required for the purposes of this Act, the rent payable in respect of the lands comprised in such lease shall be apportioned between the lands so required and the residue of such lands. Where part only of lands under lease taken the rent to be apportioned.

(II) Such apportionment may be settled by agreement between the lessor and lessee of such lands on the one part, and the Company on the other part; and, if such apportionment be not so settled by agreement between the parties, such apportionment shall be settled by two Justices.

(III) After such apportionment, the lessee of such lands shall, as to all future accruing rent, be liable only to so much of the rent as shall be so apportioned in respect of the lands not required for the purposes of this Act; and, as to the lands not so required, and as against the lessee, the lessor shall have the same rights and remedies for the recovery of such portion of rent as, previously to such apportionment, he had for the recovery of the whole rent reserved by such lease; and all the covenants, conditions, and agreements of such lease, except as to the amount of rent to be paid, shall remain in force, with regard to that part of the land which shall not be required for the purposes of this Act, in the same manner as they would have done in case such part only of the land had been included in the lease.

78. Every such lessee as last aforesaid, shall be entitled to receive from the Company compensation for the damage done to him in his tenancy, by reason of the severance of the lands required from those not required, or otherwise, for the purposes of the authorized work. Tenants to be compensated.

79. (I) If any such lands shall be in the possession of any person having no greater interest therein than as tenant for a year, or from year to year, and if such person be required to give up possession of any land so occupied by him before the expiration of his term or interest therein, he shall be entitled to compensation for the value of his unexpired term or interest in such lands, and for any just allowance which ought to be made to him by any incoming tenant, and for any loss or injury he may sustain; or, if a part only of such lands be required, compensation for the damage done to him in his tenancy, by severing the lands held by him or otherwise injuriously affecting the same. Compensation to be made to tenants from year to year.

(II) The amount of such compensation shall be determined by two Justices in case the parties differ about the same.

(III) Upon payment or tender of the amount of such compensation, all such persons shall respectively deliver up to the Company or to the person appointed by such Company to take possession thereof, any such lands in their possession required for the purposes of this Act.

80. If any party having a greater interest than as tenant at will, claim compensation in respect of any unexpired term or interest under any lease or grant of any such lands, the Company may require such party to produce the lease or grant in respect of which such claim shall be made, or the best evidence thereof in his power; and if, after demand made in writing by the Company, such lease or grant or such best evidence thereof be not produced within twenty-one days, the party so claiming compensation shall be considered as a tenant holding only from year to year, and be entitled to compensation accordingly. Where greater interest claimed than at will, lease to be produced.

81. It shall be lawful for the Company and all persons by the Company authorized to enter upon any lands not being a garden, orchard, or plantation attached or belonging to a house, nor a park, planted Power to take temporary possession of land.

planted walk, avenue, or ground ornamentally planted, and not being nearer to the any dwelling-house of any such lands than one hundred yards therefrom, and to occupy the said lands so long as may be necessary for the construction or repair of any works authorized by this Act or of the accommodation works connected therewith hereinafter mentioned, and to use the same for any of the following purposes, that is to say,—

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

For the purpose of depositing soil thereon;

For the purpose of obtaining materials therefrom for the construction or repair of the waterworks or 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 Company 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 Company 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 Company either wholly or in part for any of the purposes lastly hereinbefore mentioned, and that the Company shall pay to the owner of the land a fair price for any timber, clay, stone, gravel, sand, or other things taken therefrom.

Company to separate the lands before using them.

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

Compensation to be made for temporary occupation.

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

Before roads interfered with others to be substituted.

84. If in the exercise of the powers hereby granted it be found necessary to cross cut through, raise, sink, or use any part of any road whether carriage-road, horse-road, or tram-road, or railway, either public or private, so as to render it impassable for, or dangerous, or more than usually inconvenient to passengers or carriages, or to the persons entitled to the use thereof, the Company 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 its own expense maintain such substituted road in a state as convenient for passengers and carriages as the road so interfered with, or as nearly so as may be.

Period for restoratio of roads interfered with.

85. If the road so interfered with can be restored compatibly with the due completion of any works authorized under this Act the same shall be restored to as good a condition as it was in at the time when the same was first interfered with by the Company, or as near thereto as may be, and if such road cannot be so restored, the Company 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 possible expedition.

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

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

Works for benefit of owners.

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

Gates, bridges.

Such and so many convenient gates, bridges, arches, culverts, and passages, over, under, or by the side of or leading to or from such works as shall be necessary for the purpose of making good any interruptions caused thereby to the use of the lands through which the same shall be made, and such works shall be made forthwith after the part of the conduit passing over such lands shall have been laid out or formed, or during the formation thereof.

Fences.

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

Drains.

Also all necessary arches, tunnels, culverts drain or other passages, either over or under or by the side of such works, and of such dimensions as will be sufficient at all times to convey the water from the lands lying near or affected thereby.

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

Differences as to accommodation works to be settled by Governor.

88. If any difference arise respecting the kind or number of any such accommodation works, or the dimensions or sufficiency thereof respecting the maintaining thereof, the same shall be determined by the Governor, who shall also appoint the time within which such works shall be commenced and executed.

Power to owners of lands to make additional accommodation works.

89. If any of the owners or occupiers of lands affected by such conduit shall consider the accommodation works made by any Council or directed by the Governor to be made by the Company, insufficient for the commodious use of their respective lands, it shall be lawful for

any

any such owner or occupier, at any time, at his own expense, to make such further works for that purpose as he shall think necessary, and as shall be agreed to by the Company.

Such works to be constructed under the superintendence of the Company's engineer.

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

Penalty on persons omitting to fasten gates.

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

PART IV.

Miscellaneous Provisions—Legal Procedure.

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

92. Except as hereinbefore provided with respect to penalties for contamination of the water, one-half of any penalty recovered under this Act shall be paid to the informer; and where any distress is made for any sum of money to be levied under this Act, the distress itself shall not be unlawful, nor the persons making the same be deemed trespassers, on account of any defect or want of form in the information, summons, conviction, warrant of distress, or other proceedings relating thereto, nor shall the persons distraining be deemed tresspassers on account of any irregularity that shall be afterwards done by the persons distraining, but the persons aggrieved by such irregularities may recover satisfaction for the special damage in an action on the case.

Penalty for default not otherwise provided for.

93. If it shall be proved to the satisfaction of any two Justices of the Peace in Petty Sessions assembled that the Company or any of its officers have been guilty of any default under this Act not otherwise provided for, they shall be liable for each and every such default to a penalty not exceeding five pounds, to be recovered in a summary way.

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

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

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

95. Every penalty, forfeiture, charge or sum of money imposed by or made payable under this Act, the recovery of which is not otherwise provided for, may be recovered by summary proceedings before

time

two Justices, under the provisions of the Act or Acts in force for the time being, regulating summary proceedings before Justices. And where any such penalty, charge, or sum be not paid, either immediately after conviction or adjudication, or within the time appointed thereby, the same may be enforced by distress and sale of the offender's or defaulter's goods and chattels, in the manner provided by the said Acts.

Parties allowed to appeal to Quarter Sessions on giving security.

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

Court to make such order as they think reasonable.

Damage to be made good in addition to penalty.

97. 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 Company, used in connection therewith, shall have been committed by such person, he shall be liable to make good such damages as well as to pay such penalty, and the amount of such damages shall in case of dispute be determined by the Justices by whom the party incurring such penalty shall have been convicted, and on non-payment of such damages on demand the same shall be levied by distress, and such Justices, or one of them, shall issue their warrant accordingly.

Transient offenders.

98. It shall be lawful for any officer or servant of the Company 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 despatch, before some Justice without any warrant or other authority than this Act, and such Justice shall proceed, with all convenient despatch, to the hearing and determining of the complaint against such offender.

Notices.

99. Any notice required by this Act, or by any by-law or regulation made thereunder to be served on or given to any owner or occupier of any building, land, or premises, or on or to any person may be in writing or partly in writing and partly printed, or may be wholly printed. And it shall be sufficient for all purposes of this Act, unless the said Act in any case prescribes a different course to be pursued, if any such notice is sent by post to the owner by registered letter addressed to his last-known place of abode or of business, or is served on the owner or occupier of such building, land, or premises, or left with some inmate apparently over the age of fourteen years living at the place of abode of such owner or occupier, or if there be no occupier, if such notice be posted on some conspicuous part of such building or land. And any notice required to be served or given in respect of any

public street, road, or lane, may be served on or sent by post as aforesaid, to the Council Clerk of the borough or municipal district wherein such street, road, or lane, or a portion thereof affected by the notice is situated.

Indictment for nuisances.

100. In the event of the wrongful exercise of any powers given by this Act, nothing in this Act contained shall be construed to prevent any person from indicting, or otherwise proceeding, either civilly or criminally, against the Company or its officers, for nuisance or otherwise in respect of the works, or means used or employed by the Company in the exercise of the privileges hereby conferred on the Company, or to prevent the Company or any person recovering any sum of money, or otherwise proceeding in any Court of competent jurisdiction; but the Company or any person, to whom any penalty or sum of money may, by the provisions of this Act, be awarded, may elect either to proceed in manner in this Act provided, or to proceed for and recover damages or otherwise, in any Court of competent jurisdiction.

Borrowing powers.

101. For any of the purposes of the Company authorized by this Act the Company may, with the sanction of a general meeting of shareholders, from time to time borrow money in such sum or sums as the directors of the Company may think fit; and for securing the repayment of the money so borrowed, with interest, it shall be lawful for the Company to issue debentures, to be charged and secured upon the Company's works, materials, and revenues.

Rights, powers, &c., under this Act may be assigned, &c., to incorporate company.

102. Subject to the special sanction of the Governor it shall be lawful for the Company, at any time after the passing of this Act, to assign, transfer, convey, and release to any person, or to any Company duly incorporated for that purpose, all the rights, powers, authorities, privileges, liabilities, and obligations conferred and imposed upon it by this Act, together with all lands, tenements, hereditaments, estates, chattels, and effects of every kind, acquired by it under or in pursuance thereof, and purchased, occupied, or used in connection with the same; and upon and after the completion of such assignment, transfer, conveyance, and release, the said person or 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 Company, its officers, agents, or servants, would 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, action or proceedings taken against, or liabilities, obligations, penalties, or forfeitures incurred by the said Company before the completion of the said assignment, transfer, conveyance, and release.

Works to become the property of Municipal Council of Broken Hill.

103. All the works of the company, together with all the rights, powers, and authorities conveyed by this Act, with all their hereditaments and appurtenances, shall at the expiration of twenty-eight years from the date of this Act become and remain the absolute property of the Municipal Council of Broken Hill, but in the event of no Council being in existence then the same to revert to the Government, freed and discharged from all claims and liabilities whatsoever.

Limitation of time for erection of works.

104. The Company shall not be entitled to any of the rights and privileges conferred upon them by this Act unless they shall have completed the projected works within the period of three years from the date of the passing of this Act.

Rights of the Crown not to be interfered with.

105. Nothing in this Act shall be construed to limit or in any way interfere with the rights of the Crown to the general control of the natural supplies of water, nor in any way interfere with any right conferred before the passing of this Act, and the provisions of this Act shall be subject to the provisions of any Act dealing generally with water conservation throughout the Colony.

SCHEDULES.

SCHEDULES.

FIRST SCHEDULE.

Description of Catchment Area required by the "Barrier Ranges and Broken Hill Water Supply Company (Limited)."

Starting at the One Tree Hill, on the watershed dividing the eastern from the western waters (said hill is on that watershed); thence along that watershed in a north-easterly direction to where the watershed of the Yancowinna and Stephen's creeks joins it; thence along the watershed dividing the abovementioned creeks to where the northern watershed of Mulga Springs Creek joins it; thence south-westerly to a point one half-mile below the site already fixed for retaining dam on Stephen's Creek; thence still in a south-westerly direction taking in all waters running into Stephen's Creek, above said retaining dam and along the western watershed of Stephen's Creek passing to the south-west of the town of Willyama and along said western watershed until it meets the watershed dividing the eastern from the western waters; thence along said watershed, to the point of commencement. Area about two hundred square miles.

SECOND SCHEDULE.

(Section 45.)

Notice of Claim and Abstract.

To the Barrier Ranges and Broken Hill Water Supply Company (Limited)
Council of

In pursuance of the "Broken Hill Water Supply Act of 1889," I (*or* we) hereby give you notice that I (*or* we) claim compensation in land hereunder described which has been resumed under the said Act. The amount of such claim and other the particulars required by the said Act are stated in the subjoined abstract.

Abstract.

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

(*Signature*)
(*Address*)
(*Date*)

THIRD SCHEDULE.

(Section 46.)

Notice of Valuation.

To A.B., claimant in respect of the land hereunder described, resumed under the "Broken Hill Water Supply Act of 1889."

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

A.B. (Seal)
Manager *or* Secretary of Company.

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

All that piece or parcel of land, &c., &c., &c.

Sydney: Charles Potter, Government Printer.—1890.

[1*s.* 3*d.*]

This PRIVATE BILL *originated in the* LEGISLATIVE ASSEMBLY, *and, having this day passed, is now ready for presentation to the* LEGISLATIVE COUNCIL *for its concurrence.*

Legislative Assembly Chamber,
Sydney, 11 *November,* 1890.

F. W. WEBB,
Clerk of Legislative Assembly.

New South Wales.

ANNO QUINQUAGESIMO QUARTO

VICTORIÆ REGINÆ.

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Interpretation of terms.

And in the construction of this Act the following words and expressions in inverted commas shall, unless there be something in the 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:—

"Central Authority"—The Minister for Public Works or the Minister charged with the administration of this Act.

"Company"—The said "Barrier Ranges and Broken Hill Water Supply Company (Limited)," its representatives or assigns, owners for the time being of the Broken Hill Waterworks.

"Conduit"—The canals, tunnels, aqueducts, cuttings, or pipes, by means of which the water is supplied.

"Crown Lands"—Lands within the meaning of the "Crown Lands Act of 1884" and the amendments thereof.

"District"—All the districts which are now included within the District of Broken Hill and Silverton, and within the area as described in the First Schedule hereto.

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

"Justice"—Any Justice of the Peace.

"Owner"—Any person who is in the receipt of the rents and profits of any house, manufactory, or buildings of whatsoever kind, or of any land.

"Street"—Any square, court, alley, highway, railway, tramway, lane, road, thoroughfare or other passage, footpath, or place, whether public or private, within the limits of this Act.

"Water District"—The area within which water is authorized to be supplied to the inhabitants of the said District.

PART I.

Preliminary.

Conditions prior to acquisition of lands

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

(I) The Company shall publish once at the least in each of three consecutive weeks in some local newspaper circulating in the District, a notice describing shortly the nature of the undertaking in respect of which it is proposed to take any lands, naming the Broken Hill Court-house as the place where a plan of the proposed undertaking may be seen at all reasonable hours, and stating the quantity of lands required.

(II) The Company shall serve a printed or written notice on every owner or reputed owner, lessee or reputed lessee, and occupier of such lands, defining in each case the particular lands intended to be taken, and requiring an answer to be given within thirty days, stating whether the person so served assents, dissents, or is neutral, in respect of taking such lands.

(III) On compliance with the provisions of this section with respect to notices, the Company may, if it thinks fit, present a petition to the Governor, and such petition shall state the lands intended to be taken, and the purposes for which they are required, and the names of the owners, lessees, and occupiers of lands who have assented, dissented, or are neutral, in respect to the taking such lands, or who have returned

returned no answer to the notice. And it shall pray that the Company may, with reference to such lands, be allowed to put in force the powers contained in Part III of this Act with respect to the acquisition of lands otherwise than by agreement, and such prayer shall be supported by such evidence as the Governor may require.

(IV) On the receipt of such petition, and on due proof of the proper notices having been published and served, the Governor shall take such petition into consideration, and may either dismiss the same or direct a local inquiry, at the cost of the Company, as to the propriety of assenting to the prayer of such petition, but until such inquiry has been made no provisional order shall be made affecting any lands without the consent of the owners, lessees, and occupiers thereof.

(V) After the completion of such inquiry the Governor may, by provisional order, empower the Company to put in force with reference to the lands referred to in such order, the powers of the said Part, with respect to the acquisition of lands, otherwise than by agreement or any of them, and either absolutely or with such conditions and modifications as the Governor may think fit; and it shall be the duty of the Company to serve a copy of any order so made in the manner and on the person in which and on whom notices in respect of such lands are required to be served.

PART II.

Provisions as to Water Supply.

Authority to construct water-works.

3. Subject to the provisions of this Act, and within the area as described in the First Schedule hereto, the Company may, subject to the approval of the Governor, exercise any of the powers in this Part contained for the construction of waterworks for the supply of water to the Municipal District of Broken Hill, and for the purpose of carrying out the provisions of this Act the Company may

(I) Enter upon any lands and take levels of the same, and set out such parts thereof as it shall think necessary.

(II) Enter upon, take, and hold such land, after having paid, as hereinafter provided, the owners thereof compensation for the same as it may from time to time deem necessary for the construction and maintainance of any of the works authorized by this Act, or for obtaining or enlarging the supply of water, or for improving the quality thereof for the purposes of this Act.

(III) Under such superintendence, and subject to such consent, as are hereinafter specified enter upon any Crown or private lands, streets, roads, or thoroughfares, and lay or place therein any pipes, and may repair, alter, or cut off, or remove the same, and under such superintendence, and subject to such consent as aforesaid, may enter upon any such lands, streets, roads, or thoroughfares, for the purpose of repairing any watercourses, or other works, being its property or under its control.

Provided always that in the exercise of any of the powers hereby conferred, the Company shall inflict as little damage as may be, and in all cases where it can be done, shall provide other watering-places, drains,

drains, and channels, for the use of adjoining lands in place of any taken away or interrupted by it, and shall make full compensation to all parties interested, for all damage sustained by them through the exercise of such powers. It shall not be lawful for the said Company to exercise any of the powers conferred upon them by this Act until the plans or scheme for the proposed works shall have been first approved by the Governor, and such approval duly notified in the *Government Gazette*.

Penalty for obstructing construction of works.

4. Every person who shall wilfully obstruct any person acting under the authority of the Company 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 alter the position of any level, or destroy or injure any works so undertaken as aforesaid, shall incur a penalty not exceeding ten pounds for every such offence.

Penalty for destroying works.

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

Power to open streets.

6. The Company may open and break up the soil and pavement of the several streets and bridges within the limits of the district, and may open and break up any sewers, drains, or tunnels within or under such streets and bridges, and lay down and place within the same limits, pipes, conduits, service pipes, and other works and engines, and from time to time repair, alter, or remove the same, and for the purposes aforesaid remove and use all earth and materials in and under such streets and bridges, and do all other acts which the Company shall from time to time deem necessary for supplying water to the inhabitants of the district included within the said limits. Before the Company proceed to open or break up any pavement, street, road, sewer, drain, or tunnel, or to interfere with, divert, or alter any pipe not their own, or any wire used for transmission of electricity, bridge, or culvert, they shall give to the local authority under whose management or control the same may be, and, in the case of a pipe or wire, to the owners thereof, or their local representative, notice in writing of their intention to open and break up, or otherwise to interfere with the same, not less than seven clear days before beginning the work, except in cases of emergency, arising from accidents to, or defects in, the pipes, or other works, the property of the Company, and then so soon as is possible after the necessity for the work shall have arisen.

Notice to be given before streets, &c., are broken up.

Reinstatement of streets.

7. When the Company shall open or break up the road, path, or pavement of any street or bridge, or any sewer, drain, or tunnel, culvert-pipe wire, it 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 to the satisfaction of the local authority or its officer the road, path, or pavement of the sewer, drain, tunnel, culvert-wire, or pipe, so opened or broken up, and carry away the rubbish occasioned thereby. And shall at all times whilst any such road or pavement shall be so open or broken up cause the same to be fenced and guarded, and shall cause light sufficient for the warning of passengers to be set up and kept there for every night during which such road or pavement shall be continued open or broken up. No such pavement, street, road, sewer, drain, tunnel, pipe, wire, bridge, or culvert, shall be opened, broken up, or interfered with, except in cases of emergency, as aforesaid, and except as hereinafter provided, except under the superintendence of the local authority having the control thereof, or its officer; and according to such plan as shall be approved of

Streets, &c., to be broken up under superintendence of local authority.

by

by the local authority, the Company shall make such temporary or other works as may be necessary for guarding against any interruption of the drainage traffic, access, or other public right and convenience during the continuance of the operations. And in the case of interference with any pipe, not the property of the Company, or any wire used for the transmission of electricity, the owners of which may intimate their desire to have the work, temporarily or permanently, of severing, altering, or restoring their pipes or wires affected by their own employees, or with their own material, the Company shall afford every facility to such employees, and shall accept and use such material, paying to such owners the actual reasonable cost of labour and material disbursed by such owners, and in default of the Company making such payment when called upon so to do, the owners aforesaid shall be entitled to recover the amount due by summary process in accordance with the provisions of this Act.

Temporary diversion of water.

8. For the purposes of this Act, and subject to the approval of the Governor, the Company may, from time to time, after the expiration of thirty days notice in some newspaper published and circulated in the District of Broken Hill of their intention to apply for the powers hereinafter in this section contained, divert or alter temporarily any part of the course of any creeks, watercourses, roads, streets, or ways, in order the more conveniently to exercise any of the powers conferred upon the Company; but shall first provide sufficient substitutes for any creek, watercourse, road, street, or way, while so interfered with, and shall maintain the same during such time at their own expense in good order. For the purposes of this Act, and subject to the approval aforesaid, the Company may construct weirs and dams in any creek or watercourse, cut drains and deliver into or take water from, and embank, widen, or deepen any creek, watercourse, lagoon, or swamp within the catchment area of Stephen's Creek, as defined in First Schedule, provided always that such works shall not interfere with any existing rights, nor with the construction hereafter by any person of other necessary works approved by the Governor for providing water supply for domestic use, or for live stock, or for mining or manufacturing, or other purposes, provided however that the Company shall pay to the Colonial Treasurer such yearly sum, by way of rent, as the Local Land Board may determine, in accordance with the provisions of the "Crown Lands Act of 1884" and the amendments thereof, in consideration of any such concession to be conferred under this Act.

Agreements to supply water.

9. The Company may supply any person with water for domestic or other purposes, by measure or otherwise, at such rates, upon such terms, and subject to such conditions as may be agreed upon by the Company and the person requiring to be supplied. Provided always that the Company shall not be entitled to withhold water from any person whom they have once agreed to supply, unless such person be in arrears with his payment, or shall have been convicted of misapplication of water, and the Company shall not charge for water any person a greater rate than other persons are charged under like conditions.

Company not liable for accidental failure to supply water.

10. The Company 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 or continuing to supply such water if the want of such supply arises from unusual drought or other unavoidable cause or accident or from necessary repairs.

Company may let meters.

11. The Company may let for hire to any consumer of water supplied by measure any meter or instrument for measuring the quantity of water supplied and consumed, and any pipes and apparatus for the conveyance, reception, or storage of the water, for such remuneration in money as may be agreed upon between the Company and the consumer, which shall be recoverable in the same manner as rates due to the Company for water.

Meters of Company not distrainable.

12. Such meters, instruments, pipes, and apparatus shall not be subject to distress for rent of the premises where the same are used, or be liable to be attached or taken in execution under any process of any Court of Law or Equity, or under or in pursuance of any sequestration or order in insolvency, or other legal proceedings against or affecting the consumer of the water, or the occupier of the premises, or other the person in whose possession the meters, pipes, instruments, and apparatus may be.

Meter to be supplied and maintained by consumer.

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

Power to officers of Company to inspect meter.

14. The officers of the Company may enter any house, building, or lands, to, through, or into which water is supplied by the Company by measure, in, or 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, or to examine if there be any waste or misuse of such water; 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 Company; 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 two Justices a power of entry shall be exercised only between the hours of nine in the forenoon and six in the afternoon.

Supply of water for public purposes.

15. In all the pipes to which any fire-plug is fixed, the Company shall provide and keep constantly laid on for use, unless prevented by unusual drought or other unavoidable accident, or during necessary repairs, a sufficient supply for the following purposes (that is to say), for supplying any public hospitals or charitable institutions, or any public pumps, baths, and washhouses that may be established for the use of the inhabitants, and paid for out of any municipal rates; and such supply shall be provided at such rates and upon such terms and conditions as may be agreed upon by any Municipal Council and the Company, or, in case of disagreement, as shall be settled by two Justices. Provided that hospitals and charitable institutions shall be provided with water without charge.

FIRE-PLUGS.

Company to place public fire-plugs in mains.

16. The Company, at the request of any Municipal Council in the Borough of which it shall construct its works or any of them, shall fix proper fire-plugs in the main and other pipes belonging to it at such convenient distances and at such places as it may consider proper and convenient for the supply of water for extinguishing any fire which may break out within any such Borough, and shall from time to time renew and keep in effective order every such fire-plug; and shall put up a public notice in some conspicuous place in each street in which such fire-plug is situated, showing its situation; and such notice may be put up on any house, wall, fence, or building in such street; and as soon as such fire-plug is completed, the Company shall deposit a key thereof in each place where any public fire-engine is kept. The cost of such fire-plugs and notices, and the expense of fixing, placing, and maintaining the same in repair, and of supplying such keys as aforesaid, shall be defrayed by the Municipal Council in which the same may be. And no supply of water from such fire-plugs shall be taken for any other purpose than that of extinguishing fires, unless such purpose be allowed in writing by the Company.

Fire-plugs for manufactories.

17. The Company 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 Company, place and maintain in effective order a fire-plug (to be used only for extinguishing fires) or near as conveniently may be to such manufactory or works.

Pipes to be kept charged, and water taken for fires.

18. The Company shall at all times keep charged with water all its pipes to which fire-plugs are fixed unless prevented by drought or other unavoidable cause or accident or during necessary repairs. And shall allow all persons at all times to take and use such water for the purpose only of extinguishing fire without making compensation for the same.

Penalty for refusal to fix fire-plugs, or for occasional failure of supply of water.

19. If, except when prevented as aforesaid, the Company neglect or refuse to fix, retain, or repair such fire-plug, or to furnish to such Municipal Council a sufficient supply of water for the public purposes aforesaid, upon such terms as shall have been agreed on or settled as aforesaid, or if, except as aforesaid, it neglects to keep its pipes charged as aforesaid, or neglects or refuses to furnish to any owner or occupier liable to be rated under this Act during any part of the time for which such rates have been paid or tendered, shall be liable to a penalty of fifty pounds, and shall also forfeit to any such Municipal Council, or to every person having paid or tendered the rate, the sum of twenty shillings for every day during which such refusal or neglect shall continue after notice in writing shall have been given to the Company of the want of supply.

Company may make regulations.

20. Subject to the provisions of this Act, the Company may, from time to time, make, amend, and repeal regulations for or relating to all or any of the following subjects:—

(I) The supply of water to the owner or occupier of any house, factory, or land;

(II) The rate at which water shall be sold, and the time of payment for the same;

(III) The prevention and remedying of waste, undue consumption, fouling or contamination of the water contained in or supplied from any part of the Company's works;

(IV) The protection of the water and every part of the works from trespass and injury;

(V) The imposing of penalties for any breach of any regulation by this Act authorized to be made by the Company, not exceeding for any offence the sum of fifty pounds; and

(VI) Generally for duly administering and carrying out the powers given to the Company.

And such regulations shall, upon being approved by the Governor and published in the *Government Gazette*, be valid in law.

Maximum price of water.

21. The price to be charged by the Company for water sold shall in no case exceed sixpence per hundred gallons.

PROTECTION OF THE WATER.

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

22. If any person supplied with water by the Company wrongfully does, or causes or permits to be done, anything in contravention of any of the provisions of this Act or of the regulations of the Company, or wrongfully fails to do anything which under any of those provisions ought to be done for the prevention of the waste, misuse, undue consumption, or contamination of the water of the Company, the Company may (without prejudice to any remedy against him in respect thereof) cut off any of the pipes by or through which water is supplied to him or for his use, and may cease to supply him with water so long as the cause of injury remains or is not remedied.

Penalty for misapplication of water.

23. If any person—

(I) Not having from the Company a supply of water for other than domestic purposes, uses for other than domestic purposes any water supplied to him by the Company; or

(11) Having from the Company a supply of water for any purpose other than domestic, uses such water for any purpose other than those for which he is entitled to use the same,—

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

Definition of domestic supply.

24. A supply of water for domestic purposes shall not include a supply to any stable, or for any manufacturing purpose, or for irrigation (which shall mean any mechanical or artificial contrivance for conveying water to plants without labour), or for water-power, or for fountains or any ornamental purpose. The Company shall at all times have the power to decide whether the supply of water to any person shall be by measure or otherwise.

Penalty for unlawfully taking water.

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

POLLUTING THE WATER.

Penalty for bathing in water of the Company.

26. If any person bathe in any stream, drain, reservoir, aqueduct, or other waterworks belonging to the Company, 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.

Protection of water supply from pollution, &c.

27. The Company shall take all reasonable precautions, by fencing and otherwise, for the protection of the water supply from pollution or contamination, and the Minister may at any time require the Company to construct such works, or take such precautions, as he may deem necessary or advisable in the interests of the public health. If the Company neglect or fail to construct such works, or take such measures, within the time prescribed by the Minister, the said Company shall become liable to a penalty of not more than fifty pounds for every day after the expiration of such prescribed time.

Penalty for throwing dirt therein.

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

Penalty for letting foul water flow thereinto.

29. If any person cause the water of any sink, sewer, or drain, steam-engine boiler, or other filthy water belonging to him or under his control to run or be brought into any stream, drain, reservoir, aqueduct, or other waterworks belonging to the Company, or shall do any other act whereby the water of the Company shall be fouled, he shall for each such offence forfeit a sum not exceeding twenty pounds, and a further sum of twenty shillings for each day (if more than one) that such offence continues.

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

30. Every person or company making or supplying gas within the limits of any water district who shall at any time cause or suffer to be brought or to flow into any stream, drain, reservoir, aqueduct, or waterworks belonging to the Company, or into any stream or 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 reservoir, aqueduct, or other waterworks shall be fouled, or the pipes or conduits thereof injured, shall forfeit to the Company a sum not exceeding twenty pounds, to be recovered with full costs of suit for each day during which such washing or other substance shall

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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 Company.

Penalty on gasmakers causing water to be fouled.

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

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

32. For the purpose of ascertaining whether the water of the Company be fouled by the gas of any person or company making or supplying gas within the said district, the Company may dig up the ground and examine the pipes, conduits, and works of the persons or company making or supplying gas. Provided that before proceeding so to dig and examine, the Company shall give twenty-four hours' notice in writing to the person or company so making or supplying gas of the time at which such digging and examining is intended to take place, and shall give the like notice to the persons having the control or management of the pavements or place where such digging shall take place, and shall be subject to the like obligation of reinstating the road and pavement, and to the same penalties for delay or any nonfeasance or misfeasance therein, as hereinafter provided, with respect to roads and pavements broken up by the Company for laying their pipes; and if upon such examination it appears that such water has been fouled by any gas belonging to such person or company the expenses of the digging, examination, and repairs of the street or place disturbed in any such examination shall be paid by the person or company making or supplying gas; but if upon such examination it appears that the water has not been fouled by the gas of such person or company, then the Company shall pay all the expenses of the examination and repair, and also make good to the said person or company any injury which may be occasioned to his works by such examination. The Company shall apply three-fourths of any amounts received under the two last preceding clauses in reduction of the charges for water supplied to users from pipes between the point of contamination and the points of delivery, during the period of contamination for which the penalties have been inflicted, proportionately to the consumption of such users, and in the event of the Company neglecting or refusing to make such reduction, any user of water as aforesaid may recover the proportion due to him by summary process before two Justices.

The expense to abide the result of the examination.

Proportion of profits to be applied towards reduction of charges.

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

33. Any person who shall, without the authority of the Company, re-establish any 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, meter, cistern, ball-cock, stop-cock, or waste-pipe, which may have been approved by the Company, 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 Company 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 Company.

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

34. Where several houses or parts of houses in the separate occupation of several persons are supplied by one common pipe, or

where water is supplied to courts, alleys, and right-of-ways by standpipes, the several owners or occupiers of such houses or parts of houses, or of the several houses or parts of houses in every such court, alley, or right-of-way, shall be liable to the payment of two-thirds 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 Company by a separate pipe.

Steam-boilers not to connect directly with Company's pipes.

35. All steam-boilers and hot-water apparatus must be supplied from cisterns without over-flow pipes, and no such boiler or apparatus shall in any way be connected directly with the service pipe or main of the Company. It shall not be lawful for the owner or occupier of any premises supplied with water by the Company, or any consumer of the water of the Company, or any other person to affix, or cause or permit to be affixed, any pipe or apparatus to a pipe belonging to or used by such owner, occupier, consumer, or any other person, or to make any alteration in any such connection or service-pipe, or in any apparatus connected therewith, without the consent in every such case of the Company. And if any person acts in any respect in contravention of the provisions of the present section he shall for every such offence be liable to a penalty not exceeding five pounds, without prejudice to the right of the Company to recover damages from him in respect to any injury done to their property, and without prejudice to their right to recover from him the value of any water wasted, misused, or unduly consumed.

Charges and rates for water payable in advance.

36. The charges for water and all sums due to the Company shall be paid by and be recoverable from the owner of the premises or the occupier or person requiring, receiving, or using the water. Except where water is supplied by measure, all rates for water shall be paid in advance by equal payments on the first day of January, April, July and October in each year, and the first payment shall be made when the water is first supplied. The rent payable for meters shall be payable in advance on the above-mentioned dates.

Refusal to pay charges.

37. If any person refuse or neglect to pay on demand to the Company any rate, charge, or sum due by him to the Company under this Act, the Company may recover the same with costs in any Court of competent jurisdiction.

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

38. If any tenant of any premises be called on to pay, and shall pay a greater amount of any rate, charge, or sum due to the Company under this Act than is due for the period of his occupancy, such tenant may deduct any sum so paid or recovered from the rent from time to time becoming due to the owner in respect of such premises, or after demand, may recover the same from the owner of such premises.

PART III.

Acquisition and occupation by the Company of lands for the purposes of water supply—ascertainment of compensation in respect thereof.

Lands required for water supply, how acquired.

39. After the notification in the *Gazette*, as hereinbefore provided, of the approval by the Governor of a scheme for the supply of water to the said district, but not before the Company shall be empowered to acquire or occupy lands for the purposes of such water supply in manner hereinafter provided, and compensation for every such acquisition or occupation of lands shall be ascertained and carried out as hereinafter provided.

How and when lands can be taken.

40. It shall be lawful for the Company, by notification to be published in the *Gazette* and in one or more newspapers published or circulating in the said town and suburbs to declare that the land described in such notification is required for the purpose therein expressed.

Vesting of lands.

41. Upon the publication of the notification in the *Gazette* declaring that the lands therein described are so requried, such lands shall, upon compliance with the requirements and provisions hereinafter contained, be vested in the Company for the purposes of this Act. Provided, however, that the Company shall have no right or title to any mine or minerals, nor shall the said Company be entitled to interfere in any way with the working or management of any such mine or minerals as aforesaid, which may lie in, upon, or under any private or Crown Lands within the said catchment area, although the said lands may be vested in the Company for the purposes of this Act.

Effect of publication upon Crown Lands.

42. Where the land required is Crown Land at the date of such publication, or is vested in any corporation, or in person on behalf of Her Majesty, or for any public purposes by virtue of any statue, or is within the limits with reference to centres of population prescribed by the "Crown Lands Act," the effect of such publication shall be to withdraw the said land (to the extent required) from any lease or license or promise thereof, and to cancel to the like extent any dedication or reservation of the said land however made, and to divest the estate of such corporation or person, and to vest the said land to the extent aforesaid in the Company for the purposes mentioned, and for the estate limited in the last preceding section. Provided, however, that nothing in this section contained shall have any effect or operation unless the approval of the Governor shall first have been obtained with respect to the land so required, and the said Company shall have made such compensation and payments as the Local Land Board may determine, subject to the provision of the "Crown Lands Act of 1884" and any amendments of the same.

Compensation for private lands.

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

Conversion of estate of proprietor of resumed land into a claim.

44. The estate and interest of every person entitled to lands required under this Act, or any portion thereof, and whether to the legal or equitable estate therein, shall upon due payment of the amount of compensation tendered by the Company, and accepted by the owner, or assessed by the jury as hereinafter provided, be deemed to have been as fully and effectually conveyed to the Company as if the same had been conveyed by the persons legally or equitably entitled thereto by means of the most perfect assurances in the law. And every person shall upon asserting his claim, as hereinafter provided, and making out his title in respect of any portion of the said resumed lands, be entitled to compensation on account of such resumption in manner hereinafter provided.

Notice of claim for compensation.

45. Every person claiming compensation in respect of any land so required, or in respect of any work or other matter done under the authority of this Act, shall, within ninety days from the publication of such notification or at any time afterwards within such extended time as a Judge of the Supreme Court shall, upon the application of the claimant, appoint in that behalf, serve a notice in writing upon the Company, which notice shall set forth the nature of the estate or interest of the claimant in such land, together with an abstract

abstract of his title, and if he claims, in respect of damage, the nature of the damage which he has sustained or will sustain by reason of the taking of his land or of such work or matter as aforesaid, and such notice may be in form of the First Schedule hereto, but with any modifications required by the nature of the claim.

Claim and report thereon.

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

Compensation by action in Supreme Court.

47. If within ninety days after the service of notice of claim the claimant and the company shall not agree as to the amount of compensation, the claimant shall be at liberty to institute proceedings in the Supreme Court in the form of an action for compensation against the Company. And any such action may be tried before a Judge of the said Court or in any Circuit Court and a jury of four persons. Provided always that, upon proper application, either of the Company or of the claimant, a special jury of twelve may be summoned for trial of such action. Provided also that with the consent in writing of the Company and the claimant, any such action may be so tried at any time (to be mentioned in such consent) before the expiration of ninety days from service of the notice of claim for compensation, but not within fourteen days from service of the notice of valuation on such claimant.

Issue in action of compensation verdict and costs.

48. The issue to be tried in any such action shall be whether the claimant is entitled to a larger sum by way of compensation than the amount of the valuation so made by the Company and notified to the claimant as aforesaid, and if so, to what sum. And if upon the trial of the said action the verdict shall be for a greater sum than the amount of the said valuation, the costs of the action shall be borne by the Company, but if the verdict shall be for a sum equal to such valuation then each party shall bear its own costs, or less than such valuation then the costs shall be borne by the claimant.

As to payment of compensation.

49. All moneys payable under this Act by way of compensation to any claimant, whether under the verdict of a jury or otherwise, shall be paid, together with costs (if any) and interest at the rate of six pounds per centum per annum, within one month after the determination of such compensation to the person lawfully entitled thereto, or to his agent duly authorized in that behalf in writing, but the claimant shall be bound to make out his title to the estate or interest claimed by him, in all cases where the claim is in respect of the deprivation of some estate or interest in land, and no interest shall be payable except from the time when such title shall have been made out. Provided that in the case of land under the surface taken for the purpose of constructing a subterranean tunnel for water supply or sewerage, no compensation shall be allowed or awarded, unless the surface of the overlying soil be disturbed, or the support to such surface be destroyed, or injuriously affected by the construction of such tunnel, or unless any mines or underground workings in or adjacent to such land be thereby rendered unworkable or to be so affected as aforesaid.

Where claim may prosecuted in District Court.

50. The District Court shall, notwithstanding anything contained in the "District Courts Act of 1858," have jurisdiction to try any such action of compensation in any case where the whole amount of the claim in respect to such land served in pursuance of this Act does not exceed two hundred pounds, or if exceeding that amount in any case where the Company and the claimant by a memorandum signed by the Company and such claimant, or by the respective attorneys of the Company and the claimant agree thereto. For the purposes

purposes of this section, the provisions of the said District Courts Act and of any Act amending the same, together with all rules made or to be made thereunder, shall be deemed to apply to all proceedings taken in the said District Court hereunder.

Compensation how to be estimated.

51. In estimating or assessing the compensation to be paid under this Act, regard shall be had by the valuators and by the jury (on any issue), not only to the value of the land taken by the Company, but also to the damage (if any) to be sustained by the claimant by reason of the severing of the lands taken from other lands, or other injuries suffered by him by reason of the exercise of the powers expressed or incorporated in this Act, and they shall assess the same according to what they shall find to have been the value of such lands, estate, or interest, at the time of the resumption thereof, or the extent of the damage or injury sustained, but in making any such estimate or in assessing the compensation to be paid under this Act, any increased value which may be given to the adjacent lands of the same owner by reason of the water-works or water supply, shall be taken into consideration, and shall be deducted from the compensation to be paid to the owner of the lands so taken.

General power of entry.

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

Power to purchase lands by agreement.

53. Notwithstanding anything hereinbefore contained, it shall be lawful for the Company, if it shall think fit, to agree with the owners of any lands, the acquisition of which is authorized by this Act, and with all parties having any estate or interest in such lands, or by this Act enabled to sell or convey the same, for the absolute purchase, for a consideration in money, of any such lands, or such parts thereof as shall be thought proper, and of all estates and interests in such lands of what kind soever. Provided also that it shall be lawful for the said Company from time to time, and at all times hereafter, to lease any lands, or the right to use or occupy or enter upon any lands, for such term and upon such conditions as may be agreed upon.

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

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

behalf of their wards, and as to such committees on behalf of the lunatics and idiots of whom they are the committees respectively, and that to the same extent as such wives, wards, lunatics and idiots respectively, could have exercised the same power under the authority of this Act if they had respectively been under no disability, and as to such trustees, executors, or administrators on behalf of their *cestui que* trusts, whether infants, issue unborn, lunatics, *feme covert* or other persons, and that to the same extent as such *cestui que* trusts respectively could have exercised the same powers under the authority of this Act if they had respectively been under no disability, and the power hereinafter given to release lands from any rent-charge or incumbrance, and to agree for the apportionment of any such rent-charge or incumbrance shall extend to, and may lawfully be exercised by every party hereinbefore enabled to sell and convey or release lands to the promoters.

Purchase money payable to parties under disability amounting to £200 to be deposited with Master in Equity.

55. If the purchase money or compensation payable in respect of any lands or any interest therein purchased or taken by the Company from any corporation, tenant for life or in tail, married woman seized in her own right or entitled to dower, guardian, committee of lunatic or idiot, trustee, executor, administrator, or person having a partial or qualified interest only in such lands and not entitled to sell or convey the same, except under the provisions of this Act, or the compensation to be paid for any permanent damage to such lands amount to or exceed the sum of two hundred pounds, the same shall be paid into the hands of the Master in Equity, to be by him deposited to the account of such Master in Equity *ex parte* the Company in the matter of A or B (the party entitled) pursuant to the method prescribed by any Act or by any rules, for the time being in force, for regulating moneys paid into the Supreme Court in its Equitable Jurisdiction; and such moneys shall remain so deposited until the same be applied to some one or more of the following purposes, (that is to say)—

Applications of moneys deposited.

(I) In the redemption of the quit rent, or the discharge of any debt or incumbrance affecting the land in respect of which such money shall have been paid, or affecting other lands settled therewith to the same or the like uses, trusts, and purposes; or

(II) In the purchase of other lands or of Government Debentures or other stock, to be conveyed, limited and settled upon the like uses, trusts and purposes and in the same manner as the lands, in respect of which such money shall have been paid, stood settled; or

(III) If such money shall be paid in respect of any buildings taken under the authority of this Act, or injured by the proximity of any work,—in removing or replacing such buildings or substituting others in their stead, in such manner as the Supreme Court or the Primary Judge in Equity shall direct; or

(IV) In payment to any party becoming absolutely entitled to such money.

Order for application and investment meanwhile.

56. Such money may be so applied as aforesaid upon an order of the said Court or Judge made on the petition of the party who would have been entitled to the rents and profits of the lands in respect of which such money shall have been deposited; and until the money can be so applied, it may, upon the like order, be invested by the said Master in Equity in the purchase of Government Debentures or real securities, and the interest, dividends, and annual proceeds thereof may be paid to the party who would, for the time being, have been entitled to the rents and profits of the lands.

57.

Sums from £20 to £200 to be deposited or paid to trustees.

57. (I) If such purchase money or compensation shall not amount to the sum of two hundred pounds and shall exceed the sum of twenty pounds, the same shall either be paid to the Master in Equity to be by him deposited and applied in the manner hereinbefore directed with respect to sums amounting to or exceeding two hundred pounds, or the same may be lawfully paid to two trustees.

(II) Such trustees shall be nominated by the parties entitled to the rents or profits of the lands in respect whereof the same shall be payable, such nomination to be signified by writing under the hands of the party so entitled. In case of the coverture, infancy, lunacy, or other incapacity of the parties entitled to such moneys, such nomination may lawfully be made by their respective husbands, guardians, committees, or trustees.

(III) Payment of such moneys shall not be made to such trustees as aforesaid unless the Company approve thereof and of the trustees named for the purpose.

(IV) The money so paid to such trustees and the produce arising therefrom shall be by such trustees applied in the manner hereinbefore directed with respect to money deposited to the account of the Master in Equity; but it shall not be necessary to obtain any order of the Court for that purpose.

Sums not exceeding £20 to be paid to parties.

58. If such money shall not exceed the sum of twenty pounds, the same shall be paid to the parties entitled to the rents and profits of the lands in respect whereof the same shall be payable, for their own use and benefit; or, in case of the coverture, infancy, lunacy or other incapacity of such parties, such money shall be paid for their use to the respective husbands, guardians, committees or trustees of such persons.

All sums payable under contract with persons not absolutely entitled to be paid to Master in Equity or trustees.

59. All sums of money exceeding twenty pounds which may be payable by the Company in respect of the taking, using, or interfering with any lands under a contract or agreement with any person who shall not be entitled to dispose of such lands, or of the interest therein contracted to be sold by him absolutely for his own benefit, shall be paid to the Master in Equity or to trustees, in manner aforesaid. It shall not be lawful for any contracting party not entitled as aforesaid to retain to his own use any portion of the sums so agreed or contracted to be paid for or in respect of the taking, using, or interfering with any such lands, or in lieu of bridges, tunnels, or other accommodation works, or for assenting to or not opposing the taking of such lands; but all such moneys shall be deemed to have been contracted to be paid for and on account of the several parties interested in such lands, as well in possession as in remainder, reversion, or expectancy. Provided always that it shall be in the discretion of the Judges of the Supreme Court, or the Chief Judge in Equity, or the said trustees, as the case may be, to allot to any tenant for life or for any other partial or qualified estate, for his own use, a portion of the sum so deposited or so paid to such trustees as aforesaid, as compensation for any injury, inconvenience, or annoyance which he may be considered to sustain, independently of the actual value of the lands to be taken and of the damage occasioned to the lands held therewith by reason of the taking of such lands and the making of the works.

Payments made under this Act sufficient discharge to the Company.

60. All payments which shall be made in any of the cases aforesaid to the parties entitled under this Act to receive the same shall be a good and valid discharge to the Company; and such Company shall not be bound or required to see to the application of any of the moneys paid to the Master in Equity or other person by virtue hereof, or to see to the performance of any trusts.

Court of Equity may direct application of money in

61. Where any purchase money or compensation paid or deposited pursuant to this Act shall have been paid in respect of any lease for

for a life or lives or years, or for a life or lives and years, or any estate in lands less than the whole fee simple thereof, or of any reversion dependent on any such lease or estate, the said Court or Judge may, on the petition of any party interested in such money, order that the same shall be laid out, invested, accumulated, and paid in such manner as the said Court or Judge may consider will give to the parties interested in such money the same benefit therefrom as they might lawfully have had from the lease, estate, or reversion in respect of which such money shall have been paid or deposited, or as near thereto as may be. respect of leases or reversions as they may think just.

62. If the owner of any lands taken or purchased under the authority of this Act, or of any interest therein, on tender of the purchase money or compensation either agreed or awarded to be paid in respect thereof, Purchase money or compensation may in certain cases be paid to the Master in Equity.

(I) Refuse to accept the same;

(II) Neglect or fail to make out a title to such lands or to the interest therein claimed by him, to the satisfaction of the Company;

(III) Refuse to convey or release such lands as directed by the Company;

(IV) Be absent from the Colony or cannot, after diligent inquiry, be found;

The Company may, if it shall think fit, deposit the purchase money or compensation payable in respect of such lands or any interest therein in the hands of the Master in Equity, to be by him deposited as aforesaid to his account to the credit of the parties interested in such lands (describing them so far as he can do) subject to the control and disposition of the said Court.

63. Upon the application by petition of any party making claim to the money so deposited as last aforesaid or any part thereof, or to the lands in respect whereof the same shall have been so deposited, or any part of such lands, or any interest in the same, the said Court or Judge may in a summary way, as to such Court or Judge shall seem fit, order such money to be laid out or invested in the purchase of Government Debentures or real securities; or may order distribution thereof or payments of the dividends thereof, according to the respective estates, titles or interest of the parties making claim to such money or lands or any part thereof, and may make such other order in the premises as to such Court or Judge shall seem fit. Application of money so deposited.

64. If any question arise respecting the title to the lands, in respect whereof such moneys shall have been so paid or deposited as aforesaid, the parties respectively in possession of such lands as being the owners thereof or in receipt of the rents of such lands as being entitled thereto at the time of such lands being purchased or taken, shall be deemed to have been lawfully entitled to such lands, until the contrary be shown to the satisfaction of the Court; and unless, upon such inquiry as the Court shall think fit to direct, the contrary be shown as aforesaid, the parties so in possession and all parties claiming under them or consistently with their possession, shall be deemed entitled to the money so deposited, and to the dividend or interest of the securities purchased therewith, and the same shall be paid and applied accordingly. Party in possession to be deemed the owner.

65. In all cases of moneys deposited under the provisions of this Act, except where such moneys shall have been so deposited by reason of the wilful refusal of any party entitled thereto to receive the same, or to convey or release the lands in respect whereof the same shall be payable, or by reason of the neglect of any party to make out a good title to the land required, the said Court or Judge may order the Costs in case of money deposited.

the costs of the following matters, including therein all reasonable charges and expenses incident thereto, to be paid by the Company (that is to say) the costs of—

(I) The purchase or taking of the lands or which shall have been incurred in consequence thereof, other than such costs as are herein otherwise provided for;

(II) The investment of such moneys in Government Debentures or real securities and of the reinvestment thereof in the purchase of other lands;

(III) Obtaining the proper orders for any of the purposes aforesaid, and of the orders for the payment of the dividends and interest of the securities upon which such moneys shall be invested, and for the payment out of Court of the principal of such moneys or of the securities whereon the same shall be invested;

(IV) All proceedings relating thereto, except such as are occasioned by litigation between adverse claimants.

Provided always that the cost of one application only for reinvestment in land shall be allowed, unless it shall appear to the said Court or Judge that it is for the benefit of the parties interested in the said moneys that the same should be invested in the purchase of lands, in different sums and at different times; in which case the Court may, if it think fit, order the costs of any such investment to be paid by the Company.

Proceeding in case of refusal to deliver possession of lands.

66. If, in any case in which, according to the provisions of this Act, the Company is authorized to enter upon and take possession of any lands required for the purpose of the work, the owner or occupier of any such lands or any other person refuse to give up the possession thereof, or hinder the Company from entering upon or taking possession of the same, it shall be lawful for such a Judge of the Supreme Court upon application by the Company to issue his warrant to the Sheriff to deliver possession of the same to the person appointed in such warrant to receive the same. Upon the receipt of such warrant the Sheriff shall deliver possession of any such lands accordingly; and the cost accruing, by reason of the issuing and execution of such warrant, to be settled by the Sheriff, shall be paid by the person refusing to give possession; and the amount of such costs shall be deducted and retained by the Company from the compensation, if any, then payable to such party, or if no such compensation be payable to such party, or if the same be less than the amount of such costs, then such costs or the excess thereof beyond such compensation, if not paid on demand, shall be levied by distress, and upon application to any Justice for that purpose he shall issue his warrant accordingly.

Power to redeem mortgages.

67. (I) The Company may purchase or redeem the interest of the mortgagee of any such lands which may be required for the purposes of this Act; and that whether he shall have previously purchased the equity of redemption of such lands or not; and whether the mortgagee thereof be entitled thereto in his own right or in trust for any other party; and whether he be in possession of such lands by virtue of such mortgage or not; and whether such mortgage affect such lands solely or jointly with any other lands not required for the purposes of this Act.

(II) In order thereto, the Company may pay or tender to such mortgagee the principal and interest due on such mortgage, together with his costs and charges, if any, and also six months' additional interest; and thereupon such mortgagee shall immediately convey his interest in the lands comprised in such mortgage to the Company or as it shall direct.

(III) The Company may give notice in writing to such mortgagee that it will pay off the principal and interest due on such mortgage at the end of six months, computed from the day of giving such notice; and if it shall have given any such notice, or if the party entitled to the equity of redemption of any such lands shall have given six months notice of his intention to redeem the same, then, at the expiration of either of such notices, or at any intermediate period, upon payment or tender by the Company to the mortgagee of the principal money due on such mortgage and the interest which would become due at the end of six months from the time of giving either of such notices, together with his costs and expenses, if any, such mortgagee shall convey or release his interest in the lands comprised in such mortgage to the Company, or as it shall direct.

Deposit of mortgage money on refusal to accept.

68. If, in either of the cases aforesaid, upon such payment or tender, any mortgagee shall fail to convey or release his interest in such mortgage as directed by the Company, or if he fail to adduce a good title thereto to its satisfaction, then it shall be lawful for the Company to pay into the hands of the Master in Equity, to be dealt with by him in the manner provided by this Act in the cases of moneys required to be paid to such Master in Equity, the principal and interest, together with the costs, if any, due on such mortgage; and if such payment be made before the expiration of six months notice as aforesaid, such further interest as would at the time become due; and also, if such Company think fit, to execute a deed poll, containing a description of the lands in respect whereof such deposit shall have been made and describing the circumstances under which and the names of the parties to whose credit such deposit shall have been made, and such deed poll shall be duly registered by the Company. And thereupon, as well as upon such conveyance by the mortgagee, if any such be made, all the estate and interest of such mortgagee and of all persons in trust for him or for whom he may be a trustee in such lands shall vest in the said Company, and such Company shall be entitled to immediate possession thereof, in case such mortgagee were himself entitled to such possession.

Sum to be paid when mortgage exceeds the value of the lands.

69. (I) If any of such mortgaged lands shall be of less value than the principal, interest, and costs secured thereon, the value of such lands or the compensation to be made by the Company in respect thereof shall be settled by agreement between the mortgagee of such lands and the party entitled to the equity of redemption thereof on the one part, and the Company on the other part.

(II) If the parties aforesaid fail to agree, respecting the amount of such value or compensation, the same shall be determined, as in other cases of disputed compensation.

(III) The amount of such value or compensation being so agreed upon or determined shall be paid by the Company to the mortgagee, in satisfaction of his mortgage debt, so far as the same will extend; and upon payment or tender thereof the mortgagee shall convey or release all his interest in such mortgaged lands to the Company or as it shall direct.

Deposit of money when refused on tender.

70. If, upon such payment or tender as aforesaid being made, any such mortgagee fail so to convey his interest in such mortgage or to adduce a good title thereto to the satisfaction of the Company, it shall be lawful for the said Company to pay the amount of such value or compensation into the hands of the Master in Equity, to be dealt with by him, in the manner provided by this Act in like case of moneys required to be paid to such Master in Equity; and every such payment or deposit shall be accepted by the mortgagee in satisfaction of his mortgage debt, so far as the same will extend, and shall be a full discharge of such mortgaged lands from all money due thereon;

thereon; and the said Company may, if it think fit, execute a deed poll in manner hereinbefore provided. And thereupon such lands, as to all such estate and interest as were then vested in the mortgagee or any person in trust for him, shall become absolutely vested in the Company and such Company shall be entitled to immediate possession thereof in case such mortgagee were himself entitled to such possession. Nevertheless, all rights and remedies possessed by the mortgagee against the mortgagor, by virtue of any bond or covenant or other obligation, other than the rights to such lands, shall remain in force, in respect of so much of the mortgage debt as shall not have been satisfied by such payment or deposit.

Sum to be paid where part only of mortgaged lands taken.

71. (I) If a part only of any such mortgaged lands be required for the purposes of this Act, and if the part so required be of less value than the principal money, interest, and costs secured on such lands, and the mortgagee shall not consider the remaining part of such lands a sufficient security for the money charged thereon, or be not willing to release the part so required, then the value of such part and also the compensation (if any) to be paid in respect of the severance thereof or otherwise shall be settled by agreement between the mortgagee and the party entitled to the equity of redemption of such land on the one part, and the Company on the other part.

(II) If the parties aforesaid fail to agree respecting the amount of such value or compensation, the same shall be determined as in other cases of disputed possession.

(III) The amount of such value or compensation being so agreed upon or determined shall be paid by the Company to such mortgagee in satisfaction of his mortgage debt, so far as the same will extend; and thereupon such mortgagee shall convey or release to the Company or as it shall direct, all his interest in such mortgaged lands, the valuew hereof shall have been so paid, and a memorandum of what shall have been so paid shall be endorsed on the deed creating such mortgage, and shall be signed by the mortgagee, and a copy of such memorandum shall at the same time (if required) be furnished by the Company, at the expense of the Company, to the party entitled to the equity of redemption of the lands comprised in such mortgage deed.

Deposit of money when refused on tender.

72. If, upon any payment or tender to any such mortgagee of the amount of the value or compensation so agreed upon or determined, such mortgagee shall fail to convey or release to the Company or as it shall direct, his interest in the lands, in respect of which such compensation shall so have been paid or tendered, or if he shall fail to adduce a good title thereto to the satisfaction of the Company, it shall be lawful for such Company to pay the amount of such value or compensation into the hands of the Master in Equity, to be dealt with by him in the manner provided by this Act in the case of moneys required to be paid to such Master in Equity; and such payment or deposit shall be accepted by such mortgagee in satisfaction of his mortgage debt, so far as the same will extend, and shall be a full discharge of the portion of the mortgaged lands so required from all money due thereon; and also, if he think fit, to execute a deed poll in the manner hereinbefore provided. And thereupon such lands shall become absolutely vested in the Company, as to all such estate and interest as were then vested in the mortgagee or any person in trust for him, and in case such mortgagee were himself entitled to such possession he shall be entitled to immediate possession thereof. Nevertheless, every such mortgagee shall have the same powers and remedies for recovering or compelling payment of the mortgage money or the residue thereof (as the case may be) and the interest thereof respectively, upon and out of the residue of such mortgaged lands or the portion thereof

thereof not required for the purposes of this Act as he would otherwise have had or been entitled to for recovering or compelling payment thereof, upon or out of the whole of the lands originally comprised in such mortgage.

Release of land from rent charges.

73. If any difference shall arise between the Company and the party entitled to any rent-service, rent-charge, chief or other rent, or other payment, or incumbrance, not hereinbefore provided for, upon any lands taken for the purposes of this Act, respecting the consideration to be paid for the release of such lands therefrom, or from the portion thereof affecting the lands required for the purposes of this Act, the same shall be determined as in other cases of disputed compensation.

Release of part of land from rent-charge.

74. If part only of the lands charged with any such rent-service, rent-charge, chief-rent, or other rent-payment or incumbrance, be taken for the purposes of this Act, the apportionment of any such charge may be settled by agreement between the party entitled to such charge and the owner of the lands on the one part and the Company on the other part; and, if such apportionment be not so settled by agreement, the same shall be settled by two Justices. But if the remaining part of the lands so jointly subject be a sufficient security for such charge, then, with consent of the owner of the lands so jointly subject, it shall be lawful for the party entitled to such charge to release therefrom the lands required, on condition or in consideration of such other lands remaining exclusively subject to the whole thereof.

Deposit in case of refusal to release.

75. Upon payment or tender of the compensation so agreed upon or determined to the party entitled to any such charge as aforesaid, such party shall execute to the Company a release of such charge. If he fail so to do, or if he fail to adduce a good title to such charge to the satisfaction of the Company, it shall be lawful for such Company to pay the amount of such compensation into the hands of the Master in Equity to be dealt with by him in the manner hereinbefore provided in the case of moneys required to be paid to such Master in Equity; and also if such Company think fit to execute a deed poll, in the manner herein provided for in the case of the purchase of lands by it. And thereupon the rent-service, rent-charge, chief or other rent, payment or incumbrance, or the portion thereof in respect whereof such compensation shall so have been paid, shall cease and be extinguished.

Charge to continue on lands not taken.

76. If any such lands or portion thereof be so released from any such charge or incumbrance to which they were subject jointly with other lands, such lastmentioned lands shall alone be charged with the whole of such charge or with the remainder thereof, as the case may be, and the party entitled to the charge shall have all the same rights and remedies over such lastmentioned lands, for the whole or for the remainder of the charge, as the case may be, as he had previously over the whole of the lands subject to such charge. If, upon any such charge, or portion of charge, being so released, the deed or instrument creating or transferring such charge be tendered to the Company for the purpose, it shall affix its seal to a memorandum of such release, indorsed on such deed or instrument, declaring what part of the lands originally subject to such charge shall have been purchased by virtue of this Act, and if the lands be released from part of such charge, what proportion of such charge shall have been released, and how much thereof continues payable; or if the lands so required shall have been released from the whole of such charge, then that the remaining lands are thenceforward to remain exclusively charged therewith. Such memorandum shall be made and executed at the expense of the Company, and shall be evidence in all Courts and elsewhere of the facts therein stated, but not so as to exclude any other evidence of the same facts.

Leases.

77. (i) If any lands shall be comprised in a lease for a term of years unexpired, part only of which lands shall be required for the purposes of this Act, the rent payable in respect of the lands comprised in such lease shall be apportioned between the lands so required and the residue of such lands. Where part only of lands under lease taken the rent to be apportioned.

(ii) Such apportionment may be settled by agreement between the lessor and lessee of such lands on the one part, and the Company on the other part; and, if such apportionment be not so settled by agreement between the parties, such apportionment shall be settled by two Justices.

(iii) After such apportionment, the lessee of such lands shall, as to all future accruing rent, be liable only to so much of the rent as shall be so apportioned in respect of the lands not required for the purposes of this Act; and, as to the lands not so required, and as against the lessee, the lessor shall have the same rights and remedies for the recovery of such portion of rent as, previously to such apportionment, he had for the recovery of the whole rent reserved by such lease; and all the covenants, conditions, and agreements of such lease, except as to the amount of rent to be paid, shall remain in force, with regard to that part of the land which shall not be required for the purposes of this Act, in the same manner as they would have done in case such part only of the land had been included in the lease.

78. Every such lessee as last aforesaid, shall be entitled to receive from the Company compensation for the damage done to him in his tenancy, by reason of the severance of the lands required from those not required, or otherwise, for the purposes of the authorized work. Tenants to be compensated.

79. (i) If any such lands shall be in the possession of any person having no greater interest therein than as tenant for a year, or from year to year, and if such person be required to give up possession of any land so occupied by him before the expiration of his term or interest therein, he shall be entitled to compensation for the value of his unexpired term or interest in such lands, and for any just allowance which ought to be made to him by any incoming tenant, and for any loss or injury he may sustain; or, if a part only of such lands be required, compensation for the damage done to him in his tenancy, by severing the lands held by him or otherwise injuriously affecting the same. Compensation to be made to tenants from year to year.

(ii) The amount of such compensation shall be determined by two Justices in case the parties differ about the same.

(iii) Upon payment or tender of the amount of such compensation, all such persons shall respectively deliver up to the Company or to the person appointed by such Company to take possession thereof, any such lands in their possession required for the purposes of this Act.

80. If any party having a greater interest than as tenant at will, claim compensation in respect of any unexpired term or interest under any lease or grant of any such lands, the Company may require such party to produce the lease or grant in respect of which such claim shall be made, or the best evidence thereof in his power; and if, after demand made in writing by the Company, such lease or grant or such best evidence thereof be not produced within twenty-one days, the party so claiming compensation shall be considered as a tenant holding only from year to year, and be entitled to compensation accordingly. Where greater interest claimed than at will, lease to be produced.

81. It shall be lawful for the Company and all persons by the Company authorized to enter upon any lands not being a garden, orchard, or plantation attached or belonging to a house, nor a park, planted Power to take temporary possession of land.

planted walk, avenue, or ground ornamentally planted, and not being nearer to the any dwelling-house of any such lands than one hundred yards therefrom, and to occupy the said lands so long as may be necessary for the construction or repair of any works authorized by this Act or of the accommodation works connected therewith hereinafter mentioned, and to use the same for any of the following purposes, that is to say,—

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

For the purpose of depositing soil thereon;

For the purpose of obtaining materials therefrom for the construction or repair of the waterworks or 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 Company 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 Company 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 Company either wholly or in part for any of the purposes lastly hereinbefore mentioned, and that the Company shall pay to the owner of the land a fair price for any timber, clay, stone, gravel, sand, or other things taken therefrom.

Company to separate the lands before using them.

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

Compensation to be made for temporary occupation.

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

Before roads interfered with others to be substituted.

84. If in the exercise of the powers hereby granted it be found necessary to cross cut through, raise, sink, or use any part of any road whether carriage-road, horse-road, or tram-road, or railway, either public or private, so as to render it impassable for, or dangerous, or more than usually inconvenient to passengers or carriages, or to the persons entitled to the use thereof, the Company 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 its own expense maintain such substituted road in a state as convenient for passengers and carriages as the road so interfered with, or as nearly so as may be.

Period for restoratio of roads interfered with.

85. If the road so interfered with can be restored compatibly with the due completion of any works authorized under this Act the same shall be restored to as good a condition as it was in at the time when the same was first interfered with by the Company, or as near thereto as may be, and if such road cannot be so restored, the Company 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 possible expedition.

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

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

Works for benefit of owners.

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

Gates, bridges.

Such and so many convenient gates, bridges, arches, culverts, and passages, over, under, or by the side of or leading to or from such works as shall be necessary for the purpose of making good any interruptions caused thereby to the use of the lands through which the same shall be made, and such works shall be made forthwith after the part of the conduit passing over such lands shall have been laid out or formed, or during the formation thereof.

Fences.

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

Drains.

Also all necessary arches, tunnels, culverts drain or other passages, either over or under or by the side of such works, and of such dimensions as will be sufficient at all times to convey the water from the lands lying near or affected thereby.

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

Differences as to accommodation works to be settled by Governor.

88. If any difference arise respecting the kind or number of any such accommodation works, or the dimensions or sufficiency thereof respecting the maintaining thereof, the same shall be determined by the Governor, who shall also appoint the time within which such works shall be commenced and executed.

Power to owners of lands to make additional accommodation works.

89. If any of the owners or occupiers of lands affected by such conduit shall consider the accommodation works made by any Council or directed by the Governor to be made by the Company, insufficient for the commodious use of their respective lands, it shall be lawful for any

any such owner or occupier, at any time, at his own expense, to make such further works for that purpose as he shall think necessary, and as shall be agreed to by the Company.

Such works to be constructed under the superintendence of the Company's engineer.

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

Penalty on persons omitting to fasten gates.

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

PART IV.

Miscellaneous Provisions—Legal Procedure.

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

92. Except as hereinbefore provided with respect to penalties for contamination of the water, one-half of any penalty recovered under this Act shall be paid to the informer; and where any distress is made for any sum of money to be levied under this Act, the distress itself shall not be unlawful, nor the persons making the same be deemed trespassers, on account of any defect or want of form in the information, summons, conviction, warrant of distress, or other proceedings relating thereto, nor shall the persons distraining be deemed tresspassers on account of any irregularity that shall be afterwards done by the persons distraining, but the persons aggrieved by such irregularities may recover satisfaction for the special damage in an action on the case.

Penalty for default not otherwise provided for.

93. If it shall be proved to the satisfaction of any two Justices of the Peace in Petty Sessions assembled that the Company or any of its officers have been guilty of any default under this Act not otherwise provided for, they shall be liable for each and every such default to a penalty not exceeding five pounds, to be recovered in a summary way.

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

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

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

95. Every penalty, forfeiture, charge or sum of money imposed by or made payable under this Act, the recovery of which is not otherwise provided for, may be recovered by summary proceedings before

time

two Justices, under the provisions of the Act or Acts in force for the time being, regulating summary proceedings before Justices. And where any such penalty, charge, or sum be not paid, either immediately after conviction or adjudication, or within the time appointed thereby, the same may be enforced by distress and sale of the offender's or defaulter's goods and chattels, in the manner provided by the said Acts.

Parties allowed to appeal to Quarter Sessions on giving security.

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

Court to make such order as they think reasonable.

Damage to be made good in addition to penalty.

97. 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 Company, used in connection therewith, shall have been committed by such person, he shall be liable to make good such damages as well as to pay such penalty, and the amount of such damages shall in case of dispute be determined by the Justices by whom the party incurring such penalty shall have been convicted, and on non-payment of such damages on demand the same shall be levied by distress, and such Justices, or one of them, shall issue their warrant accordingly.

Transient offenders.

98. It shall be lawful for any officer or servant of the Company 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 despatch, before some Justice without any warrant or other authority than this Act, and such Justice shall proceed, with all convenient despatch, to the hearing and determining of the complaint against such offender.

Notices.

99. Any notice required by this Act, or by any by-law or regulation made thereunder to be served on or given to any owner or occupier of any building, land, or premises, or on or to any person may be in writing or partly in writing and partly printed, or may be wholly printed. And it shall be sufficient for all purposes of this Act, unless the said Act in any case prescribes a different course to be pursued, if any such notice is sent by post to the owner by registered letter addressed to his last-known place of abode or of business, or is served on the owner or occupier of such building, land, or premises, or left with some inmate apparently over the age of fourteen years living at the place of abode of such owner or occupier, or if there be no occupier, if such notice be posted on some conspicuous part of such building or land. And any notice required to be served or given in respect of any

public street, road, or lane, may be served on or sent by post as aforesaid, to the Council Clerk of the borough or municipal district wherein such street, road, or lane, or a portion thereof affected by the notice is situated.

Indictment for nuisances.

100. In the event of the wrongful exercise of any powers given by this Act, nothing in this Act contained shall be construed to prevent any person from indicting, or otherwise proceeding, either civilly or criminally, against the Company or its officers, for nuisance or otherwise in respect of the works, or means used or employed by the Company in the exercise of the privileges hereby conferred on the Company, or to prevent the Company or any person recovering any sum of money, or otherwise proceeding in any Court of competent jurisdiction; but the Company or any person, to whom any penalty or sum of money may, by the provisions of this Act, be awarded, may elect either to proceed in manner in this Act provided, or to proceed for and recover damages or otherwise, in any Court of competent jurisdiction.

Borrowing powers.

101. For any of the purposes of the Company authorized by this Act the Company may, with the sanction of a general meeting of shareholders, from time to time borrow money in such sum or sums as the directors of the Company may think fit; and for securing the repayment of the money so borrowed, with interest, it shall be lawful for the Company to issue debentures, to be charged and secured upon the Company's works, materials, and revenues.

Rights, powers, &c., under this Act may be assigned, &c., to incorporate company.

102. Subject to the special sanction of the Governor it shall be lawful for the Company, at any time after the passing of this Act, to assign, transfer, convey, and release to any person, or to any Company duly incorporated for that purpose, all the rights, powers, authorities, privileges, liabilities, and obligations conferred and imposed upon it by this Act, together with all lands, tenements, hereditaments, estates, chattels, and effects of every kind, acquired by it under or in pursuance thereof, and purchased, occupied, or used in connection with the same; and upon and after the completion of such assignment, transfer, conveyance, and release, the said person or 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 Company, its officers, agents, or servants, would 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, action or proceedings taken against, or liabilities, obligations, penalties, or forfeitures incurred by the said Company before the completion of the said assignment, transfer, conveyance, and release.

Works to become the property of Municipal Council of Broken Hill.

103. All the works of the company, together with all the rights, powers, and authorities conveyed by this Act, with all their hereditaments and appurtenances, shall at the expiration of twenty-eight years from the date of this Act become and remain the absolute property of the Municipal Council of Broken Hill, but in the event of no Council being in existence then the same to revert to the Government, freed and discharged from all claims and liabilities whatsoever.

Limitation of time for erection of works.

104. The Company shall not be entitled to any of the rights and privileges conferred upon them by this Act unless they shall have completed the projected works within the period of three years from the date of the passing of this Act.

Rights of the Crown not to be interfered with.

105. Nothing in this Act shall be construed to limit or in any way interfere with the rights of the Crown to the general control of the natural supplies of water, nor in any way interfere with any right conferred before the passing of this Act, and the provisions of this Act shall be subject to the provisions of any Act dealing generally with water conservation throughout the Colony.

SCHEDULES.

SCHEDULES.

FIRST SCHEDULE.

Description of Catchment Area required by the "Barrier Ranges and Broken Hill Water Supply Company (Limited)."

Starting at the One Tree Hill, on the watershed dividing the eastern from the western waters (said hill is on that watershed); thence along that watershed in a north-easterly direction to where the watershed of the Yancowinna and Stephen's creeks joins it; thence along the watershed dividing the abovementioned creeks to where the northern watershed of Mulga Springs Creek joins it; thence south-westerly to a point one half-mile below the site already fixed for retaining dam on Stephen's Creek; thence still in a south-westerly direction taking in all waters running into Stephen's Creek, above said retaining dam and along the western watershed of Stephen's Creek passing to the south-west of the town of Willyama and along said western watershed until it meets the watershed dividing the eastern from the western waters; thence along said watershed, to the point of commencement. Area about two hundred square miles.

SECOND SCHEDULE.

(Section 45.)

Notice of Claim and Abstract.

To the Barrier Ranges and Broken Hill Water Supply Company (Limited)
Council of

In pursuance of the "Broken Hill Water Supply Act of 1889," I (*or* we) hereby give you notice that I (*or* we) claim compensation in land hereunder described which has been resumed under the said Act. The amount of such claim and other the particulars required by the said Act are stated in the subjoined abstract.

Abstract.

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

(*Signature*)
(*Address*)
(*Date*)

THIRD SCHEDULE.

(Section 46.)

Notice of Valuation.

To A.B., claimant in respect of the land hereunder described, resumed under the "Broken Hill Water Supply Act of 1889."

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

A.B. (Seal)
Manager *or* Secretary of Company.

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

All that piece or parcel of land, &c., &c., &c.

Sydney: Charles Potter, Government Printer.—1890.

[1*s.* 3*d.*]