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An Act to provide for the Conservation of Water.

[Assented to, November 17th, 1886.]

WHEREAS it is desirable to make more effectual provision for the conservation of water—Be it therefore Enacted by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly, in this present Parliament assembled, as follows:

PRELIMINARY.

1. This Act may be cited for all purposes as "The Water Conservation Act, 1886."

2. This Act shall be divided into twelve parts, relating to the following subject-matters:

PART I.—Interpretation, section 3.

PART II.—Proclamation of Water Districts, sections 4 to 10.

PART III.—Appointment and Constitution of Water Conservancy Boards, sections 11 to 18.

PART IV.—Qualification, Disqualification, and Enrolment of Ratepayers and Revision of Rolls, sections 19 to 29.

PART V.—Election of Members of Board, sections 30 to 42.

PART VI.—Boards, their Functions, Duties, and Powers, sections 43 to 88.

PART VII.—Assessments, Appeals against Assessments, Rates, and Recovery of Rates, sections 89 to 130.

PART VIII.—Special Waterworks, sections 131 to 138.

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PART I.

INTERPRETATION.

3. In the construction and for the purposes of this Act, except where the subject-matter or context, or other provisions hereof, require a different construction, the following terms in inverted commas shall have the respective meanings hereinafter assigned to them, that is to say—

"Board" shall mean any Water Conservancy Board constituted under this Act for any water district, and in water districts for which no Board shall be constituted shall mean the Commissioner:

"Commissioner" shall mean the Commissioner of Water Conservancy under this Act:

"District" and "water district" shall respectively mean any water district proclaimed as such under this Act:

"District Council" shall mean any District Council exercising or having local functions under "The District Councils Act, 1876," or any other Act for the time being relating to District Councils:

"Drainage District" shall mean any district constituted under "The South-Eastern Drainage Act, 1878," or any Act amending the same:

"Extraordinary vacancy" shall mean any vacancy arising from death, resignation, or other means, except effluxion of time, by which any office may become vacant, or be vacated, under this Act:

"Land" shall include buildings, messuages, tenements, and hereeditaments:

"Municipal
PART I.

Municipal Corporation.

"Municipal Corporation" shall mean any Corporation exercising or having local functions under "The Municipal Corporations Act, 1880," or any other Act for the time being relating to Municipal Corporations:

Owner.

"Owner" shall include the person for the time being receiving, or entitled to receive, the rents of any lands within any water district, whether on his own account, or as agent, trustee, or attorney for any other person:

Public notice.

"Public notice" shall mean notice by advertisement in the Government Gazette, and by such, if any, other means as each Board may for their own district direct:

Ratable property.

"Ratable property" shall mean and include all lands within a water district, or a proposed water district (including lands belonging to the Crown), with the following exceptions:

Lands belonging to the Crown, and not lawfully contracted to be granted to any person in fee-simple or leased:

Lands used exclusively by the Government for any public purpose:

Lands which cannot on account of elevation, situation, or other circumstance receive any benefit from waterworks established in the district in which they are situated, or the value of which is not increased by reason of such waterworks:

Any public hospital, lunatic asylum, benevolent institution, or buildings used exclusively for charitable purposes:

Any church, chapel, or buildings used exclusively for divine worship:

Ratepayer.

"Ratepayer" shall mean and include the occupier of any ratable property, and the owner, other than the Crown, of unoccupied ratable property, and shall, before the Proclamation of a proposed water district, mean and include all persons who would be ratepayers within such district if the locality described in the petition for the constitution of the water district were proclaimed a water district:

Town lands.

"Town lands" shall mean and include any lands laid out as a town or township by the Government, and any other lands laid out or subdivided into allotments, of which laying-out or subdivision plans are, or shall be, deposited in the General Registry Office or Lands Titles Registration Office of the province:

Waterworks.

"Waterworks" shall include buildings, reservoirs, dams, tanks, cisterns, weirs, watercourses, aqueducts, wells, channels, pipes, drains, cuts, culverts, tunnels, sluices, trenches, embankments, standpipes, filters, bridges, engines, machines, implements,
implements, and all other contrivances, appliances, and works, whether existing on or being affixed to the soil, and whether wholly or partly artificial, used by any Board for or in connection with the reception, protection, purification, storing, accumulation, transmission, or distribution of water, and for or in connection with works for irrigation purposes:

"Writing" shall include printing, and vice versa, and any notice or document whatsoever by this Act required to be in writing may be wholly written or wholly printed, or partly written and partly printed:

"River"—Any stream of water, whether perennial or intermittent, flowing in a natural bed or course, either above or beneath the surface of the ground:

"Lake"—Any lagoon, swamp, lake, or other collection of still water, whether this supply of still water be permanent or temporary, and whether it is found above or beneath the surface of the ground:

"Stock"—Cattle, horses, sheep, and all other domestic animals:

"Watercourse"—Any stream of water of smaller dimensions and discharge than would entitle it to the name of "river," as this term is generally understood, whether such stream of water be permanent or intermittent, and whether its flow be above or beneath the ground, or partly above and partly beneath.

PART II.

PROCLAMATION OF WATER DISTRICTS.

4. The Governor may, subject to the provisions of this Act, from time to time and at any time, on a petition of ratepayers, do any one or more of the following acts by Proclamation in the Government Gazette:

He may constitute any portion of the province situate within proclaimed hundreds a water district for the purposes of this Act, and may appoint the first Board for every new water district:

He may define the boundaries of, and give a name or number to, every district:

He may constitute any portion of any district, or of two or more districts, a new water district:

He may alter the boundaries of any district, either by separating part thereof from, and declaring that it shall no longer form part of, a water district, or by adding to a district other land, whether theretofore included or not within the limits of a water district:

He may abolish any Board, or remove any member of a Board.

5. Every
5. Every petition for constituting a water district shall set forth the following particulars, and shall be signed by not less than three-fifths of the ratepayers within the proposed district, such ratepayers owning or occupying not less than half of the area of the land in such district:

i. The proposed name of the proposed district:

ii. The boundaries of the proposed district; and of every district, or part of a district (if any), sought to be included in the proposed water district:

iii. The total area of ratable property owned or occupied within the proposed water district by every ratepayer signing the petition; and

iv. The names of three persons (qualified as hereinafter provided to become members of a Board) nominated by the petitioners for appointment by the Governor to the first Board for the proposed district.

6. Every petition for altering the boundaries of a water district shall set forth the following particulars, and shall be signed by not less than three-fifths of the ratepayers within that portion of the district proposed to be separated, or within the area proposed to be added to an existing water district, such ratepayers owning or occupying not less than one-half of the land in such district:

i. The boundaries of the land proposed to be separated from or added to the district:

ii. The total area of ratable property owned or occupied within such boundaries by every ratepayer signing the petition.

7. Every petition shall contain a prayer specifically stating the object thereof, and shall be accompanied by a declaration by some person signing the petition verifying the signatures thereto, and stating that the persons signing the same are bond fide ratepayers entitled to sign the same within the meaning of this Act; and every petition shall be published for three consecutive weeks in the Government Gazette.

8. Any person or persons may, by counter-petition presented to the Governor within twenty-eight days from the first publication of the original petition, show cause against the prayer of any such petition, or any part thereof, being granted; which counter-petition shall also be published for three consecutive weeks in the Government Gazette; and the original petitioners, or any of them, shall have the right to reply thereto by petition in reply within twenty-eight days from the first publication of such counter-petition, which petition in reply shall be forthwith published once in the Government Gazette; but no further petition or reply thereto shall be considered
sidered or published; and the Governor may proclaim the water
district and define its boundaries either as proposed or modified as
he may think fit, and may appoint the first Board for such district,
and thereupon the provisions of this Act shall apply to the district
so proclaimed. Every such Proclamation may, if a counter-petition
shall have been presented, issue not earlier than nine weeks; or,
if there shall have been no counter-petition, not earlier than four
weeks from the first publication of the original petition.

9. The Governor may, on address from either House of the
Legislature, at any time and from time to time, without a petition
of ratepayers, by Proclamation in the Government Gazette, do any
of the acts which he is hereinbefore authorised to do on a petition
of ratepayers; and may, by any such Proclamation, declare that all
the powers by this Act vested in or given to Boards shall, within
any water district created under this section, be vested in and
exercised by the Commissioner.

10. No water district, or part of a water district, now or here-
after constituted or continued a water district under "The Water-
works Act, 1882," or any Act amending or repealing the same, shall
be included in any district under this Act, nor shall any waterworks
constructed within any district by private persons under the powers
contained in Part x. of this Act be under the control of any Board:
Provided that if any water district fails to comply with the re-
quired conditions to keep the works in a proper state of repair, or
pay interest as agreed, the Governor may at any time bring such
water district under the provisions of this Act.

PART III.
APPPOINTMENT AND CONSTITUTION OF WATER
CONSERVANCY BOARDS.

11. For every district (other than water districts under the sole
control of the Commissioner), there shall be a Water Conservancy
Board, consisting of five members, to be appointed and elected,
respectively, as hereinafter provided.

12. The first members of a Board shall be appointed by the Go-
vernor, and shall consist of the three persons nominated in the
petition praying for the Proclamation of the district, and of two
other members to be appointed by the Governor. Three of the
members so appointed shall be entitled to hold office until the
expiration of three years and two until five years from the first
day of July next succeeding their appointment, as hereinafter
provided.

13. After the first appointment of a Board two members of every
Board shall be appointed by the Governor, and three members shall
be elected by the ratepayers of the water district, in manner herein-
after provided.

14. In
PART III.

Qualification for member of Board.

Disqualification for membership of Board.

14. In order that any person may be qualified to be a member of a Board he must be a ratepayer of the water district for which he may be appointed or elected.

15. The following persons shall be disqualified from, and incapable of, being or continuing members of a Board:—

Any Special Magistrate:

Any person under the age of twenty-one years:

Any person convicted of treason or felony, or of a misdemeanour for which sentence of imprisonment other than for the non-payment of a fine shall have been passed, unless he has received a free pardon for such offence, or has undergone the sentence passed on him for such offence:

Any person becoming insolvent, or making a deed of assignment for the benefit of his creditors under the insolvency laws in force for the time being: Provided that such person shall become eligible after he has obtained a certificate under his insolvency, or obtained the assents required by law for the validity of the deed of assignment made by him:

Any person of unsound mind:

Any person holding office or place of profit under any Board, or contracting, whether directly or indirectly, with any Board appointed for such District: Provided that no person shall be disqualified by reason of his being a proprietor or shareholder in any company incorporated under any Act of Parliament, or registered under any Act for the registration of joint-stock companies, which may have contracted with any Board: Provided also that no member shall vote or take part in the discussion of any matter in connection with any contract in which he may be directly or indirectly, by himself or his partners, pecuniarily interested.

16. The following causes shall create an extraordinary vacancy in any Board:—

Death:

Non-attendance by any member at the meetings of the Board for a period of three consecutive ordinary meetings without leave of the Board:

Removal by the Governor of any member:

Disqualification of any member as hereinbefore defined:

Resignation by notice, in writing, signed by the member resigning, and delivered to the Chairman or Secretary of the Board:

Refusal or neglect to make or sign the declaration hereinafter prescribed:

Ceasing
Ceasing to be a ratepayer of the district for the Board of which the member may have been appointed or elected:

The judgment of any duly authorised Court or Justice declaring the office vacant on the ground that a member is not properly appointed or elected, or declaring that any member ought not from any cause to hold office:

The want of the nomination or election of a sufficient number of candidates to fill vacancies caused by effluxion of time:

All extraordinary vacancies in a Board may be filled by the Governor, by the appointment of such persons to fill such vacancies as he may think fit: Provided that, if any vacancy shall occur by reason of any elective member ceasing to hold office, a majority of the remaining members of the Board may, by petition presented to the Governor within one month from the happening of the event causing such vacancy, nominate the person to fill the same, who shall thereupon be appointed.

17. Every person appointed to fill any extraordinary vacancy in the office of a member of a Board shall, for the purpose of retirement, be deemed to have been appointed or elected when his immediate predecessor in office was appointed or elected, and shall retire accordingly: Provided always that any such person so retiring shall be capable of being forthwith re-appointed or re-elected if then duly qualified.

18. On the first day of July in the third year next succeeding the appointment of the first Board, and on the first day of July in every subsequent fifth year, at the conclusion of the election of new members, two of the elected and one of the nominated members shall retire from office, the order of retirement of members of the first Board to be decided by ballot at the first meeting of the Board after its appointment; and on the first day of July in the fifth year next succeeding the appointment of the first Board, and in every subsequent fifth year, one elected and one nominated member shall retire from office; the members so retiring shall be those who have been longest in office without re-election, but shall, if then qualified, be eligible for re-appointment or re-election, as the case may be.

PART IV.

QUALIFICATION, DISQUALIFICATION, AND ENROLMENT OF RATEPAYERS, AND REVISION OF ROLLS.

19. Every person of full age who shall be seized of or occupy any ratable property within any water district, either as owner or occupier, and whose name as such owner or occupier shall be inserted in the assessment hereinafter directed to be made, shall be entitled, under and subject to the provisions of this Act, to be enrolled on the ratepayers' roll of, and to vote at all elections and meetings of ratepayers in, such district.

20. The
The Water Conservation Act.—1886.

20. The following persons shall not be entitled to be enrolled on the ratepayers' roll of any water district:—

Any alien:

Any person in receipt of public relief or alms:

Any person who, being assessed, shall not have paid all such rates authorised to be levied under the provisions of this Act as shall have become payable before the time of his application to be enrolled.

21. Immediately after the appointment of a Board, and on or before the first day of May in each subsequent year, and at such other times as the Board may direct, the Secretary of every Board shall cause an alphabetical list of all persons entitled to be enrolled as ratepayers in the water district to be prepared, and kept in the office of the Board.

22. Any person whose name shall have been omitted from such ratepayers' list may claim to have it inserted thereon, and any ratepayer whose name appears on such list may object to any other person as not being entitled to have his name retained thereon.

23. Every claim by any ratepayer to have his name inserted on such list, and every objection by a ratepayer to the name of any other person being retained on such list, shall be respectively in the forms specified in Schedule A hereto, but no such claim or objection shall be available at any Revision Court, unless the same shall have been lodged in the office of the Board (as respects claims) not later than fourteen, and (as respects objections) not later than twelve days before the holding of such Court.

24. The Secretary shall cause alphabetical lists of all such claims and objections to be prepared and exhibited in some conspicuous place in the office of the Board, and elsewhere if considered necessary, for three days at the least prior to the sitting of the Court of Revision hereinafter mentioned.

25. Every Board shall constitute an open Court for the revision of the ratepayers' list of their district, and for hearing and determining the claims of the ratepayers thereof to be inserted in such list, and the objections of any ratepayers to any person's name being retained thereon, and shall sit for the purposes aforesaid, as regards the first list of ratepayers, at such time and place as the Board shall appoint, not being less than one month after public notice of the preparation of such list shall have been given by the Board; and as regards subsequent lists of ratepayers, on the fifteenth day of June next after the preparation thereof.

26. The Secretary of every Board shall cause to be given not less than fourteen days' previous public notice of the time and place of the sitting of any Court of Revision in his district.
27. The Board sitting as a Court of Revision shall have power to examine persons upon oath respecting the said claims and objections and all matters connected with the revision of the list, and after hearing the best evidence of which the cases will admit, the said Court shall make the necessary additions or erasures to or from the list, and may, by an order under the hand of the Chairman or Secretary of the Board, award costs not exceeding Twenty Shillings against any person who shall prefer a claim or an objection which by the Court shall be deemed frivolous, and may erase from the list the name of any person who shall not have paid all rates then due and payable by him in respect of the property for which he may claim to vote, or who may be dead at the time of the revision of the list, and may correct any mistake made in the name of any ratepayer inserted in the list, or whose name may have been erroneously inserted more than once, and may add to or remove from the list any intermediate name that may have been erroneously omitted from or added to the name of any ratepayer, and may correct any obvious clerical errors in the list.

28. The first list so revised shall forthwith, and every subsequent list so revised shall, on or before the twenty-fifth day of June next after its revision, be signed by the Chairman and countersigned by the Secretary, and each such list shall thereupon, and until the completion of the revision of a new list, form the ratepayers' roll of the particular district to which it relates; and the Secretary shall, on payment of a reasonable price for each copy, deliver copies thereof to any ratepayer applying for the same.

29. If from any cause whatever any ratepayers' roll directed to be prepared under this Act shall not be prepared within the time appointed, the ratepayers whose names appear in the last list of ratepayers shall, until the completion of a new list, be the ratepayers for the water district for all the purposes of this Act.

PART V.

ELECTION OF MEMBERS OF BOARD.

30. The ratepayers of every water district having a Board shall, upon the first day of July in the third year after the first appointment of the Board, and upon the first day of July in every subsequent fifth year, elect two of their number to be members of the Board for the ensuing five years; and upon the first day of July in every fifth year after the first appointment of the Board, elect one of their number to be a member of the Board for the ensuing five years, and for every such election votes shall be taken at a meeting to be held for the purpose within the district.

31. Every Board may appoint one of their number not being a candidate to preside at any nomination or election for their district, and to have the conduct and control of the proceedings thereat.

32. Ten
PART V.

Notice of day of nomination to be given.

Nominations, how made.

Proceedings at nominations.

Elections to be by ballot.

Scale of voting.

Rates to be paid prior to voting.

32. Ten clear days at the least before the day by this Act appointed for the retirement and election of members of a Board, the Secretary of the district shall cause public notice to be given of a place, day, and hour for the nomination of candidates for election to such office, such day of nomination not being later than the twenty-fifth day of June next preceding the day of election.

33. All nominations shall be signed by two ratepayers, and by each of the persons therein nominated, in testimony of his consent to be put in nomination and to act if elected, and such nomination shall be in the form in Schedule B hereto, or as near thereto as circumstances will admit; but no nomination shall be acted upon unless the same shall have been lodged in the office of the Board before noon of the day fixed for nominations as aforesaid.

34. On the day of nomination the Returning Officer shall attend at noon at the place fixed for nomination, at which time and place he shall cause one or more of the nominations for each candidate to be publicly opened and read aloud; if there shall be such number of candidates so nominated as are required to be elected and no more, he shall declare such candidates to be duly elected; but, in the event of there being more than the necessary number of candidates nominated, he shall adjourn all further proceedings in respect of such election to the first day of July following, and shall cause public notice to be given of such adjournment, and of the names of the several candidates, and of the time when and place where such election shall take place.

35. Every election under this Act shall be by ballot, and shall commence at nine o'clock in the forenoon and close at five o'clock in the afternoon; and for the purpose of such election every Board shall be a public body within the meaning of the "Ballot Act of 1862": Provided that the initials of the Returning Officer, required by that Act to be borne by the voting-papers at any election, may be written or lithographed by or under the authority of such Returning Officer.

36. In the election of members of a Board every person who is the owner or occupier of not more than eighty acres of land shall be entitled to one vote; of more than eighty acres and not more than one hundred and sixty acres, two votes; of more than one hundred and sixty acres and not more than three hundred and twenty acres, three votes; of more than three hundred and twenty acres and not more than six hundred and forty acres, four votes; of more than six hundred and forty acres and not more than one thousand two hundred and eighty acres, five votes; and of more than one thousand two hundred and eighty acres, six votes.

37. No ratepayer shall be entitled to vote at any election until he shall have paid all rates which shall then be payable by him in respect

respect of the property for which he may claim to vote; and any ratepayer may object to any person attempting to vote who shall not have paid his rates.

38. No occupier of any ratable property who shall have duly paid up all arrears of rent to the owner thereof shall be deprived of his right to vote as a ratepayer at any election under this Act by reason of the non-payment by the owner of any rate due for the property in respect of which such occupier may claim to vote, and for which the owner shall have agreed with the tenant to pay the rates.

39. The Returning Officer shall, within forty-eight hours after an election, cause to be delivered to every person elected, or sent to him by post to his residence, a notice in writing of the fact of his election, and shall also, within the same time, forward by post, for insertion in the Government Gazette, a notice of such election with all the names of the persons elected; such notice shall be published in the Government Gazette, and the Government Gazette containing such notice shall, except in proceedings for trying the validity of such election, be conclusive evidence that the persons named therein were duly elected.

40. No person shall be capable of acting as member of any Board, except in administering the declaration hereinafter mentioned, until he shall have made and signed, before one of the members of the Board, a declaration to the following effect—"I, do hereby declare that I will faithfully and impartially, according to the best of my skill and judgment, execute all the powers and authorities vested in me as a member of the Board of the Water District of , by virtue of the "Water Conservation Act, 1886."

41. Every person who shall act as a member of a Board, being disqualified or incapacitated under the provisions hereof from being or continuing such member, or before he has made and subscribed such declaration as aforesaid, shall (save in case of disqualification or incapacity arising from unsoundness of mind) be liable for every such offence to a penalty of Fifty Pounds: nevertheless all acts done by a member previously to the recovery of the penalty, shall be as valid as if such person had been qualified and capable, and had made and subscribed such declaration.

42. If, at the expiration of the time for nomination, there shall be fewer qualified candidates nominated than are required to be elected, and in case, from any cause whatever, no election shall be made upon the day or within the time appointed by this Act, or from any cause whatever such election shall become wholly or in part void, the Board shall suffer no disability by reason thereof, but any vacancy or vacancies so arising shall be filled as soon as possible by the Governor.
PART VI.

BOARDS, THEIR FUNCTIONS, DUTIES, AND POWERS.

43. Every Board shall be a public corporation, and the corporate name thereof shall be "The Water Conservancy Board of the District" (the blank to be filled up with the name or number of the district for which the Board shall be appointed), and every Board shall have perpetual succession, and a common seal on which the corporate name shall be engraved, and by such name may sue and be sued, implead and be impleaded, and may acquire, by purchase or otherwise, any property real or personal and any interest therein, and may convey, transfer, and dispose of the same, and may become party to and execute any deed, contract, or other instrument.

44. Every deed, contract, or other instrument which it shall be necessary for the Board to sign or execute shall be signed or executed on behalf of the Board by two members of the Board, and the seal of the Board affixed thereto, in the presence of the Secretary, who shall attest the signatures and the affixing of the seal thereto.

45. Every instrument or document purporting to be executed or signed on behalf or under the authority of a Board shall, if executed or signed in manner provided in the last preceding section, be received in all Courts, and before all Justices, as *prima facie* evidence that the same was duly executed or signed on behalf or under the direction of such Board.

46. At the first meeting of every Board in every year, the majority of the members then present shall appoint from amongst the members of the Board a Chairman, who shall continue in office for the year ensuing, and in case such Chairman shall die or otherwise cease to be a member of the Board, the other members of the Board, at their next ordinary meeting, shall appoint another Chairman, and the Chairman so appointed shall continue in office so long as the person in whose place he was appointed would have been entitled to continue Chairman; and if at any meeting of any Board the Chairman be not present, one of the members present shall be appointed Chairman of such meeting by the majority of the members present: Provided that, if at any meeting there shall be an equality of votes in the election of the Chairman, it shall be decided by lot which of the members having an equal number of votes shall be the Chairman.

47. Every Board may appoint a Secretary and other officers, who shall, before entering upon their respective offices, give such security as may be required by the Board. The Board may, at their discretion, from time to time remove any such officers, and appoint others in the room of such as may be so removed, or as may die, resign, or discontinue their offices.

48. Ordinary
49° & 50° VICTORIÆ, No. 392.

The Water Conservation Act.—1886.

48. Ordinary meetings of each Board shall be held for the dispatch of business at such times, not being less than once in every four weeks, as the Board shall from time to time determine; and special meetings may be held at any time.

49. The Chairman in all cases of emergency may call a meeting of the Board.

50. Any three members of the Board, by requisition signed by them for that purpose, may call upon the Chairman to convene a meeting of the Board, and in all cases in which the Chairman shall refuse so to do the said three members may call such meeting by notice in writing to the other members stating therein the time and place of meeting and the nature of the business proposed to be transacted thereat.

51. Seven days' notice of any ordinary meeting, and previous notice of any special or emergency meeting, signed by the Secretary shall be sent to each member of the Board before the time appointed for such meeting: And such notice shall in all cases of special or emergency meetings state the time and place of such meeting, and the business for which the same is called, and at such meeting no business shall be transacted other than that stated in such notice.

52. At all meetings of Boards three of the members of the Board shall form a quorum.

53. All meetings of every Board shall be open to the public, but it shall be lawful for the Board to exclude or expel any person on account of his or her disorderly conduct.

54. At all meetings of any Board the questions there considered shall be decided by open voting by the majority present, and if there be an equal division of votes upon any question, the Chairman, or member acting as Chairman at such meeting, shall, in addition to his own vote as a member, have a second or casting vote.

55. The members present at any meeting, or at any adjourned meeting of a Board, may from time to time adjourn such meeting; and if at any meeting of any Board no quorum be present within half an hour after the time appointed for such meeting, the members present, or any one member, if only one be present, or the Secretary of the Board, if no member be present, may adjourn such meeting to another day, not being more than fourteen days from the day of such adjournment. Notice of every such adjournment shall be given to the members of the Board by the Secretary.

56. Every Board may, at any meeting, from amongst themselves, appoint Committees for any purposes within their powers, and may fix the number and quorum of every such Committee, and may, from time to time, alter or discontinue such Committees or any of them.

57. Every
PART VI.

Committees, quorum, and conduct of business.

57. Every Committee may meet from time to time, and may adjourn from place to place, as they may think proper, but no business shall be transacted at any meeting of any Committee unless the quorum of members (if any) fixed by the Board (and if no quorum be fixed, unless three members) be present: At all meetings of any Committee one of the members present shall, by the majority of votes, and if they be equally divided, by lot, be appointed Chairman, and all questions shall be determined by the majority of the votes of the members present. The Chairman of every Committee shall, in addition to his own vote as a member, have a second or casting vote.

58. No proceeding of a quorum of a Board, or Committee, or of any person acting as a member thereof, shall be invalid or illegal by reason only that there was some defect in the election or appointment of the members of the Board or Committee or person acting as aforesaid, or that they, or any of them, were incapable of being such members, or that there was any vacancy in the number of members at the time of such proceeding.

59. Every Board shall cause entries of all the proceedings of the Board, and of every Committee appointed by them, with the names of the members who shall attend each meeting, to be duly made from time to time in books to be provided for the purpose, which shall be kept by the Secretary under the superintendence of the Board, and every such entry shall be signed by the Chairman of the meeting following that at which the proceedings took place; and every entry purporting to be such entry as aforesaid, and to be so signed, or a copy thereof, or extract therefrom, certified under the hand of the Secretary and the seal of the Board, shall be received as evidence in all Courts and before all Justices, without proof of such meeting having been duly convened or held, or of the persons attending such meeting having been or being members of the Board or of any Committee respectively, or of the signature of the Chairman, or of the fact of his having been Chairman, all which last-mentioned matters shall be presumed until the contrary be proved; and such books shall at all reasonable times be open to the inspection of any of the members of the Board, and to any ratepayer of the district. At every meeting of each Board the Secretary shall produce to the members present the cash-book and bank pass-book of the Board, and the same shall be inspected and initialled by the Chairman. A copy of the minutes of every meeting of each Board, certified by the Secretary thereof, under the seal of the Board, shall forthwith, after each meeting, be forwarded by the Secretary to the Commissioner.

60. No resolution of a Board shall be revoked or altered, except by the resolution of an absolute majority of the whole Board, passed at a subsequent meeting, nor unless notice of the intention to propose such revocation or alteration at such subsequent meeting shall have been given by the Secretary to each member of the Board seven days at least before holding the subsequent meeting.

61. The
The Water Conservation Act.—1886.

61. The duty of every Board shall be to construct waterworks for the collection, conservation, sale, and distribution of a supply of water within the district under the management of such Board, and generally to do all such acts as the Board may deem necessary or desirable for carrying out the provisions of this Act.

62. Subject to the provisions of this Act, every Board may by itself, its officers, agents, licencees, and servants, for the purpose of constructing, completing, extending, or maintaining any waterworks, and for supplying water to or in their district, and for carrying out the provisions of this Act, from time to time exercise any of the following powers within the district under the management of such Board, doing as little damage in the exercise of such powers as may be:

With or without horses, cattle, or carriages enter upon and take the levels of any land, and set out such parts as may be required for the purposes of the Board, and dig, break up, and trench the soil of such land, and remove or use all earth, stones, minerals, trees, and other things dug or obtained out of or from the same:

Enter upon, take, and hold, either temporarily or permanently, possession of, and appropriate such land as they shall deem necessary or desirable for the construction, maintenance, or improvement of any waterworks, or for securing or increasing the supply, or improving the quality of water to be supplied:

Sink such wells and shafts, and make, maintain, alter, or discontinue such waterworks, and erect and maintain such buildings upon any land, or in, upon, or across any river, creek, stream, or watercourse required by the Board, as they may deem proper for supplying their district with water:

Divert and impound the water from any lake, lagoon, swamp, marsh, river, creek, stream, or watercourse as they may deem fit:

Divert or alter, as well temporarily as permanently, any part of the course of any river, stream, creek, or watercourse, or (temporarily only) any road, street, or way, in order the better to carry out the duties or exercise the powers of the Board:

Construct waterworks for irrigation and other purposes:

Cut drains and make channels to deliver water into or take water out of, and embank, widen, or deepen, any river, stream, creek, watercourse, lake, lagoon, swamp, or marsh:

Enter at any time upon any lands, roads, streets, or ways, for the purpose of constructing, repairing, altering, cutting off, or removing any waterworks under the control of the Board: Provided no Board shall have power to enter upon any enclosed land of any person within fifty yards of his dwelling-house without the written consent of the owner.

63. Every
PART VI.

Board may, with consent of Commissioner, exercise powers outside district.

Board may make by-laws.

63. Every Board may, with the consent of the Commissioner, construct waterworks at any place beyond the limits of their district for the supply of water to the district, and for that purpose shall have and may exercise outside of their district all the powers exercisable by them within their district, except the levying of rates.

64. Subject to the approval of the Commissioner, every Board may, from time to time, make, amend, and repeal by-laws and regulations for or relating to all or any of the following subjects; and may, by such by-laws, inflict penalties not exceeding Fifty Pounds for each offence, for the better enforcing the said several by-laws and regulations, or for punishing the breach thereof, or of any of them:

The appointment of the time and place for meetings of the Board, whether ordinary or special:

The powers and duties, and the control, supervision, and guidance of all officers, servants, and persons employed by the Board:

The form of contracts to be entered into with the Board:

The leasing, care, or control of any waterworks:

The imposing, levying, and collecting the water rates or charges within their district:

The measures to be taken to prevent and remedy the waste, undue consumption, obstruction, and contamination of water contained or supplied from any part of their waterworks, and to regulate the days and hours when water can be obtained for irrigation on any land, and the quantity to be allowed:

The protection of every part of their waterworks from trespass or injury:

The terms and conditions upon which the Board will supply water to ratepayers, travellers, and travelling stock within their district, and the scale of charges for supply of water by measure or otherwise, and the providing and regulating the construction, disposition, and inspection of meters and other fittings:

Granting licences to competent plumbers, and cancelling such licences, and also for preventing any other than licensed plumbers from fixing, altering, or repairing any pipes, fittings, or meters connected with the pipes or works under the control of the Board:

For compelling persons using water supplied by the Board to keep their pipes, fittings, and other appliances in proper repair; for preventing any alteration of, or interference with, such pipes or fittings without the consent of or notice to the Board; for repairing such pipes, fittings, and appliances so as to prevent waste of water, and for recovering the cost of such repairs:

For
For preventing unauthorised persons using, directly or indirectly, water supplied by the Board:

For regulating the number, form, material, dimensions, construction, and arrangement of pipes, fittings, and other works supplying water from the pipes of the Board to adjacent premises; the time of executing and the notices to be given for such works; the superintendence thereof; the making good and replacing ground which may be displaced in the course of such works; and for inspecting at reasonable times, pipes and fittings, whether situate within any buildings or otherwise:

And generally for more effectually exercising the powers conferred upon Boards by this Act, and for carrying out the provisions of the same in every particular.

65. Every by-law or regulation made in pursuance of the last preceding section shall, after being approved by the Commissioner, be published in the Government Gazette, and shall from the date of such publication have the force of law within the district for which the same is made.

66. The production of a copy of any by-law or regulation, purporting to be certified by the Secretary of any Board, under the seal of the Board, to be a true copy of a by-law or regulation for the time being in force, within the district under the control of such Board, shall be prima facie evidence in all Courts of law and before Justices that such by-law or regulation was duly made and is in force.

67. The Commissioner may at any time after fourteen days' notice in writing given to the Chairman of the Board, revoke, amend, alter, or add to all or any of such by-laws or regulations, and every order by which any of such by-laws or regulations shall be revoked, amended, altered, or added to, shall be published in the Government Gazette, and shall take effect and have the force of law from the time of such publication.

68. The Commissioner may, at any time after the Proclamation or other formation of a water district, advance to the Board of such district such sum or sums of money not exceeding Three Hundred Pounds as he may deem sufficient to pay for the making of an assessment of all ratable property within the district, and all other preliminary and current expenses, and also a further sum not exceeding Two Hundred Pounds for the construction of waterworks: Provided that any advance made under this clause shall be repaid to the Government within three years, unless such payment is otherwise provided for by loan.

69. Every Board shall, when applying to the Commissioner for any preliminary advance, give full particulars of the purposes for which the advance applied for is proposed to be expended.

70. Every
70. Every Board may, subject to the provisions of this Act, enter into contracts with any person or persons for the construction of any waterworks, or for furnishing materials, or any other things necessary for the purposes of the Board. Every such contract shall be in writing, and shall specify the price to be paid for the subject-matter thereof, and, if for works, the time or times within which the same are to be completed, and the penalties to be suffered in case of non-performance within the specified time.

71. No Board shall, without the consent of the Commissioner, enter into any contract or agreement involving a liability upon them, to pay any sum exceeding the funds at the time actually at their disposal, or under their control; and no Board shall, by way of mortgage, debentures, or otherwise, borrow, or anticipate its funds in any manner whatever. Every contract, agreement, mortgage, debenture, or other security made, entered into, or issued in contravention of this section shall be absolutely void, except as against the members of the Board who shall have consented thereto, and such members shall be jointly and severally liable in respect thereof.

72. Every Board shall, before entering into any contract for or authorising the construction of any waterworks to be paid for out of loan moneys as hereinafter provided, the estimated cost of which shall exceed Two Hundred Pounds, submit and obtain the approval of the Commissioner to plans, estimates, and specifications of such works, such plans, estimates, and specifications to be in duplicate, signed by the Commissioner, and one copy to be deposited with him.

73. The Governor may, wholly or in part, disallow any such waterworks, and may require that any waterworks approved by him shall be carried out under the supervision and direction of such officer as he may direct, and all accounts for payment for works so carried out shall, when certified by such officer, be deemed loan moneys advanced for such works as hereinafter provided, and shall bear interest accordingly.

74. The Governor may, subject to the provisions of this Act, from time to time grant loans to any Board for the construction of such waterworks as may have been approved by him. Whenever a Board has obtained a loan, the rates levied by such Board shall be appropriated as follows:—(a) For payment of interest on the loan: (b) For the maintenance, repair, and management of the works: (c) For the extension and development of the works, and for the payment of any salaries, fees, and other expenses not authorised to be paid from loan money.

75. The Commissioner, before the grant of any loan for or authorising or approving of the construction of any waterworks, the estimated cost of which shall exceed Ten Thousand Pounds, shall lay a report, plans, specifications, and estimates of the proposed
posed works before Parliament, and obtain its sanction for the proposed expenditure. Such report shall contain the following particulars:—

1. The nature of the proposed reservoirs, their capacity, and the locality in which they are to be constructed:

2. The available supply (if any) from springs or running streams, or (in the absence of a sufficient supply from these sources) the area of the available catchment, and the average rainfall therein:

3. The probable loss by evaporation, absorption, and other causes in each case:

4. The area of land in the vicinity which will be affected in value by the water supply, or may be subjected to irrigation; and whether the said land is private property or Crown lands.

76. The maximum amount that shall be advanced by the Commissioner to any Board shall not exceed one-fourth of the gross value of all ratable property in the district.

77. Every advance and loan, granted under this Act to a Board, shall be applied by the Board for the particular purposes for which the same was made or granted, and shall be a debt due from such Board, and shall bear interest at the rate of Five Pounds per cent. per annum from the time when the same was made or granted. All interest accruing on any such advance or loan up to the time when the Board shall have power to levy the rates within their district, in respect of any particular waterworks, as hereinafter provided, shall be capitalised and added to the advance or loan in respect of which such interest has accrued, and interest at the rate aforesaid on the whole debt so computed shall thereafter be payable half-yearly in advance.

78. The Commissioner may appoint one or more inspecting engineers to examine the plans and estimates of all works proposed to be undertaken by the Board, and for which money is proposed to be borrowed, and report upon the same; also, to inspect the works during construction to ascertain if carried out in accordance with the plans and specifications submitted to and approved by the Commissioner.

79. The Commissioner may at any time require the removal of any engineer, inspector, or clerk of works, employed by any Board in carrying out works approved by the Commissioner, and thereupon such officer shall be removed by the Board; and the Commissioner may from time to time give any general or specific directions to any Board, for the purpose of more effectually enforcing the construction, maintenance, and continuance of any waterworks within their district.

80. If
80. If any Board shall refuse, neglect, or fail, within a reasonable time, to comply with any direction given them under this Act by the Commissioner concerning any waterworks, the Commissioner may carry out such direction, and the cost and expense of carrying out the same shall be a debt due by the defaulting Board to the Commissioner, who may retain the amount thereof out of any loan moneys granted, but not paid over, to the Board. Should there be no sufficient loan moneys available, the amount of such debt shall be deemed to be a loan advanced to such Board for the construction of waterworks, and be subject to the payment of the same rate of interest, and recoverable in the same way, as any other moneys advanced for such purpose.

81. Any two or more Boards of adjoining districts may, with the consent of the Commissioner, contract one with another, and jointly, to carry out any waterworks which may be required to be extended from one water district into any other water district.

82. All loan moneys granted or advanced as hereinafter provided by the Commissioner to any Board, and all other the money of every Board shall, whenever the same amounts to Twenty Pounds, be paid into some Bank, to be fixed by the Board; and no payments of sums of One Pound or upwards shall be made by a Board except by cheque, signed by two members of the Board and countersigned by the Secretary.

83. Every Board may, out of any moneys at their disposal, pay any sum due by them under any agreement lawfully made for or in accomplishing any of the purposes of this Act, and any sum recovered against them by any process of law.

84. Every Board may, subject to the approval of the Commissioner, demise any land vested in them, and which shall not be immediately required for the purposes of this Act, for such period, at such rent, and upon such conditions as they shall think fit, and may, subject to the like consent, sell, exchange, or otherwise dispose of any such land which they shall not require for waterworks, and transfer or convey such land, and the Board's receipt for any sum of money shall be a sufficient discharge to any lessee, purchaser, or other person paying the same.

85. Every Board shall cause to be kept proper books of account according to a form to be supplied by the Commissioner, and shall cause to be entered in such books full, true, and regular accounts of all sums of money received, and of all moneys paid by the Board under or by virtue of this Act, and of the several purposes for which such sums of money shall have been received or paid, which accounts shall, at all reasonable times, be open to the inspection of the Commissioner and of every member of the Board, and also to the Commissioners of Audit, or either of them, and to all persons authorised by the Commissioner or any member of the Board or the Commissioners.
Commissioners of Audit; and such accounts shall be balanced once at least in every six months, and be audited by one of the Commissioners of Audit, or by such person as the Commissioners may appoint.

86. Every Board shall, on or before the thirty-first day of July in every year, render to the Commissioner a full and true statement of all waterworks begun, continued, or completed during the year ending on the preceding thirtieth day of June, and also an account and balance-sheet, showing the amount of all rates and sums of money levied, received, and expended by and owing to the Board during or at the end of the same period, and such account and balance-sheet shall be verified by the declaration of the Chairman or Secretary of such Board, and a copy of such balance-sheet shall be forthwith published by the Board in the Government Gazette.

87. The Commissioners of Audit shall have and exercise in respect of the moneys and accounts of all Boards, and the persons dealing therewith, the same powers which are vested in them in respect of the public revenue by the "Audit Act, 1882."

88. It shall not be lawful for any Board to sell or assign any waterworks constructed out of loan moneys advanced or granted to the Board under this Act by the Commissioner without the previous consent of the Commissioner.

PART VII.

ASSESSEMENTS, APPEALS AGAINST ASSESSEMENTS; RATES, AND RECOVERY OF RATES.

89. Every Board shall forthwith after their first appointment and thereafter whenever they shall consider it necessary for any of the purposes of this Act, make, or cause to be made, an assessment of all ratable property within their district; and all such assessments shall be made according to the principles following, that is to say:—As to all lands built upon, or occupied with any land built upon, wherever situate, and as to all other lands not being town lands, according to the full estimated annual rent (clear of all outgoings) at which the same would let for a term of fourteen years; as to all town lands unbuilt upon, according to a percentage of five per cent. on the value of the freehold; and as to all town lands comprising a block of not less than twenty acres, not divided by roads, and unused, or used only for pastoral or agricultural purposes, according to a percentage of two and a half per cent. on the value of the freehold.

90. Upon every such assessment being concluded, a return thereof, setting forth the names of the several occupiers and owners
(so far as known), and the area, situation, description, assessed value, and, where necessary, the freehold value of the respective properties assessed, shall be made in the form of Part I. of Schedule C to this Act (or as near thereto as circumstances may permit), and shall be submitted to the Board for allowance at the meeting which shall take place next after the conclusion of the assessment; and being allowed shall forthwith be recorded or entered in a book, to be called the Assessment Book, which may be in the form of Schedule C to this Act; and such entry shall be signed by the Chairman, and dated, and thereupon the assessment shall be deemed to have been completed or made on such day.

91. Three copies at the least shall be made of every such assessment, and being dated and signed by the Chairman, shall be deposited for inspection at such different convenient places within the district as the Board may appoint.

92. The Board in making an assessment may, in their discretion, instead of preparing or causing to be prepared a fresh assessment, use, with such alterations and additions (if any) as may appear necessary, any previous assessment duly made according to the principles aforesaid, and may in any case where any District Council or Municipal Corporation exists within their water district use the assessment of such District Council or Municipal Corporation as the assessment for the portion or portions of such water district included in such District Council or Municipal Corporation, and the assessment so used with such alterations and additions (if any) as aforesaid, upon being adopted by the Board, and upon a memorandum being made in the assessment book, and on the copies thereof, stating such adoption and setting forth such alterations and additions (if any), and being signed and dated by the Chairman, shall for all purposes be deemed to be an assessment duly made under the requirements of this Act.

93. Until any assessment shall be superseded by an assessment subsequently made, such first-mentioned assessment shall be deemed to be the assessment for the time being in force.

94. If it shall at any time appear to a Board that any property which ought to be included in their assessment book has been omitted therefrom, or that any error of name or description has been made therein, or that any other matter purely of error shall need rectification in such book, the Board may correct such book, and the copies thereof, by including therein all necessary particulars respecting such property, and the assessed value thereof, or by making such other correction in the said assessment book as may be requisite: Provided that, except on appeals as hereinafter provided for, the assessed value of any ratable property as set forth in the assessment book shall not be altered after the giving of any public or special notice of the assessment as hereinafter provided.

95. Any
95. Any person in actual occupation of ratable property and, not appearing in the assessment book as the occupier thereof, and the owner of ratable property not appearing in the assessment book as such owner may respectively apply to the Board to have his name inserted in the assessment book and the copies thereof, as such occupier or owner, as the case may be, in place of the occupier or owner (if any) for the time being appearing therein, and the Board, upon being satisfied that the applicant is such occupier or owner, as the case may be, shall correct the assessment-book and the copies thereof, accordingly: Provided that no person shall be entitled to vote at any rate meeting by virtue of any such correction unless the same shall have been made at least one month prior to the day fixed for such meeting.

96. Every correction in the assessment book, and the copies thereof, under the provisions of either of the two last preceding sections, shall be made at a meeting of the Board, and signed by the Chairman, and dated with the date of the making thereof.

97. Notice of the making of every assessment, and of every alteration or correction thereof or addition thereto, and of the places where the copies thereof may be inspected, shall forthwith be given by public notice in one of the forms in schedule D, or as near thereto as circumstances will permit, and also by delivering or posting within ten days after the making of the assessment, alteration, correction, or addition, as the case may be, a special notice thereof in writing, addressed to every person appearing in the assessment book as the occupier of the ratable property concerned, or in case no person shall appear therein as occupier then to every person appearing therein as owner of such property, but if no person appear therein as occupier or owner then such special notice shall be unnecessary, and the public notice of the assessment in the Government Gazette shall be sufficient: Provided that where a previous assessment shall be adopted as aforesaid special notice need not be given to the occupiers or owners of any property in respect whereof the Board in adopting such previous assessment shall not have made any alteration in or addition to the assessment book.

98. Any person may appeal against any assessment, or any alteration thereof or addition thereto, on any of the grounds following, that is to say:—

That he is not owner or occupier of the whole or any, or some particular part of the ratable property for which his name appears as owner or occupier:

That the ratable property for which he appears to be the owner or occupier is assessed beyond its full and fair value:

That any ratable property, or the owner or occupier of any ratable property within the district, is omitted from the assessment:

That
That any ratable property is assessed below its full and fair value:
That any property included in the assessment is not ratable.

99. Appeals as aforesaid may be made either to the Board or direct to the Local Court of full jurisdiction nearest to the ordinary place of meeting of the Board, and from the decision (ex parte or otherwise) of the Board on any such appeal there may be a further appeal to such Local Court, and the decision of such Local Court shall be final, whether the appeal be to such Local Court direct, or after a previous appeal to the Board.

100. Every appeal to the Board or to the Local Court direct shall be commenced within twenty-one days after the giving of notice of assessment, or correction, or alteration thereof or addition thereto as by this Act provided, by notice in the form of Schedule E to this Act, or in a form to the like effect. If the appeal be to the Board, the notice shall be given to the Secretary of the Board; if the appeal be to the Local Court, the notice shall be given to the Clerk of the Local Court, and also to the Secretary of the Board; and notice shall also be served upon the person (if any) whose name it is proposed to insert in the assessment, or whose property is alleged to be omitted or assessed below its full and fair value six days before the hearing of the appeal. Appeals made to the Local Court direct shall be heard at the sittings of the Local Court of full jurisdiction next after twenty-seven days from the giving of the notice of assessment, correction, alteration, or addition, as the case may be. Appeals made to the Board shall be heard within thirty-two days next after the giving of such notice, and notice of the day appointed by the Board for the hearing of such appeals, shall, six days before the day of hearing, be given by advertisement in some convenient public newspaper (if any), and be conspicuously posted on the door of the place of meeting of the Board.

101. On the hearing of all such appeals the Secretary of the Board shall produce the assessment book containing the assessment or alteration of or addition to the assessment appealed against, and the Board, upon examining the parties and witnesses without oath, or the Local Court, upon examining the parties and witnesses on oath, on the day of hearing or at some adjournment of the hearing, may make such order as shall be just, and shall cause any alteration occasioned by the decision of the appeal to be made in the assessment book by the Secretary of the Board, if the appeal be to the Board, or by the Clerk of the Local Court if the appeal be to the Local Court.

102. Every appeal from the decision of a Board given or made on the hearing of any appeal to such Board as hereinbefore provided shall be commenced by notice in the form of Schedule F to this Act, or in a form to the like effect, which notice shall, within ten days after the giving or making of such decision, be served on the Secretary of the Board and the Clerk of the Local Court, and such appeal shall
come on for hearing at the sittings of the Local Court next after ten
days from the service of such last-mentioned notice on the Clerk of the
Local Court, and on the hearing of such appeal the Secretary of the
Board shall produce the assessment book containing the assessment
or alteration of assessment in question, and such Local Court may,
on the day of hearing, or at some adjournment of the hearing, make
such order as shall be just, and shall cause any alteration occasioned
by the decision of the appeal to be made in the assessment book by
the Clerk of the Local Court.

103. On the hearing of any appeal to the Local Court, or at
any adjournment of such hearing, such Local Court may make such
order as the Court may think fit for the payment of the costs by or
to the Board, to or by the appellant, or by or to any respondent other
than the Board, to or by the appellant, as well of such appeal to the
Local Court as of the prior appeal (if any) to the Board; and the
payment of such costs may be enforced by a warrant of execution
under the hand of the Clerk of the Local Court and the seal of the
Court against the goods and chattels of the person making default in
payment of such costs so ordered as aforesaid, in the same manner
as judgments of Local Courts are enforceable, the remedy hereby
given to be in addition to any other remedy legally available for the
recovery of such costs.

104. No Special Magistrate or Justice of the Peace shall be
disqualified from adjudicating on the hearing of any appeal to a
Local Court as aforesaid, by reason only of his being a ratepayer in
the district the assessment for which is appealed against.

105. Immediately after any assessment shall have been completed
the Board shall forward to the Commissioner a true copy thereof,
certified under the hand of the Secretary and the seal of the Board.

106. Every Board may, without the consent of the ratepayers in
their district, at any time, and from time to time after ten days
shall have elapsed from the giving of public notice of an assessment,
declare a rate or rates for the general purposes of this Act on the
ratable property, or on any part or parts of the ratable property
included in such assessment; and may, if they think fit, declare that
such rates, or any of them, shall be payable only in certain part or
parts (to be specified in such or any subsequent notice) of their
district, or may declare that such rates shall be levied differentially
in different parts of their district: Provided that the maximum
amount of rates so declared in respect of any particular property
in the district for any one year shall not exceed Two Shillings in the
Pound on the assessed annual value of such property.

107. The Board may, with the consent of the ratepayers of their
district, or of any part or parts of their district, obtained in manner
hereafter provided, declare such further or special rates on the
ratable property within their district, or within any particular
part
PART VII.

Board to give notice of intention to declare special rate.

108. The Board shall cause public notice to be given of their intention to declare a special rate within their district, or any part or parts (to be specified in such public notice) of their district, of the amount of the special rate which they propose to declare, and of the purposes for which it is intended that such special rate shall be applied, and, by such or any subsequent public notice, may call, or cause to be called, a meeting of the ratepayers of their district, or of the part or parts of their district in respect of which the proposed special rate is proposed to be declared, to consider the expediency of declaring such rate. No such meeting shall be called for an earlier date than fourteen days after the first publication of the notice calling the same.

Proceedings at meetings for authorising special rates.

109. At every such meeting the Chairman, or in his absence some other member of the Board shall preside. The Chairman of the meeting shall explain the object of the meeting and make such propositions as may be necessary to obtain the consent of the meeting to a special rate being declared, and shall in the usual way take a show of hands for every resolution and amendment touching the object of the meeting, and shall declare that proposition carried for which in his opinion the largest show of hands appears; but no special rate shall be agreed to at any such meeting exceeding the amount mentioned in the notice calling such meeting.

Poll may be demanded and taken.

110. Immediately after the Chairman of the meeting shall have declared the result of the show of hands consenting to or dissenting from a special rate being declared, he shall publicly inquire from the meeting whether any ratepayers present demand a poll; and thereupon any six ratepayers of the district, or part of the district affected by such proposed rate, may demand a poll by giving notice, in writing, of such demand to the Chairman of the meeting within one hour after such inquiry; and the Chairman shall thereupon name a place and appoint a day, not later than eight days thereafter, when a meeting shall be held to take a poll of the ratepayers who would be affected by such special rate, to determine whether such special rate shall be declared or not. Every meeting for taking such poll shall open at nine o'clock in the forenoon and close at five o'clock in the afternoon.

Board to appoint presiding officer.

111. Every such meeting for taking a poll shall be presided over by such person as the Board may appoint, whether such person shall be specially appointed for the particular meeting or generally for meetings of the like nature; and the person so appointed shall have the full control and conduct of such meeting, and shall cause to be produced thereat the assessment book in force for the time being.

Scale of voting.

112. Every ratepayer within the district, or within that part of
of the district, which would be affected by such special rate, shall be entitled to vote at such meeting on a scale according to the amount of the annual value at which he is assessed as under:—Twenty-five Pounds or under, one vote; from Twenty-five Pounds to Thirty-five Pounds, two votes; from Thirty-five Pounds to Forty-five Pounds, three votes; from Forty-five Pounds to Fifty-five Pounds, four votes; from Fifty-five Pounds to Sixty-five Pounds, five votes; and from Sixty-five Pounds upwards, six votes; but no person shall have more than six votes.

113. In case of joint tenancy, or tenancy in common, one person only shall vote, unless the property shall be assessed at an annual value above Seventy-five Pounds, and then one other joint tenant, or tenant in common, as aforesaid, may vote for each additional Seventy-five Pounds, or for any fractional part of Seventy-five Pounds of annual value, on the same scale as is allowed for the first Seventy-five Pounds, or fractional parts thereof; and joint tenants, or tenants in common entitled, may vote, subject to the proviso contained in clause 36, in the order in which they tender their votes, at any special rate meeting, until votes shall have been taken for the whole annual value, or all the joint tenants, or tenants in common shall have voted.

114. At any such meeting each voter shall vote by giving to the presiding officer a paper signed by the voter, containing a description of the qualification to vote, the number of votes the voter is entitled to give, and a statement of or reference to the particular proposition for which the votes are given, as the case may be; and the presiding, or other authorised officer, shall thereupon openly record such vote or votes in the poll book, and the voting-papers shall be carefully preserved amongst the records of the Board, and be open to public inspection, at all reasonable times, for three months afterwards.

115. The presiding officer may, or, on the application of any two ratepayers present at the meeting, shall, ask any person tendering a voting-paper the questions following, or any of them, and no other—

1. Are you the person whose name is signed to the voting-paper now produced?

11. Are you the person appearing on the assessment book now in force for this water district as the occupier of the property mentioned in the voting-paper now tendered by you, being [here describe the property]?

Or, Are you the person appearing in the assessment book now in force for this water district as the owner of the property mentioned in the voting-paper now tendered by you, being [here describe the property]?

And no person shall be entitled to vote unless he shall answer such of the above questions as may be put to him in the affirmative.

116. At
PART VII.
Proceedings after poll.

116. At the close of the poll the presiding officer shall fix a time, either on the same day or not later than two o'clock of the following day, for declaring the result of the poll; and shall examine the poll book, and compare the same with the voting-papers, and the proposition for which the largest number of votes shall be recorded shall be carried; and in case of an equality of votes for two or more propositions, the presiding officer shall decide by lot which is carried, and at the time appointed shall declare which proposition is carried.

117. The Board may at any time thereafter declare any such special rate in accordance with the result of such poll.

Board may levy rates.

118. Every Board may levy all rates declared by them, in accordance with the provisions hereinbefore contained, so soon as public notice that such rates are about to be levied shall have been given by the Board; but no Board shall give any such public notice until the water in the particular waterworks within their district, in respect of which the rates are declared, shall be available for the use of ratepayers, except for the purpose of repaying to the Government the advances made under clause 68 of this Act.

When rates payable and recoverable.

119. Every rate shall become due and payable to the Board so soon as such public notice shall have been given; but no rate shall be recoverable by action or otherwise from any person liable to pay the same until twenty-one days after a notice in writing, signed by the Secretary or other officer of the Board, and stating the amount payable by such person in respect of such rate, shall have been given to such person by being delivered to him or left at his residence, or posted to him directed to his last-known or most usual place of abode; but the onus of proving that such notice has not been given shall be on the defendant.

Persons liable to pay rates.

120. The person primarily liable to payment of the rates shall be the person appearing in the assessment book as the occupier of any ratable property; or if there be no occupier of any ratable property appearing in the assessment book, then the owner (other than the Crown) of such last-mentioned property; or the rate may be recovered at any time after a demand from any person in possession or occupation of the property at the time the rate is demanded; and if at any time the property be vacant or unoccupied, or there be no sufficient distress, the owner (other than the Crown) shall be liable.

121. Any person appearing in the assessment book of any district as the owner of any ratable property, shall remain and continue liable for all rates in respect thereof, notwithstanding any sale, transfer, or conveyance thereof, unless before proceedings taken for the recovery of the rates due he shall have given notice in writing of such sale, transfer, or conveyance to the Chairman or Secretary of the Board for the district in which such property is situate.

122. Rates
122. Rates may be recovered by action in any Court of competent jurisdiction, or in a summary manner before any two or more Justices of the Peace, from any person liable to pay the same.

123. If rates or any arrears thereof are unpaid for the space of twenty-one days after demand in writing shall have been served upon the occupier, or left at his house, or posted to him, directed to his last known or most usual place of abode, the Secretary, or other officer of the Board, or his assistant may thereupon, without any warrant, enter into any part of the premises, and distrain the goods and chattels there found; or may enter into any other house or land in the same district, occupied by any person liable to pay the same rates, and on whom such notice has been served by personal delivery, or by leaving the same at his house for him, and may distrain his goods and chattels there found; and if the sums for which the distress is taken be not paid for five days after the distress, together with reasonable costs, then the said distress, or so much as shall be sufficient to pay the rates and costs aforesaid, may be sold, and any overplus shall be returned to the owner of the goods.

124. When any owner, lessor, or landlord of any property assessed shall, by virtue of this Act, or by contract, or otherwise, be liable to payment of any water rates to be collected in respect thereof, and such rates shall be required from and paid by any tenant in possession, then such tenant may set off the amount so paid against any rent due from him to such owner, lessor, or landlord, and such payment shall be a discharge of rent to the amount paid. If the rates so paid shall exceed the rent due, such person may either set off the excess against accruing rent, or recover the same by action as for money paid, and shall be entitled to recover the same with full costs as between attorney and client; but if the goods of such tenant shall, after notice by the tenant to the owner, lessor, or landlord that the rates are demanded, be subjected to distress and sale for the satisfaction of such rates, and no rent shall at the time be due and payable, then he may sue the owner, lessor, or landlord, for double the amount of the value of his goods so distrained and sold, and shall be entitled to recover the same with costs as aforesaid.

125. Any tenant who shall by deed or contract be liable to payment of water rates in respect of any property during his term, and who shall have paid such rates in respect thereof for a period prior to, or extending beyond his term, shall be entitled to recover from his landlord the amount so paid.

126. In any case in which water rates in respect of any ratable property (other than property belonging to the Crown) situate in a water district shall be due, and unpaid, and in arrear for the period of two years, it shall be lawful for the Board, by whom the assessment was made whereon the rates in arrear are due, at any time after the expiration of such period of two years, to cause to be published
published three times in the Government Gazette a notice in the form of Schedule G hereto, or in a form to the like effect.

127. If after one year from the last publication of the said notice the rates due at the time of the first publication thereof, or any part of such rates, are still unpaid, the Board may let any property specified in such notice the rates in respect of which shall not then have been paid from year to year upon such terms as the Board may think fit, and may receive the rents and may apply the same in the first place in and towards reimbursing such Board all costs of and attending such notice and letting, and in the next place, in and towards the payment of the rates in arrear, including as well the rates in arrear at the time of the first publication of the said notice as any rates that may have become due and in arrear up to the time of such letting, and also interest on all such rates, at the rate of Ten Pounds per centum per annum, from the time of the same becoming due respectively until such letting as aforesaid, and shall hold any surplus for the owner of the land, subject nevertheless to a deduction therefrom to satisfy any unpaid rates declared after such letting.

128. Every agreement, deed, or instrument entered into by the Board for the purpose of effectuating any such letting, shall be valid and binding upon the owner, and every person claiming under him.

129. Instead of letting such property, as aforesaid, the Board may, after one year from the last publication of the notice, if the rates due at the time of the first publication thereof, or any part of such rates, are still unpaid, apply by petition to the Supreme Court, for a sale of all or any part of the ratable property comprised in such notice; and the said Court on being satisfied by affidavit or otherwise that the rates mentioned in such notice, or any part of such rates, are lawfully due and were in arrear at the time of the first publication of such notice, shall order the sale, by public auction, of the ratable property comprised in such petition, or so much thereof as may be sufficient to pay the rates in arrear, including as well the rates in arrear at the time of the first publication of the notice as any rates that may become due and in arrear up to the time of the application for sale, together with interest on all such rates, at the rate of Eight Pounds per centum per annum, from the time of the same becoming due respectively, until such application for sale, and together with all costs and expenses of and attending the notice, the application, and the sale, and that the proceeds be paid into Court; and the said Court may order payment, out of such proceeds, of the said rates, interest, costs, and expenses, and of all other moneys (if any) then due to the Board in respect of or relating to such property, in preference to any mortgage or other security on such ratable property; and that a conveyance, or if the property be under the provisions of "The Real Property Act of 1861," or any Act amending or repealing the same, a memorandum of transfer be executed by the Master or other officer of
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of the Court, in such form as shall be approved by the Court or a Judge, and such conveyance, or the registration of such memorandum of transfer, as the case may be, shall vest an indefeasible legal estate in fee-simple in the said ratable property in the purchaser, his heirs and assigns, free from all encumbrances; and the balance arising from the proceeds of such sale shall remain and be subject to any future or other orders of the Court for the behoof of the parties interested therein.

130. In case there shall be included in any such notice as afore-said any ratable properties comprised in different assessments, or belonging to different owners, the same may be included in one petition for sale, and the Court may make such orders as to the apportionment of rates, interests, costs, and expenses in respect of such ratable properties, or any part thereof, as the Court may deem just.

PART VIII.

SPECIAL WATERWORKS.

131. Three-fifths in number of the ratepayers, representing not less than three-fourths in value of the ratable property within any portion of a water district, may petition the Board of such district to construct any specific waterworks for irrigation or other purposes for their benefit.

132. Such petition shall set forth a description of the proposed works, and shall define the portion of the district that would be benefited by the construction of such works, and shall state the names of all the ratepayers of such portion of the district, the assessed annual value of all the ratable property therein, and the assessed annual value of the ratable property held therein by each of the petitioners, and shall also name a certain amount in the pound which the petitioners are willing to pay for each and every year thereafter as a special rate to cover the interest on any loan that may be approved for the construction of the proposed works, and to meet the cost of their maintenance after construction.

133. Such petition, and the signatures thereto, shall be verified by the declaration of one or more of the petitioners.

134. If it shall appear to the Board that it would be desirable to comply with the petition, and that the proposed works would in no way be disadvantageous to the interests and requirements of any other portion of the district, they may cause plans, estimates, and full details of the proposed works to be prepared and forwarded to the Commissioner.

135. The Commissioner shall cause a notice generally describing the proposed works to be inserted three times in the Government Gazette, and shall lay such plans, details, and estimates before Parliament.
Parliament, if Parliament be then sitting, and if Parliament be not then sitting, within fourteen days after its next sitting for the dispatch of business.

136. After the plans and estimates have been laid before Parliament for thirty days, the Commissioner may, if he think fit, approve such proposed works.

137. On approval of such proposed works, the Commissioner may from time to time advance to the Board moneys, by way of special loan, for the construction thereof. The maximum amount of such loan shall be computed so that three-quarters of the special rate named in the the petition would, if paid in respect of all ratable property within that portion of the district affected, be sufficient to pay interest on the amount of such loan at the rate of Five Pounds per centum per annum. The loan so granted shall bear interest, to be capitalised and be paid at the same rate and in the same manner as other loans granted by the Commissioner to the Board.

138. At any time after the granting of every such special loan, the Board may declare such special rate or rates, not exceeding in the whole for any one year the amount of the special rate mentioned in the petition for the particular works, and such rate or rates shall be payable by all the ratepayers within the portion of the district defined in such petition.

PART IX.

INCORPORATION, RIGHTS, AND POWERS OF THE COMMISSIONER.

139. The Commissioner of Crown Lands and Immigration for the time being shall be the Commissioner of Water Conservation under this Act.

140. The Commissioner and his successors in office shall be a body corporate, under the name of “The Commissioner of Water Conservation,” and by that name shall have perpetual succession and a seal, and shall sue and be sued, implead and be impleaded, and may accept, purchase, hold, enjoy, sell, and dispose of any real and personal property of every kind for the purposes of this Act.

141. The Governor may from time to time, by Proclamation in the Government Gazette, order that all or any of the lakes, lagoons, swamps, marshes, rivers, creeks, streams, and watercourses situate within any water district shall be under sole control of Commissioner.

142. The
142. The Governor may from time to time, by Proclamation in the Government Gazette, and either by a general or by a particular description, permanently reserve from sale any Crown lands which are required by the Commissioner for the purposes of this Act, and may vest the same in the Commissioner upon trust for such purposes, but reserving a right to Her Majesty, Her heirs and successors, by Proclamation in the Government Gazette, at any time to resume possession of the whole or any part of such lands for railways, roads, or other public purposes.

143. The Governor may from time to time, by Proclamation in the Government Gazette, place under the control of, and may absolutely vest in, the Commissioner any public water reserve or any waterworks, either on any Crown lands, or begun, constructed, or provided for by moneys heretofore or hereafter voted by Parliament, and may absolutely vest in the Commissioner any such reserve and waterworks: Provided that where any reserve shall have been previously vested in any Municipal Corporation or District Council the consent of such Corporation or District Council to the transfer of such reserve shall be first obtained.

144. The Commissioner may sell any waterworks vested in him or under his control, at or for such prices and upon such terms and conditions as he may think fit; and the Governor may on behalf of Her Majesty, Her heirs and successors, execute all necessary assurances in the law for vesting such waterworks in the purchaser: Provided that no such sale shall be made until after full particulars of the terms and conditions of such intended sale shall have been laid before Parliament for at least one month.

145. The Commissioner may at any time grant leases for a term not exceeding twenty-one years, of any waterworks vested in him in pursuance of this Act, or which may at any time be under his control, and may also grant leases not exceeding the like term of any unoccupied Crown lands, not exceeding three acres in extent, for the purpose of erecting on such lands and using thereon pumping machinery for raising water, whether or not such lands shall be within any temporary or permanent reserve that may be situate on or near the banks of any lake, lagoon, marsh, river, creek, stream, or watercourse; and may, with the consent of the Governor, accept a surrender of any such lease upon such terms and conditions, and may allow such concessions and remissions as he shall think fit.

146. Notice of every application for any such lease and of the proposed term of and rental for such lease, shall be published in the Government Gazette at least one month before the grant of such lease.

147. Every such lease shall be subject to such covenants and conditions and to the payment of such yearly rent as the Commissioner
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PART IX.

Powers of lessees.

148. Every such lessee shall, during the term of the lease, have and may exercise, with respect to the works so leased, all such rights, powers, and privileges vested in and exercisable by the Commissioner as the Governor may, from time to time by Proclamation to be published in the Government Gazette, declare: And notwithstanding any such lease, all felonies, misdemeanors, fines, penalties, and forfeitures for any crime or offence against the provisions of this Act, shall be punishable, payable, and recoverable against, by, and from the person committing or liable to the same, as if such lease had not been made.

149. Any Municipal Corporation or District Council may accept any such lease, and may from time to time apply all necessary portions of its revenue in paying the rent reserved thereby, and also in repairing and maintaining the waterworks so leased.

150. The Commissioner may authorise any Board to exercise in its own name all the lessor's rights under any miscellaneous lease granted by the Governor, under the Crown Lands Consolidation Act or otherwise, whereby any land within the district under such Board shall have been demised for the purpose of water conservation or supply, and may authorise the lessee under any such lease to assign his interest therein to such Board.

151. The Governor, if it shall appear to him that any Board refuse or neglect to perform the duties and functions by this Act imposed and conferred upon such Board, or refuse or neglect to declare or levy any rates which they should declare or levy under this Act, or make default in the due payment of interest due on any loan, or have misappropriated, or have appropriated for any purpose not contemplated by this Act, any of the moneys at their disposal, or any part of their revenue, may, by Proclamation in the Government Gazette, suspend the powers and functions of such Board; and immediately thereupon the powers, duties, and functions of the Board shall absolutely cease, and shall become vested in and be exercised and exercisable in all respects by the Commissioner until the Governor shall, by Proclamation, abolish such Board, or permit such Board to resume and exercise its powers, functions, and duties. And in the event of any Board being so abolished, or refusing or neglecting after such permission to resume and exercise their powers, functions, and duties, the Governor may authorise the Commissioner to continue to exercise in all respects the powers, duties, and functions of the Board, or may appoint a new Board in place of the abolished Board, and all property both real and personal theretofore vested in such abolished Board shall thereupon vest in the Commissioner, or such new Board, as the case may be.

152. The
152. The Commissioner shall, within all water districts which have no Board, or in which the functions of the Board shall be suspended by the Governor, and in all proclaimed hundreds outside of any water district, have all the powers, authorities, and immunities, by this Act vested in, given to, or conferred upon Boards, for or in connection with the construction of waterworks, for the collection, conservation, sale, and distribution of supplies of water, for extending and maintaining any waterworks, and for the imposition and recovery of rates; and, for the purposes of this part of this Act, all the provisions of this Act as to the powers, authorities, and immunities of Boards shall be construed mutatis mutandis, as if wherever in such powers, authorities, and immunities, and all matters connected with or relating thereto, any reference to or mention of a Board, or any officer of a Board, is made, the same had been made to or of the Commissioner.

153. The Commissioner may construct waterworks and erect standpipes at any place within or beyond the limits of any water district, and may from any such works sell water by measure, or otherwise, and may lease the same to any persons upon such terms and conditions as he shall think fit.

154. The Commissioner may enter into an agreement with any person to supply him on any land or premises with water, by measure or otherwise, at such rates, upon such terms, and subject to such conditions as he may from time to time see fit.

155. Every agreement entered into with the Commissioner for the supply of water to any particular land shall be binding upon all subsequent owners and occupiers of the same land as if they were parties thereto; and the land to which water shall be supplied under any such agreement shall be charged with the moneys from time to time due to the Commissioner for water so supplied, and such moneys shall be deemed to be and shall be recoverable in the same manner as rates declared under this Act.

156. The Commissioner may authorise such person or persons as he shall think proper to do all or any of the acts, matters, and things which the Commissioner is by this Act empowered or required to do; and every person so authorised shall have and enjoy all such and the like powers as are hereby conferred on the Commissioner, to enable him to do such acts, matters, and things respectively; and all such acts, matters, and things, when done under such authority, shall be as valid and effectual as if they had been done by the Commissioner; and every person so authorised shall have and enjoy, in respect of each such act, matter, or thing so done by him, all such immunities from personal liability as the Commissioner would have had or enjoyed if he had done such act, matter, or thing.
PART X.

CONSTRUCTION OF WATERWORKS BY PRIVATE PERSONS.

157. Any one or more persons desirous of constructing waterworks may apply to the Governor for permission to enter into any particular land, and to make any surveys and take any levels that may be necessary.

158. If the Governor shall think fit to grant such permission, such persons may, by themselves, their engineers, surveyors, agents, or servants, enter at all reasonable hours in the daytime into any land indicated in such permission, and make any surveys and take any levels which they may consider necessary, without being liable to any action or other legal proceedings on account of such entry.

159. Such persons shall thereupon prepare, at their own expense, a general plan and description of the proposed waterworks. Such plan shall be on a scale of not less than two miles to an inch, and shall show the character and extent of the works proposed, and such description shall clearly set forth the object and purpose of the proposed waterworks, and the mode in which it is intended to obtain funds for their construction, and shall contain an estimate of the cost thereof.

160. The general plan and description, when so prepared, shall be forwarded to the Commissioner with an application that the same be submitted to the Governor for authority to construct, maintain, and continue the proposed waterworks; and the Commissioner shall cause notice of the receipt of such plan and specification to be forwarded by post to the Board or Boards for the district or districts (if any) within which the site of the proposed works shall be situate, and to the owners or occupiers of such site.

161. If the Commissioner or such Board or Boards (if any) as aforesaid shall so require, such persons shall also furnish to the Commissioner details of the weirs, dams, sluices, bridges, tunnels, channels, drains, and other works, and all levels, and any other information that the Commissioner or such Board or Boards may think fit.

162. After such application and general plan and description have been furnished to the Commissioner, the persons desiring to construct the proposed waterworks shall cause notice thereof, and of the place where copies of such general plan and description are deposited for inspection, to be given to the Board of every district through which flow, or in which are situated any of the rivers, creeks, streams, watercourses, lakes, lagoons, swamps, or marshes sought to be affected, and such notice shall also be advertised
advertised for three weeks at the least in two daily newspapers published in the province, and in the Government Gazette.

163. A true copy of all notices given to the Boards affected, and a copy of every newspaper and Government Gazette containing an advertisement of such notice, shall be forwarded to the Commissioner before he shall submit any application to the Governor.

164. Within one month after the first publication of any such notice in the Government Gazette, any Board or person having any property or interest likely to be affected by the proposed waterworks, or on or near any river, creek, stream, watercourse, lake, lagoon, swamp, or marsh sought or likely to be affected thereby, may forward to the Commissioner a petition to the Governor to refuse the application, or to amend or alter the plan of the proposed waterworks, or to make such other order in reference thereto as the petitioners may pray.

165. Every signature to any such petition shall be verified by the declaration of some person or persons signing such petition, and no such petition shall be forwarded by the Commissioner unless the same be accompanied by such declaration.

166. A true copy of the application and general plan and description forwarded to the Commissioner shall be forthwith deposited in some convenient public building nearest to the proposed works and in the office of the Commissioner; and such copies shall be open to the inspection of any person without payment of any fee.

167. At the expiration of two months after the notice of the application shall have been first published in the Government Gazette, the Commissioner, if satisfied that the provisions of this part of this Act have been substantially complied with, shall submit such application, general plan, and description of the proposed works, and all petitions which shall have then been received by him in respect of such application, to the Governor, together with any recommendations as to granting or refusing the application, or as to any alterations or additions in the proposed works, which he may think desirable.

168. The Governor may thereupon, by Proclamation in the Government Gazette, approve of the construction of the proposed works, with or without any alterations in or additions to the general plan and description thereof, or he may altogether disapprove the construction of such works.

169. If the Governor shall approve of any such general plan and description, with or without alterations, additions, or restrictions, such persons as the Governor shall name in the Proclamation approving

Copies of newspapers, &c., to be forwarded to the Commissioner.

Petitions may be presented against proposed works.

Verification of signatures to petition.

Copies of plan, &c., to be deposited for inspection.

Application, &c., to be submitted to Governor.

Governor may approve or disapprove works.

Authority to construct works.
The Water Conservation Act.—1886.

PART X.

approving the same, or shall by any subsequent Proclamation from
time to time appoint in lieu of the persons first named, shall be
thereupon authorised to construct, maintain, and continue the whole
or any part of the waterworks so approved, in accordance with the
provisions of such Proclamation and with such of the provisions of
this Act as shall be specified in any such Proclamation. All
persons so named in, or appointed by, any Proclamation shall, in
reference to the provisions so specified, have the like rights, powers,
and privileges, and be subject to the like restrictions and liabilities,
in respect of or relating to the said works as if such persons were a
Board under this Act.

Powers as to loans and
rates not to be con-
ferred.

170. Notwithstanding anything contained in this part of this
Act, it shall not be lawful for the Governor to apply or make applic-
able to any persons desiring to construct any waterworks, or to any
of such waterworks, any of the provisions of this Act relating to the
power of the Commissioner to grant loans to Boards, nor the power
to declare and recover rates.

Governor may modify,
&c., powers conferred.

171. The Governor may at any time restrict, modify, or revoke
any of the powers, rights, and privileges at any time conferred upon
any persons under this part of this Act, and thereupon compensation
shall be made for any loss which such person may sustain by reason
of such restriction, modification, or revocation, to be ascertained in
the mode provided by the Lands Clauses Consolidation Act. A
statement setting forth the reasons for such action shall be laid
before Parliament if Parliament be then sitting, and if Parliament
be not then sitting, then within thirty days after the next sitting of
Parliament.

Authorised persons
may form a company.

172. The persons (if more than six in number) so authorised to
construct waterworks as aforesaid may form an incorporated company.

Company to have
powers, &c., of autho-
rised persons.

173. Upon the registration of any such company the Governor
may, by Proclamation in the Government Gazette, direct that the
Proclamation granting authority to such persons shall be read and
construed as if such company had been named therein in lieu of
such persons, and thereupon such Proclamation and such of the
provisions of this Act as shall have been specified therein shall be
read and construed and operate accordingly.

If company wound up
Governor may appoint
other persons in place
of such company.

174. In the event of any such company being wound up either
voluntarily or compulsorily, it shall be lawful for the Governor,
by Proclamation in the Government Gazette, to appoint other
persons in lieu of the persons first authorised to construct, maintain,
and continue such waterworks; and thereupon the persons so ap-
pointed shall have all the powers, rights, and privileges, and take
the place of such company.
PART XI.

GENERAL PROVISIONS.

175. "The Lands Clauses Consolidation Act" (except the 110th, 114th, 115th, 116th, 117th, and 118th sections thereof) and the Acts amending or extending the same, shall apply to the undertakings hereby authorised, and the Commissioner or Board, or other authorised persons undertaking the construction of waterworks under this Act, as the case may be, shall be in the position of the promoters of the undertaking under such Acts. The Commissioner or the Board, or such other persons may, under the Acts so incorporated, take and acquire, either compulsorily or by agreement, all such lands and easements in or over any lands within or outside any water district which may be required for the purpose of constructing, completing, or extending any waterworks authorised under the authority of this Act.

176. The Commissioner shall not, nor shall any Board or other authorised persons, except as hereinafter otherwise provided, be liable to make compensation for any damage occasioned by the construction or erection by them, or any of them, of weirs, dams, channels, or reservoirs, under the authority of this Act, nor by taking, impounding, or diverting, temporarily or permanently, the water from any lake, lagoon, swamp, marsh, river, creek, or watercourse, and shall not be liable to make any compensation for any exercise of their powers under this Act unless a claim for such compensation shall be made in writing, addressed to the Commissioner or Board, or other authorised persons (as the case may be), within one year after the right to such compensation shall have arisen.

177. When any claim for compensation in respect of any of the matters mentioned in the last section is made by any person against any Board, and such person and Board do not agree on the question raised by such claim, the question whether any and what compensation shall be made to such person shall be determined by the Local Court of full jurisdiction nearest to the property alleged to have been affected.

178. Upon the application of either party to such claim, the Stipendiary Magistrate of such Local Court shall summon the other party to appear before the said Local Court at a time and place to be named in the summons, and upon the appearance of such parties, or in the absence of either of them upon proof of due service of the summons, the said Court shall hear and determine such question, and for that purpose may examine such parties or any of them and their witnesses upon oath, and the costs of every such inquiry and the amount thereof shall be in the discretion of such Court: Provided always that if the amount awarded by the Court is less by one-fourth than the amount claimed, the person claiming such compensation shall pay to the other party the said costs.

179. The
PART XI.
Award.

Principles in awarding compensation.

No compensation where works incomplete.

None for taking flood waters.

Benefit to claimant by works under this Act.

Measure of damages.

Continuing injury.

One sum may be awarded for all interests affected.

179. The said Local Court shall, after such hearing and determination, draw up an award which shall be signed by the Presiding Magistrate, and judgment may thereupon be entered in such Local Court, or such award may be made a rule of the Supreme Court.

180. In determining whether any and what compensation is to be made, the Court shall in each case have regard to and is hereby authorised and directed to apply the following principles, that is to say:—

(1) No compensation shall be awarded in any case where the injury for which compensation is sought appears to such Court to have been the result of the execution of works which were incomplete at the time of such injury if it shall appear to such Court that such works are being bond fide prosecuted to completion.

(2) No compensation shall be made for any injury, loss, or damage occasioned by the taking or diverting of surplus or flood water, either permanently or temporarily, from any stream, creek, watercourse, lake, or lagoon, but compensation not exceeding the cost thereof shall be allowed for works specially erected to utilise flood waters before the passing of this Act.

(3) There shall be considered in reduction of all claims for compensation, whether by reason of the execution of any works by the Board, any and what enhancement in value of any property of the claimant wherever situated has been directly or indirectly caused, and whether any or what other benefit has been gained by, or become available to, such claimant by reason of the execution of such works, or of any other works by the same Board under this Act.

(4) The measure of damages shall in all cases be the direct pecuniary injury to the complainant by the loss of something of substantial benefit previously by him enjoyed, and shall not include remote, indirect, or speculative damages.

(5) In any case where the injury complained of may appear to be of a permanent or continuing character, or likely to be repeated, a sum may be awarded which the Court may declare to be a compensation for all possible future repetitions of such injury, as well as for the injury already done; and after such award no further compensation shall be made to any person whatsoever in respect of any future repetitions of such injury.

181. No compensation shall be made in respect of more than one claim for any act or acts causing, or likely to cause, the same kind of injury to the same property, though such acts may injure the interest in reversion as well as in possession in such property, but
but before any sum is awarded as compensation the person claiming compensation shall satisfy the Court as to the nature and extent of the respective estates or interests of such claimant and all other persons (if any) in such property said to be injured, and that he has given sufficient notice to all such other persons of his proceedings to obtain compensation under this Act, and all such other persons who may appear before such Court shall be entitled to be heard on behalf of their respective interest in compensation to be awarded, and in awarding any sum by way of compensation for such injury such Court shall award and apportion as between such claimant and such other persons in such manner in all respects as to such Court may seem fit, the amounts to be received by any, or some, or all of them respectively, out of such sum as compensation for all injury actually caused or at any time to be caused to the respective interests of such claimant or other persons in such property, and such amounts shall be received by such claimant or other person, and shall be in full discharge and satisfaction of any rights, claims, or demands whatsoever accrued or to accrue to any such persons in respect of the act or acts complained of, or any future continuance or repetitions thereof: Provided that any person to whom any such sum has been awarded or apportioned as aforesaid shall have all such remedies and means of recovering such sum from the party against which the claim has been made as though such person had originally been a claimant under the claim in which such award or apportionment has been so made.

182. The Commissioner shall not, nor shall any Board, or other authorised persons, be liable to any penalty or damage for not supplying water, if the want of such supply arises from unusual drought or other unavoidable cause or accident.

183. No waterworks or other property, real or personal, vested in or under the control of the Commissioner or any Board, or any other authorised persons, shall be liable to any rates or taxes whatsoever.

184. Every owner or occupier of land which is intersected by a river, creek, stream, or natural watercourse, and every owner or occupier of land through which a channel or drain shall be cut by the Commissioner, or by any Board, or other authorised persons, shall give free passage to water of supply or drainage turned into such river, creek, stream, watercourse, channel, or drain, by the Commissioner or Board, or other authorised persons; and if it be necessary to divert, embank, or alter any such river, creek, stream, watercourse, channel, or drain, the Commissioner or Board, or other authorised persons, may take possession of and appropriate the land necessary for the purpose.

185. Every ratepayer shall, where water is supplied to him by measure, be allowed a rebate on the rates fixed by the by-laws or regulations made under this Act for the water used by him from any
any waterworks within the district of which he is a ratepayer, up to the amount of rates paid by him.

186. Every officer employed by a Board who shall take, on account of anything done by him by virtue of his office or in relation to anything to be done under this Act, any fee or reward whatsoever other than the salary or allowances allowed by the Commissioner or the Board, or who shall be in anywise concerned or interested in any bargain or contract made by a Board, shall, on conviction for every such offence, forfeit and pay a penalty not exceeding Fifty Pounds, and shall be incapable of being afterwards employed by the Commissioner or any Board.

187. All claims by or on the part of any Board to any moneys due and owing from any officer, or to any vouchers, orders, receipts, papers, writings, property, and effects whatsoever retained or not duly accounted for by any such officer, may be heard and determined by any two or more Justices in a summary way; and such Justices may order the delivery of any account, and payment of any sum of money appearing due from, and the delivery of any vouchers, orders, receipts, papers, property, and effects retained or not accounted for by, such officer, or the payment of any sum of money upon the non-payment or non-delivery thereof; and such order may be enforced in the same manner as a summary conviction by any two or more Justices; and any moneys, vouchers, orders, receipts, property, and effects mentioned in any such order shall, when received or recovered, be paid and delivered to such Board.

188. If any such officer shall, when ordered by any Justices as aforesaid, refuse to make out such account in writing, or to produce and deliver the several vouchers and receipts relating thereto, or to deliver up any books, papers, or writings, property, effects, matters, or things in his possession or power, belonging to a Board, it shall be lawful for such Justices, at their discretion, to commit such offender to gaol, there to remain until he shall have made out such account, and delivered up all the vouchers and receipts in his possession or power relating to such accounts, and the books, papers, writings, property, effects, matters, and things in his possession or power belonging to the Board.

189. Every person who, being intrusted with the receipt or disposal of money under this Act, shall, with intent to defraud, dispose of or retain in his own possession, or apply to his own use, any money, with the receipt or disposal of which he shall have been so intrusted as aforesaid, shall be guilty of felony, and being convicted thereof shall be liable to be imprisoned with hard labor for any term not exceeding eight years.

190. Any member of a Board, who knowingly and wilfully shall vote upon or take part in the discussion of any matter in or before the Board in which such member shall directly or indirectly, by himself
self or his partners, have any pecuniary interest shall, on conviction, 
forfeit and pay for every such offence a sum not exceeding Fifty 
Pounds.

191. Any person authorised by the Commissioner or by any
Board in that behalf shall be entitled, at all reasonable times with-
out charge, to inspect any valuation book, assessment book, or rate-
book of any Municipal Corporation or District Council relating to 
property within the water district under the control of the Com-
misssioner or of such Board, and to take a copy of or make extracts 
from such books; and every person having the custody of such 
books, or any of them, who shall refuse or neglect to allow such 
officier upon request to inspect, or to take copies of, or to make ex-
tracts from, such books, or any of them, shall for every such offence 
be liable to a penalty not exceeding Five Pounds.

192. Every person who shall wilfully obstruct any person acting 
under the authority of the Commissioner or any Board, or any other 
authorised persons, in setting out any works undertaken by the 
Commissioner or such Board, or other persons, in pursuance of this 
Act, or pull up or remove any poles or stakes, or destroy any marks 
made for the purpose of setting out such works, shall for every such 
offence be liable to a penalty not exceeding Five Pounds.

193. Every person who shall unlawfully and maliciously destroy 
or damage, or attempt to destroy or damage, any part of the water-
works belonging to or under the control of the Commissioner, or 
any Board, or other authorised persons under this Act, shall be liable 
on conviction to imprisonment with hard labor for any term not 
exceeding ten years.

194. Every person who shall unlawfully divert or take the waters 
supplying any river, stream, creek, or watercourse connected with 
the waterworks belonging to or under the control of the Commis-
sioner or any Board, or other authorised persons, or who shall do 
any unlawful act whereby the water therein may be diverted or 
diminished in quantity, shall be liable, on conviction for every such 
offence, to a penalty not exceeding Five Pounds for every day 
during which the water shall be diverted, taken, or diminished.

195. Every person who shall unlawfully take or use any water 
from any waterworks belonging to or under the control of the Com-
misssioner or any Board or other authorised persons shall for every 
such offence be liable, on conviction, to a penalty not exceeding 
Five Pounds.

196. Every person who shall throw or convey, or cause or permit 
to be thrown and conveyed, any rubbish, dirt, live or dead animal, 
or any noisome thing, into any waterworks belonging to or under 
the control of the Commissioner or any Board or other authorised 
persons, or shall bathe therein, or wash or cleanse therein any 
clothing,
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Penalty for allowing water or other liquid from sewer, drain, &c., to run into waterworks.

Penalties for pollution, &c., to apply to all waterworks, whether within water district or not.

Declarations.

Penalty.

Forgery.

Penalty.

Regulations.

Saving clause.

Gazette conclusive evidence of constitu.  

197. Every person who shall cause or permit the water or other liquid from any sink, sewer, drain, tank, engine, or factory under his control to run into any waterworks belonging to or under the control of the Commissioner or any Board or other authorised persons, whereby the water then being or thereafter to come therein shall be fouled, shall for every such offence be liable, on conviction, to a penalty not exceeding Twenty Pounds.

198. The provisions of this Act relating to the prevention of damage or pollution to any waterworks, waters, or any part thereof, and the penalties in that behalf provided, shall apply to any waterworks which already have been, or may hereafter be, constructed by the Commissioner or any Board, or that may at any time be under the control of or leased by the Commissioner or any Board, or that may be constructed or maintained by private persons or companies, under the authority of this Act, notwithstanding that such works shall not be within any water district.

199. Declarations under this Act may be made and declared before any Justice of the Peace, Notary Public, or Commissioner for taking affidavits in the Supreme Court; and if any person wilfully make any false statement in any declaration made in pursuance of this Act, he shall be guilty of a misdemeanour, and be punishable as if guilty of wilful and corrupt perjury.

200. Whosoever shall forge any signature to a petition under this Act shall be guilty of a misdemeanour, and, being convicted thereof, shall be liable to be imprisoned, with hard labor, for any term not exceeding two years, at the discretion of the Court.

201. The Commissioner shall have power to make all such regulations as to him shall seem fit for carrying out the objects, purposes, and provisions of this Act and the various parts thereof respectively, and every such regulation, when published in the Government Gazette, shall have the force of law; but all such regulations shall be laid before Parliament within fourteen days after the publication thereof, if Parliament be then sitting, and if Parliament be not then sitting, within fourteen days from its next sitting for the dispatch of business.

202. Nothing in this Act contained shall affect "The Waterworks Act, 1889," or any Act amending or repealing the same, or take from, lessen, or diminish any of the powers belonging to or vested in any Municipal Corporation, District Council, Drainage Board, or Board of Health.

203. The production of the Government Gazette containing any Proclamation
Proclamation of the constitution of a water district, or any alteration in the boundaries of a water district, or the appointment of a Board for any water district, shall be conclusive evidence that such water district has been lawfully constituted or that the Board has been lawfully appointed, or that the boundaries of a water district have been lawfully altered, as the case may be, notwithstanding that it may be shown that the petition upon which such Proclamation was issued or appointment was made, did not contain the particulars, or was not signed by the number of ratepayers, required by this Act.

PART XII.

LEGAL PROCEDURE.

204. No writ of quo warranto, or information in the nature of a quo warranto, or other proceeding shall issue, or be filed, or had, or taken in the Supreme Court to try or question the title of any Board, or the title of any person to act as member, or in any office or place in or in the gift of a Board.

205. No mandamus shall issue from the Supreme Court to admit or restore to office, or to compel a Board to proceed to the election or appointment of any member, officer, or other person to any office or place in or in the gift of a Board, or compel any person or persons to proceed to any ballot, or to compel the production or delivery of any books, voting-papers, or other documents or papers, to the production or possession whereof any Board or person may be entitled under this Act.

206. No assessment or rate, or notice thereof, or order for declaring or making the same, or for making or allowing any alteration thereof, or any proceedings in relation thereto, shall be removed by certiorari or otherwise to the Supreme Court.

207. The proceedings for trying the title of a member, officer, or other person to his office or place, or trying the right of any person to be admitted or restored to any such office or place, or to compel his restoration or admission, or to compel any Board to proceed to any election or appointment, or to try the validity of any assessment or rate, or to compel the production or delivery of any books, voting-papers, or other documents or papers, to the production or possession whereof any Board or person may be entitled under this Act, shall be had and taken before, and determined by, two or more Justices of the Peace in a summary way.

208. The information may be laid at the instance of any Board or by any ratepayer of the district or other person interested, and the Justices may make an order declaring any person not entitled to the office or place then possessed by him, and that such office or place is vacant, or that the informant is entitled to the said office or place, or command the Board to proceed to take
the necessary steps for and hold any election, or make any appointment, or to compel any person or persons to proceed to any ballot that may be necessary, or may make any order quashing any assessment or rate, which for any reason is invalid, or may make an order to compel the production or delivery of any books, voting-papers, or documents by or to any Board, or officer thereof, to or by any person, but no order to admit or restore any person to any office or place shall be made whilst any other person is in possession of such office or place.

209. All claims by or on the part of any Board to any moneys, or to any vouchers, receipts, papers, writings, property, and effects whatsoever, retained or not duly accounted for by any collector or other officer or person employed by the Board, may be heard and determined by any two or more Justices of the Peace in a summary way.

210. On non-compliance with any order made by any Justices of the Peace, under the provisions hereof, on information laid at the instance of any Board, or by any ratepayer or person interested, any two or more Justices of the Peace may order any sum of money to be paid to any Board, or officer thereof, by any person, as compensation for any injury sustained by reason of the non-compliance with any such order, and may order any such person to be imprisoned, either for a period not exceeding six months, or until the order aforesaid is obeyed, and such imprisonment may be ordered in addition to or without any order for payment of money as aforesaid.

211. No proceedings to try the title of any person to any office or place in or in the gift of a Board, shall be had or taken except upon an information laid within two months from the time at which the person whose title is disputed was appointed or elected, or the cause arose by reason whereof such person shall be liable to be ousted, whichever shall last happen; and no proceedings to try the validity of any assessment or rate shall be had or taken except upon an information laid within two months from the time at which notice of the assessment or rate first appeared in the Government Gazette.

212. All fines and penalties for any offence against this Act, or any by-law or regulation made in pursuance of this Act, may be recovered before any two or more Justices of the Peace in a summary way.

213. The proceedings before Justices may be conducted as appointed by, and shall be regulated under, the Ordinance No. 6 of 1850, intituled "An Ordinance to facilitate the performance of the duties of Justices of the Peace out of Sessions with respect to Summary Convictions and Orders," or of any other Act for the time being in force relating to the duties of Justices of the Peace with respect to summary convictions and orders.

214. There
214. There shall be an appeal from any order of Justices of the Peace made under the provisions hereinbefore contained, or from any conviction by Justices for any offence against this Act, or any by-law or regulation made thereunder, or any order dismissing any information under this Act, which appeal shall be to the Local Court of full jurisdiction nearest to the place where the conviction or order appealed from was made, and the proceedings on such appeal shall be conducted in manner appointed by the said Ordinance No. 6 of 1850, or any Acts extending or amending the same, for appeals to Local Courts, but the Local Court may make such order as to payment of costs of appeal as such Court shall think fit, although such costs may exceed Ten Pounds.

215. It shall be lawful for the Local Court, upon the hearing of any appeal under the last preceding section, to state one or more special case or cases for the opinion of the Supreme Court, and the Supreme Court shall hear and decide such special case or cases according to the practice of the Supreme Court on special cases; and the Supreme Court shall make such order as to the costs of any such special case as to the said Court shall appear just; and any two or more Justices, or the Local Court, shall make an order in respect of the matters referred to the Supreme Court, in conformity with the certificate of the said Supreme Court, or of any Judge thereof, which order of the Justices of the Peace or Local Court shall be enforced in manner provided by this Act for the enforcement of orders of Justices of the Peace, and save as herein provided, no order or proceeding of Justices, or of any Local Court made under the authority of this Act, shall be appealed against or removed by certiorari or otherwise into the Supreme Court.

216. The Commissioner shall not, nor shall any member of any Board, be subject to be prosecuted by any person for the exercise of any of the powers conferred upon him by this Act, and the body, goods, or lands of the Commissioner, or any such member, shall not be liable to any execution of any legal process by reason of any contract or other instrument entered into by the Commissioner or any Board, or by reason of any other lawful act done by the Commissioner or any Board, in the execution of any of their powers, and every member of a Board, his heirs, executors, and administrators shall be indemnified by the Board for all payments made, or liability incurred, in respect of any act done by him and of all losses, costs, and damages which he may incur in the bona fide execution of the powers granted to him by this Act.

217. In any information to be preferred by any Board against any person who shall steal or wilfully injure, and in any proceedings to be instituted in relation to, any property or thing belonging to or under the control of the Commissioner or any Board, it shall be sufficient to state generally the property or thing in respect of which such information shall be preferred, or proceeding instituted, to be the property of the Commissioner or of such Board as the case may require.

218. Any
PART XII.

218. Any summons, notice, or writ, or other proceeding required to be served upon any Board, may be served by the same being left for or sent through the post office, directed to such Board, at their principal office or usual place of meeting, or by being given personally to the Secretary of such Board, or in case there be no Secretary at such principal office or usual place of meeting, then by being given to any one member, and every letter containing such summons, or notice, or writ, shall be registered.

219. All prosecutions for the recovery or infliction of pecuniary penalties, and all actions to be commenced against the Commissioner or any Board, or the Chairman, or any member or officer of a Board, or against any other authorised persons for anything done or omitted to be done in pursuance of this Act, shall be commenced within three months after the happening of the cause of prosecution or action, and not otherwise; and notice in writing of any such action and of the cause thereof shall be given to the defendant one month at least before the commencement of the action, and the defendant in any such action may plead the general issue, and give this Act and the special matter in evidence at any trial; and the plaintiff shall not recover in such action if tender of sufficient amends shall be made before action brought, or if after action brought the defendant shall pay into Court sufficient amends; but in such last-mentioned case the plaintiff shall recover his costs of suit up to the time of payment into Court; and if a verdict shall pass for the defendant, or the plaintiff become nonsuit, or discontinue, or the defendant otherwise recover judgment, he shall recover full costs as between attorney and client, and have his remedy for the same in the usual way.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

WM. C. F. ROBINSON, Governor.

SCHEDULES
SCHEDULES.

A.
Claim to have Name inserted in List of Ratepayers.
Claim of A. B., of [insert the residence and calling of the claimant], to have his name inserted on the Ratepayers' List of the Water District [insert name or number], in right of [insert description and situation of property], (if so) being No. in (or omitted from, as the case may be) the Ratepayers' List for the present year; or being No. in the assessment, and omitted from the Ratepayers' List for the present year; or being omitted from the Ratepayers' List for the present year.

Dated the day of 18 .

[Signature of Claimant.]

Objection to Name continuing in List of Ratepayers.
Objection of C. D., [insert the residence and calling of the objector], to E. F., [insert name and description of E. F., as entered on Ratepayers' List] having his name retained on the Ratepayers' List of the Water District [insert name or number], on the ground [shortly state the objection.]

Dated the day of 18 .

[Signature of Objector.]

B.
Form of Nomination.
Water District [insert name or number]—Election for the five years ending July 1st, 18 .

Nomination.
I, A. B., of [insert name, residence, and calling, and No. on the Ratepayers' Roll] hereby propose, and I, C. D., [insert the like] hereby second, E. F., of [insert the description of candidate], G. H., of [insert the like], and I. K., of [insert the like], to be one (two, or three, as the case may be), members of the Board for the above Water District.

[Signature of A. B.]
[Signature of C. D.]

I (or we), consent to act if elected.

[Signatures of Candidates.]

C.
Form of Assessment Book.
Water District [insert name or number], Assessment Book.

PART I.

<table>
<thead>
<tr>
<th>No.</th>
<th>Name of Occupier</th>
<th>Name of Owner</th>
<th>No. of Section or Allotment</th>
<th>Situation</th>
<th>Description of Property, i.e., whether (a) buildings and land occupied therewith, (b) land outside town lands, (c) Town lands unblnt upon, (d) Town lands in blocks of not less than 10 acres, not divided by roads and numbered or used only for pastoral or agricultural purposes.</th>
<th>Freehold Value if Property described as (a) or (b), its full estimated net annual rental or lease of fourteen years; (c) 5 per cent on its freehold value; (d) 5 per cent. on its freehold value.</th>
</tr>
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Part
The Water Conservation Act.—1886.

PART II.

<table>
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<tr>
<th>Arrears of Rates brought forward from previous Assessment Book.</th>
<th>Rate of pound, declared on the day of 18.</th>
<th>Special Rate of pound, declared on the day of 18.</th>
<th>Total Rates Paid.</th>
<th>Remarks</th>
</tr>
</thead>
</table>

D.

Notice of Assessment.

Water District [insert name or number]

The Board of the Water District [insert name or number] have caused to be made an assessment of all ratable property within the above District, with the names of the owners and occupiers, so far as known, of such property; and copies of the assessment have been made, and such copies are deposited at [here state where the copies are deposited], and are open for inspection at all reasonable times; and any person intending to appeal against the assessment may do so in manner required by "The Water Conservation Act, 1886," within twenty-one days from the publication of this notice in the Government Gazette.

Dated the day of 18.

(Signed) A. B., Chairman (or Secretary).

Notice of Assessment by adoption of previous Assessment.

Water District [insert name or number]

Assessment made the day of 18.

The Board of the Water District [insert name or number] have caused to be made an assessment of all ratable property within the said District by adopting the above-mentioned assessment with, and subject to certain alterations (or additions) affecting the properties or concerning the persons following, namely:

<table>
<thead>
<tr>
<th>No. in Assessment Book.</th>
<th>Name of Occupier.</th>
<th>Name of Owner.</th>
<th>Description of Property (No. of Section or Allotment).</th>
</tr>
</thead>
</table>

Copies of the assessment so altered (or added to) are deposited at [here state where the copies are deposited], and are open for inspection at all reasonable times.

Any person intending to appeal against the said assessment may do so in manner required by "The Water Conservation Act, 1886," within twenty-one days from the publication of this notice in the Government Gazette.

Dated the day of 18.

(Signed) A. B., Chairman (or Secretary.)

Notice of Alteration or Correction of, or Addition to, Assessment.

Water District [insert name or number]

Assessment made the day of 18.

The Board of the Water District [insert name or number] have caused an alteration (or correction, or addition, as the case may be) to be made in the above-mentioned assessment, and such alteration (or correction or addition) affects the properties or concerns the persons following, namely:

<table>
<thead>
<tr>
<th>No. in Assessment Book</th>
<th>Name of Occupier</th>
<th>Name of Owner</th>
<th>Description of Property (No. of Section or Allotment)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Copies of the assessment so altered corrected (or added to) are deposited at [here state where the copies are deposited], and are open for inspection at all reasonable hours.

Any person intending to appeal against such alteration (correction or addition) may do so in manner required by “The Water Conservation Act, 1886,” within twenty-one days from the publication of this notice in the Government Gazette.

Dated the day of 18.

(Signed) A. B., Chairman (or Secretary).

E.

Notice of Appeal from Assessment.

Sir—You are requested to take notice that I appeal to the (Board, or Local Court of full jurisdiction, at against the assessment of my property, Section on the following grounds [here set forth grounds of appeal].

I am, Sir, your obedient servant,

[Signature of Appellant.]

To the (Secretary of the Board of the Water District [insert name or number];
or to the Secretary of Board of the Water District [insert name or number]
and to the Clerk of the Local Court of

F.

Notice of Appeal from the Decision of the Board.

To the Secretary of the Board of the Water District [insert name or number], and to the Clerk of the Local Court of:

Take notice that I do hereby appeal to the Local Court of full jurisdiction, at from the decision of the Board on my appeal thereto for on the appeal thereto of against the assessment of my property (or the property of ) , Section , Assessment No. , on the following grounds [here set forth grounds of appeal].

I am, Sir, your obedient servant,

[Signature of Appellant.]
Notice (for purpose of sale) of Rates in Arrears.

Water District [insert name or number]

There is now due, in respect of the land (or lands, as the case may be) mentioned in the Schedule hereto the sum (or respective sums) set opposite to the description of such land (or lands) in the Schedule, for a rate (or rates) made (or declared) by the Board of the Water District of [insert name or number], for the year (or years) ending as in the said Schedule mentioned; and the owner (or owners) of such land (or lands) is (or are) required to take notice that unless the amount (or amounts) so due, together with the costs of and attending this notice, be paid in one year from the first publication of this notice, the said Board will let the same from year to year in manner provided by "The Water Conservation Act, 1886," or an application will be made by the said Board to the Supreme Court for an order for the sale of the said land (or lands), or so much thereof as may be necessary to produce the rates so due and costs as aforesaid, and also the cost of and attending the said application, together with the interest and all other moneys due to the said Board in respect thereof.

Dated this day of , 18 .

Chairman (or Secretary).

The Schedule.

<table>
<thead>
<tr>
<th>Description of Land—by numbers of Sections and Names of Hundreds, or numbers of Allotments and names of Townships, or other description.</th>
<th>Name of Owner, or Reputed Owner (or state if owner unknown).</th>
<th>Number of Years for which Rates in arrear.</th>
<th>Date of ending of last Year for which Rates in Arrear.</th>
<th>Amount of Rates.</th>
</tr>
</thead>
</table>

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