



ANNO TRICESIMO SEPTIMO ET TRICESIMO OCTAVO

VICTORIÆ REGINÆ.

A.D. 1874.

No. 9.

An Act to Consolidate with amendments the Law for providing a constant supply of pure and wholesome Water to the City of Adelaide, the Towns of Kensington and Norwood, Port Adelaide, and Glenelg, and to places in the neighborhood thereof, and for other purposes.

[Assented to, 6th November, 1874.]

WHEREAS it is expedient that the laws relating to the supply of pure and wholesome water to the inhabitants of the City of Adelaide, the Towns of Kensington and Norwood, Port Adelaide, and Glenelg, and of the suburbs thereof respectively, and of other places near thereto, should be consolidated and amended—Be it therefore Enacted by the Governor of the Province of South Australia, by and with the advice and consent of the Legislative Council and House of Assembly of the said Province, in this present Parliament assembled, and by the authority of the same, as follows :

Preamble.

Preliminary—

1. This Act may be cited as “The Adelaide City, Port, and Suburban Waterworks Act.”

Short title.

2. In this Act, and in the Schedules to it, the following words and phrases respectively shall, except where the same would be inconsistent with the subject-matter or context, have the meanings in this section assigned to them respectively, that is to say—

Interpretation of certain words.

“Person” (in addition to the meanings given to it by the Act No. 9 of 1872) includes unincorporated companies and partnerships; and the word “consumer” includes person :

Person.

Consumer.

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Province.	“Province” means the Province of South Australia:
Commissioner.	“Commissioner” means the Commissioner of Waterworks for the Province:
Undertaking.	“Undertaking” shall mean the waterworks and the works connected therewith, heretofore constructed or heretofore or hereby authorized to be constructed or completed, extended and maintained, and shall include all pipes and prescribed fittings laid down or fixed by the Commissioner, and all lands held or used by him for the purposes of this Act:
Justices.	“Justices” means Justices of the Peace for the Province:
Owner.	“Owner” includes the agent or other person authorized to act or usually acting on the proprietor’s behalf:
Lands.	“Lands” includes messuages, lands, tenements, and hereditaments of any tenure:
Streams.	“Streams” includes springs, brooks, rivers, and other running waters:
Lands and streams.	“Lands and streams” mean those lands and streams which have heretofore been, or may hereafter be, lawfully taken, acquired, or used, for the purposes of the undertaking:
Street.	“Street” includes any public square, court, or alley, highway, lane, road, thoroughfare, passage, or place, situate within the water-area:
Water-rate	“Water-rate” includes every rent payable, and every reward or payment to be made, whether under an agreement or otherwise, to the Commissioner for a supply of water from the waterworks for any purpose whatever:
Cattle.	“Cattle” includes neat cattle, horses, asses, mules, sheep, goats, and pigs:
Carriages.	“Carriages” includes all such vehicles as are usually cleansed by the use of water:
Vacant lands.	“Vacant lands” means those unoccupied lands which, being situated within the water-area, are not built upon, and are not appurtenant to, or used in connexion with any building, and whether such lands are used for the depasturing of cattle thereon or otherwise:
Unoccupied lands.	“Unoccupied lands” means land which has been or may be declared to be unoccupied in the manner hereinafter provided, but which is not “vacant land” within the meaning of the next preceding definition:
Premises.	“Premises” means and includes any dwelling-house, and any part of a dwelling-house, and any garden, stable, yard, or other offices, used together or in connexion with any dwelling-house, or any part of a dwelling-house:
Prescribed.	“Prescribed” means prescribed by any regulation made under the authority of this Act: “Fittings”

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“Fittings” includes communication-pipes, stand-pipes, and all other pipes, and also all cocks, valves, meters, syphons, cisterns, and other apparatus used or intended for the supply of water under this Act, by the Commissioner to a consumer, and for that purpose placed in or about the lands or premises of the consumer: Fittings.

“Water-area” means and includes the City of Adelaide, the Corporate Town of Kensington and Norwood, the Town of Port Adelaide, the Corporate Town of Glenelg, and every district, town, township, village, and place, as well as all lands and premises, mentioned or described in the Second Schedule to this Act: Water-area.

3. This Act is divided into parts, which relate to the following subject matters— Division of Act.

The First Part.—To the incorporation and repeal of Acts:

The Second Part.—To the incorporation of the Commissioner, and to his property, rights, powers, and personal immunity:

The Third Part.—To the construction, maintenance, and extension of the undertaking:

The Fourth Part.—To the supply and distribution of water throughout the water-area:

The Fifth Part.—To the protection of the water, fittings, and works:

The Sixth Part.—To finance, including assessment, collectors, rates, allowances for part of cost of service-pipes to tenants and consumers, returns, and accounts:

The Seventh Part.—To penalties, &c.:

The Eighth Part.—To legal procedure, including appeals, recovery of moneys, evidence, and other legal subjects.

PART I.—Incorporation of Acts, and repeal of existing Acts:

4. The Lands Clauses Consolidation Act (save and except the one hundred and twenty-seventh section thereof), and An Act, No. 26 of 1855-6, to amend the Land Clauses Consolidation Act, are, so far as the same are applicable, and except where expressly varied by this Act, incorporated with, and form part of, this Act; and for the purposes of this Act, the expression “The Promoters of the Undertaking,” whenever used in the Lands Clauses Consolidation Act, shall mean the Commissioner, and the words “Special Act” shall mean this Act. All the sections of the Railways Clauses Consolidation Act which are enacted “with respect to the temporary occupation of lands near the railway during the construction thereof,” are, so far as they are applicable, and except where expressly varied by this Act, incorporated with, and form part of, this Act; and, for the purposes of this Act, the words “Company” and “Railway,” whenever used in those sections, shall respectively mean the “Commissioner” and the

PART I.

Incorporation of parts of other Acts.

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the "undertaking," and the words "Special Act" shall mean this Act. All the incorporated sections of the Lands Clauses Consolidation Act, and of the Railways Clauses Consolidation Act, shall apply to the completion, maintenance, and extension of the undertaking, as well as to the construction thereof.

Repeal.

5. The enactments described in the First Schedule to this Act are hereby repealed, subject to the exceptions in that Schedule mentioned: Provided that where any enactment not comprised in that Schedule has been confirmed or revived by any enactment hereby repealed, such confirmation or revivor shall not be affected by the repeal effected by this Act; and the repeal by this Act of any enactment shall not, save as is expressly mentioned herein, affect any Act in which such enactment has been applied, incorporated, or referred to, unless such last-mentioned Act is described in the said Schedule; and this Act shall not affect the validity, invalidity, effect, or consequences of any act already done or suffered, or any existing status or capacity, or any right or title already acquired or accrued, or any remedy or proceeding in respect thereof, or any release of or discharge from any debt, penalty, claim, or demand, or any indemnity, or the proof of any past act or thing.

PART II.

PART II.—The Incorporation of the Commissioner, his rights, powers, property, and personal immunity:

Commissioner of
Public Works to be
Commissioner of
Waterworks.

6. The Commissioner of Public Works for the time being shall be the Commissioner.

Commissioner to be a
body corporate.

7. The Commissioner and his successors in office shall be, and he is and they are hereby made, for the purposes of this Act, a body corporate, under the name, style, and title of "The Commissioner of Waterworks," and shall by that name be capable forthwith of exercising all the functions of an incorporated body, and shall have by that name a perpetual succession and a seal, and shall and may by that name sue and be sued, plead or be impleaded, in all Courts and before all Justices and others, and shall have power to purchase, take, hold, and dispose of lands and other property for the purposes of the undertaking; and all lands, with all rights, privileges, and easements incidental thereto which have heretofore been acquired for the purposes of the undertaking, and which are now vested in the present Commissioner of Public Works for the Province, or in any of his predecessors in that office, their respective heirs, executors, administrators, and assigns, for the purposes of the undertaking, shall, immediately on the passing of this Act, be and become vested in the present Commissioner in his corporate capacity and his successors in that office for ever in trust for the purposes of the undertaking; and every grant, conveyance, lease, memorandum of lease, memorandum of transfer, certificate of title, deed, or other instrument under which any such lands are held shall be read and construed as if the same respectively had been expressed to be made or issued to "The Commissioner of Waterworks," his successors, and assigns.

8. The

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8. The benefit of all contracts, bonds, securities, and things in action which shall have been vested in the predecessor in office of the Commissioner for the time being when such predecessor ceased to be Commissioner, shall be transferred to and vested in and enure for the benefit of the Commissioner for the time being, in the same manner as if he had been contracted with instead of such predecessor, and as if his name had been inserted in all such contracts, bonds, and securities, instead of the name of such predecessor; and all persons who then owed any moneys to such predecessor, or to any person on his behalf, shall pay the same to the Commissioner for the time being, and all moneys due and owing by such predecessor shall be paid by, or be recoverable from, the Commissioner for the time being.

PART II.

Vesting of contracts, &c., in successive Commissioners.

9. The Commissioner may appoint and employ for the purposes of this Act, such engineer, manager, secretary, solicitor, clerks, collectors, messengers, and other officers, at such reasonable salary, pay, or reward as to him may seem meet, and may also, at his discretion dismiss and discharge all or any of such officers and appoint others in their stead: Provided that the salaries or rewards of all persons appointed and employed by such Commissioner, under the authority of this Act, shall be annually voted by Parliament.

Commissioner to appoint officers.

10. The Commissioner may make all such regulations as shall seem to him necessary or expedient for preventing and remedying the waste, misuse, undue consumption, fouling or contamination of the water belonging to or supplied by him, and for protecting the water, prescribed fittings, and undertaking, and every part thereof, from trespass and injury. He may, by any regulation made by him under this Act, or (in any particular case) by an order under his hand and seal, prescribe the size, nature, description, strength, and materials, and the mode of arrangement, alteration, and repair of the baths, water-closets, soil-pans, or other receptacles, and of the fittings which shall from time to time for the purpose of conveying, delivering, or receiving water supplied or intended to be supplied by the Commissioner, be placed or used upon or in, or affixed or attached to, any lands or premises to which he supplies, or has been requested, or agreed to supply, any water under this Act; and may, by any such regulation, interdict any mode of arrangement, and the user of any fittings and water-closets, the use of which may, in his judgment, cause or tend to cause any such waste, misuse, undue consumption, fouling, or contamination.

Power to make regulations and forms.

The Commissioner may also make all such regulations as he shall think proper with respect to regulating the conduct of all the officers, workmen, and servants appointed, employed, or hired by him under and for the purposes of this Act, and for the making, levying, and collecting of water-rates, and providing for the due management and use in all respects whatsoever of the water and other property of the Commissioner, and of the undertaking, and for its construction, completion, maintenance, and extension, and may also make, and by any such regulation, prescribe the several forms which shall be used

under

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under or for the purposes of this Act, and may alter the same from time to time as shall seem to him expedient, and may from time to time abrogate entirely any or all of the prescribed forms, and substitute new ones whenever he deems it expedient so to do for the purposes of this Act.

The Commissioner may also fix by any such regulation the level which water supplied from the constant supply must reach at any particular place within the water-area; the quantity of water which consumers shall be entitled, upon payment of the water-rates, to receive from him for domestic or other purposes; and the price which shall be charged to and paid by such consumer for the water supplied to him by the Commissioner for domestic or other purposes in excess of the prescribed quantity.

The Commissioner may also, in any such regulation, specify the purposes other than domestic for which, and the persons or classes of persons to whom, he is prepared to supply water under agreement, and the general and special terms and conditions upon which he will supply it, and which shall be or be deemed to be incorporated with and embodied in any such agreement (whether written or otherwise) as part thereof; and the Commissioner may also, by any such regulation, specify how far within the exterior edge of lands and premises in the water-area prescribed fittings may be laid down, placed, or fixed therein or thereon, or attached thereto, by himself or any person authorized by him.

The Commissioner may vary or repeal all or any existing regulations and by-laws made, or purporting to have been made, under or in pursuance of all or any of the Acts hereby repealed, and make all such further and additional regulations as shall seem to him meet for fully and effectually carrying out and giving force and effect to the various purposes of, and the various provisions, powers, and authorities contained in, this Act, and also such regulations as shall seem to him meet for preventing the violation or infringement of any of those purposes, provisions, powers, or authorities, or of any such regulation; but no regulation made under this Act shall, save as hereinafter provided, be published, or have any force or effect, until it has been approved of by the Governor; and every such regulation, made or purporting to be made in pursuance of this section, and to have been approved of by the Governor, shall, when published in the *Government Gazette*, have the force of law: Provided that the Commissioner shall not make any regulation repugnant to the laws of the Province: Provided also, that whenever any circumstances happen which in the judgment of the Commissioner render it necessary or proper for him to make and to put in force in pursuance of this Act, any regulations before the same have been approved of by the Governor, or have been published in the *Government Gazette*, the Commissioner may make under his hand and seal, and put in force such regulations, without their having been approved of by the Governor or published in the *Government Gazette*, and such last-mentioned regulations so signed and sealed shall have the force of law, but shall, so soon as conveniently may be after the making thereof,

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thereof, be submitted by the Commissioner to the Governor, and such (if any) of them as shall be then disapproved of by the Governor shall not remain in force, but shall, from a time to be fixed in that behalf by the Governor, cease to have the force of law, save so far as may be necessary for protecting the Commissioner and others who acted by or under his authority against and from the consequences of any acts done by him or them in pursuance of such regulations.

11. The Commissioner may, in one or more of the prescribed regulations, specify the purposes for which he is prepared to supply water under agreement, and he may refuse to enter into an agreement to supply water for any purpose not specified in such regulations.

Commissioner to make regulation specifying purposes for which he will supply water under agreement.

12. Every regulation made by the Commissioner under this Act shall, so soon as conveniently may be after the making thereof, be published in the *Government Gazette*, and the by-laws, with the Schedule thereto, made or purporting to be made in pursuance of the Acts No. 14 of 1870-71, and No. 15 of 1870-71, and published in the *Government Gazette* on the twenty-first day of November, one thousand eight hundred and seventy-two, shall, until varied or repealed, be deemed to be and to have been valid.

Regulations to be published in the *Gazette*.

13. The whole of the undertaking, and all the materials and things, including the pipes and the other (if any) prescribed fittings, which now form, or which at any time hereafter shall form, part thereof, shall be and be deemed to be, and all water which now is, or hereafter at any time shall be, in any reservoir, pipe, or other part of the undertaking, shall be and be deemed to be the property of the Commissioner, and shall be held and used by him for the purposes of the undertaking.

Undertaking and water in it to be property of Commissioner.

14. It shall be lawful for the Commissioner to pay, out of any moneys at his disposal under this Act, any sum due by him under any agreement lawfully made for, or in accomplishing, any of the purposes of this Act, and any sum recovered against him by any process of law or equity, and any sum which, by any order made, or purporting to be made, under this Act, he is directed to pay for, or by way of, compensation, damages, costs, fines, penalties, forfeitures, or otherwise howsoever.

Payments to be made by the Commissioner.

15. The Commissioner shall not be personally liable to pay or make good any sum of money which shall at any time be recoverable under this Act from him, or be due by him, as Commissioner, or recovered as damages for any act done, or omitted to be done by him in the *bonâ fide* belief that he is acting in pursuance of this Act.

Commissioner not to be personally liable.

16. The Commissioner may authorize such person as he shall think proper to do all or any of the acts, matters, and things which the Commissioner is hereby empowered or required to do; and every person so authorized shall have and enjoy all such and the like powers

Commissioner may delegate his powers.

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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 authorized 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 III.

PART III.—The construction, maintenance, and extension of the undertaking:

Commissioner to construct, complete, and maintain undertaking.

17. Subject to the provisions of this Act, the Commissioner shall, in accordance with the plans and sections which have already been deposited in the office of the Surveyor-General, with reference to the undertaking or any part thereof, or which may hereafter be deposited under this Act, or any Act amending or incorporating the same or any part thereof, construct such part of the undertaking as has not been completely constructed, and shall maintain in good working order and repair the whole of the undertaking, and may enter upon, take, and use such of the lands delineated or shown on the said plans, and described in the said books of reference, as shall have been or may be acquired or required for the purposes of the undertaking, and also such other lands, if any, as he shall deem necessary for providing proper roads or other approaches, whether temporary or permanent, thereto.

Principle of construction.

18. The undertaking shall be constructed, completed, and maintained in a manner such as will enable the Commissioner to afford and distribute, and he shall, so far as, and whenever he can, provide and keep in the reservoirs and pipes of the undertaking, a constant supply of pure and wholesome water, sufficient for the domestic and prescribed purposes of all owners and occupiers of lands and premises within the water-area, and the Commissioner shall, so far as and whenever he can (save during such time as is requisite for making proper or necessary repairs), cause such supply to be constantly laid on at a pressure such as will make such water reach at any place within the water-area the prescribed level with respect to such place. This supply is, throughout this Act, designated and referred to as a "constant supply."

Errors and omissions in plans &c., may be corrected by Justices, &c., who shall certify the same.

19. If any error, omission, misstatement, or wrong description, shall have been, or shall be made of any lands or streams, or of the owners, lessees, or occupiers of any lands or streams delineated or shown on the plans and sections, or described in the books of reference deposited heretofore in the office of the Surveyor-General as aforesaid, or which shall hereafter be deposited there under this Act, the Commissioner, after giving ten days' notice, in writing, to the owners, lessees, and occupiers of the lands or streams affected or likely to be affected by the correction of such error, omission, misstatement, or wrong description, may apply to two Justices to correct

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correct the same; and if it shall appear to such Justices that it is expedient and not unjust to correct such error, omission, misstatement, or wrong description, they shall give the Commissioner a certificate, in such form as they shall think proper, and shall in such certificate state the particulars of any such error, omission, misstatement, or wrong description; and such certificate, with the documents to which it relates, shall be deposited with the other documents to which they relate, in the office of the Surveyor-General, and thereupon such plan, section, or book of reference, as the case may be, shall be deemed to be corrected according to such certificate; and the Commissioner may make, complete, extend, and maintain the works in accordance with such certificate as if such error, omission, misstatement, or wrong description had not been made.

20. The Surveyor-General shall keep the said plans and all other documents deposited with him for the purposes of this Act, and shall allow all persons interested to inspect any of the documents aforesaid, and to make copies of and extracts from the same free of charge.

Surveyor-General to receive plans of alterations, &c., and allow inspection.

21. Subject to the provisions and restrictions contained herein, the Commissioner may, as the case shall require, do, or continue such of the following acts, and may execute or complete such of the following works as he may deem necessary or expedient for constructing, completing, extending, and maintaining the undertaking, and supplying water under this Act; that is to say, he may enter upon such of the lands and other places shown or delineated on the plans and sections, and described in the books of reference, which have been, or which shall hereafter be, prepared and deposited in the office of the Surveyor-General with reference to the undertaking or any part thereof; and also upon such other lands as are necessary for enabling him to supply water under this Act to other lands which are situate within two miles of the main pipe, through which the water is conveyed from the Thorndon Park Reservoir to the City of Adelaide and to the Corporate Town of Kensington and Norwood, or from the City to the Corporate Town of Port Adelaide, or from the City to the Corporate Town of Glenelg, as he may require to enter upon, take, or use for the purposes of the undertaking, and take levels of the same, and set out such parts thereof as he shall deem necessary, and dig and break up the soil of such lands, and trench, and sough, and fence in the same, and remove or use all earth, stones, mines, minerals, trees, and other things dug, or otherwise gotten out thereof. He may sink such wells or shafts, and make, maintain, alter, or discontinue such reservoir, waterworks, cisterns, tanks, aqueducts, drains, cuts, sluices, pipes, culverts, engines, and other works, and erect such buildings upon the lands and over such streams authorized to be taken by him, as he shall think proper, for giving a constant supply of pure water to every person who shall be entitled to require or receive such supply under this Act. He may divert and impound the water from the streams mentioned for that purpose in the plans of the said undertaking,

Commissioner may do certain acts and execute certain works.

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and books of reference thereto, which have been, or may hereafter be, deposited for the purpose of the undertaking, in the office of the said Surveyor-General, and alter the course of any such stream; and also take such waters as may be found in and under, or on, the lands to be taken for constructing the undertaking: Provided always that, in the exercise of the powers conferred on him by this section, the Commissioner shall do as little damage as can be, and shall, in all cases in which it is possible to do so, provide other watering places, drains, and channels for the use of adjoining lands, in place of such as he shall have taken away or interrupted, and shall make to every person interested full compensation for all damage sustained by such person, through the exercise of all or any of those powers.

Power to take temporary possession of land

22. It shall be lawful for the Commissioner to enter upon any lands not being more than two hundred yards distant from the works or undertaking, and not being a garden, orchard, or plantation attached to or belonging to a house, nor a park, planted walk, avenue, or ground ornamentally planted, and no part thereof being within five hundred yards of the mansion-house of the owner of any such lands, and to occupy the said lands so long as may be necessary for the purposes of this Act and of the undertaking, or of the accommodation works connected therewith, and to use the same for any of the following purposes (that is to say):—

For the purpose of taking earth, by side-cuttings, therefrom:

For the purpose of depositing soil thereon:

For the purpose of obtaining materials therefrom for the construction or repair of the works or undertaking or such accommodation works as aforesaid: or

For the purpose of forming roads thereon, to, or from, or by the side of, the works or undertaking:

And, in exercise of the powers aforesaid, it shall be lawful for the Commissioner to deposit, and also to manufacture and work, upon such lands materials of every kind used in constructing the works or undertaking, and also to take from any such lands any timber, and also to dig and take from out thereof any clay, stone, gravel, sand, or other things that may be found therein useful or proper for constructing the works or undertaking or any such roads as aforesaid; and for the purposes aforesaid, to erect thereon workshops, sheds, and other buildings of a temporary nature: Provided always that nothing in this Act contained shall exempt the Commissioner from any action for nuisance or other injury (if any) done in the exercise of the powers hereinbefore given to the lands or habitations of any party other than the party whose lands shall be so taken or used for any of the purposes aforesaid: Provided also, that no stone or slate quarry, brickfield, or other like place which, at the time of the passing of this Act, shall be commonly worked or used for getting materials therefrom for the purpose of selling or disposing of the same, shall be taken or used by the Commissioner, either wholly or in part, for any of the purposes hereinbefore mentioned.

23. If

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Proceeding in case of refusal to deliver possession of lands.

23. If in any case in which, by this Act, the Commissioner is authorized to enter upon, and take possession of, any lands required for the purpose of the works or undertaking, the owner or occupier of any such lands, or any other person, refuses to give up the possession thereof, or hinders the Commissioner from entering upon and taking possession of the same, it shall be lawful for the Commissioner to issue his warrant to the Sheriff to deliver possession of the same to the person appointed in such warrant to receive possession thereof; and so soon as he can after the receipt of such warrant the Sheriff shall deliver possession of any such lands accordingly, and the cost accruing by reason of the issuing and execution of such warrant shall be settled by the Sheriff, and shall be paid by the person refusing to give possession, and the amount of such costs shall be deducted and retained by the Commissioner from the compensation (if any) payable to such party; or if no such compensation be payable to such party, or if the same be less than the amount of such costs, the amount of such costs, or the excess thereof beyond such compensation, as the case may be, if not paid on demand, may be recovered by the Commissioner as money due to him under this Act.

24. Whenever a person entitled under the next preceding section to receive compensation does not agree with the Commissioner on the amount thereof, that amount shall be ascertained and settled in the manner provided by the Lands Clauses Consolidation Act for the settlement of disputed claims for compensation.

Amount of compensation how to be settled.

25. Persons empowered by the Lands Clauses Consolidation Act to sell and convey or lease lands, shall, upon being required in writing by the Commissioner so to do, but subject to the provisions of that and of this Act, grant to the Commissioner any easement, right, or privilege in, over, or affecting such lands, and which he deems it necessary or expedient to require for the purposes of the undertaking.

Power to take easements, &c.

26. The Commissioner, before acquiring or using, whether permanently or temporarily, for the purposes of the undertaking, land, or any right or easement in or over land otherwise than by agreement with the parties interested therein, or enabled to sell and convey the same, shall deposit in the office of the Surveyor-General for the Province, a plan showing the quantity of land or the particulars of the right or easement which he may require for the purposes of the undertaking and of this Act.

Commissioner to deposit plans before acquiring or using lands.

27. The Commissioner may sell or otherwise dispose of any land or other property whatever vested in him under this Act, which he thinks may be properly sold or disposed of because not needed for the purposes of the undertaking, and may transfer or convey such land or other property to the purchaser, or as he shall direct, and his receipt shall be a sufficient discharge to the purchaser for the purchase money in such receipt expressed to be received, and the money accruing from the sale or other disposition of such property, shall be paid

Commissioner may sell surplus land and property.

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paid by the Commissioner to the Treasurer of the Province for the time being, and shall be carried by him to the account of the Commissioner for the purposes of this Act.

Power to construct accommodation works and differences as to them to be settled by Justices.

28. The Commissioner shall construct and erect all works necessary for making good the interruption caused by the exercise of any of the said powers to the possession or enjoyment of any lands adjoining or near any part of the undertaking, or otherwise necessary for the accommodation of such lands; and if any difference shall arise respecting the construction of any such accommodation works, or the kind, or size, or sufficiency thereof, the same shall be determined by two Justices in the manner provided by the Lands Clauses Consolidation Act for the determination of questions of disputed compensation.

Power to make roads.

29. The Commissioner may make or maintain (as the case may be) upon or over the lands which have been or may hereafter be taken or used for the purposes of this Act and the undertaking, such roads or other like means of communication as he may deem necessary or proper for effectually executing those purposes, and making all proper approaches to the undertaking, whether such approaches are permanent or needed only for a temporary purpose; and may repair, amend, and fence in such roads or other means of communication, and may cause all or any of them to be used exclusively for those purposes, or may, at his discretion, permit the public or any particular person to use all or any of them, upon such (if any) terms and subject to such (if any) conditions as he shall think it proper to make or impose, and he shall have power to dedicate all or any of such roads or other means of communication permanently to the use of the public, but the public or any particular person shall not acquire any right to use, or any privilege or easement in respect to all or any of them, save such as shall be expressly granted or dedicated by the Commissioner in conformity with this section.

Power to break up streets, &c.

30. For the purpose of constructing, extending, and maintaining the undertaking, the Commissioner, under such superintendence as is hereinafter specified, may open and break up the soil and pavement of the several streets and bridges within the water-area, and any sewers, drains, or tunnels within or under such streets or bridges, and lay down and place within the water-area pipes, conduits, service pipes, other prescribed fittings, and other works and engines, and repair, alter, or remove any of them, and for the aforesaid purposes may remove and use all earth and materials in and under such streets and bridges, and do all other acts which the Commissioner shall deem necessary or expedient for constructing and maintaining the undertaking, and shall do as little damage as can be in the execution of the powers hereby granted, and for any damage which may be done in the execution of such powers, he shall make compensation in the manner provided for the settlement of disputed claims for compensation by the Lands Clauses Consolidation Act.

31. Before

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31. Before the Commissioner opens or breaks up any street, bridge, sewer, drain, or tunnel, he shall give to the person under whose control or management the same may be, or to their clerk, surveyor, or other officer, notice in writing of his intention to open or break up the same, and such notice shall be given not less than three clear days before beginning such opening or breaking up, except in cases of emergency, which in the opinion of the Commissioner justify him in omitting to give such notice, and in every such case he shall give the notice as soon as he conveniently can after the beginning of such opening or breaking up, or after the necessity for the same shall have arisen.

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Notice to be served on persons having control, &c., before breaking up street, or opening drains.

32. No such street, bridge, sewer, drain, or tunnel shall, except in the case of such emergency as aforesaid, be opened or broken up except under the superintendence of the persons having the control or management thereof, or their officer, and according to such plan as shall within the three days next after the receipt of such notice be proposed by such persons or their officer, or, in case of any difference respecting such plans, then according to such plan as shall be determined by the Surveyor-General or other competent officer to be appointed by the Governor; and such Surveyor-General or other officer may, on the application of the persons having the control or management of any such street, bridge, sewer, drain, or tunnel, or their officer, require the Commissioner to make such temporary or other works as he may think necessary for guarding against any interruption of the drainage during the execution of any works which interfere with any such sewer or drain: Provided always, that if the persons having such control or management as aforesaid, and their officer, after having received such notice as is mentioned in the next preceding section, fail to attend at the time fixed for the opening of any such street, bridge, sewer, drain, or tunnel, or shall not, within the three days next after receipt by them of such notice, propose any plan for breaking up or opening the same, or shall refuse or neglect to superintend the operation, the Commissioner may perform the work specified in such notice without the superintendence of such persons or their officer; and in case such a plan has been proposed by them, but a difference respecting it has arisen, then the Commissioner shall not commence any such work until some plan has been determined upon in that behalf by the Surveyor-General or other competent officer appointed by the Governor as aforesaid.

Streets or drains not to be broken up except under superintendence of persons having control of the same.

If persons having the control, &c., fail to superintend, Commissioner may perform the work without them.

33. When the Commissioner shall open or break up the road or pavement of any street or bridge, or any sewer, drain, or tunnel, he shall with all convenient speed complete the works for which the same shall have been broken up, and fill in the ground, and re-instate and make good the road or pavement or the sewer, drain, or tunnel so opened or broken up, and carry away the rubbish occasioned thereby, and shall keep the road or pavement which has been so opened or broken up in good repair for three months after replacing and making good the same, and for such further time, if any

Streets, &c., broken up to be reinstated without delay.

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any, not being more than twelve months in the whole, as the soil so opened or broken up shall continue to subside, and shall at all times whilst any such road or pavement shall be so opened or broken up cause the same to be fenced and guarded, and shall cause a light sufficient for the warning of passengers to be set up and kept there-against every night during which such road or pavement shall be continued open or broken up.

Compensation for delay in reinstating streets, &c.

34. If the Commissioner shall open or break up any street or bridge, or any sewer, drain, or tunnel, without giving such notice as hereinbefore is provided, or if the Commissioner make any unnecessary delay in completing any such work, or filling in the ground, or reinstating and making good the road or pavement so opened or broken up, or in carrying away the rubbish occasioned thereby, or if he shall neglect to cause the place where such road or pavement has been broken up to be fenced, guarded, and lighted, he shall make to every interested person reasonable compensation for any damage actually sustained by such person through or in consequence of any such act, delay, or neglect; and the amount of such compensation, if it has not been agreed upon between any such person and the Commissioner, shall be fixed by two Justices in the manner provided by the Lands Clauses Consolidation Act for the determination of questions of disputed compensation.

In certain cases, parties other than the Commissioner may reinstate, and recover the expenses.

35. If the Commissioner, having, for the purposes of the undertaking, opened or broken up any street, bridge, sewer, drain, or tunnel, keeps the same open or broken up longer than is reasonably necessary, or makes any unnecessary delay in filling in the ground, or in reinstating and making good the road or pavement of any such street or bridge, or the sewer, drain, or tunnel so opened or broken up, or in carrying away the rubbish occasioned thereby, or if he shall neglect to cause the place where such road or pavement has been opened or broken up to be fenced, guarded, and lighted while it is so opened or broken up, the persons having the control or management of the street, bridge, sewer, drain, or tunnel, in respect of which such delay, omission, or neglect shall have taken place, may cause to be executed or done the work or act so delayed, omitted, or neglected to be executed or done; and all the reasonable expense of executing or doing the same shall be reimbursed to them by the Commissioner, out of any moneys at his disposal under this Act; and if any dispute arises between them and the Commissioner, touching the nature, legality, or amount of the expenses claimed by them in that behalf, every such dispute shall be determined by two Justices, in the manner provided by the Lands Clauses Consolidation Act for the determination of questions of disputed compensation.

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PART IV.—The supply and distribution of water throughout the water-area.

Water to be supplied free to Government

36. The Commissioner shall, so far as and whenever he can afford and

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and distribute free of charge a full and sufficient supply of water to—

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and Corporate lands,
&c., within the water-
area.

- I. All lands and buildings which are situate wholly within the water area, and are used by the Government of the Province, or by one or more of the officers or servants of such Government, exclusively for the public purposes of such Government: and to
- II. The respective Corporations of the City of Adelaide and of the Town of Port Adelaide for the purpose of watering the streets of the said city and town respectively, and also to all lands and buildings which are situate within the water-area, and are occupied and used by either of those Corporations, exclusively for public purposes, and are not underlet to or occupied for other than public purposes by tenants of such Corporations respectively: Provided that no lands or buildings which the said Corporations may have a right to resume at will or upon three months' notice shall be deemed to be liable for water-rates after such resumption.

37. The Commissioner shall, so far as, and whenever he can afford and distribute to all persons entitled to receive it under this Act, a constant supply of water for domestic and prescribed purposes in the manner prescribed by this Act, and by the regulations made under it: Provided that the Commissioner shall not be bound to supply water to any person for any purpose whatever, unless all water-closets, fittings, and the mode and arrangement thereof which are to be used are, in the judgment of the Commissioner, those prescribed in that behalf by this Act and the regulations made under it.

Commissioner to
afford constant supply

38. Whenever the quantity of water stored in the reservoirs has been diminished to such an extent as to render it necessary or expedient in the opinion of the Commissioner to lessen the quantity of water supplied for domestic purposes, he may, with the sanction of the Governor, lessen or discontinue it throughout the whole or any part of the water-area in such manner as he shall think proper: Provided always, that before he discontinues or lessens the supply for domestic purposes, he shall give such public notice as he shall think fit of his intention so to do.

Power to lessen supply
for domestic purposes.

39. The Commissioner may cut off the water supply from any lands or premises when the same shall have remained unoccupied for three months, or when any rates, water-rates, or charges for prescribed or other pipes or fittings shall have remained unpaid for fourteen days after they became due; and whenever the lands shall again be occupied, or (as the case may be) all rates and all charges for prescribed or other pipes and fittings shall have been paid, the water supply shall, on demand made in writing by the owner or occupier thereof, be restored, upon payment of the cost of such cutting off and restoration: Provided that cutting off the water shall be deemed a cumulative remedy for enforcing payment of the water-
rate,

Water supply may be
cut off from unoccu-
pied land.

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rate, and shall not relieve the owner or occupier from any liability in respect thereof.

Power to supply water by agreement for non-domestic purposes.

40. Subject to the provisions of this Act, the Commissioner may agree with any owner or occupier of lands or premises situate wholly within the water-area, but not elsewhere, to supply to him, from the undertaking, water to be used by him on those lands or in those premises, but not elsewhere, for purposes other than domestic.

Except as hereinafter is provided, all the terms and conditions prescribed in that behalf shall, from the time of making any such agreement be, and be deemed to be, incorporated with and embodied in it, and to form part thereof: Provided always, that it shall be lawful to declare that those terms and conditions, or such of them as are by express words in such agreement excluded therefrom, shall not be, or be deemed to be, incorporated with, or embodied in it, nor form part thereof.

Whenever the Commissioner is of opinion that in any particular instance such an agreement ought to contain terms or conditions other than, and in addition to, those prescribed, it shall be lawful for him to require that such terms and conditions of such agreement as he shall specify shall be inserted therein, and the same shall be signed by him and by the other party thereto.

Evidence of agreement.

The mere production of a written or printed application (signed or purporting to be signed by the applicant) for a supply of water, for a purpose other than domestic, shall, in every Court, and in every proceeding at law and in equity, be *prima facie* evidence that such applicant has agreed to take such water upon the terms and subject to the conditions prescribed in that behalf.

The Commissioner and every other party to each such agreement shall be deemed to have entered into and signed it, subject to the provisions of this Act, and also subject to every regulation which, having been made under this Act, shall be in force at the making of such agreement, and the then and every subsequent owner, and occupier of such lands and premises shall own or occupy them, as the case may be, subject to such agreement until it is cancelled, and shall, until such cancellation, be bound thereby as if parties thereto.

Water for non-domestic, &c., purposes, to be supplied under written agreement.

41. Water supplied by the Commissioner to a consumer for a purpose which is neither domestic nor otherwise expressly provided for by this Act, shall be supplied only under or in pursuance of an agreement made between each such consumer and the Commissioner; and all water supplied under or in pursuance of such an agreement shall be charged and paid for by measure, at such a price as shall be fixed in the prescribed manner.

Power to discontinue supply for non-domestic purposes because of scarcity of water.

42. Notwithstanding any other provision contained in this Act, or any contract or agreement entered into by him, the Commissioner, whenever he apprehends that, by reason of drought or other cause, whether natural or not, which has largely diminished the quantity of

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of water usually stored in the reservoirs, the quantity of water stored in them will not suffice for domestic purposes unless he discontinues the supply for all or some of the other purposes for which it is then supplied under this Act, may, with the sanction of the Governor, give to the consumers, whom he supplies under agreements, in such manner as he shall think proper, notice that their supply will, from a date mentioned in such notice, be discontinued for all purposes other than domestic; and from and after such date he may discontinue the supply under such agreements, and shall not be liable upon that account to any proceeding at law or in equity, and such consumers shall not, during such discontinuance, be liable to pay any moneys due or to accrue due under their respective agreements, save the price of the quantity of water actually received by them respectively under such agreements prior to such discontinuance.

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43. Notwithstanding any other provision contained in this Act, or in any agreement to supply water, the Commissioner may discontinue the supply under any such agreement whenever any moneys due to him under it have remained unpaid for seven days, and may also, if he pleases, cancel such agreement because of such non-payment. The remedy given him by this section shall be in addition to any other possessed by him under the agreement, or otherwise.

Power to discontinue supply for non-domestic purposes for non-payment of price or rent.

44. Whenever any person supplied (whether under agreement or otherwise) with water by the Commissioner does, or wilfully permits to be done, any act which in the judgment of the Commissioner is a breach of any provision contained in this Act, or in any regulation made in pursuance of this Act, the Commissioner may, notwithstanding any other provision contained in this Act or in any agreement made by the Commissioner with such person, direct the supply of water to such person to be cut off; and thereupon the Commissioner may at any time do all acts necessary or proper for cutting off such supply, and may, for accomplishing such purpose and at all reasonable times, enter upon any lands and into any premises of such person and remain there so long as is reasonably necessary for such purpose. Whenever the supply of water to any person has been cut off under the provisions of this section, such person, or any subsequent owner or occupier, shall not be entitled to have any water supplied to him by the Commissioner except upon payment of all expense incurred by the Commissioner in, or in reference to, such cutting off, and upon such other terms and conditions as the Commissioner shall think proper to impose, and the cutting off of the water shall be deemed to be a cumulative remedy for such breach, and shall not relieve the owner or occupier from any liability in respect of the water-rate.

Power to cut off supply for breach of Act, &c.

45. If at any time it appears to the Commissioner that, save by means of a stand-pipe or other prescribed fittings placed outside the dwelling-houses next hereinafter mentioned, a constant supply cannot be well or effectually or economically provided for and afforded and distributed to and throughout any group or number of dwelling-houses situate in a court, passage, lane,
M or

Provision for supply to groups of houses, &c.

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or alley, he may make a regulation to the effect that such group or number of dwelling-houses shall be supplied in manner next aforesaid, or in such other manner as he shall in such regulation prescribe; and he shall forthwith provide, erect, and fix in readiness for use by the owners or occupiers of such group or number of dwelling-houses, and shall renew, or repair the stand-pipe or other fittings prescribed by such regulation, and shall afford and distribute by means thereof the constant supply to the owners or occupiers of such group or number of dwelling-houses. Such owners or occupiers, but not any other person, shall be entitled to take, consume, and use in the said group or number of dwelling-houses, but not elsewhere, such constant supply for domestic purposes only; and the Commissioner shall be entitled to receive and recover from such owners or occupiers, water-rates in the same manner and to the same amount as if the constant supply had been afforded and distributed in each of such dwelling-houses in the ordinary manner provided by this Act.

The expense of providing, erecting, and fixing in readiness for use such stand-pipe or other prescribed fittings, and of renewing or repairing the same from time to time, shall be borne by the owner of such group or number of dwelling-houses, or if they belong to more than one owner, then by the respective owners thereof in such proportions as the Commissioner shall prescribe by such regulation.

Acts to be done on request for supply to lands or premises in a street.

46. Save in the cases provided for in the next preceding section, the Commissioner shall, on receiving from the owner or occupier of lands or premises in any street in which a main pipe has been laid down, a written request for a constant supply of water for domestic purposes, provide, lay down, and fix in readiness for use, and shall thereafter at the like request, and on receiving due notice in that behalf, keep in repair such communication pipes and other fittings prescribed for that purpose, and do such other acts, and construct such works as are necessary and proper for complying with, and carrying out such request.

Supply to persons within two miles of mains.

47. The owner or occupier of lands or premises, which are not situate within any city, town, township, or district (under the District Councils Act, 1858), supplied with water under this Act, but which are situate wholly within two miles on either side of the main pipe through which the water is now conveyed from the Thorndon Park Reservoir to the City of Adelaide, or to the Corporate Town of Kensington and Norwood, or from that City to the Corporate Town of Port Adelaide, or from the City to the Corporate Town of Glenelg, may, in writing, request the Commissioner to supply water for domestic purposes to such lands or premises. The Commissioner may, if in his sole discretion he thinks it expedient so to do, but not otherwise, comply with such request, and may do all such acts, and execute and construct all such works as shall in his judgment be necessary or proper for supplying to such lands and premises water for domestic purposes: Provided always, that the Commissioner may, so long as he is required to do so, continue to supply

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supply water to all such lands and premises as are now supplied by him: Provided also, that all lands and premises to which the Commissioner shall in fact supply water under this section, and the owners and occupiers thereof, shall, from the time when the Commissioner accedes to such request, be subject to the provisions of this Act in the same manner and to the same extent in every respect as if such lands and premises were respectively situate within the water-area: Provided also, that all the expense of providing, constructing, maintaining, renewing, and repairing, the works and fittings necessary or proper for supplying water to the person who makes such request shall in every case be paid in advance by him, and if not paid in advance, shall be recoverable from him when and as water-rates under this Act are payable and recoverable from him or from such lands or premises; and he shall pay water-rates from the time when the supply is given to him, and the water-rates, which are charged to and paid by him, shall not in any case be less in amount than those which would have been chargeable to and payable by him if such lands were situate within the City of Adelaide: Provided also, that the nature, size, and description of the works, pipes, and other fittings for supplying such lands with water, shall be entirely in the discretion of the Commissioner.

48. The main pipe, which conveys the water from the Thorndon Park Reservoir to the City of Adelaide, commences at the outlet from the Thorndon Park Reservoir, and proceeds thence in a westerly direction through Section 349; thence in a south-west direction through Sections 336, 297, 277, 278, and 312, passing out at the south-west corner of Section 312, to the Main North-Eastern-road; thence along the said road, which is bounded on the north-west by the south-east boundaries of Preliminary Sections 307, 306, 284, 283, 282, 281, and 280, and on the south-eastern side by the north-western boundaries of Preliminary Sections 305 and 279; and the said road and main pipe terminate at the junction of Section 279 with the Township of Stepney, all in the Hundred of Adelaide. The main pipe, which conveys the water from the City of Adelaide to the Town of Port Adelaide, commences at the south-west corner of the Township of Brompton, and proceeds thence along the Port-road, which is bounded on the north-east by the south-western boundaries of Preliminary Sections 370, 371, 374, 375, 376, 387, 388, 397, 398, 405, 406, 407, 419, 420; and on the south-west side by the north-eastern boundaries of Preliminary Sections 353, 372, 373, 389, 394, 395, 396, 408, 409, 417, 418, and parts of 424 and 443, in the Hundred of Yatala; and the said road and main pipe terminate at the south-western corner of Section 420, at its junction with the Township of Alberton. The main pipe which conveys the water from the Township of Payneham to the Corporate Town of Kensington and Norwood commences at the south-west corner of the Township of Payneham, and proceeds thence in a southerly direction along the road between Sections 279 and 278 on the west, and Sections 264, 2041, and 287 on the east, Hundred of Adelaide, to the north-east corner of Section 277. The main pipe which conveys the water from the

Description of the main pipes mentioned in the next preceding section.

City

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City of Adelaide to the Corporate Town of Glenelg, commences at the corner of South and West-terraces, Adelaide, and running south-westerly through the Park Lands, south-east of Section 45, through Section 44, 52, and 53, south-east of Section 88, through Sections 104, 109, and 136, all in the Hundred of Adelaide; and westerly, south of Sections 152, 183, and 184, in the Hundreds of Noarlunga and Adelaide, to the eastern boundary of the Corporate Town of Glenelg.

Commissioner to affix public fire-plugs in the mains.

49. The Commissioner may, upon the laying of the main or other pipes throughout the water-area, fix therein such and so many prescribed fire-plugs, and at such places as shall seem to him most proper and convenient for the supply of water for extinguishing any fire which may break out in any city, town, township, or district (under the District Councils Act, 1858), within the water-area.

The Commissioner to repair fire-plugs and deposit keys thereof at engine-houses, &c.

50. The Commissioner may renew and keep in effective order every such fire-plug; and as soon as any such fire-plug is completed, shall deposit a key thereof at each fire reel station within the water-area, and in such other place as he shall deem proper; and shall put up a public notice in some conspicuous place in each street in which such fire-plug is situated, showing its situation. The Commissioner may put up such notice on any house or building in such street.

Fire-plugs to be placed near manufactories at request, &c. of owners.

51. The Commissioner may, at the request and expense of the owner or occupier of any work, manufactory, or other premises situated in any street in which water shall have been laid on by the Commissioner, place and maintain in effective order a prescribed fire-plug, as near as conveniently may be to such work, manufactory, or other premises, and supply a key of such fire plug to such owner or occupier; but such fire-plug shall not be opened or used by him, nor shall such key be used by him, except for the purpose of aiding in extinguishing a fire within the water-area, or for the purpose of keeping the same in proper working order.

Supply of water to be kept for cleansing sewers, drains, &c., and for other public purposes.

52. Save during such time as is necessary for making proper or necessary repairs, the Commissioner shall, so far as and whenever he can, provide and keep constantly laid on in all the pipes to which any prescribed fire-plug shall be fixed a sufficient supply of water for the following purposes, that is to say—for cleansing the sewers and drains of any city, town, or district (under the District Councils Act, 1858) within the water-area, and for supplying any public pumps, fountains, baths, or wash-houses that may be established within the water-area for the free use of the public or paid for out of any rates levied within the water-area; and such supply, other than the supply hereinbefore in clause thirty-five mentioned, and the supply of water required for the use of the public baths in Adelaide, shall be provided at such rates, in such quantities, and upon such terms and conditions as may be agreed upon in writing by the Commissioner and the Municipal or other proper authorities and persons concerned

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concerned, or, in case of disagreement, as shall be settled in writing by the Governor in Council; and the terms and conditions so settled shall be deemed to have been agreed upon by the persons aforesaid: Provided always, that the Commissioner shall cease to supply throughout the water-area, or such part thereof as he thinks fit, water for any of the purposes mentioned in this section whenever the continuance thereof would, in his opinion, unduly lessen the supply for domestic purposes.

53. Save during such time as is requisite for making proper or necessary repairs, the Commissioner shall, so far as and whenever he can, keep charged with water, under such pressure as aforesaid, every pipe in which one or more of the prescribed fire-plugs shall be fixed, and shall at all times allow all persons, and they are hereby empowered, to take, free of charge, and to use for extinguishing fire within the water-area so much water as shall be necessary for that purpose.

Pipes to be kept charged, and water taken without charge to extinguish fires.

PART V.—Protection of water, fittings, and works:

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54. Water belonging to or supplied by the Commissioner (save so much thereof as shall be supplied under the thirty-fifth section of this Act, and used for one or more of the public purposes therein mentioned) shall not be taken, used, or consumed for other than domestic or building purposes, or for the purpose of extinguishing fire, unless the person who takes, uses, or consumes the same, does so by virtue, and under the authority of some written agreement made between the Commissioner and himself, or unless the water so taken, used, or consumed, has been provided by the Commissioner for the gratuitous use of the public.

Purpose for which water may be used without agreement.

Water supplied by the Commissioner for domestic purposes shall not be used for watering cattle or cleansing carriages, unless the additional sum directed by this Act to be charged in respect of cattle and carriages has been paid by the person liable thereto.

Water supplied by the Commissioner for domestic purposes shall not be used for any trade, manufacture, or business, or for watering gardens, or other lands, or for troughs or fountains, or for any ornamental purposes, or for irrigation, or as a motive power, or for heating or ventilating purposes.

55. The Commissioner may, whenever he thinks proper, place and fix, or cause to be placed and fixed, on or in any land supplied with water under this Act, and attach or cause to be attached to any prescribed fittings therein or thereon, a prescribed meter and such other prescribed fittings as he thinks proper, and may remove, alter, repair, renew, or replace, or cause to be removed, altered, repaired, renewed, or replaced, the meter and the fittings thereof; and when a meter has once been so fixed and attached, the owner or occupier shall not thenceforward receive or take his supply of water for domestic purposes save by means of and through such meter, unless the

Commissioner may at will place, &c., meter, &c., on lands, &c., supplied with water for domestic purposes, and charge by measure for excess quantity consumed above that prescribed.

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the Commissioner shall consent to the removal of such meter; and in case it shall appear that water in excess of the prescribed quantity passes through the meter, the Commissioner may charge for the use of the said meter such rent or sum of money as shall be prescribed in that behalf, together with the cost of removing, altering, repairing, renewing, or replacing the meter and the fittings thereof. All water which, being in excess of the prescribed quantity, passes through such meter shall be charged to such person and paid for by him at the prescribed price, and the price of such excess may, together with all such costs as are mentioned in this section, be recovered by the Commissioner from such person as and when ordinary water-rates are recovered.

Power to enter for purposes of last section.

56. The Commissioner may at all reasonable times enter upon or into the lands or premises of any person whom he supplies or intends to supply with water, and may there place, fix, attach, examine, alter, repair, remove, replace, and renew such prescribed meter and other fittings as are in the next preceding section mentioned.

Duty to keep in repair the fittings.

57. Every person supplied with water by the Commissioner shall keep such part of the communication-pipe, and the stop-cock, drains, and other works and prescribed fittings as shall be within his own premises in good repair, so as effectually to prevent the water from running to waste or the collection therein of unwholesome matter; and in case any person shall neglect to keep the same in good repair, the Commissioner may, in addition to any other remedy he may possess, cut off the pipe or turn off the water from the premises of such person until such stop-cock, or other works or prescribed fittings shall be provided or repaired, as the case may require.

Fittings not to be connected or disconnected without notice.

58. No such person shall connect any meter, pipe, or other fitting with any meter, pipe, or other fitting through which water is or is intended to be supplied by the Commissioner, or disconnect any meter, pipe, or other fitting from any meter, pipe or other fitting through which water is, or is intended to be, supplied by the Commissioner, unless he shall have given the Commissioner not less than twenty-four hours' notice in writing of his intention so to do, and shall have received the Commissioner's consent in that behalf.

Prescribed fittings, &c., only to be used.

59. From and after a date to be fixed by the Commissioner, and notified in the *Government Gazette* at least one month previously, it shall not be lawful for any owner or occupier of lands or premises which are supplied, or about to be supplied, with water by the Commissioner, to use or place in or upon, or to affix or attach to, or to wilfully permit to be used or placed in or upon, or affixed or attached to, any such lands or premises, for the purpose or with the intent of thereby using taking, conveying, or delivering such water, any bath, water-closet, soil-pan, receptacle, or fitting other than such as are prescribed or permitted by the Commissioner to be used or placed in or on, or affixed or attached to them; and they shall not, nor shall any of them, be arranged in a mode different from that prescribed.

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Every bath, water-closet, soil-pan, receptacle, or fitting arranged in a mode different from that prescribed or used, placed, affixed, or attached in contravention of this section, may be seized and confiscated by the Commissioner.

60. The Commissioner may, at all reasonable times, enter upon any lands and into any premises to which water is supplied, whether under agreement or otherwise, under this Act, for the purpose of examining and ascertaining, and may examine and ascertain, whether there has been or is any waste, misuse, fouling, or contamination of such water, and what quantity of water has been consumed there, and whether all baths, water-closets, soil-pans, receptacles, and fittings, and the materials and mode of arrangement thereof, used or intended to be used on or in such lands or premises for the purpose of conveying, delivering, or receiving water supplied, or about to be supplied, by the Commissioner, are in every respect in accordance with the regulations made by him under this Act, and are in proper order and repair, and that they are, and such water is, used only for the purposes for which they and it may be lawfully used under this Act. Whenever any of them is not in accordance with such regulations, or is out of proper order and repair, the Commissioner may repair the same, or may remove them, and if necessary, substitute others in their stead, or may alter the mode of arrangement thereof, as the case may require, and all expense incurred by the Commissioner in that behalf, shall on demand be repaid to him by the owner or occupier of such lands or premises; and if not repaid on demand, may be recovered by the Commissioner as and when water-rates are recovered from such owner or occupier. If the Commissioner or any such authorized person be at any reasonable time refused admission upon such lands or into such premises when such admission is claimed for any of the purposes mentioned in this section, or be obstructed in, or hindered from doing all or any of the acts by this section authorized to be done, the Commissioner may cut off the water from such lands and premises, and shall not be bound to supply water thereto again, except at such times and upon such conditions as he shall think proper to prescribe, but the owner or occupier of such lands or premises shall nevertheless continue liable to pay water-rates as theretofore.

Power to enter and examine whether water is wasted, &c., and whether fittings, &c., are in order, and to repair or remove them if out of order, &c.

61. It shall not be lawful for any person other than the Commissioner or some person authorized by him, to remove, alter, repair, renew, or uncover any pipe or other prescribed fitting which is the property of the Commissioner; and prescribed fittings which are not his property, shall not be subject or liable to be seized or taken in execution by process of law, or to any distress for rent, nor shall any of them be removed, altered, repaired, or renewed until the prescribed notice has been given to the Commissioner.

Protection of prescribed fittings.

62. The Commissioner may, at all reasonable times, enter upon any lands and into any premises to which water is or is intended to be

Power to enter and fix fittings within boundary of lands, &c.

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be supplied under this Act, and may introduce into, and lay down and place and fix therein or thereon, and attach thereto, wherever it shall seem to the Commissioner necessary or proper, such prescribed fittings as the Commissioner may think necessary or proper for the purpose of supplying water thereto, and may there do all such other acts and perform and execute all such other works as the Commissioner may think necessary or proper for that purpose. The Commissioner may, at all reasonable times, enter upon such lands and into such premises and examine, inspect, remove, repair, alter, renew, or replace all or any of such fittings.

PART VI.

PART VI.—Finance, including assessment, collectors, rates, allowances for part of the cost of service pipes to tenants and consumers, returns, and accounts:

Commissioner to make annual assessment: principle of assessment.

63. As early as he conveniently can in each year, the Commissioner shall make, for the purposes of this Act, such an assessment as is in this Act described, and notice of the making thereof shall be published by the Commissioner in the *Government Gazette* so soon as he conveniently can after it has been made. Immediately upon such publication, such assessment shall be deemed to have been in force from the commencement of the then current year, and shall, unless lawfully altered within that year, continue and be in force until the end thereof; but if such assessment is lawfully altered within that year, then such assessment, as so altered, shall be deemed to have been in force from the commencement of that year, and shall continue to be in force until the end thereof: Provided always that the assessment, which is in force on the last day of any year, shall continue and be in force during the whole of the next year, if the Commissioner shall so direct by a notice published in the *Government Gazette* before the first day of February in such next year. Such assessment shall be made according to the full, fair, and average estimated annual value of the lands and premises assessed, and clear of all outgoings; and shall be written in a book, wherein shall be specified, in separate columns, the names of the respective occupiers and owners, or agents of the owners, of such lands and premises, so far as those names can be ascertained, and also the estimated annual value of the several lands and premises, with a succinct description of such lands and premises. Such of those lands as are vacant lands shall be distinguished as such in the said book.

What lands, &c., shall be assessed.

64. In each assessment made by the Commissioner for the purposes of this Act, he shall assess:—All lands and premises situated within the water-area, and not being such lands or buildings as are described in the thirty-fifth section of this Act.

Appointment of assessors, and adoption of assessment.

65. For the purpose of making any such assessment, the Commissioner may appoint any person to assess the whole or part of such lands and premises, and may, if he thinks proper, adopt either wholly or in part any assessment then in force which has been made by, or by the authority of, any Municipal Corporation or District Council.

66. Whenever

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66. Whenever any lands or premises, which in the opinion of the Commissioner ought to have been or ought to be assessed for the purposes of this Act, are not so assessed, the Commissioner may cause the same to be so assessed, and after they have been so assessed, shall, so soon as he conveniently can, alter and amend the assessment then in force, and the corresponding assessment-book, in such manner as shall seem to him proper in that behalf. If such lands or premises were, at the commencement of the then current year, assessable under this Act, the owner or occupier thereof shall thereupon be liable to pay and be charged with the whole amount of the water-rate for that year; but if they have become so assessable since the commencement of that year, such owner or occupier shall be liable to pay, and charged with, only such proportionate part of that year's water-rate as to the Commissioner shall seem just.

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Commissioner may cause certain lands to be assessed after general yearly assessment has been made.

67. The Commissioner, or any person having an order for that purpose under the Commissioner's hand, shall be entitled as of right, at all reasonable times, to inspect, free of charge, all rate-books and assessment-books relating to any land supplied or about to be supplied with water then in use or in force, and all other books and documents relating thereto, and may, free of charge, make and take copies thereof, or extracts therefrom; and all persons having any such rate-book, assessment-book, or other book or document in his custody, power, or control, shall, at all reasonable times, and without any fee or charge whatever, afford to the Commissioner, and to all persons authorized as aforesaid by him in that behalf, free access to all such rate, assessment, and other books and documents.

Power to inspect rate-books, &c.

68. The annual value of all vacant lands shall be estimated at five per centum per annum on the market value thereof, and the annual value of all other lands shall be estimated at the full, fair, and average estimated annual rent, clear of all outgoings, at which the land would let on a lease of not less than twenty-one years, or by the foot-frontage on a building or improving lease for the same term.

Annual value of lands, how estimated.

69. So soon in each year as any such assessment has been made, the assessment-book, or a true copy thereof, shall be deposited in the office of the Commissioner, and the same shall be open, free of charge, to inspection of all persons interested between the hours of eleven o'clock in the forenoon and three o'clock in the afternoon on every day except Sundays, Saturdays, and public holidays.

Deposit of assessment-book; interested persons entitled to inspect and take copies.

70. So soon as he conveniently can after any alteration has been made under this Act in any assessment or assessment-book, the Commissioner shall publish in the *Government Gazette* a notice, in the prescribed form, to the effect that such alteration has been made.

Notice of alteration to be published.

71. If it shall at any time appear to the Commissioner that any lands or premises, which ought to be included in any assessment or assessment-book, have been omitted therefrom, or that the name of

Commissioner empowered to correct assessment and book in particulars specified.

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any person has been inserted therein as the owner or occupier of any lands or premises in respect of which some other person ought to have been assessed, or that any other matter purely of error needs rectification in such assessment or book, the Commissioner may cause such assessment to be rectified as he shall think proper, and a description of the lands or premises so omitted, and the name of the owner or occupier, to be inserted in such assessment and book, together with the annual value at which such lands or premises shall be assessed, and may also substitute for the name of any person erroneously described therein as the owner or occupier of any lands or premises assessed, the name of the actual owner or occupier thereof, and may correct any other error in the said assessment-book in such manner as he shall deem proper.

Commissioner, on request, to make assessment to conform with this Act.

72. Every owner and occupier of lands or premises assessed under this Act may, either before or while any such annual assessment is in force, in the prescribed manner, request the Commissioner to make such assessment and the corresponding assessment-book, or to alter them if already made, in such manner as such owner or occupier shall point out to be in conformity with this Act. The Commissioner may comply with every such request: provided that in doing so he does not contravene any provision of this Act.

Scale of water-rates.

73. The Commissioner may make and levy water-rates on all lands and premises comprised in the said assessment, and the scale of water-rates shall be as follows, viz. :—On all tenements assessed at or below Ten Pounds a year, Twenty-five Shillings; on all tenements assessed above Ten Pounds and not above Forty Pounds a year, twelve and a-half per centum; five per centum additional on the assessed annual value above Forty Pounds and not above One Hundred Pounds; two and a-half per centum additional on the assessed annual value above One Hundred Pounds; and on unoccupied land or vacant land three per centum on the assessed annual value. Such water-rates shall be levied and taken as payment for water supplied by the Commissioner from the waterworks for domestic purposes only.

Power to reduce scale of water-rates.

74. By notice published in the prescribed form in the *Government Gazette* the Commissioner may from time to time reduce throughout the whole or any part of the water-area the scale of water-rates on every or any description of property assessed under this Act. Every such reduction shall take place on the first day of January or the first day of July, as the case may be, in any year whichever of such days shall happen first after the publication of such notice, unless the reduction is thereby directed to take effect sooner.

Collector to leave particulars of water-rate.

75. So soon as conveniently may be after each water-rate has been made by the Commissioner the collector of water-rates shall deliver to each owner or occupier who is liable to pay such water-rate, or shall leave on and in the assessed lands and premises for such owner or occupier, written or printed particulars of the water-rate

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rate which has been made and is to be collected in respect of such lands and premises; and in such particulars shall be specified the number and description of such lands and premises as set forth in the assessment-book, the time allowed for paying such water-rate, and the consequence of not paying the same within such time.

76. No lands and buildings or other property used exclusively for charitable purposes, nor any church, chapel, or buildings used exclusively for public worship, nor any academical institution which shall have obtained any act of incorporation, nor any other building used exclusively as a school, whether private or public, shall be subject to any rates on assessments to be levied by virtue hereof, and on the assessment of any building part whereof only shall be used as a school, whether public or private, the valuator acting in the premises by virtue hereof, shall allow a proportion or abatement in respect of the part so used as a school, and shall specify the same on his assessment.

Property exempted from rates.

77. Each such water-rate shall be deemed to be a debt due to the Commissioner; and in addition to every other remedy for recovery thereof, every collector of water-rates may, in the name of the Commissioner, sue for and recover the same, in any Court of competent jurisdiction. The assessment-book shall, in every proceeding to recover water-rates, be deemed conclusive evidence of all particulars stated therein.

Collector empowered to sue.

Evidence.

78. The owner, lessee, or tenant of any unoccupied land which shall have been unoccupied for more than three months continuously may make a declaration to that effect in the prescribed form; and the Commissioner shall, upon the receipt of such declaration, deduct from the rates which shall afterwards become due upon or in respect of such unoccupied land, a sum equal to the amount paid in excess of the sum chargeable for unoccupied land during the period for which such tenement shall have been unoccupied.

Rates on land unoccupied for three months may be reduced.

79. When premises in the separate occupation of several persons are supplied by one common pipe, or set of prescribed fittings, the several owners or occupiers of such premises shall be liable to the payment of the same water-rate as they would have been liable to if each of such premises had received the supply from a separate pipe, or set of prescribed fittings.

When several premises supplied by one pipe, each to pay.

80. Water-rates under this Act shall be paid and payable in respect of all lands and premises which are situate in any street in the water-area; provided that a main pipe has been, before the passing of this Act, laid down in such street, and such lands could be supplied with water from that main pipe if the owner or occupier of such lands had under this Act requested the Commissioner to afford him a constant supply, and the Commissioner had, in compliance with such request, provided, laid down, and fixed in readiness for use the prescribed fittings to the edge of such lands or of the lands on which such premises are situate.

Lands subject to water rates, whenever main has been laid before this Act passed.

81. Whenever

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Water-rates to be payable so soon as main laid down in future, and notice thereof given.

81. Whenever, after the passing of this Act, a main-pipe shall have been laid down by the Commissioner, in any street situate as is mentioned in the next preceding section, he shall publish in the *Government Gazette* a notice that such main-pipe has been laid down there, and that he is prepared to distribute constant supply of water therefrom to the lands and premises situate in such street, and from and after the expiration of seven days from such publication being made water-rates shall be payable according to the scale which shall then be in force in respect of all such lands or premises as could be supplied with water from such main pipe if the owner or occupier of such lands or premises had, under this Act, requested the Commissioner to afford him a constant supply, and the Commissioner had, in compliance with such request, provided, laid down, and fixed in readiness for use, the prescribed fittings to the edge of such lands or of the lands on which such premises are situate. Such water-rates shall be payable for the period which shall elapse between the first day of whatever month shall next follow the expiration of such seven days and the thirtieth day of June or the thirty-first day of December which shall next happen; and thereafter the rates shall be payable half-yearly in advance on every first day of January and first day of July, according to the scale which shall be in force at the time when such payments shall respectively fall due.

When owner to pay water-rates and when occupier.

82. The owner shall pay all water-rates upon unoccupied and vacant lands, and upon occupied lands of which the yearly assessed value shall not exceed Twenty Pounds; and the occupier shall pay all other water-rates, but this provision shall not invalidate or affect any contracts.

Collector shall give notice to tenants to pay rents to him when water-rates payable by owner are in arrear.

83. In respect of water-rates in arrear, for the payment whereof the owner of the property assessed is liable, the collector shall give notice in writing to the occupier of the property in respect of which such arrears shall be due, to pay to him all rents thenceforward, until satisfaction shall be made thereof of such arrears; and every such occupier shall pay all rent accruing due after the service of such notice, pursuant to the requisitions thereof, to the collector; and until full satisfaction of such arrears, by the receipt of rent as aforesaid, together with all costs, including a poundage of one shilling on the total sum, the Commissioner is hereby empowered to exercise against the occupier, in addition to any other remedy under this Act, all remedies which may be enforced by a landlord against a tenant for recovery of rent in arrear. The receipts given by the Commissioner or collector to each such occupier shall, as between him and the person to whom he should otherwise have paid such rent, be a complete discharge from such rent to the amount paid, and may be pleaded in bar to every action in which such rent is, or damages in lieu thereof are, sued for.

And to take a poundage of 1s. on collection.

Rates payable by owner.

84. When any owner or lessor 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 water-rates

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rates shall be required from and paid by any lessee or occupier, then such lessee or occupier may set off the amount so paid against any rent due from him to such owner or lessor and the collector's receipt for such water-rate shall be a discharge of rent and evidence of payment to the amount specified therein; if the water-rate so paid or satisfied shall exceed the rent due, such lessee or occupier may either set off such amount against accruing rent, or recover the same by action as for money paid; and if after notice shall have been given by such lessee or occupier to the owner or lessor of the water-rates having been demanded, and there shall be no rent due from him in respect of the property rated, and such lessee or occupier shall be compelled to pay such water-rates, he may sue the owner or lessor for the amount 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 lessee or occupier shall have been subjected to distress and sale for the satisfaction of such water-rates, and no rent shall at the time be due, then he may sue the owner or lessor for double the amount of the appraised value of his goods so distrained and sold, and shall be entitled to recover the same with costs, as aforesaid.

85. All moneys received by the Commissioner under the authority of this Act, from persons liable to be rated under it, shall, after deducting therefrom the necessary cost and charges of and attending the collection of the same, and also of the maintenance of the undertaking, and of keeping up the supply of water, and all such moneys as by the fourteenth section of this Act he has paid or is authorized to pay, be paid at least once in each year, by the Commissioner, to the Treasurer of the Province for the time being, who shall thereout pay off such amount of capital and interest in respect of the moneys raised for the purposes of the undertaking as may from time to time fall due.

Net proceeds of rates to be paid to Treasurer.

86. All rates and all charges for service-pipes and fittings, and all other moneys which shall at the time of the coming into operation of this Act be due to the Commissioner under any of the enactments repealed hereby, may be recovered by him from the persons who owe the same, in every respect in the same manner as though the rates and the charges for the service-pipes and fittings, and such other moneys had become due to him as water-rates under this Act.

Recovery of rates, &c., due under repealed Acts.

87. A tenant who pays water-rates for a period prior to or extending beyond his term, shall be entitled to recover from his landlord the amount so paid.

Tenant entitled to recover portion of water-rate in certain cases.

88. Any lessee, and the executors, administrators, and assigns of any lessee of lands assessed under this Act, who holds or who hold them under a lease for a term whereof a period less than five years remains unexpired, when the cost hereinafter mentioned is incurred, shall be entitled to receive from his lessor, his executors, administrators, or assigns, a moiety of the cost which such lessee, or his under-lessee, or the executors, administrators, or assigns of such lessee,

Lessee may recover half cost of service-pipes, &c., when lease has less than five years to run.

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lessee, or under-lessee may have paid, or may be liable to pay to the Commissioner, for providing, laying down, and fixing in readiness for use such service-pipes or other prescribed fittings as are necessary for conveying the water from the main pipe to such lands; and may (in addition to any other remedy for recovering such costs) deduct such moiety from any rent due or to accrue due under such lease.

Return of cattle and carriages to be made.

89. Each owner and occupier of lands or premises assessed or assessable under this Act shall, whenever required by the Commissioner to do so, make a return in the prescribed form of the number of carriages and of cattle which he has kept, or watered, or cleansed, or permitted to be kept, watered, or cleansed during the six months next preceding, or which he intends to keep, water, or cleanse, or to permit to be kept, watered, or cleansed, during the next succeeding six months, on such lands, or in such premises; but if, by reason of such number being likely to vary during the six months mentioned in any prospective return, such owner or occupier is unable to state the number with precision, he shall state as nearly as he can in such return the average number of cattle and carriages which he intends to keep, water, or cleanse, or to permit to be kept, watered, or cleansed, on such lands, or in such premises during such six months. In every return made under this section shall be described the different kinds of cattle, and the number of wheels to the carriages kept, or intended to be kept, watered, or cleansed, or permitted to be kept, watered, or cleansed during the time mentioned in such return, and on the lands or in the premises to which it relates; and provided that the additional sum required by this Act to be charged in respect of cattle and carriages has been paid, water supplied for domestic purposes may be used in watering the cattle and cleansing the carriages described in such return, but not any others.

Commissioner may have dispute as to average number of cattle settled by Justices.

90. If the Commissioner shall be dissatisfied with any return so made, or shall at any time consider that the actual or average number of cattle or carriages kept, or permitted to be kept, on the lands, or in the premises, mentioned in any return by the person who made it is greater than that stated in his return, or that he has, subsequently to any order made as hereinafter mentioned, kept or permitted to be kept, on such lands, or in such premises, a larger number of cattle or carriages than that fixed by such order, the matter shall be settled, on the information of the Commissioner or any collector, in a summary manner, before one or more Justices, who may make such order as shall be just as to the payment of any additional sum for the past supply of water, during the period covered by such return, to the cattle, or for cleansing the carriages, and as to the number of cattle or carriages for which the defendant shall be charged during the remainder of the period covered by such return, and as to costs; and any Justice may vary any order so made from time to time, in such manner as shall be just, on information of the Commissioner, or a collector, or any person interested.

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91. In addition to the water-rate which the person making any return under this Act would have to pay under the said assessment, he shall be charged by and pay to the Commissioner in each half year during which he keeps, waters, or cleanses, or intends to keep, water, or cleanse, or permits to be kept, watered, or cleansed, on the lands, or in the premises mentioned in such return, any cattle or carriages, five shillings for each such head of great, and every such five head of small cattle, and also two shillings and sixpence for every such carriage having two wheels, and five shillings for every such carriage having four wheels, when the number of cattle and carriages is stated precisely in the return; but if the average number only is stated in such return, then the person making it shall be charged by, and pay the Commissioner at the rates aforesaid for such average number: Provided always, that none of the additional charges mentioned in this section shall be chargeable to or payable by any person in respect of lands or premises which are wholly supplied with water through a prescribed meter; but all water used by every such person in excess of the prescribed quantity, shall be charged and paid for at the price which shall be prescribed in that behalf.

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Extra charge to be made for such cattle and carriages.

92. In each year the Commissioner shall cause to be prepared for the year preceding, under the distinct heads of receipts and expenditure, an account in abstract of all moneys advanced to him, and of all water-rates, and other moneys levied or received by him for the purposes of the undertaking, and also of all moneys expended by him for such purposes, and of the manner in which such moneys were expended. Each such account shall contain a statement of the balance of such account, and shall be duly audited and certified by the Auditor-General of the Province; and a true copy of such account in abstract shall be published in the *Government Gazette* on or before the thirty-first day of December in the year in which it is prepared.

Annual accounts to be published.

PART VII.—Penalties, &c.:

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93. Whoever shall wilfully obstruct any person acting under the authority of the Commissioner in setting out the line of the works, or pull up or remove any poles or stakes driven into the ground for the purpose of setting out the line of such works, or deface or destroy any works made for the same purpose, shall be liable to a penalty not exceeding Five Pounds for every such offence.

Penalty for obstructing persons setting out line of works, &c.

94. After any stream or supplies of water hereby authorized to be taken by the Commissioner shall have been so taken, every person who shall illegally divert or take, or cause to be diverted or taken, the waters supplying or flowing into any stream so taken by the Commissioner, or any part thereof, or who shall do or cause to be done any unlawful act whereby any of the said streams or supplies of water may be drawn off or diminished in quantity, and who shall not, on being required so to do by the Commissioner, immediately repair

Penalty for illegally diverting the water, &c.

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repair the injury done or caused to be done by him, so as to restore the said waters to the state in which they were before such act, shall forfeit to the Commissioner any sum not exceeding Five Pounds, which shall be awarded by two Justices, for every day during which the said supply of water shall be diverted or diminished by reason of any act done or caused to be done by such person, and any sum so forfeited shall be in addition to the sum which he may be lawfully adjudged liable to pay to the Commissioner for any damage which he may sustain by reason of the supply of water being diminished, and the payment of the sum so forfeited shall not bar or affect the right of the Commissioner to sue such person for the damage so committed: Provided always, that nothing herein contained shall prevent the owners or occupiers for the time being of lands through or by which such streams shall flow from using the waters thereof in such manner and to such extent as they might have done immediately before the passing of this Act, unless they shall have received compensation in respect of their right of so using such water.

Penalty for using,
&c., unauthorized
fittings.

95. Any person who, being an owner or occupier of lands or premises supplied with water under this Act, for the purpose of taking, in a manner not authorized by this Act, any such water, uses in, or places on, or affixes or attaches to such lands or premises, or to any prescribed fitting, or wilfully permits to be used in, or placed on, or affixed or attached to such lands or premises, or to any prescribed fitting, any fitting, instrument, or thing not authorized in that behalf by the Commissioner, or who alters, misuses, injures, or removes any prescribed fitting, except for the purpose of necessary repair, shall, upon conviction thereof, forfeit and pay to him a sum not greater than Ten Pounds, without prejudice to the right of the Commissioner to recover from him damages in respect of any injury by such owner or occupier done or wilfully permitted to be done to the Commissioner's property, and without prejudice to the Commissioner's right to recover from him the value of any water wasted, misused, or unduly consumed.

Penalty for destroying
valves, &c.

96. Every person who, not being authorized thereto by the Commissioner, shall wilfully or carelessly break, injure, or open, or shall wilfully permit to be broken, injured, or opened, any lock, cock, valve, pipe, or other prescribed fitting, or any work or engine belonging to the Commissioner, or shall flush or draw off the water from the reservoirs or other works of the Commissioner, or shall do any other wilful act, or shall wilfully permit to be done any act whereby such water shall be wasted, shall, upon conviction thereof, forfeit to the Commissioner, for every such offence, a sum not exceeding Five Pounds, besides the amount of damage to which the Commissioner may be put in respect thereof, as well for the value of the water wasted as in repairing such prescribed fittings or other parts of the undertaking, and the amount of such damage shall be ascertained, determined, and recovered in the same manner as such forfeited sum.

97. If

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97. If any person supplied with water by the Commissioner wilfully or negligently causes or suffers any pipe, valve, cock, cistern, bath, soil-pan, water-closet, or other apparatus, or receptacle, or prescribed fitting, to be out of repair, without repairing the same within a reasonable time, or to be so used or contrived as that the water supplied to him by the Commissioner is, or is likely to be, wasted, misused, unduly consumed, or contaminated, or so as to occasion or allow the return of foul air or other noisome or impure matter, into any pipe belonging to or connected with the pipes of the Commissioner, he shall, for every such offence, be liable to a penalty not exceeding Five Pounds.

Penalty for not repairing fittings, &c.

98. Every person who shall commit any of the offences enumerated in this section shall, upon conviction for every such offence, forfeit to the Commissioner a sum not exceeding Five Pounds, that is to say—

Penalties for fouling water.

Every person who shall bathe in or enter any stream, reservoir, aqueduct, or other part of the undertaking, or any waters supplying or flowing into the same, or any part thereof, or wash in, throw into, or cause to enter therein, any person, or any dog or other animal:

Every person who shall throw, or cause or wilfully permit to be thrown, any rubbish, dust, filth, or other noisome thing into any such stream, reservoir, aqueduct, or other waterworks, or any waters supplying or flowing into the same, or any part thereof, as aforesaid, or wash or cleanse, or cause or wilfully permit to be washed or cleansed, therein any lead or other mineral, or any cloth, wool, leather, or skin of any animal, or any other thing:

Every person who shall cause or wilfully permit the water of any sink, sewer, or drain, steam-engine, boiler, or other filthy or unwholesome water, or any liquid other than water, belonging to him or under his control, to run, flow, or be brought or conveyed, into any stream, reservoir, aqueduct, or other waterworks belonging to the Commissioner, or any waters supplying or flowing into the same or any part thereof, or shall do, or wilfully permit or cause to be done, any act whereby the supply of water to the consumers shall be fouled:

And every such person shall forfeit a further sum of Twenty Shillings for each day, if more than one, on which any of the offences mentioned in the next preceding paragraph of this section, shall be continued or repeated.

99. If any person—

First—Not having from the Commissioner a supply of water for other than domestic purposes, uses, or wilfully permits to be used, for other than domestic or building purposes, or the extinguishment of fire, any water supplied to him by the Commissioner; or,

Penalty for wrongful use of water.

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Secondly—

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Secondly—Having from the Commissioner a supply of water for other than domestic purposes, uses, or wilfully permits to be used, for any purposes other than those for which he is entitled to use the same, any water supplied to him by the Commissioner; or,

Thirdly—Having from the Commissioner a supply of water, whether for domestic or non-domestic purposes, uses or consumes, or wilfully permits to be used or consumed, save for the extinguishment of fire, elsewhere than on or in the lands or premises to which such water is supplied, the whole or any part of such water:

He shall, upon conviction thereof, be liable for every such offence to a penalty not exceeding Forty Shillings, without prejudice to the right of the Commissioner to recover from him the value of the water misused.

Penalty on person who, not being supplied by Commissioner, wrongfully takes or uses water of Commissioner.

100. If any person, not being supplied with water by the Commissioner, wrongfully takes, or wilfully permits to be taken, any water from any reservoir, watercourse, conduit, or pipe belonging to the Commissioner, or from any pipe leading to or from any such reservoir, watercourse, conduit, or pipe, or from any cistern or other like place containing water belonging to the Commissioner, or supplied by him, for the use of any consumer of the water, he shall, upon conviction thereof, for every such offence be liable to a penalty not exceeding Five Pounds.

Penalty for taking, &c., water in contravention of this Act.

101. Any person who uses or consumes, or wilfully permits to be used or consumed in contravention of any provision of this Act, any water belonging to the Commissioner, shall, upon conviction for each such offence, forfeit to him a sum not exceeding Ten Pounds.

Penalty for not permitting inspection of assessments.

102. Any person who, having the custody of any rate-book, assessment-book, or other book, or document mentioned or described in section sixty-six of this Act, shall wilfully neglect or refuse to permit the Commissioner, or any other person having an order for that purpose under the Commissioner's hand as aforesaid, to inspect the same free of charge, or to make and take free of charge, copies or extracts from the same within two days after a demand in writing or such written authority under the Commissioner's hand shall have been produced and shown to him, or a copy thereof left at his usual place of abode, such offender shall, on conviction thereof, forfeit and pay for every such offence a penalty not exceeding the sum of Twenty Pounds.

Penalty for false return of number of cattle kept, and for not making return.

103. Any person who wilfully makes a false return of the actual or average number of cattle or carriages kept or intended or permitted to be kept by him upon his lands, shall, upon conviction, be liable to a penalty of not less than Five Pounds nor more than Fifty Pounds; and any person, who being required in writing by the Commissioner or by any collector appointed under this Act, to make a return pursuant to eighty-ninth section of this Act, refuses to
make

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make it, or wilfully omits to make it, within one week thereafter, shall, upon conviction, be liable to a penalty of Ten Pounds.

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104. Any owner, lessee, or tenant of land who wilfully makes a false statement in any declaration made by him under the seventy-sixth section of this Act, shall upon conviction thereof be liable to a penalty of not less than Five Pounds nor more than Fifty Pounds.

Penalty for making false declaration as to tenement having been unoccupied.

105. If any person supplied with water by the Commissioner wilfully does, or causes, or permits to be done anything in contravention of the provisions of this Act, or of the prescribed regulations, or wilfully omits to do, or prevents being done, anything which, under any of those provisions or regulations ought to be done for the prevention of the waste, misuse, undue consumption, fouling, or contamination of the water of or supplied by the Commissioner, the Commissioner may (without prejudice to any other remedy against him in respect thereof) cut off any of the pipes by or through which water is supplied by the Commissioner to him, or for his use, and may cease to supply him with water so long as the cause of injury remains or is not remedied: Provided that such cutting off shall not affect or take away the liability of such person to payment of water-rates.

Penalty for contravening this Act, or the regulations.

106. Any person who having been personally served with a summons, such as is mentioned in the one hundred and nineteenth section of this Act, does not appear at the time and place named therein; or who, having duly appeared, does not answer all questions which he may lawfully be required to answer, touching the use, consumption, waste, or contamination of water mentioned in such summons, shall be liable to a penalty of Five Pounds, which such Justice may thereupon impose upon him.

Penalty for not appearing on summons and for not answering on examination.

PART VIII.—Legal procedure, including appeals, recovery of moneys, evidence, and other legal matters:

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107. Any person rated or liable to be rated under this Act, may, within one month after the publication in the *Government Gazette* of the notice of the assessment, appeal from the assessment upon the ground that any lands or premises are assessed above their full and fair annual value, or are omitted from the assessment, or are not assessable.

Assessment may be appealed from.

108. Any person rated or liable to be rated under this Act, may, within one month after publication in the *Government Gazette* of notice of an alteration in the assessment, appeal from the assessment as altered upon the ground that any lands or premises are assessed above or below their full and fair annual value, or are omitted from the assessment, or are not assessable: Provided that it shall not be competent for any person to appeal from an altered assessment upon any ground which would have enabled him to appeal from the assessment before the alteration was made.

Appeal from alterations of assessment.

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Local Court of Adelaide to be Court of appeals from the assessment.
Appeals, how commenced.

109. The Local Court of Full Jurisdiction, sitting in Adelaide, shall be the Court of Appeal, having jurisdiction to hear and determine all appeals from every original or altered assessment made under this Act; and every such appeal shall be commenced by a written notice in the prescribed form, or as near thereto as circumstances will permit, delivered to the Clerk of the Court within the period allowed for appealing. Such Court may in its discretion refuse to award any costs to either the Commissioner or appellant, or may direct either the Commissioner or the appellant to pay to the other party to any such appeal all or so much of the costs properly and necessarily incurred in reference thereto as shall to such Court seem just, and the Court shall, upon determining such appeal, fix in a summary way the amount (if any) of the costs ordered to be paid. The amount so fixed shall be a debt due by the party ordered to pay it to the other party to such appeal.

Hearing of appeals from an assessment.

110. Every appeal shall be heard at the sittings of the Local Court next after five weeks from the publication in the *Government Gazette* of the notice of assessment or alteration thereof, as the case may be; and at the hearing the assessment-book shall be produced by the Commissioner. Upon considering any relevant legal evidence that may be tendered touching the question in dispute, the Court, at the same, or at some adjourned or subsequent sittings, may make such order touching the matter in dispute, and costs, as shall be just, and shall cause any alteration necessitated by the decision to be immediately made in the assessment-book, which shall be then produced to the Court by the Commissioner, and every such alteration shall be attested by the signature of the Special Magistrate, and the Court may enforce any order in the same manner as though the same were the order of a Justice acting under his summary jurisdiction.

Special case may be stated for Supreme Court.

111. The Local Court, upon the hearing of any appeal, may state a special case for the opinion of the Supreme Court, and the Supreme Court shall hear and decide such special case or cases according to the practice on special cases, and shall make such order as to costs as shall appear just; and any two or more Justices, or the Local Court of Adelaide, may 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 shall be enforced in manner provided for the enforcement of orders of Justices under the Ordinance No. 6 of 1850.

Appeal from orders of Justices.

112. There shall be an appeal, in manner provided by the Ordinance No. 6 of 1850, from any order of a Justice or Justices, under the provisions of this Act, and from any order of Justices dismissing an information laid under this Act; and no order of Justices or of the Local Court shall be removed by *certiorari* into the Supreme Court.

Right to recover water-rates not suspended by appeal.

113. The right of the Commissioner to recover water-rates in respect of any land or premises alleged in any notice of appeal to be assessed above its or their full and fair value, shall not be suspended by the appeal; but if the appellant succeeds on such appeal, the amount

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amount (if any) of water-rates received by the Commissioner in excess of the amount which, according to the decision on such appeal, the Commissioner was entitled to recover from him shall forthwith be repaid to him by the Commissioner.

114. If any water-rates, or any arrears thereof, are unpaid for the space of twenty-one days after demand by the Commissioner, or any collector for payment thereof, shall have been served personally upon the occupier, or left at the house, land, or tenement, rated and assessed thereto, the Commissioner or collector, or his assistant, may thereupon, without any warrant, enter into any part of the lands or premises, and distrain the goods and chattels found therein or thereon; or may enter into any other houses or land, occupied by any person liable to the same water-rates, and on whom notice to pay the same has been served personally, or by leaving the same at his house for him, and distrain his goods and chattels therein and thereon; and if the sums for which the distress is taken, together with reasonable costs thereof, be not paid within five days after the distress has been made, then the said distress, or so much as shall be sufficient to pay such water-rates and costs, may be sold, and any overplus shall be returned to the owner of the goods.

Water-rates unpaid twenty-one days after demand, may be distrained for.

115. Whenever any water-rates in respect of any lands or premises shall have been in arrear for the space of two years, it shall be lawful for the Commissioner to cause to be published three times in the *Government Gazette*, a notice in the prescribed form; and if, after one year from the last publication of the notice, all or any part of the water-rates due at the time of the first publication thereof are still unpaid, the Commissioner may let such lands or premises from year to year, and may receive the rents and apply the same towards the payment of the water-rates and other costs and expenses, and hold any surplus for the owners of the lands or premises; or the Commissioner may, by petition to the Supreme Court, or any Judge thereof, apply for a sale of the lands described in such notice, or of so much thereof as may be necessary; and the Court or Judge, on being satisfied by affidavit or otherwise, that the arrears are lawfully due, and were in arrear at the time of the first publication of such notice, and that all acts required by this clause to be done by the Commissioner have been done, shall order the sale of the said lands, or so much thereof as shall be sufficient to pay all arrears due up to time of sale and interest at five per centum per annum, from the time of the first publication of the notice, on such arrears as were then due, together with all costs of and attending the notice, and the costs of and attending the application, and of and attending the sale by public auction, and the proceeds to be paid into Court; and the Court or a Judge may order payment of the said water-rates, interests, costs, and expenses to be made in preference to any mortgage or other security; and that the conveyance shall be executed by the master or other officer of the Court, to the purchaser, his heirs, and assigns, in such form as shall be approved by the Court or a Judge, and such conveyance

Lands may be sold when rates are in arrear.

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conveyance shall vest the legal estate (according to its nature) in the sold lands in the purchaser, his heirs, executors, administrators, and assigns, free from all incumbrances; 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 behoof of the party or parties interested therein.

Recovery of moneys due to Commissioner.

116. If any person refuses or neglects to pay to the Commissioner any water-rate or other sum of money due by such person to the Commissioner under this Act, the Commissioner may recover the same in any Court of competent jurisdiction; and the Commissioner's remedy under this section shall be in addition to his other remedies (if any) for the recovery thereof.

Recovery of charges for water.

117. In case any person who shall have been supplied with water by the Commissioner shall neglect or refuse to pay on demand the amount due in respect of such supply, any Justice may issue his summons to such person, requiring him to appear before such Justice at a time and place named therein, and then and there to show cause why the sum so demanded should not be paid; and if, on the appearance of such person, or in default of appearance after proof of the service of the summons, either personally or at the last known place of abode or of business of such person, no sufficient cause can be shown to the contrary, such Justice may issue his warrant of distress for the seizure and sale of the goods and chattels of such person, for the recovery of the amount which may be proved before such Justice to be due from such person, together with such costs, including the cost of cutting off the water, if the same shall have been cut off by the Commissioner, as to such Justice shall seem just and reasonable; and the remedies given by this section shall be in addition to all other remedies (if any) possessed by the Commissioner in that behalf.

Recovery of value of water misused, &c.

118. Whenever any water supplied under this Act has been wasted, misused, fouled, or unduly consumed, the Commissioner may recover the value thereof, which shall be and may be recovered as a debt due from the person who wasted, misused, or unduly consumed the same to the Commissioner, and the remedy given by this section shall be additional to any other which the Commissioner may possess, and to the liability to any penalty which such person may have incurred.

Provision for ascertaining and recovering damages, &c., not specifically provided for.

119. In all cases where any compensation, damages, costs, or expenses are by this Act directed to be paid, and the method of ascertaining the amount or enforcing the payment thereof is not specifically provided by this Act or the Lands Clauses Consolidation Act, such amount, in case of dispute, shall be ascertained and determined and recovered in a summary way by and before two Justices acting under the Ordinance No. 6 of 1850.

Appropriation of moneys recovered under this Act.

120. All fines, penalties, and other moneys levied or recovered by the Commissioner under this Act, or under any agreement made under

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under it shall, so far as not otherwise specially appropriated, be paid to the Treasurer, to be by him carried to the credit of the said Commissioner for the purposes of this Act.

121. Every offender against any of the foregoing enactments, or against any of the prescribed regulations, may be prosecuted, and every fine, forfeiture, or penalty incurred under this Act may be imposed and recovered in the manner provided in the Ordinance No. 6 of 1850, and every information for an offence committed against any of the foregoing enactments shall be heard and adjudicated upon by a Special Magistrate or two Justices of the Peace for the Province; and all forfeitures under this Act may be declared, and all fines and penalties incurred under this Act may be imposed and payment thereof enforced by him or them respectively, as the case may be.

Prosecutions and recovery of fines.

122. The production of the *Government Gazette*, or of any printed document purporting to be a copy thereof published by authority or printed by the Government Printer for the Province, and containing any regulations purporting to be prescribed regulations, or any notice purporting to be published by the Commissioner in pursuance of this Act, shall, in every Court of Justice, be deemed and taken to be *prima facie* evidence of the publication and of all such facts and circumstances as were or shall be necessary to authorize the publication and making of such regulations and the publication and giving of such notice.

Gazette to be evidence in certain cases.

123. Copies of the plans, sections, and books of reference, mentioned in the sixteenth section of this Act, and of any alteration or correction thereof, and of any other such documents as aforesaid, or extracts therefrom, certified by the Surveyor-General or his deputy to be true copies thereof (which certificates such Surveyor-General or deputy shall give to all parties interested when required, on payment of the prescribed fees), shall be received in all Courts and elsewhere as conclusive evidence of the contents thereof.

Copies of plans and alterations, &c., to be evidence.

124. The register of every prescribed meter, or a copy thereof (certified by the Commissioner or any officer appointed by him under this Act to be true), shall be *prima facie* evidence of the quantity of water consumed, and in respect of which any water-rate or other sum of money is charged and sought to be recovered by the Commissioner: Provided always, that if the Commissioner and any consumer differ as to the quantity of water consumed, such difference may be determined, upon the application of either party, by two Justices, who may also order by which of the parties the costs of the proceedings before them and incident thereto shall be paid, and the decision of the Justices on matters of fact shall be final and binding on all the parties to such proceedings.

Register of meters to be *prima facie* evidence.

Dispute as to quantity to be settled by Justices.

125. All actions and prosecutions to be commenced against any person for anything done, or for anything omitted which ought to

As to proceedings against persons acting under this Act.

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to have been done in pursuance of this Act shall be commenced within six calendar months after the fact was committed or omitted, as the case may be, and not otherwise, and notice in writing of such action, and the cause thereof shall be given to the defendant one month at least before the commencement of such action; and in any such action the defendant may plead the general issue, and give this Act and the special matter in evidence at any trial thereupon; and no plaintiff shall recover in any such action if tender of sufficient amends shall as hereinafter mentioned have been made before such action brought, or if a sufficient sum of money shall have been paid into Court after such action brought by or on behalf of the defendant, together with the costs incurred up to that time; and if a verdict shall pass for the defendant, or the plaintiff become nonsuited, or discontinue any such action on issue joined, or if upon demurrer, or otherwise, judgment shall be given against the plaintiff, the defendant shall recover his full costs as between attorney and client, and have the like remedy for the same as any defendant hath by law in other cases, and though a verdict shall be given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant, unless the Judge, before whom the trial shall be had, shall certify in writing at the conclusion of the trial, his approbation of the action, and of the verdict obtained thereupon.

Tender of amends.

126. If any person shall commit any irregularity, trespass, or other wrongful proceeding in execution of this Act, or shall omit to do anything which in pursuance of this Act he ought to do, or by virtue of any power or authority hereby given, and if, before action brought in respect thereof, such person make tender to the person injured, his attorney, or agent, of such amends as, in the opinion of the jury at the trial were sufficient, such last-mentioned person shall not recover in any such action; and if no such tender has been made, the defendant may, by leave of the Court wherein such action is pending, at any time before issue joined, pay into Court such sum of money as he thinks fit, and thereupon such proceedings shall be had as in other cases where defendants are allowed to pay money into Court.

Commencement of Act.

127. This Act shall come into operation and take effect on and from the first day of January, 1875.

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

A. MUSGRAVE, Governor.

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THE FIRST SCHEDULE.

Date.	Title of Act.	Extent of Repeal.
No. 15 of 1863 (in part)	"The Adelaide Waterworks Act, 1863"	In part, namely, the whole Act (including the Schedules) except sections 68 and 79.
No. 17 of 1863 (in part)	"The Port Adelaide Waterworks Act, 1863"	In part, namely, the whole Act (including the Schedules) except sections 3, 4, 5, 6, 7.
No. 3 of 1864	The "Waterworks Extension Act, 1864"	The whole Act.
No. 23 of 1866-7	"The Port Adelaide Waterworks Amendment Act, 1866"	The whole Act.
No. 15 of 1868-9 (in part)	The "Waterworks Act, 1868"	In part, namely, the whole Act except sections 4, 5, 6, 7, 8, and 9.
No. 7 of 1869-70	An Act to amend the "Waterworks Act, 1868"	The whole Act.
No. 14 of 1870-71 (in part)	"The Adelaide Suburban Waterworks Act, 1870-71"	In part, namely, the whole Act, except sections 5, 6, 7, 8, and 9. and the Schedule A.
No. 15 of 1870-71 (in part)	"The Port Adelaide Suburban Waterworks Act, 1870-71"	In part, namely, the whole Act, except sections 5, 6, 7, 8, and 9, and the Schedule A.
No. 33 of 1872	"The Glenelg Waterworks Act, 1872"	The whole Act.

THE SECOND SCHEDULE.

Township of Payneham.

Bounded on the north by portion of the southern boundary of Preliminary Section 305, Hundred of Adelaide; on the south by the northern boundary of Section 264; on the east by the western boundaries of Sections 265 and 2042; and on the west by portion of the eastern boundary of Preliminary Section 279.

North Kensington.

Bounded on the north by a line about sixteen chains south of and parallel to the northern boundary of Preliminary Section 288, Hundred of Adelaide; on the south by the northern boundary of Section 289; on the east by portions of the western boundary of Section 301; and on the west by portion of the western boundary of Section 288 aforesaid.

Township of Stepney.

Bounded on the north by portion of the southern boundary of Preliminary Section 279; on the east by the western boundary of Preliminary Section 278; on the south by the northern boundary of the Township of Norwood; on the north-west by the eastern side of the Main North-Eastern Road, being the whole of Preliminary Section 259, Hundred of Adelaide.

Township of Hackney.

Bounded on the north-east by the south-western boundary of Preliminary Section 257, Hundred of Adelaide; on the south-east by the north-western boundary of Kent Town; on the west by the eastern side of road dividing Park Lands from Preliminary Section 256; and on the north-west by the River Torrens, being the whole of Preliminary Section 256.

Township of Walkerville.

Commencing at the north corner of Preliminary Section 476, Hundred of Yatala; thence

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thence south-easterly along the north-eastern boundary of said Section to River Torrens; thence in a westerly and southerly direction following the north side of said river to the eastern corner of Preliminary Section 475; thence north-westerly along the north-eastern boundary of said Section and its production to the south-eastern side of road running through Preliminary Section 474; thence north-easterly along the south-eastern side of said road to the north corner of Section 476, the point of commencement.

Upper Walkerville.

Commencing at the eastern corner of Preliminary Section 474, Hundred of Yatala, and running thence westerly along its northern boundary to its north-western corner; thence southerly to its south-western corner; thence in an easterly direction to the north-western side of the road running through the said Section 474; thence along the north-eastern road bounding the said Section 474 to the point of commencement.

Township of Medindie.

Commencing at the south corner of the Township of Walkerville; thence in a north-westerly and southerly direction, following the north side of the River Torrens to the south corner of Preliminary Section 475, Hundred of Yatala; thence in a northerly and north-westerly direction, along the western and south-western boundaries of Preliminary Sections 475 and 460, to the south-eastern boundary of Prospect Village; thence north-easterly, along said boundary to a point opposite the south-western corner of Section 2062; thence easterly, along the southern boundaries of Sections 2062 and 474 to the south-eastern side of road through the latter Section; thence north-easterly, along south-eastern side of said road to the east corner of the Township of Walkerville; thence south-easterly, along south-western boundary of said township to its south corner, the point of commencement.

Prospect Village.

Bounded on the north by the southern boundaries of Sections 375, 371, and 350, Hundred of Yatala; on the east by the eastern boundaries of Sections 349 and 348; on the south-east by the south-eastern boundaries of Sections 348 and 2064; on the south by the southern boundaries of Sections 2064 and 2065; on the south-west by the south-western boundaries of Sections 2081, 2066, and 374; and on the west by portion of the eastern boundary of Section 2067.

Township of Brompton.

Commencing at the south corner of Preliminary Section 355; thence north-easterly, along the south-eastern boundary of said Section and its production across the road to the south-western boundary of Section 2066; thence north-westerly, along said boundary to a point opposite the north corner of Preliminary Section 355; thence south-westerly and south-easterly, along the north-western and south-western boundaries of said Section to its south corner, the point of commencement,

Township of Bowden.

Commencing at the south corner of Preliminary Section 354, Hundred of Yatala; thence north-easterly, along south-eastern boundary of said Section and its production to the south-western boundary of Section 2081; thence north-westerly, along south-western boundaries of Sections 2081 and 2066 to a point opposite the north corner of Preliminary Section 354; thence south-westerly and south-easterly, along north-western and south-western boundaries of said Section to its south corner, the point of commencement.

Township of Hindmarsh.

Commencing at the east corner of Preliminary Section 353; thence in a south-westerly direction, following the northern side of the River Torrens to the south-western corner of said Section; thence northerly, along its western boundary to the Port Road; thence south-easterly, along the south-western side of Port Road to the east corner of Preliminary Section 253, the point of commencement.

Township of Thebarton.

Commencing at the north-east corner of Preliminary Section 2, Hundred of Adelaide; thence westerly, along the northern boundary of said Section to the south-eastern

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south-eastern corner of Preliminary Section 46; thence northerly, along the eastern boundary of said Section 46, for about sixteen and a-half chains; thence easterly at right angles from said boundary for about twenty-two and a-half chains; thence northerly at right angles, for about thirteen chains; thence easterly at right angles, to the eastern boundary of Preliminary Section 1; thence southerly, along said boundary to the north-east corner of Preliminary Section 2, the point of commencement.

Township of Goodwood.

Bounded on the south by the north boundary of Preliminary Section 222; on the east by the west boundary of Preliminary Section 239; on the west by the east side of road joining the east boundary of Preliminary Section 6; and on the north by the south side of the road joining the south boundary of the Park Lands.

Goodwood Park.

Bounded on the north by the south boundary of Preliminary Section 221; on the east by the west boundary of Preliminary Section 238, and portion of the west boundary of Preliminary Section 237; on the south by the north side of the road, running parallel to and about seven chains from the north boundary of Preliminary Section 223; and on the west by the east side of road forming the east boundaries of Sections 7 and 8.

Township of Unley.

Bounded on the north by the southern boundary of Preliminary Section 239, Hundred of Adelaide; on the east by the western boundaries of Preliminary Sections 241, 242, and 243; on the south by the northern boundary of Preliminary Section 235; and on the west by the eastern boundaries of Preliminary Sections 224, 223, and 222.

Township of Fullarton.

Bounded on the north by the southern boundary of Preliminary Section 253, Hundred of Adelaide; on the south by the northern boundary of Preliminary Section 251; on the east by the western boundary of Preliminary Section 266; and on the west by a line about five chains from and parallel to the eastern boundary of Preliminary Section 242, also including road dividing Preliminary Section 253 from Preliminary Section 265.

Township of Parkside.

Bounded on the north by the northern boundary of Preliminary Section 240, Hundred of Adelaide; on the south by the southern boundaries of Preliminary Sections 240 and 254; on the north-east by the south-western side of the Glen Osmond Road, running through the latter Section; and on the west by the eastern boundary of Preliminary Section 239.

Port Road.

Bounded on the north-east by the south-western boundaries of Preliminary Sections 370, 371, 374, 375, 376, 387, 388, 397, 398, 405, 406, 407, 419, 420, 423, Sections 454A, 2300A, 699, Hundred of Yatala, and Section 704, Hundred of Port Adelaide; on the south-west by the north-eastern boundaries of Preliminary Sections 353, 372, 273, 389, 394, 395, 396, 408, 409, 417, 418, 424, 443, eastern boundary of Section 1129, Hundred of Yatala, and eastern and north-eastern boundary of Section 1130, Hundreds of Yatala and Port Adelaide.

Township of Alberton.

Commencing at the south corner of Preliminary Section 423, Hundred of Yatala; thence north-easterly, along the south-eastern boundary of said Section and its production, across the road to the south-western boundary of Preliminary Section 422; thence north-westerly, along said boundary to a point opposite the north corner of Section 454; thence south-westerly and south-easterly, along the north-western and south-western boundaries of said Section to its south corner; thence south-westerly and south-easterly, along the south-eastern boundary of Section 454A and south-western boundary of Preliminary Section 423, to the south corner of said Section, the point of commencement.

Queenstown.

Bounded on the north-east by the south-west side of the Port Road; on the south-west

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south-west by the north-eastern side of the Old Port Road; and on the north-west by the north-western boundary of Preliminary Section 443.

Port Land Estate.

Commencing at the south-eastern corner of Section 1128; thence northerly, along the eastern boundaries of Section 1128 and 1131 to the north corner of the latter Section; thence north-easterly, along the north-western boundary of 1130 to the western side of the Port Road; thence southerly, along the west side of said road to the north corner of Queenstown; thence south-westerly, along the north-western boundary of Queenstown to the south-eastern corner of Section 1128, the point of commencement.

District of Glanville and Township of Semaphore.

Bounded on western side by sea-coast; on eastern side by western side of the Port Adelaide Creek; on southern side by the northern boundary line of Section 1006; on northern side by the northern boundary lines of Sections 1055, 1114, 1111, 1105, and 1107

District of Kingston-on-Hill and Rosewater.

Bounded on the north side by the Port Adelaide and Dry Creek Railway; on western side and south-west by the Adelaide and Port Adelaide Railway; on east by eastern boundary lines of Sections 1185, 1189, 422, and 423.

Glenelg Road.

Commencing at the corner of South and West-terraces, Adelaide, and running south-westerly through the Park Lands south-east of Section 45, through Sections 44, 52, 53, south-east of Section 88, through Sections 104, 109 and 136, all in the Hundred of Adelaide, and westerly, south of Sections 152, 183 and 184, Hundreds of Noarlunga and Adelaide, to the eastern boundary of the corporate town of Glenelg.