

## SUBSIDIARY LEGISLATION

## BOERASIRIE WATER COMMISSION BY-LAWS

*made under section 3*By-laws  
24th  
September,  
1889.

1. These By-laws may be cited as the Boerasirie Water Commission By-laws. Citation.

2. In these By-laws— Interpretation.

“Commissioners” means the Boerasirie Commissioners appointed under the Boerasirie Creek Act; c. 50:05

“canal” means the canal constructed by the Commissioners under the Boerasirie Creek Act;

“proprietor of a plantation” means proprietor of a plantation liable to pay any assessment under the Boerasirie Creek Act.

3. The Commissioners shall cause the canal and all works connected therewith to be kept in good order. Commissioners' function.

4. At the half-yearly meeting of proprietors of plantations to be held in the month of January in each year, the Commissioners shall submit an estimate of the cost of maintenance of the canal and the works connected therewith, and of all salaries for the current year; and, upon such estimate being approved, the Commissioners shall apportion the same *pro rata* over the various interests as provided by section 8(g) of the Boerasirie Creek Act. Estimate.

5. The annual assessment is payable as follows, namely, one moiety on the 1st March and one moiety on the 1st September in each year; and any proprietor of a plantation who refuses or neglects to pay the assessment within one month after the date is in addition to being liable to be proceeded against as provided in section 12 of the Boerasirie Creek Act, liable to have the water shut off from the plantation during the non-payment of the arrears. Payment of annual assessment. c. 50:05

6. No person shall, except with the permission in writing of a Commissioner, cut or cause to be cut through the dams of the canal, or make any stop-off therein, or in any way impede the passage of the water there for any purpose or under any pretence whatever, under a penalty of one hundred and fifty dollars for each offence. Person not to cut through dam of canal etc.

Manager etc.  
not to cut  
through dam  
of canal etc.

7. No manager, deputy manager, overseer, engineer, superintendent, or other person of, or belonging to a plantation shall, except with the permission in writing of a Commissioner, cut, or cause to be cut, through the dams of the canal, or make any stop-off therein, or in any way impede the passage of the water therein, for any purpose, or under any pretence whatever, under a penalty of seven hundred and twenty dollars in case of a first offence, and a penalty of one thousand four hundred and forty dollars in case of a second or any subsequent offence, and, in case of a continuing offence, a further penalty, of seven hundred and twenty dollars for each day after written notice of the offence from one of the Commissioners has been served on the manager of the plantation.

Person not to  
open sluice  
etc.

8. Every person who opens, or causes to be opened, the sluice or koker of any plantation during the period for which the Commissioners may have thought proper to direct it to be kept shut, is liable to a penalty of one hundred and fifty dollars for each offence.

Manager etc.  
not to open  
sluice etc.

9. (1) Any manager, deputy manager, overseer, engineer, superintendent, or other person of and belonging to a plantation or village who opens or causes to be opened the sluice or koker of any plantation during the period for which the Commissioners may have thought proper to direct it to be kept shut, is liable to a penalty of seven hundred and twenty dollars in case of a first offence, and a penalty of one thousand four hundred and forty dollars in case of a second or any subsequent offence, and, in case of a continuing offence, a further penalty, of seven hundred and twenty dollars for each day after written notice of the offence from one of the Commissioners has been served on the manager of the plantation.

(2) The kokers being locked down indicate that plantations are upon time runs.

Penalties  
recoverable.

10. (1) The penalties imposed by by-laws 6 and 8 are recoverable under section 15 of the Act.

(2) The penalties imposed by by-laws 7 and 9 shall be considered to be incurred by and be recoverable from the proprietor of the plantation under section 6 of the Act.

Bathing,  
polluting  
water of creek  
etc.

11. Any person who is found bathing in or otherwise polluting the water of the creek or canal, or trespassing upon, or damaging the banks of the canal, may be apprehended by any officer or other person authorised in writing by a Commissioner, and shall, on summary conviction, forfeit and pay a fine of thirty dollars.

12. Any cattle, horses, mules, asses, sheep, or goats which are found straying on the banks of the canal may be impounded, and any pigs which are found on the banks of the canal may be destroyed; and in the event of any proprietor of a plantation allowing any stock belonging to the plantation to stray upon the banks of the canal, he shall be deemed to have committed an offence, and is liable to a penalty of one hundred and fifty dollars for each such offence, and such penalty is recoverable under section 5 of the Act.

Cattle etc.  
straying.

13. No person is allowed to use any craft on the waters of the canal without permission in writing from a Commissioner; and any person who is so found without such authority may be apprehended by any officer or other person authorised in writing by a Commissioner, and shall, on summary conviction, forfeit and pay a fine of thirty dollars.

Use of craft  
in canal.

14. (1) The intake sluices or kokers of all the plantations entitled to water from the canal shall be of iron of the following dimensions, that is to say, 30 inches in diameter and 40 feet in length, and they shall be placed not less than five roods from the banks of the canal, with the bottoms of the said sluices or kokers at 48 G.D.

Dimensions of  
sluices or  
kokers.

(2) Weirs shall be placed in all the intake canals of the plantations not more than five roods from the kokers, and the weirs shall be of such material as the Commissioners may direct, and the tops of the weirs shall be at +50.5 G.D.

(3) Any such weir shall be put down within 14 days after notice in writing signed by a Commissioner has been served upon the registered representative of the plantation or village, subject to the approval of the Commissioners; such approval or disapproval, as the case may be, shall be expressed in writing and signed by the Commissioners, and shall be forwarded by them, by registered letter, to the registered representative of the plantation or village; and, in case of disapproval, the reasons for such disapproval shall be set out.

(4) If any weir is not put down or completed to the satisfaction of the Commissioners as hereinbefore required, or if any weir, after being approved of by the Commissioners, at any time sinks below the required level for such weir, or gets out of repair in any manner whereby the proprietor of the plantation might derive benefit, for the space of fourteen days after notice in writing signed by a Commissioner has been served on the manager of the plantation, then the penalty for any such infraction is a sum of seven hundred and twenty dollars in case of a first offence, and a sum of one thousand four hundred and forty dollars in case of a second or any subsequent offence, and, in case of a continuing offence there shall be a further

penalty of seven hundred and twenty dollars for each day after notice in writing of the offence from a Commissioner has been served upon the manager of the plantation, and every such penalty is recoverable under section 6 of the Act. In case of a weir being out of repair, the water may be shut off until the weir is repaired to the satisfaction of the Commissioners.

(5) The acreage of the plantations included in the Boerasirie Commission is 29,773 acres and dividing this over 168 hours, or a week, gives 5.64 hours run for every thousand acres per week of seven days, and the area of the standard koker being 707 square inches, this gives 3,988 inch hours for each 1,000 acres. The Commissioners may, in case of necessity, allow the temporary use of a koker of a smaller size than is hereinbefore mentioned, and in any such case the area of such temporary koker in square inches divided into the above inch hours will give the hours during which such temporary koker may be allowed to remain open.

Schedule.

(6) The plantations, with the times at which their respective kokers are to be opened and closed, are specified in the Schedule. Any time runs may be transferred upon a written application from the managers of both plantations being delivered to the secretary to the Commissioners 36 hours before such transfer is required.

(7) The Commissioners are hereby permitted to regulate the time runs, or to shut off the water entirely at any time, according to the level of water in the canal.

Exercise of  
Commissioners  
discretion.

15. In anticipation of the approach of rainy seasons when the water in the creek rises to 57 G.D., it shall be lawful for the Commissioners to remove all restrictions, and allow the participators in the scheme to draw at will for flushing, or any other purpose. But on the approach of the usual dry seasons, and when the water falls to 59 G.D. in the Main Creek, the Commissioners may order the plantations to be put on the time run.

Placing and  
use of fines.

16. All fines recovered under these by-laws shall be placed to the credit of the account for the maintenance of the canal, and may be used, in whole or in part, for rewarding any officer or servant of the Commissioners.

**SCHEDULE**  
**WEST COAST WATER SUPPLY SCHEME**  
**PLANS FOR THE BI-WEEKLY DISTRIBUTION OF THE BOERASIRIE WATERS**

Plantation	Acreage	Hours Run	First Run		Second Run	
			Time of Koker Opening	Time of Koker Shutting	Time of Koker Opening	Time of Koker Shutting
Versailles, c.a. ....	1,950	11.0	Sun. 6.0 a.m.	11.30 a.m.	Wed. 6.0 p.m.	11.30 p.m.
Windsor Forest, c.a. ....	4,174	23.5	Sun. 11.30 a.m.	11.20 p.m.	Wed. 11.30 p.m.	11.15 a.m. Thurs.
La Jalousie ....	1,170	6.6	Sun. 11.20 p.m.	2.40 a.m. Mon.	Thurs. 11.15 a.m.	2.40 p.m.
Blankenburg ....	1,257	7.0	Mon. 2.40 a.m.	6.10 a.m.	Thurs. 2.40 p.m.	6.10 p.m.
Den Ansel and Fellowship ....	888	5.0	Mon. 6.10 a.m.	8.40 a.m.	Thurs. 6.10 p.m.	8.40 p.m.
Hague ....	1,622	9.1	Mon. 8.40 a.m.	1.10 p.m.	Thurs. 8.40 p.m.	1.10 a.m. Fri.
Cornelia Ha. ....	1,345	7.6	Mon. 1.10 p.m.	5.0 p.m.	Fri. 1.10 a.m.	5.0 a.m.
Leonora, c.a. ....	4,256	24.0	Mon. 5.0 p.m.	5.0 a.m. Tues.	Fri. 5.0 a.m.	5.0 p.m.
Stewartville ....	1,599	9.0	Tues. 5.0 a.m.	9.30 a.m.	Fri. 5.0 p.m.	9.30 p.m.
Uitvlugt, c.a. ....	4,238	24.0	Tues. 9.30 a.m.	9.30 p.m.	Fri. 9.30 p.m.	9.30 a.m. Sat.
Met-on-Meerzorg ....	2,234	12.6	Tues. 9.30 p.m.	5.30 a.m. Wed.	Sat. 9.30 a.m.	3.50 p.m.
Tuschen D'Vrienden, c.t. ....	2,414	13.5	Wed. 3.50 a.m.	10.35 a.m.	Sat. 3.50 p.m.	10.35 p.m.
Vergenoegen ....	1,216	6.8	Wed. 10.35 a.m.	2.5 p.m.	Sat. 10.35 p.m.	2.5 a.m. Sun.
Philadelphia ....	1,406	7.9	Wed. 2.5 p.m.	6.0 p.m.	Sun. 2.5 a.m.	6.0 a.m.

Boerasirie Water Commission By-Laws

Water Commissioners

Cap. 55:02

Subsidiary

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