



ANNO VICESIMO QUINTO ET VICESIMO SEXTO

VICTORIÆ REGINÆ.

A.D. 1862.

No. 21.

An Act to amend the "Municipal Corporations Act, 1861."

[Assented to, 21st October, 1862.]

WHEREAS doubts have been raised whether under the Municipal Corporations Act, 1861, elections could take place to fill the various offices established by that Act until after the electoral roll for the corporate town had been completed pursuant to the provisions of the said Act, and whether elections for the various corporate towns, other than the City of Adelaide mentioned in the said Act, could be held until after the provisions of the Act had been extended thereto by Proclamation, and it is expedient to remove such doubts, and also to declare valid elections which have taken place since the passing of the said Act, and it is also expedient to amend the said Act in other particulars—Be it therefore Enacted, by the Governor-in-Chief 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, as follows :

1. All elections which, since the passing of the Municipal Corporations Act, 1861, shall have taken place for the City of Adelaide, or the Corporate Towns of Kensington and Norwood, Glenelg, Gawler, Port Adelaide, and Brighton, shall be valid ; and the several persons who at such elections were declared to be elected to the respective offices of Mayor, Alderman, Councillor, or Auditor, shall be deemed to have held such offices, and shall henceforth hold the same until their respective offices shall be vacated under the Municipal Corporations Act, 1861, or this Act, whether any such election shall have taken place under the provisions of the Municipal Corporations Act,

Elections held since passing the Municipal Corporations Act declared to be valid.

Act, 1861, or under the provisions of the Acts, or any of them, by the said Act repealed, and notwithstanding that the citizens' roll, directed by the said Act to be made, had not been made, and notwithstanding any irregularity in the proceedings to any such election; and the several persons named in the Schedule hereto marked M shall fill and be deemed to have filled since their election the offices set opposite to their respective names; and the Corporation of the City of Adelaide, and the several corporate towns hereinbefore mentioned, shall be and be deemed to have been, since the passing of the said Act, valid and subsisting, and, save so far as inconsistent with this Act, to have had and have all powers and obligations imposed by the Municipal Corporations Act, 1861, but as to all Corporations except that of the City of Adelaide, save so far as excepted in Schedule N to this Act, and except such parts of the last-mentioned Act as apply exclusively to the City of Adelaide, and the Corporation thereof: Provided always, that such clauses as are enumerated in the said Schedule N, which shall be at any time declared by Proclamation of the Governor to be applicable to any Municipal Corporation other than the City of Adelaide, shall, so far as applicable, have the full force of law with respect to such Corporation.

Interpretation clause

2. The words "Corporation" and "Council" respectively, shall include the Corporation and Council respectively of the City of Adelaide, and the Corporations and Councils respectively of any incorporated towns within the said Province.

Names of bodies corporate.

3. The name of any body corporate, except the Corporation of the City of Adelaide, heretofore or hereafter established under the provisions of the Municipal Corporations Act, 1861, or of this Act, shall henceforth be "The Corporation of the Town of (naming the town incorporated).

Constitution of Council.

4. The Mayor and Councillors of any incorporated town shall form the Council thereof.

Repeal of clauses in Municipal Corporations Act, 1861.

5. Clauses 16, 20, 27, and 30 of the Municipal Corporations Act, 1861, are hereby repealed.

Until citizens' roll made, the rolls heretofore in use to be citizens' rolls.

6. Until the citizens' roll directed to be prepared under the Municipal Corporations Act, 1861, shall be prepared, the citizens' lists and rolls of the City of Adelaide existing and in force before the passing of the said Act, shall be deemed to have been, and shall be, the citizens' roll for that city; and the burgesses' lists and rolls existing and in force at the time of the passing of the said Act for the several other Corporate Towns within the said Province, shall, in like manner, be deemed to have been and to be the burgesses' rolls for the said towns respectively.

Corporation to have Council consisting of a Mayor, and two

7. The Council of each incorporated city or town shall consist of a Mayor and two persons for each ward of the city or town as Councillors

cillors, and the Mayor and Councillors shall be elected from among the enrolled citizens as hereinafter provided.

Councillors for each ward.

8. Within seven days from the passing of this Act, nominations for the offices of Mayor, Councillors, and Auditors for the towns of Glenelg and Port Adelaide shall take place, and if there shall be such number of candidates as shall be required to be elected and no more, such candidates shall be declared duly elected; but in the event of there being more than the necessary number of candidates, the elections shall take place within seven days of the day of nomination, and, as far as may be in accordance with the provisions of Clause 11 of this Act; and at such elections, the roll which shall have last been used at any election in either of the said towns shall be deemed to be the citizens' roll for such town for the purposes of this Act and the Municipal Corporations Act of 1861.

Elections in Glenelg and Port Adelaide.

9. The Governor, with the advice and consent of the Executive Council, may, by notification in the *Government Gazette*, appoint all necessary persons to preside at and conduct the first elections after the passing of this Act at the said Towns of Glenelg and Port Adelaide, and such persons shall exercise all the powers and perform all the duties conferred by the Municipal Corporations Act of 1861, or this Act, on the officer presiding at elections, and the names of the persons declared to be duly elected shall be published in the *South Australian Government Gazette*.

First Elections at Glenelg and Port Adelaide.

10. On the first day of December in every year the Mayor and one Councillor of each ward, and the Auditors, shall go out of office; but this provision shall not apply to any corporation hereafter proclaimed, until one year after the date of the Proclamation.

Election of Mayor and one Councillor for each ward, to take place on first December in each year.

11. On the day of nomination, the Mayor, or, if he shall be unable to attend, a Councillor shall attend at noon, at the place fixed for the nomination, at which time and place he shall cause all nominations lodged with the Town Clerk to be publicly opened and read aloud; if there shall be such number of candidates as are required to be elected, and no more, he shall declare such candidates to be duly elected; but in the event of there being more than the necessary number of candidates nominated, he shall adjourn all public proceedings to the said first day of December, and shall cause such adjournment, and the object of such adjournment, and the names of the candidates nominated, to be published daily until the polling day, and on such day the election shall be by ballot according to the law then in force regulating elections by ballot for Corporations.

Proceedings at nomination.

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12. The Auditors appointed under the said Act shall audit the accounts of the Corporation for the period commencing from the first day of January to the thirty-first day of December, and their duties shall not terminate on the first day of December, the day on which their successors are elected, nor until the accounts made up to

Auditors to continue in office until accounts are audited.

to the thirty-first day of December of such year shall have been duly audited by them.

Power to recover rates accrued due before passing Municipal Corporation Act, 1861.

13. The Council shall have the like powers for recovery of rates which accrued due before the passing of the said Act, as are given by such Act in respect of rates made on assessment declared and published pursuant to the provisions thereof.

Corporation may make by-laws regulating cart and dray fares.

14. Subject to the provisions of the Municipal Corporations Act, 1861, with respect to the passing of by-laws, it shall be lawful for any Council, by by-law, to fix the rates to be charged on the hire of any waggon, cart, dray, conveyance, or other vehicle plying for hire within the limits of any Corporation, and licensed under power contained in any Act authorizing the licensing of any such vehicles, and from time to time to vary the same; and any owner or driver refusing to take a fare, or any person having hired a vehicle refusing to pay the legal fare when demanded, shall in each case forfeit and pay the sum of not less than Five Shillings and not exceeding Five Pounds.

Appointment of first Mayors and Councillors.

15. In any Proclamation incorporating any town, the first Mayor and Councillors shall be appointed, and any vacancy occurring before the time appointed for the first election for the office, may be supplied by Proclamation.

Governor may increase number of wards of any Corporation.

16. Upon the petition of the ratepayers in any corporate town, the Governor, with the advice of the Executive Council, may increase the number of wards therein, and when such increase shall be made, an election of two Councillors for every new ward shall take place at the next general election of Mayor and Councillors, in manner provided by the Municipal Corporations Act, 1861, and this Act.

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Certain assessments declared valid.

17. The assessments heretofore made and the first assessments which shall hereafter be made by the Corporations of Adelaide, Kensington and Norwood, Gawler, Glenelg, Port Adelaide, and Brighton, shall be valid, notwithstanding the provisions of clauses 151 and 152 of the "Municipal Corporations Act, 1861," may not have been complied with.

Fines, &c., may be recovered before Justices.

18. All fines, forfeitures, and penalties for offences against the said Act, or this Act, or any by-law passed under the authority thereof, and all fines and forfeitures mentioned in Schedule L to the said Act annexed, may be inflicted or recovered by or before any Justice or Justices of the Peace in a summary way, and from any order of a Justice or Justices imposing any fine, forfeiture, or penalty, or dismissing any information laid for the recovery of any fine, forfeiture, or penalty, under the authority of this Act, there may be an appeal in manner for the time being by law provided for regulating appeals from orders of Justices.

Appeal.

Offences mentioned in Schedule L may be punished.

19. All offences mentioned in Schedule L annexed to the said Act shall

shall be punishable in manner therein, or in the said Act, or this Act, provided, and all informations for offences mentioned in the said Schedule as punishable, shall be heard and determined, and the offences punished, when not thereby, or by the said Act, or this Act, otherwise provided, by the Supreme Court.

20. All fines and forfeitures which may be recovered by or before one or more Justices of the Peace, for any offence committed within the limits of any Corporation against the said Act, or this Act, or for any offence against any by-law made under the authority of the said Act, or this Act, or for any offence mentioned in the said Schedule, or for any offence against any of the acts mentioned in the third clause of the said Act, shall be paid to the Council of such Corporation, save such portion thereof as may by law be appropriated to any informer, and save such fine or penalty, or such part thereof, as may be by law appropriated to any purpose other than for Municipal Corporations, or to the General Revenue of the said Province.

Fines to be paid to Council.

21. The Governor, with the advice of the Executive Council, may remit the whole or any part of any fine or penalty, although the same may be appropriated to any Corporation.

Governor, with advice of Executive Council, may remit fines.

22. This Act, and save so far as repealed hereby, the Municipal Corporations Act, 1861, shall be read together as one Act.

This and Municipal Corporations Act to be read together as one Act.

In Her Majesty's name I assent to this Bill.

D. DALY, Governor.

SCHEDULES REFERRED TO.

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No. 1.—Names of present Officers of the Corporation of the City of Adelaide.

Mayor.	Councillors.				Auditors.
	Gawler Ward.	Grey Ward.	Hindmarsh Ward.	Robe Ward.	
Thomas English	John Colton Robert Hall	James Crabb Vercoe Oliver Rankin	Francis Hardy Faulding Samuel Goode	Herman Brice William Bunday	Frederic Wicksteed William Smythe

No. 2.—Names of present Officers of Corporation of Town of Kensington and Norwood.

Mayor.	Councillors.				Auditors.
	Kensington Ward.	East Norwood Ward.	West Norwood Ward.	Kent Ward.	
Thomas Taylor	John Roberts Percy Wells	Samuel Alien George Birrell	Charles Wadham George William De la Poer Beresford	James Mattingly Joseph Moore	John Miller Lock William Henry Roberts.

No. 3.—Names of present Officers of Corporation of Town of Gawler.

Mayor.	Councillors.			Auditors.
	North Ward.	South Ward.	East Ward.	
James Martin	Thomas Oliver Jones James Mold	Edward Clement Morris Lawrence	George Nott James Pile	Leonard Samuel Burton Frederick Foote Turner.

No. 4.—Names of present Officers of Corporation of Town of Glenelg.

Mayor.	Alderman for St. Leonard's Ward.	Councillors.		Auditors.
		Glenelg Ward.	St. Leonard's Ward.	
John James Barclay	Stephen Peltro Henry Wright	Richard Bowen Colley Peter Cook T. P. Jones	Frederick Wicksteed John McDonald John Monk	Frederick Goddard Edward Amand Wright

No. 5.—Names of present Officers of Corporation of Town of Port Adelaide.

Mayor.	Aldermen.		Councillors.		Auditors.
	East Ward.	West Ward.	East Ward.	West Ward.	
Jacob William Smith	John Smith	James Stokes Milner	James Menpes William Henry Godfrey	James Grosse Thomas Henry Parker Elijah Henry Butler	Luther Scammell George Scarfe

No. 6.—Names of present Officers of Corporation of Town of Brighton.

Mayor.	Councillors.		Auditors.
John Hodgkiss	James Counsell Thomas Ottaway	Richard Renfrey John Dorman	James Niall John Whyte

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Portions of "Municipal Corporations Act, 1861," which are not to be applied to any Corporation but that of the City of Adelaide.

Clauses numbered respectively 6, 7, 61, 62; so much of the clause numbered 65 as relates to Park Lands; clauses 66, 67, 68, 69, 70, 71, 87, 135, 137, 138, 139, 140, 141, 142, 143, 144, 145, and 200, and so much of the Schedules to the said Act as relates to the subject matter of the clauses aforesaid.